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Presidential Documents

Title 3—

The President

Memorandum of January 8, 2018

Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed by the Department of the Interior

Memorandum for the Secretary of the Interior

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy*. It is the policy of the executive branch to use all viable tools to accelerate the deployment and adoption of affordable, reliable, modern high-speed broadband connectivity in rural America, including rural homes, farms, small businesses, manufacturing and production sites, tribal communities, transportation systems, and healthcare and education facilities. Lowering the costs of broadband deployment to rural areas can strengthen the business case for broadband facilities deployment and therefore amplify investments in broadband infrastructure. To that end, the executive branch will seek to make Federal assets more available for rural broadband deployment, with due consideration of national security concerns.

Sec. 2. *Supporting Broadband Deployment*. (a) The Secretary of the Interior (Secretary) shall develop a plan to support rural broadband development and adoption by increasing access to tower facilities and other infrastructure assets managed by the Department of the Interior (DOI), consistent with applicable law and to the extent practicable. DOI shall draft model terms and conditions for use in securing tower facilities and other infrastructure assets for broadband deployment.

(b) Within 180 days of the date of this memorandum, the Secretary shall report to the Director of the Office of Science and Technology Policy recording DOI's progress in identifying the assets that can be used to support rural broadband deployment and adoption.

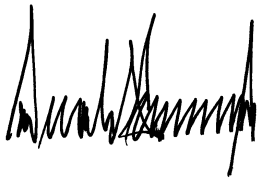
Sec. 3. *General Provisions*. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
Washington, January 8, 2018

[FR Doc. 2018–00628
Filed 1–11–18; 8:45 am]
Billing code 3295–F8–P

Presidential Documents

Executive Order 13822 of January 9, 2018

Supporting Our Veterans During Their Transition From Uniformed Service to Civilian Life

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy*. It is the policy of the United States to support the health and well-being of uniformed service members and veterans. After serving our Nation, veterans deserve long, fulfilling civilian lives. Accordingly, our Government must improve mental healthcare and access to suicide prevention resources available to veterans, particularly during the critical 1-year period following the transition from uniformed service to civilian life. Most veterans' experience in uniform increases their resilience and broadens the skills they bring to the civilian workforce. Unfortunately, in some cases within the first year following transition, some veterans can have difficulties reintegrating into civilian life after their military experiences and some tragically take their own lives. Veterans, in their first year of separation from uniformed service, experience suicide rates approximately two times higher than the overall veteran suicide rate. To help prevent these tragedies, all veterans should have seamless access to high-quality mental healthcare and suicide prevention resources as they transition, with an emphasis on the 1-year period following separation.

Sec. 2. *Implementation*. (a) In furtherance of the policy described in section 1 of this order, I hereby direct the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Homeland Security to collaborate to address the complex challenges faced by our transitioning uniformed service members and veterans.

(b) Within 60 days of the date of this order, the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Homeland Security shall submit to the President, through the Assistant to the President for Domestic Policy, a Joint Action Plan that describes concrete actions to provide, to the extent consistent with law, seamless access to mental health treatment and suicide prevention resources for transitioning uniformed service members in the year following discharge, separation, or retirement.

(c) Within 180 days of the date of this order, the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Homeland Security shall submit to the President, through the Assistant to the President for Domestic Policy, a status report on the implementation of the Joint Action Plan and how the proposed reforms have been effective in improving mental health treatment for all transitioning uniformed service members and veterans. The report shall include:

(i) preliminary progress of reforms implemented by the Joint Action Plan;

(ii) any additional reforms that could help further address the problems that obstruct veterans' access to resources and continuous mental healthcare treatment, including any suggestions for legislative and regulatory reforms; and

(iii) a timeline describing next steps and the results anticipated from continued and additional reforms.

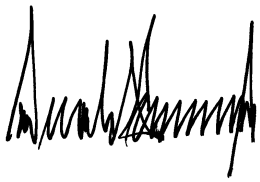
Sec. 3. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 9, 2018.

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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.

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 13

[NRC–2016–0166]

RIN 3150–AJ83

Adjustment of Civil Penalties for Inflation for Fiscal Year 2018

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to adjust the maximum Civil Monetary Penalties (CMPs) it can assess under statutes enforced by the agency. These changes are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Improvements Act). The NRC is amending its regulations to adjust the maximum CMP for a violation of the Atomic Energy Act of 1954, as amended (AEA), or any regulation or order issued under the AEA from $285,057 to $290,875 per violation, per day. Additionally, the NRC is amending provisions concerning program fraud civil penalties by adjusting the maximum CMP under the Program Fraud Civil Remedies Act from $10,957 to $11,181 for each false claim or statement.

DATES: This final rule is effective on January 15, 2018.

ADDRESSES: Please refer to Docket ID NRC–2016–0166 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website: Go to http://www.regulations.gov* and search for Docket ID NRC–2016–0166. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Eric Michel, Office of the General Counsel, telephone: 301–415–0932, email: *Eric.Michel2@nrc.gov,* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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XI. Congressional Review Act

I. Background

Congress passed the FCPIAA in 1990 to allow for regular adjustment for inflation of CMPs, maintain the deterrent effect of such penalties and promote compliance with the law, and improve the collection of CMPs by the Federal government (Pub L. 101–410, 104 Stat. 890; 28 U.S.C. 2461 note). Pursuant to this authority, and as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–34, 110 Stat. 1321–373), the NRC increased via rulemaking the CMP amounts for violations of the AEA (codified at § 2.205 of title 10 of the *Code of Federal Regulations* (10 CFR)) and Program Fraud Civil Remedies Act (codified at § 13.3) on four occasions between 1996 and 2008.[1]

On November 2, 2015, Congress amended the FCPIAA through the 2015 Improvements Act (Sec. 701, Pub. L. 114–74, 129 Stat. 599). The 2015 Improvements Act required that the head of each agency perform an initial ''catch-up'' adjustment via rulemaking, adjusting the CMPs enforced by that agency according to the percentage change in the Consumer Price Index (CPI) between the month of October 2015 and the month of October of the calendar year when the CMP amount was last established by Congress. The NRC performed this catch-up rulemaking on July 1, 2016 (81 FR 43019).

The 2015 Improvements Act also requires that the head of each agency continue to adjust CMP amounts, rounded to the nearest dollar, on an annual basis. Specifically, each CMP is to be adjusted based on the percentage change between the CPI for the previous month of October, and the CPI for the month of October in the year preceding that. The NRC most recently adjusted its civil penalties for inflation according to this statutory formula on January 24, 2017 (82 FR 8133). This year's adjustment is based on the percentage change between the CPI for October 2017 and October 2016.

II. Discussion

Section 234 of the AEA limits civil penalties for violations of the AEA to $100,000 per day, per violation (42 U.S.C. 2282). However, as discussed in Section I, ''Background,'' of this document, the NRC has increased this amount several times since 1996 per the FCPIAA, as amended. Using the formula

[1] Adjustment of Civil Penalties for Inflation, 73 FR 54,671 (Sept. 23, 2008); Adjustment of Civil Penalties for Inflation, 69 FR 62,393 (Oct. 26, 2004); Adjustment of Civil Penalties for Inflation; Miscellaneous Administrative Changes, 65 FR 59,270 (Oct. 4, 2000); Adjustment of Civil Monetary Penalties for Inflation, 61 FR 53,554 (Oct. 11, 1996). An adjustment was not performed in 2012 because the FCPIAA at the time required agencies to round their CMP amounts to the nearest multiple of $1,000 or $10,000, depending on the size of the CMP amount, and the 2012 adjustments based on the statutory formula were small enough that no adjustment resulted.

in the 2015 Improvements Act, the $285,057 amount last established in January 2017 will increase by 2.041%, resulting in a new CMP amount of $290,875. This is based on the percentage change between the October 2017 CPI (246.663) and the October 2016 CPI (241.729). Therefore, the NRC is amending § 2.205 to reflect a new maximum CMP under the AEA in the amount of $290,875 per day, per violation. This represents an increase of $5,818.

Monetary penalties under the Program Fraud Civil Remedies Act were established in 1986 at $5,000 per claim (Pub. L. 99–509, 100 Stat. 1938; 31 U.S.C. 3802). The NRC has also adjusted this amount (currently set at $10,957) multiple times pursuant to the FCPIAA, as amended, since 1996. Using the formula in the 2015 Improvements Act, the $10,957 amount last established in January 2017 will also increase by 2.041%, resulting in a new CMP amount of $11,181. Therefore, the NRC is amending § 13.3 to reflect a new maximum CMP amount of $11,181 per claim or statement. This represents an increase of $224.

As permitted by the 2015 Improvements Act, the NRC may apply these increased CMP amounts to any penalties assessed by the agency after the effective date of this rulemaking (January 15, 2018), regardless of whether the associated violation occurred before or after this date (Pub. L. 114–74, 129 Stat. 600; 28 U.S.C. 2461 note). The NRC assesses civil penalty amounts for violations of the AEA based on the class of licensee and severity of the violation, in accordance with the NRC Enforcement Policy (ADAMS Accession No. ML16197A561). A corresponding update to the NRC Enforcement Policy to reflect the updated CMP amount in § 2.205 will be published in the near future.

III. Rulemaking Procedure

The 2015 Improvements Act expressly exempts this final rule from the notice and comment requirements of the Administrative Procedure Act, by directing agencies to adjust CMPs for inflation ''notwithstanding section 553 of title 5, United States Code'' (Pub. L. 114–74, 129 Stat. 599; 28 U.S.C. 2461 note). As such, this final rule is being issued without prior public notice or opportunity for public comment, with an immediate effective date.

IV. Section-by-Section Analysis

Paragraph (j) in § 2.205 is revised by replacing ''$285,057'' with ''$290,875''.

Paragraphs (a)(1)(iv) and (b)(1)(ii) in § 13.3 are revised by replacing ''$10,957'' with ''$11,181''.

V. Regulatory Analysis

This final rule adjusts for inflation the maximum CMPs the NRC may assess under the AEA and under the Program Fraud Civil Remedies Act of 1986. The formula for determining the amount of the adjustment is mandated by Congress in the FCPIAA, as amended by the 2015 Improvements Act (codified at 28 U.S.C. 2461 note). Congress passed this legislation on the basis of its findings that the power to impose monetary civil penalties is important to deterring violations of Federal law and furthering the policy goals of Federal laws and regulations. Congress has also found that inflation diminishes the impact of these penalties and their effect. The principal purposes of this legislation are to provide for adjustment of civil monetary penalties for inflation, maintain the deterrent effect of civil monetary penalties, and promote compliance with the law. Therefore, these are the anticipated impacts of this rulemaking. Direct monetary impacts fall only upon licensees or other persons subjected to NRC enforcement for violations of the AEA and regulations and orders issued under the AEA (§ 2.205), or those licensees or persons subjected to liability pursuant to the provisions of the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801–3812) and the NRC's implementing regulations (10 CFR part 13).

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to regulations for which a Federal agency is not required by law, including the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C 553(b), to publish a general notice of proposed rulemaking (5 U.S.C. 604). As discussed in this notice under Section III., ''Rulemaking Procedure,'' the NRC has determined that this final rule is exempt from the requirements of 5 U.S.C. 553(b) and notice and comment need not be provided. Accordingly, the NRC also determines that the requirements of the Regulatory Flexibility Act do not apply to this final rule.

VII. Backfit and Issue Finality

The NRC has not prepared a backfit analysis for this final rule. This final rule does not involve any provision that would impose a backfit, nor is it inconsistent with any issue finality provision, as those terms are defined in 10 CFR chapter I. As mandated by Congress, this final rule increases CMP amounts for violations of already-existing NRC regulations and requirements. This final rule does not modify any licensee systems, structures, components, designs, approvals, or procedures required for the construction or operation of any facility.

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

IX. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

X. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

XI. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information; Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 13

Administrative practice and procedure, Claims, Fraud, Organization and function (Government agencies), Penalties.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; 28 U.S.C. 2461 note; and 5

U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2 and 13:

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note.

Section 2.205(j) also issued under 28 U.S.C. 2461 note.

■ 2. In § 2.205, revise paragraph (j) to read as follows:

§ 2.205 Civil penalties.

* * * * *

(j) *Amount.* A civil monetary penalty imposed under Section 234 of the Atomic Energy Act of 1954, as amended, or any other statute within the jurisdiction of the Commission that provides for the imposition of a civil penalty in an amount equal to the amount set forth in Section 234, may not exceed $290,875 for each violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purposes of computing the applicable civil penalty.

PART 13—PROGRAM FRAUD CIVIL REMEDIES

■ 3. The authority citation for part 13 continues to read as follows:

Authority: 31 U.S.C. 3801 through 3812; 44 U.S.C. 3504 note.

Section 13.3 also issued under 28 U.S.C. 2461 note. Section 13.13 also issued under 31 U.S.C. 3730.

■ 4. In § 13.3, revise paragraphs (a)(1)(iv) and (b)(1)(ii) to read as follows:

§ 13.3 Basis for civil penalties and assessments.

(a) * * *

(1) * * *

(iv) Is for payment for the provision of property or services which the person has not provided as claimed, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $11,181 for each such claim.

* * * * *

(b) * * *

(1) * * *

(ii) Contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $11,181 for each such statement.

* * * * *

Dated in Rockville, Maryland, this 28th day of December, 2017.

For the Nuclear Regulatory Commission.

Frederick D. Brown,

Acting Executive Director for Operations.

[FR Doc. 2018–00368 Filed 1–11–18; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 19 and 109

[Docket ID OCC–2018–0001]

RIN 1557–AE14

Rules of Practice and Procedure; Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is amending its rules of practice and procedure for national banks and its rules of practice and procedure in adjudicatory proceedings for Federal savings associations to remove the chart listing the maximum dollar amount of civil money penalties the OCC has authority to assess.

DATES: This rule is effective on January 12, 2018.

FOR FURTHER INFORMATION CONTACT: Kevin Korzeniewski, Counsel, Legislative and Regulatory Activities Division, (202) 649–5490, or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act of 1990 (the 1990 Adjustment Act),[1] as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Adjustment Act),[2] requires Federal agencies to adjust the amount of their civil money penalties (CMPs) [3] for inflation by January 15 of each year, and requires the Office of Management and Budget (OMB) to issue guidance to Federal agencies not later than December 15 of each year, on implementing the required inflation adjustments.

On January 27, 2017, the OCC published a final rule amending its rules of practice and procedure for national banks and its rules of practice and procedure in adjudicatory proceedings for Federal savings associations to adjust the maximum amount of each CMP within its jurisdiction to administer for inflation.[4] The final rule also changed the method for making subsequent inflation adjustments, consistent with the 2015 Adjustment Act and OMB guidance.[5] Specifically, sections 19.240(a) and 109.103(c)(1) of the rule codified the formula for making inflation adjustments for national banks and Federal savings associations, respectively. Sections 19.240(b) and 109.103(c)(2) of the rule provided a chart of penalties applicable during 2017. Sections 19.240(c) and 109.103(c)(3) also provided that notice of the maximum penalties which may be assessed for calendar years after 2017 will be published as a notice in the **Federal Register** on an annual basis on or before January 15 of each calendar year.[6]

[1] Public Law 101–410, Oct. 5, 1990, 104 Stat. 890, *codified at* 28 U.S.C. 2461 note.

[2] Public Law 114–74, Title VII, section 701(b), Nov. 2, 2015, 129 Stat. 599, *codified at* 28 U.S.C. 2461 note.

[3] The 2015 Adjustment Act defined a ''civil monetary penalty'' to mean ''any penalty, fine, or other sanction that is for a specific monetary amount as provided by Federal law; or has a maximum amount provided for by Federal law; and is assessed or enforced by an agency pursuant to Federal law; and is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.'' 28 U.S.C. 2461 note, section 3(2). Thus, a penalty based on another measure, such as a percentage of total assets, need not be adjusted.

[4] 82 FR 8584 (January 27, 2017).

[5] See OMB Memorandum M–18–03, ''Implementation of the 2018 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,'' at 4, which permits agencies that have codified the formula to adjust CMPs for inflation to update the penalties through a notice rather than a regulation.

[6] To the extent an agency has codified a CMP amount in its regulations, the agency would need to update that amount by regulation. However, if an agency has codified the formula for making the CMP adjustments, then subsequent adjustments can be made solely by notice. *See* OMB Memorandum M–18–03, ''Implementation of the 2018 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,'' at 4.

II. Description of the Final Rule

Because the OCC will annually publish the maximum amount of CMPs the agency has authority to assess through a notice in the **Federal Register**, the CMP amounts listed in the charts at 12 CFR 19.240(b) and 109.103(c)(2) are out of date. Therefore, in order to avoid any confusion, the OCC is deleting the charts in sections 19.240(b) and 109.103(c)(2). The OCC is also making technical and conforming amendments in sections 19.240 and 109.103(c) to delete references to those charts, while retaining a description of the formula used to make the inflation adjustments and information on how the OCC will publish notice of the adjustments going forward. A complete list of the maximum amount of CMPs that can be assessed by the OCC during the current calendar year for violations that occurred on or after November 2, 2015, is also being published today in the **Federal Register**.[7]

III. Regulatory Analysis

A. Administrative Procedure Act

The Administrative Procedure Act (APA) generally requires that an agency publish a general notice of proposed rulemaking in the **Federal Register**, unless an exception applies. In this case, the OCC finds an exception for good cause that a general notice of proposed rulemaking would be unnecessary, as the only changes in this final rule are technical amendments to remove outdated information regarding the OCC's maximum CMP amounts and update related cross-references.

B. Delayed Effective Date

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994[8] (RCDRIA) requires that the effective date of new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on insured depository institutions shall be the first day of a calendar quarter that begins on or after the date the regulations are published in final form. 12 U.S.C. 4802(b)(1). The RCDRIA does not apply to this final rule because the rule does not impose any additional reporting, disclosures, or other new requirements.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires that the agency determine the rule's impact on small entities and consider options to reduce any significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b).[9] Because the 2015 Adjustment Act specifically exempted agencies' annual adjustments from the requirements of the APA,[10] the OCC is not issuing a general notice of proposed rulemaking. Therefore, the RFA does not apply to this final rule.

D. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more, as adjusted for inflation, in any one year.[11] The Unfunded Mandates Reform Act only applies when an agency issues a general notice of proposed rulemaking. Because the OCC is not issuing a general notice of proposed rulemaking, this final rule is not subject to section 202 of the Unfunded Mandates Reform Act.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[12] the OCC may not conduct or sponsor, and notwithstanding any other provision of law, a person is not required to respond to, an information collection unless the information collection displays a valid OMB control number. The final rule contains no information collection requirements under the PRA.

List of Subjects

12 CFR Part 19

Administrative practice and procedure, Crime, Equal access to justice, Investigations, National banks, Penalties, Securities.

12 CFR Part 109

Administrative practice and procedure, Federal savings associations, Penalties.

Authority and Issuance

For the reasons set out in the preamble, parts 19 and 109 of chapter I of title 12 of the Code of Federal Regulations are amended as follows:

PART 19—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 19 is revised to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 93a, 164, 481, 504, 1817, 1818, 1820, 1831m, 1831o, 1832, 1884, 1972, 3102, 3108(a), 3110, 3909, and 4717; 15 U.S.C. 78(h) and (i), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3, 78w, and 1639e; 28 U.S.C. 2461 note; 31 U.S.C. 330 and 5321; and 42 U.S.C. 4012a.

■ 2. Section 19.240 is revised to read as follows:

§ 19.240 Inflation adjustments.

(a) *Statutory formula to calculate inflation adjustments.* The OCC is required by statute to annually adjust for inflation the maximum amount of each civil money penalty within its jurisdiction to administer. The inflation adjustment is calculated by multiplying the maximum dollar amount of the civil money penalty for the previous calendar year by the cost-of-living inflation adjustment multiplier provided annually by the Office of Management and Budget and rounding the total to the nearest dollar.

(b) *Notice of inflation adjustments.* The OCC will publish notice in the **Federal Register** of the maximum penalties which may be assessed on an annual basis on or before January 15 of each calendar year based on the formula in paragraph (a) of this section, for penalties assessed on, or after, the date of publication of the most recent notice related to conduct occurring on, or after, November 2, 2015.

PART 109—RULES OF PRACTICE AND PROCEDURE IN ADJUDICATORY PROCEEDINGS

■ 3. The authority citation for part 109 is revised to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 1464, 1467, 1467a, 1468, 1817, 1818, 1820(k), 1829(e), 1832, 1884, 1972, 3349, 4717, 5412(b)(2)(B); 15 U.S.C. 78(l), 78o–5, 78u–2, 1639e; 28 U.S.C. 2461 note; 31 U.S.C. 5321; and 42 U.S.C. 4012a.

■ 4. Section 109.103 is amended by revising paragraph (c) to read as follows:

[7] Penalties assessed for violations occurring prior to November 2, 2015, will be subject to the maximum amounts set forth in the OCC's regulations in effect prior to the enactment of the 2015 Adjustment Act.

[8] 12 U.S.C. 4802.

[9] 5 U.S.C. 601(2).

[10] 28 U.S.C. 2461 note, section 4(b)(2) (''the head of an agency shall adjust civil money penalties and shall make the adjustment notwithstanding section 553 of title 5, United States Code'').

[11] 2 U.S.C. 1532.

[12] 44 U.S.C. 3501 *et seq.*

§ 109.103 Civil money penalties.

* * * * *

(c) *Maximum amount of civil money penalties*—(1) *Statutory formula.* The OCC is required by statute to annually adjust for inflation the maximum amount of each civil money penalty within its jurisdiction to administer. The inflation adjustment is calculated by multiplying the maximum dollar amount of the civil money penalty for the previous calendar year by the cost-of-living inflation adjustment multiplier provided annually by the Office of Management and Budget and rounding the total to the nearest dollar.

(2) *Notice of inflation adjustments.* The OCC will publish notice in the **Federal Register** of the maximum penalties which may be assessed on an annual basis on, or before, January 15 of each calendar year based on the formula in paragraph (a) of this section, for penalties assessed on, or after, the date of publication of the most recent notice related to conduct occurring on or after November 2, 2015.

Dated: January 9, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2018–00536 Filed 1–11–18; 8:45 am]

BILLING CODE 4810–33–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

RIN 3064–AE71

Rules of Practice and Procedure

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is adjusting the maximum amount of each civil money penalty (CMP) within its jurisdiction to account for inflation. This action is required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Adjustment Act).

DATES: This rule is effective January 15, 2018.

FOR FURTHER INFORMATION CONTACT: Seth P. Rosebrock, Supervisory Counsel, Legal Division (202) 898–6609, or Graham N. Rehrig, Senior Attorney, Legal Division (202) 898–3829.

SUPPLEMENTARY INFORMATION:

I. Policy Objectives

The Final Rule changes the maximum limit for CMPs according to inflation as mandated by Congress in the 2015 Adjustment Act.[1] The intended effect of annually adjusting maximum civil money penalties in accordance with changes in the Consumer Price Index is to minimize any distortion in the real value of those maximums due to inflation, thereby promoting a more consistent deterrent effect in the structure of CMPs.

II. Background

The FDIC assesses CMPs under section 8(i) of the Federal Deposit Insurance Act (FDIA), 12 U.S.C. 1818, and a variety of other statutes.[2] Congress established maximum penalties that could be assessed under these statutes. In many cases, these statutes contain multiple penalty tiers, permitting the assessment of penalties at various levels depending upon the severity of the misconduct at issue.[3]

In 1990, Congress determined that the assessment of CMPs plays ''an important role in deterring violations and furthering the policy goals embodied in such laws and regulations'' and concluded that ''the impact of many civil monetary penalties has been and is diminished due to the effect of inflation.''[4] Consequently, Congress required federal agencies with authority to impose CMPs to periodically adjust by rulemaking the maximum CMPs which these agencies were authorized to impose in order to ''maintain the deterrent effect of civil monetary penalties and promote compliance with the law.''[5] Under the 1990 Adjustment Act, the FDIC adjusted its CMP amounts every four years.[6]

In 2015, Congress revised the process by which federal agencies adjust applicable CMPs for inflation.[7] Under the 2015 Adjustment Act, the FDIC is required to make annual adjustments for inflation.[8] These adjustments apply to all CMPs covered by the 2015 Adjustment Act.[9] The 2015 Adjustment Act requires annual adjustments to be made by January 15 of each year.[10]

Although the 2015 Adjustment Act increases the maximum penalty that may be assessed under each applicable statute, the FDIC possesses discretion to impose CMP amounts below the maximum level in accordance with the severity of the misconduct at issue. For example, when making a determination as to the appropriate level of a penalty assessed under section 8(i)(2) of the FDIA, 12 U.S.C. 1818(i)(2), the FDIC is guided by statutory factors set forth in section 8(i)(2)(G) of the FDIA, 12 U.S.C. 1818(i)(2)(G), and those factors identified in the *Interagency Policy Statement Regarding the Assessment of CMPs by the Federal Financial Institutions Regulatory Agencies.*[11] Such factors include, but are not limited to, the gravity and duration of the misconduct, and the intent related to the misconduct.

The 2015 Adjustment Act notes that the FDIC ''shall adjust [CMPs] and shall make the adjustment *notwithstanding section 553 of title 5, United States Code*'' (the Administrative Procedure Act).[12] The FDIC, therefore, is not obligated to publish the adjustments through notice-and-comment rulemaking, and the FDIC is publishing the adjustments through a final rule.

III. Description and Expected Effects of the Final Rule

The Final Rule modifies the maximum limit for CMPs according to inflation as mandated by Congress in the 2015 Adjustment Act. The 2015 Adjustment Act directs federal agencies to follow guidance issued by the Office of Management and Budget (OMB) on December 15, 2017 (OMB Guidance), when calculating new maximum penalty levels.[13] The adjustments are to be based on the percent change between the Consumer Price Index for all Urban Consumers (CPI–U)[14] for October 2016 and the October 2017 CPI–U.

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[1] Public Law 114–74, sec. 701, 129 Stat. 584.

[2] *See, e.g.,* 12 U.S.C. 1972(2)(F) (authorizing the FDIC to impose CMPs for violations of the Bank Holding Company Act of 1970 related to prohibited tying arrangements); 15 U.S.C. 78u–2 (authorizing the FDIC to impose CMPs for violations of certain provisions of the Securities Exchange Act of 1934); 42 U.S.C. 4012a(f) (authorizing the FDIC to impose CMPs for pattern or practice violations of the Flood Disaster Protection Act).

[3] For example, Section 8(i)(2) of the FDIA, 12 U.S.C. 1818(i)(2), provides for three tiers of CMPs, with the size of such CMPs increasing with the gravity of the misconduct.

[4] Section 2 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Adjustment Act). Public Law 101–410, 104 Stat. 890 (amended 2015) (codified as amended at 28 U.S.C. 2461 note).

[5] *Id.*

[6] *See, e.g.,* 77 FR 74573 (Dec. 17, 2012).

[7] *See* Public Law 114–74, sec. 701, 129 Stat. 584.

[8] *See id.* at sec. 701(b).

[9] *See* Public Law 101–410, sec. 3(2), 104 Stat. 890 (amended 2015) (codified as amended at 28 U.S.C. 2461 note).

[10] Public Law 114–74, sec. 701(b), 129 Stat. 584.

[11] 63 FR 30227 (June 3, 1998).

[12] Public Law 114–74, sec. 701(b), 129 Stat. 584 (emphasis added).

[13] *See* OMB, Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, M–18–03 (Dec. 15, 2017), *available at https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf* (noting that the applicable 2018 CMP-adjustment multiplier is 1.02041).

[14] The CPI–U is compiled by the Bureau of Labor Statistics of the Department of Labor.

Summary of the FDIC's Calculations

During the 12-month period ending October 2017, the CPI–U was reported to have increased by 2.041 percent. In keeping with the OMB Guidance, the FDIC adjusted each of its CMP maximum penalty levels by the inflation factor.[15] After applying the adjustment, the FDIC rounded each penalty level to the nearest dollar. In making these calculations, the FDIC consulted with staff from the Office of the Comptroller of the Currency, the Board of Governors for the Federal Reserve System, the National Credit Union Administration, and the Bureau of Consumer Financial Protection to ensure that the FDIC's adjusted figures were consistent with these regulators' respective amounts.

The Adjusted CMP Amounts

The following chart displays the adjusted CMP amounts for each CMP identified in 12 CFR part 308.[16] The following chart reflects the maximum CMP amounts that may be assessed after January 15, 2018—the effective date of the 2018 annual adjustment—including assessments whose associated violations occurred on or after November 2, 2015.[17]

MAXIMUM CIVIL MONEY PENALTY AMOUNTS

U.S. Code citation	Current maximum CMP (through January 14, 2018)	Adjusted maximum CMP (beginning January 15, 2018)
12 U.S.C. 1464(v):		
Tier One CMP	$3,849	$3,928
Tier Two CMP	38,492	39,278
Tier Three CMP	1,924,589	1,963,870
12 U.S.C. 1467(d)	9,623	9,819
12 U.S.C. 1817(a):		
Tier One CMP	3,849	3,928
Tier Two CMP	38,492	39,278
Tier Three CMP	1,924,589	1,963,870
12 U.S.C. 1817(c):		
Tier One CMP	3,519	3,591
Tier Two CMP	35,186	35,904
Tier Three CMP	1,759,309	1,795,216
12 U.S.C. 1818(i)(2):		
Tier One CMP	9,623	9,819
Tier Two CMP	48,114	49,096
Tier Three CMP	1,924,589	1,963,870
12 U.S.C. 1820(e)(4)	8,797	8,977
12 U.S.C. 1820(k)(6)	316,566	323,027
12 U.S.C. 1828(a)(3)	120	122
12 U.S.C. 1828(h):		
For assessments <$10,000	120	122
12 U.S.C. 1829b(j)	20,111	20,521
12 U.S.C. 1832(c)	2,795	2,852
12 U.S.C. 1884	279	285
12 U.S.C. 1972(2)(F):		
Tier One CMP	9,623	9,819
Tier Two CMP	48,114	49,096
Tier Three CMP	1,924,589	1,963,870
12 U.S.C. 3909(d)	2,394	2,443
15 U.S.C. 78u-2:		
Tier One CMP (individuals)	9,054	9,239
Tier One CMP (others)	90,535	92,383
Tier Two CMP (individuals)	90,535	92,383
Tier Two CMP (others)	452,677	461,916
Tier Three CMP (individuals)	181,071	184,767
Tier Three penalty (others)	905,353	923,831
15 U.S.C. 1639e(k):		
First violation	11,053	11,279
Subsequent violations	22,105	22,556
31 U.S.C. 3802	10,957	11,181
42 U.S.C. 4012a(f)	2,090	2,133
CFR Citation	**Current maximum amount (through January 14, 2018)**	**New maximum amount (beginning January 15, 2018)**
12 CFR 308.132(c)—Late or Misleading Reports of Condition and Income (Call Reports):		
First Offense:		
$25 million or more assets:		
1 to 15 days late	527	538
16 or more days late	1,056	1,078

[15] Under the 1990 Adjustment Act, adjustments have been made only to CMPs that are for specific dollar amounts or maximums. CMPs that are assessed based upon a fixed percentage of an institution's total assets are not subject to adjustment.

[16] As noted previously, the FDIC retains discretion to impose CMPs in amounts below the referenced maximums.

[17] *See* OMB Guidance at 4.

CFR Citation	Current maximum amount (through January 14, 2018)	New maximum amount (beginning January 15, 2018)
Less than $25 million assets		
1 to 15 days late	176	180
16 or more days late	352	359
Subsequent Offenses:		
$25 million or more assets:		
1 to 15 days late	879	897
16 or more days late	1,759	1,795

The Expected Effects of the CMP Adjustments

These CMP adjustments are expected to minimize any year-to-year distortions in the real value of the CMP maximums. Additionally, these adjustments will promote a more consistent deterrent effect in the structure of CMPs. As previously noted, the FDIC retains discretion to impose CMP amounts below the maximum level. The actual number and size of CMPs assessed in the future will depend on the propensity and severity of the violations committed by banks and institution-affiliated parties, as well as the particular statute that is at issue. Such future violations cannot be reliably forecast. It is expected that the FDIC will continue to exercise its discretion to impose CMPs that are appropriate to their severity.

The 2015 Adjustment Act will likely result in a minimal increase in administrative costs for the FDIC in order to establish new inflation-adjusted maximum CMPs each year. Because these calculations are relatively simple, the number of labor hours necessary to perform this task is likely to be insignificant relative to total enforcement labor hours for the Corporation.

IV. Alternatives Considered

The 2015 Adjustment Act mandates the frequency of the inflation adjustment and the measure of inflation to be used in making these adjustments. This statute also provides that the FDIC is not required to proceed through notice-and-comment rulemaking under the Administrative Procedure Act in making annual CMP adjustments. Therefore, the FDIC has not considered alternatives to the CMP Adjustments.

V. Request for Comment

The 2015 Adjustment Act requires the FDIC to adjust its maximum CMP amounts ''notwithstanding section 553 of title 5, United States Code,'' [18] and provides the specific adjustments to be made. Moreover, the CMP Adjustments and the revisions to the CFR are ministerial and technical; therefore, the FDIC is not required to complete a notice-and-comment rulemaking process prior to making the adjustments.

VI. Regulatory Analysis

Riegle Community Development and Regulatory Improvement Act

Section 302 of the Riegle Community Development and Regulatory Improvement Act [19] generally requires that regulations prescribed by federal banking agencies which impose additional reporting, disclosures, or other new requirements on insured depository institutions take effect on the first day of a calendar quarter unless the regulation is required to take effect on another date pursuant to another act of Congress or the agency determines for good cause that the regulation should become effective on an earlier date.

This Final Rule does not impose any new or additional reporting, disclosures, or other requirements on insured depository institutions. Therefore, the Final Rule is not subject to the requirements of this statute.

Regulatory Flexibility Act

An initial regulatory flexibility analysis under the Regulatory Flexibility Act [20] (RFA) is required only when an agency must publish a general notice of proposed rulemaking. As noted above, the FDIC determined that publication of a notice of proposed rulemaking is not necessary for the Final Rule. Accordingly, the RFA does not require an initial regulatory flexibility analysis. Nevertheless, the FDIC considered the likely impact of Final Rule on small entities. From 2011 through 2016, on average, only 1.4 percent of FDIC-supervised institutions were ordered to pay a CMP each year. Accordingly, the FDIC believes that the Final Rule will not have a significant impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

The OMB has determined that the Final Rule is not a ''major rule'' within the meaning of the relevant sections of the Small Business Regulatory Enforcement Act of 1996 (SBREFA).[21] As required by SBREFA, the FDIC will submit the Final Rule and other appropriate reports to Congress and the Government Accountability Office for review.

The Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999: Assessment of Federal Regulations and Policies on Families

The FDIC determined that the Final Rule will not affect family wellbeing within the meaning of section 654 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.[22]

Paperwork Reduction Act

The Final Rule does not create any new, or revise any existing, collections of information under section 3504(h) of the Paperwork Reduction Act of 1980.[23] Consequently, no information collection request will be submitted to the OMB for review.

Plain Language Act

Section 722 of the Gramm-Leach-Bliley Act requires the FDIC to use plain language in all proposed and final rules published after January 1, 2000.[24] Accordingly, the FDIC has attempted to write the Final Rule in clear and comprehensible language.

List of Subjects in 12 CFR Part 308

Administrative practice and procedure, Banks, Banking, Claims, Crime, Equal access to justice, Ex parte communications, Hearing procedure, Lawyers, Penalties, State nonmember banks.

[18] Public Law 114–74, sec. 701(b), 129 Stat. 584.

[19] 12 U.S.C. 4802.

[20] 5 U.S.C. 603.

[21] 5 U.S.C. 801 *et seq.*

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

[23] 44 U.S.C. 3501 *et seq.*

[24] Public Law 106–102, 113 Stat. 1338 (Nov. 12, 1999).

For the reasons set forth in the preamble, the FDIC amends 12 CFR part 308 as follows:

PART 308—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 308 continues to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 164, 505, 1464, 1467(d), 1467a, 1468, 1815(e), 1817, 1818, 1819, 1820, 1828, 1829, 1829(b), 1831i, 1831m(g)(4), 1831*o*, 1831p–1, 1832(c), 1884(b), 1972, 3102, 3108(a), 3349, 3909, 4717, 5412(b)(2)(C), 5414(b)(3); 15 U.S.C. 78(h) and (i), 78*o*(c)(4), 78*o*–4(c), 78*o*–5, 78q–1, 78s, 78u, 78u–2, 78u–3, 78w, 6801(b), 6805(b)(1); 28 U.S.C. 2461 note; 31 U.S.C. 330, 5321; 42 U.S.C. 4012a; Pub. L. 104–134, sec. 31001(s), 110 Stat. 1321; Pub. L. 109–351, 120 Stat. 1966; Pub. L. 111–203, 124 Stat. 1376; Pub. L. 114–74, sec. 701, 129 Stat. 584.

■ 2. Revise § 308.116(b)(4) to read as follows:

§ 308.116 Assessment of penalties.

* * * * *

(b) * * *

(4) *Adjustment of civil money penalties by the rate of inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.* After January 15, 2018, for violations that occurred on or after November 2, 2015:

(i) Any person who has engaged in a violation as set forth in paragraph (b)(1) of this section shall forfeit and pay a civil money penalty of not more than $9,819 for each day the violation continued.

(ii) Any person who has engaged in a violation, unsafe or unsound practice or breach of fiduciary duty, as set forth in paragraph (b)(2) of this section, shall forfeit and pay a civil money penalty of not more than $49,096 for each day such violation, practice or breach continued.

(iii) Any person who has knowingly engaged in a violation, unsafe or unsound practice or breach of fiduciary duty, as set forth in paragraph (b)(3) of this section, shall forfeit and pay a civil money penalty not to exceed:

(A) In the case of a person other than a depository institution—$1,963,870 per day for each day the violation, practice or breach continued; or

(B) In the case of a depository institution—an amount not to exceed the lesser of $1,963,870 or one percent of the total assets of such institution for each day the violation, practice or breach continued.

* * * * *

■ 3. Revise § 308.132(d) to read as follows:

§ 308.132 Assessment of penalties.

* * * * *

(d) *Maximum civil money penalty amounts.* Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, after January 15, 2018, for violations that occurred on or after November 2, 2015, the Board of Directors or its designee may assess civil money penalties in the maximum amounts as follows:

(1) *Civil money penalties assessed pursuant to 12 U.S.C. 1464(v) for late filing or the submission of false or misleading certified statements by State savings associations.* Pursuant to section 5(v) of the Home Owners' Loan Act (12 U.S.C. 1464(v)), the Board of Directors or its designee may assess civil money penalties as follows:

(i) *Late filing—Tier One penalties.* In cases in which an institution fails to make or publish its Report of Condition and Income (Call Report) within the appropriate time periods, a civil money penalty of not more than $3,928 per day may be assessed where the institution maintains procedures in place reasonably adapted to avoid inadvertent error and the late filing occurred unintentionally and as a result of such error; or the institution inadvertently transmitted a Call Report that is minimally late. For penalties assessed after January 15, 2018, for violations of this paragraph (d)(1)(i) that occurred on or after November 2, 2015, the following maximum Tier One penalty amounts contained in paragraphs (d)(1)(i)(A) and (B) of this section shall apply for each day that the violation continues.

(A) *First offense.* Generally, in such cases, the amount assessed shall be $538 per day for each of the first 15 days for which the failure continues, and $1,078 per day for each subsequent day the failure continues, beginning on the sixteenth day. For institutions with less than $25,000,000 in assets, the amount assessed shall be the greater of $180 per day or 1/1000th of the institution's total assets (1/10th of a basis point) for each of the first 15 days for which the failure continues, and $359 or 1/500th of the institution's total assets, ⅕ of a basis point) for each subsequent day the failure continues, beginning on the sixteenth day.

(B) *Subsequent offense.* Where the institution has been delinquent in making or publishing its Call Report within the preceding five quarters, the amount assessed for the most current failure shall generally be $897 per day for each of the first 15 days for which the failure continues, and $1,795 per day for each subsequent day the failure continues, beginning on the sixteenth day. For institutions with less than $25,000,000 in assets, those amounts, respectively, shall be 1/500th of the bank's total assets and 1/250th of the institution's total assets.

(C) *Lengthy or repeated violations.* The amounts set forth in this paragraph (d)(1)(i) will be assessed on a case-by-case basis where the amount of time of the institution's delinquency is lengthy or the institution has been delinquent repeatedly in making or publishing its Call Reports.

(D) *Waiver.* Absent extraordinary circumstances outside the control of the institution, penalties assessed for late filing shall not be waived.

(ii) *Late-filing—Tier Two penalties.* Where an institution fails to make or publish its Call Report within the appropriate time period, the Board of Directors or its designee may assess a civil money penalty of not more than $39,278 per day for each day the failure continues.

(iii) *False or misleading reports or information*—(A) *Tier One penalties.* In cases in which an institution submits or publishes any false or misleading Call Report or information, the Board of Directors or its designee may assess a civil money penalty of not more than $3,928 per day for each day the information is not corrected, where the institution maintains procedures in place reasonably adapted to avoid inadvertent error and the violation occurred unintentionally and as a result of such error; or the institution inadvertently transmits a Call Report or information that is false or misleading.

(B) *Tier Two penalties.* Where an institution submits or publishes any false or misleading Call Report or other information, the Board of Directors or its designee may assess a civil money penalty of not more than $39,278 per day for each day the information is not corrected.

(C) *Tier Three penalties.* Where an institution knowingly or with reckless disregard for the accuracy of any Call Report or information submits or publishes any false or misleading Call Report or other information, the Board of Directors or its designee may assess a civil money penalty of not more than the lesser of $1,963,870 or 1 percent of the institution's total assets per day for each day the information is not corrected.

(iv) *Mitigating factors.* The amounts set forth in this paragraph (d)(1) may be reduced based upon the factors set forth in paragraph (b) of this section.

(2) *Civil money penalties assessed pursuant to 12 U.S.C. 1467(d) for refusal by an affiliate of a State savings association to allow examination or to provide required information during an*

examination. Pursuant to section 9(d) of the Home Owners' Loan Act (12 U.S.C. 1467(d)), civil money penalties may be assessed against any State savings association if an affiliate of such an institution refuses to permit a duly-appointed examiner to conduct an examination or refuses to provide information during the course of an examination as set forth 12 U.S.C. 1467(d), in an amount not to exceed $9,819 for each day the refusal continues.

(3) *Civil money penalties assessed pursuant to 12 U.S.C. 1817(a) for late filings or the submission of false or misleading reports of condition.* Pursuant to section 7(a) of the FDIA (12 U.S.C. 1817(a)), the Board of Directors or its designee may assess civil money penalties as follows:

(i) *Late filing—Tier One penalties.* In cases in which an institution fails to make or publish its Report of Condition and Income (Call Report) within the appropriate time periods, a civil money penalty of not more than $3,928 per day may be assessed where the institution maintains procedures in place reasonably adapted to avoid inadvertent error and the late filing occurred unintentionally and as a result of such error; or the institution inadvertently transmitted a Call Report that is minimally late. For penalties assessed after January 15, 2018, for violations of this paragraph (d)(3)(i) that occurred on or after November 2, 2015, the following maximum Tier One penalty amounts contained in paragraphs (d)(3)(i)(A) and (B) of this section shall apply for each day that the violation continues.

(A) *First offense.* Generally, in such cases, the amount assessed shall be $538 per day for each of the first 15 days for which the failure continues, and $1,078 per day for each subsequent day the failure continues, beginning on the sixteenth day. For institutions with less than $25,000,000 in assets, the amount assessed shall be the greater of $180 per day or 1/1000th of the institution's total assets (1/10th of a basis point) for each of the first 15 days for which the failure continues, and $359 or 1/500th of the institution's total assets, (⅕ of a basis point) for each subsequent day the failure continues, beginning on the sixteenth day.

(B) *Subsequent offense.* Where the institution has been delinquent in making or publishing its Call Report within the preceding five quarters, the amount assessed for the most current failure shall generally be $897 per day for each of the first 15 days for which the failure continues, and $1,795 per day for each subsequent day the failure continues, beginning on the sixteenth day. For institutions with less than $25,000,000 in assets, those amounts, respectively, shall be 1/500th of the bank's total assets and 1/250th of the institution's total assets.

(C) *Lengthy or repeated violations.* The amounts set forth in this paragraph (d)(3)(i) will be assessed on a case-by-case basis where the amount of time of the institution's delinquency is lengthy or the institution has been delinquent repeatedly in making or publishing its Call Reports.

(D) *Waiver.* Absent extraordinary circumstances outside the control of the institution, penalties assessed for late filing shall not be waived.

(ii) *Late-filing—Tier Two penalties.* Where an institution fails to make or publish its Call Report within the appropriate time period, the Board of Directors or its designee may assess a civil money penalty of not more than $39,278 per day for each day the failure continues.

(iii) *False or misleading reports or information*—(A) *Tier One penalties.* In cases in which an institution submits or publishes any false or misleading Call Report or information, the Board of Directors or its designee may assess a civil money penalty of not more than $3,928 per day for each day the information is not corrected, where the institution maintains procedures in place reasonably adapted to avoid inadvertent error and the violation occurred unintentionally and as a result of such error; or the institution inadvertently transmits a Call Report or information that is false or misleading.

(B) *Tier Two penalties.* Where an institution submits or publishes any false or misleading Call Report or other information, the Board of Directors or its designee may assess a civil money penalty of not more than $39,278 per day for each day the information is not corrected.

(C) *Tier Three penalties.* Where an institution knowingly or with reckless disregard for the accuracy of any Call Report or information submits or publishes any false or misleading Call Report or other information, the Board of Directors or its designee may assess a civil money penalty of not more than the lesser of $1,963,870 or 1 percent of the institution's total assets per day for each day the information is not corrected.

(iv) *Mitigating factors.* The amounts set forth in this paragraph (d)(3) may be reduced based upon the factors set forth in paragraph (b) of this section.

(4) *Civil money penalties assessed pursuant to 12 U.S.C. 1817(c) for late filing or the submission of false or misleading certified statements.* Tier One civil money penalties may be assessed pursuant to section 7(c)(4)(A) of the FDIA (12 U.S.C. 1817(c)(4)(A)) in an amount not to exceed $3,591 for each day during which the failure to file continues or the false or misleading information is not corrected. Tier Two civil money penalties may be assessed pursuant to section 7(c)(4)(B) of the FDIA (12 U.S.C. 1817(c)(4)(B)) in an amount not to exceed $35,904 for each day during which the failure to file continues or the false or misleading information is not corrected. Tier Three civil money penalties may be assessed pursuant to section 7(c)(4)(C) in an amount not to exceed the lesser of $1,795,216 or 1 percent of the total assets of the institution for each day during which the failure to file continues or the false or misleading information is not corrected.

(5) *Civil money penalties assessed pursuant to section 8(i)(2) of the FDIA.* Tier One civil money penalties may be assessed pursuant to section 8(i)(2)(A) of the FDIA (12 U.S.C. 1818(i)(2)(A)) in an amount not to exceed $9,819 for each day during which the violation continues. Tier Two civil money penalties may be assessed pursuant to section 8(i)(2)(B) of the FDIA (12 U.S.C. 1818(i)(2)(B)) in an amount not to exceed $49,096 for each day during which the violation, practice or breach continues. Tier Three civil money penalties may be assessed pursuant to section 8(i)(2)(C) (12 U.S.C. 1818(i)(2)(C)) in an amount not to exceed, in the case of any person other than an insured depository institution $1,963,870 or, in the case of any insured depository institution, an amount not to exceed the lesser of $1,963,870 or 1 percent of the total assets of such institution for each day during which the violation, practice, or breach continues.

(i) Pursuant to 7(j)(16) of the FDIA (12 U.S.C. 1817(j)(16)), a civil money penalty may be assessed for violations of change in control of insured depository institution provisions pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)) in the amounts set forth in this paragraph (d)(5).

(ii) Pursuant to the International Banking Act of 1978 (IBA) (12 U.S.C. 3108(b)), civil money penalties may be assessed for failure to comply with the requirements of the IBA pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)), in the amounts set forth in this paragraph (d)(5).

(iii) Pursuant to section 1120(b) of the Financial Institutions Recovery, Reform, and Enforcement Act of 1989 (FIRREA) (12 U.S.C. 3349(b)), where a financial institution seeks, obtains, or gives any

other thing of value in exchange for the performance of an appraisal by a person that the institution knows is not a state certified or licensed appraiser in connection with a federally related transaction, a civil money penalty may be assessed pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)) in the amounts set forth in this paragraph (d)(5).

(iv) Pursuant to the Community Development Banking and Financial Institution Act (Community Development Banking Act) (12 U.S.C. 4717(b)) a civil money penalty may be assessed for violations of the Community Development Banking Act pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)), in the amount set forth in this paragraph (d)(5).

(v) Civil money penalties may be assessed pursuant to section 8(i)(2) of the FDIA in the amounts set forth in this paragraph (d)(5) for violations of various consumer laws, including, but not limited to, the Home Mortgage Disclosure Act (12 U.S.C. 2804 *et seq.* and 12 CFR 203.6), the Expedited Funds Availability Act (12 U.S.C. 4001 *et seq.*), the Truth in Savings Act (12 U.S.C. 4301 *et seq.*), the Real Estate Settlement Procedures Act (12 U.S.C. 2601 *et seq.*), the Truth in Lending Act (15 U.S.C. 1601 *et seq.*), the Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*), the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*), the Fair Debt Collection Practices Act (15 U.S.C. 1692 *et seq.*), the Electronic Funds Transfer Act (15 U.S.C. 1693 *et seq.*) and the Fair Housing Act (42 U.S.C. 3601 *et seq.*).

(6) *Civil money penalties assessed pursuant to 12 U.S.C. 1820(e) for refusal to allow examination or to provide required information during an examination.* Pursuant to section 10(e)(4) of the FDIA (12 U.S.C. 1820(e)(4)), civil money penalties may be assessed against any affiliate of an insured depository institution that refuses to permit a duly-appointed examiner to conduct an examination or to provide information during the course of an examination as set forth in section 20(b) of the FDIA (12 U.S.C. 1820(b)), in an amount not to exceed $8,977 for each day the refusal continues.

(7) *Civil money penalties assessed pursuant to 12 U.S.C. 1820(k) for violation of one-year restriction on Federal examiners of financial institutions.* Pursuant to section 10(k) of the FDIA (12 U.S.C. 1820(k)), the Board of Directors or its designee may assess a civil money penalty of up to $323,027 against any covered former Federal examiner of a financial institution who, in violation of section 10(k) of the FDIA (12 U.S.C. 1820(k)) and within the one-year period following termination of government service as an employee, serves as an officer, director, or consultant of a financial or depository institution, a holding company, or of any other entity listed in section 10(k) of the FDIA (12 U.S.C. 1820(k)), without the written waiver or permission by the appropriate Federal banking agency or authority under section 10(k)(5) of the FDIA (12 U.S.C. 1820(k)(5)).

(8) *Civil money penalties assessed pursuant to 12 U.S.C. 1828(a) for incorrect display of insurance logo.* Pursuant to section 18(a)(3) of the FDIA (12 U.S.C. 1828(a)(3)), civil money penalties may be assessed against an insured depository institution that fails to correctly display its insurance logo pursuant to that section, in an amount not to exceed $122 for each day the violation continues.

(9) *Civil money penalties assessed pursuant to 12 U.S.C. 1828(h) for failure to timely pay assessment*—(i) *In general.* Subject to paragraph (d)(9)(iii) of this section, any insured depository institution that fails or refuses to pay any assessment shall be subject to a penalty in an amount of not more than 1 percent of the amount of the assessment due for each day that such violation continues.

(ii) *Exception in case of dispute.* Paragraph (d)(9)(i) of this section shall not apply if—

(A) The failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

(B) The insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

(iii) *Special rule for small assessment amounts.* If the amount of the assessment that an insured depository institution fails or refuses to pay is less than $10,000 at the time of such failure or refusal, the amount of any penalty to which such institution is subject under paragraph (d)(9)(i) of this section shall not exceed $122 for each day that such violation continues.

(iv) *Authority to modify or remit penalty.* The Corporation, in the sole discretion of the Corporation, may compromise, modify, or remit any penalty that the Corporation may assess or has already assessed under paragraph (d)(9)(i) of this section upon a finding that good cause prevented the timely payment of an assessment.

(10) *Civil money penalties assessed pursuant to 12 U.S.C. 1829b(j) for recordkeeping violations.* Pursuant to section 19b(j) of the FDIA (12 U.S.C. 1829b(j)), civil money penalties may be assessed against an insured depository institution and any director, officer or employee thereof who willfully or through gross negligence violates or causes a violation of the recordkeeping requirements of that section or its implementing regulations in an amount not to exceed $20,521 per violation.

(11) *Civil money penalties pursuant to 12 U.S.C. 1832(c) for violation of provisions regarding interest-bearing demand deposit accounts.* Pursuant to 12 U.S.C. 1832(c), any depository institution that violates the prohibition regarding interest-bearing demand deposit accounts shall be subject to a fine of $2,852 per violation.

(12) *Civil penalties for violations of security measure requirements under 12 U.S.C. 1884.* Pursuant to 12 U.S.C. 1884, an institution that violates a rule establishing minimum security requirements as set forth in 12 U.S.C. 1882, shall be subject to a civil penalty not to exceed $285 for each day of the violation.

(13) *Civil money penalties assessed pursuant to 12 U.S.C. 1972(2)(F) for prohibited tying arrangements.* Pursuant to the Bank Holding Company Act of 1970, Tier One civil money penalties may be assessed pursuant to 12 U.S.C. 1972(2)(F)(i) in an amount not to exceed $9,819 for each day during which the violation continues. Tier Two civil money penalties may be assessed pursuant to 12 U.S.C. 1972(2)(F)(ii) in an amount not to exceed $49,096 for each day during which the violation, practice or breach continues. Tier Three civil money penalties may be assessed pursuant to 12 U.S.C. 1972(2)(F)(iii) in an amount not to exceed, in the case of any person other than an insured depository institution $1,963,870 for each day during which the violation, practice, or breach continues or, in the case of any insured depository institution, an amount not to exceed the lesser of $1,963,870 or 1 percent of the total assets of such institution for each day during which the violation, practice, or breach continues.

(14) *Civil money penalties assessed pursuant to 12 U.S.C. 3909(d).* Pursuant to the International Lending Supervision Act (ILSA) (12 U.S.C. 3909(d)), civil money penalties may be assessed against any institution or any officer, director, employee, agent or other person participating in the conduct of the affairs of such institution is an amount not to exceed $2,443 for each day a violation of the ILSA or any rule, regulation or order issued pursuant to ILSA continues.

(15) *Civil money penalties assessed for violations of 15 U.S.C. 78u–2.*

Pursuant to section 21B of the Securities Exchange Act of 1934 (Exchange Act) (15 U.S.C. 78u–2), civil money penalties may be assessed for violations of certain provisions of the Exchange Act, where such penalties are in the public interest. Tier One civil money penalties may be assessed pursuant to 15 U.S.C. 78u–2(b)(1) in an amount not to exceed $9,239 for a natural person or $92,383 for any other person for violations set forth in 15 U.S.C. 78u–2(a). Tier Two civil money penalties may be assessed pursuant to 15 U.S.C. 78u–2(b)(2) in an amount not to exceed—for each violation set forth in 15 U.S.C. 78u–2(a)—$92,383 for a natural person or $461,916 for any other person if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement. Tier Three civil money penalties may be assessed pursuant to 15 U.S.C. 78u–2(b)(3) for each violation set forth in 15 U.S.C. 78u–2(a), in an amount not to exceed $184,767 for a natural person or $923,831 for any other person, if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and such act or omission directly or indirectly resulted in substantial losses, or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

(16) *Civil money penalties assessed pursuant to 15 U.S.C. 1639e(k) for appraisal independence violations.* Pursuant to section 1472(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Appraisal Independence Rule) (15 U.S.C. 1639e(k)), civil money penalties may be assessed for an initial violation of the Appraisal Independence Rule in an amount not to exceed $11,279 for each day during which the violation continues and, for subsequent violations, $22,556 for each day during which the violation continues.

(17) *Civil money penalties assessed for false claims and statements pursuant to 31 U.S.C. 3802.* Pursuant to the Program Fraud Civil Remedies Act (31 U.S.C. 3802), civil money penalties of not more than $11,181 per claim or statement may be assessed for violations involving false claims and statements.

(18) *Civil money penalties assessed for violations of 42 U.S.C. 4012a(f).* Pursuant to the Flood Disaster Protection Act (FDPA) (42 U.S.C. 4012a(f)), civil money penalties may be assessed against any regulated lending institution that engages in a pattern or practice of violations of the FDPA in an amount not to exceed $2,133 per violation.

Dated at Washington, DC on December 19, 2017.

By order of the Board of Directors.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2018–00403 Filed 1–11–18; 8:45 am]

BILLING CODE 6714–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1083

Civil Penalty Inflation Adjustments

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is adjusting for inflation the maximum amount of each civil penalty within the Bureau's jurisdiction. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act). The inflation adjustments mandated by the Inflation Adjustment Act serve to maintain the deterrent effect of civil penalties and to promote compliance with the law.

DATES: This final rule is effective January 15, 2018.

FOR FURTHER INFORMATION CONTACT: Monique Chenault, Paralegal Specialist, Office of Regulations, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act of 1990,[1] as amended by the Debt Collection Improvement Act of 1996 [2] and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act),[3] directs Federal agencies to adjust for inflation the civil penalty amounts within their jurisdiction not later than July 1, 2016, and then not later than January 15 every year thereafter.[4] 28 U.S.C. 2461 note. Each agency was required to make the 2016 one-time catch-up adjustments through an interim final rule published in the **Federal Register.** On June 14, 2016, the Bureau published its interim final rule to make the initial catch-up adjustments to civil penalties within the Bureau's jurisdiction.[5] The June 2016 interim final rule created a new part 1083 and in § 1083.1 established the inflation-adjusted maximum amounts for each civil penalty within the Bureau's jurisdiction.[6] The Inflation Adjustment Act also requires subsequent adjustments to be made annually, not later than January 15, and notwithstanding section 553 of the Administrative Procedure Act (APA).[7]

Specifically, Federal agencies are directed to adjust annually each civil penalty provided by law within the jurisdiction of the agency by the ''cost-of-living adjustment.'' [8] For annual adjustments after the initial catch up adjustments, the ''cost-of-living adjustment'' is defined as the percentage (if any) by which the Consumer Price Index for All Urban Consumers (CPI–U) for the month of October preceding the date of the adjustment, exceeds the CPI–U for October of the prior year.[9] The Director of the Office of Management and Budget (OMB) is required to issue guidance (OMB Guidance) every year by December 15 to agencies on implementing the annual civil penalty inflation adjustments.[10] Pursuant to the Inflation Adjustment Act and OMB Guidance, agencies must apply the multiplier reflecting the ''cost-of-living adjustment'' to the current penalty amount and then round that amount to the nearest dollar to determine the annual adjustments.[11]

For the 2018 annual adjustment, the multiplier reflecting the ''cost-of-living

[1] Public Law 101–410, 104 Stat. 890.

[2] Public Law 104–134, section 31001(s)(1), 110 Stat. 1321, 1321–373.

[3] Public Law 114–74, section 701, 129 Stat. 584, 599.

[4] Section 1301(a) of the Federal Reports Elimination Act of 1998, Public Law 105–362, 112 Stat. 3293, also amended the Inflation Adjustment Act by striking section 6, which contained annual reporting requirements, and redesignating section 7 as section 6, but did not alter the civil penalty adjustment requirements.

[5] 81 FR 38569 (June 14, 2016). Although the Bureau was not obligated to solicit comments for the interim final rule, the Bureau invited public comment and received none.

[6] *See* 12 CFR 1083.1.

[7] Inflation Adjustment Act section 4, *codified* at 28 U.S.C. 2461 note.

[8] Inflation Adjustment Act sections 4 and 5, *codified* at 28 U.S.C. 2461 note.

[9] Inflation Adjustment Act sections 3 and 5, *codified* at 28 U.S.C. 2461 note.

[10] Inflation Adjustment Act section 7, *codified* at 28 U.S.C. 2461 note.

[11] Inflation Adjustment Act section 5, *codified* at 28 U.S.C. 2461 note; Memorandum to the Exec. Dep'ts & Agencies from Mick Mulvaney, Director, Office of Mgmt. & Budget (Dec. 15, 2017), *available at https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf.*

adjustment'' is 1.02041.[12] Pursuant to the Inflation Adjustment Act and OMB Guidance, the Bureau multiplied each of its civil penalty amounts by the ''cost-of-living adjustment'' multiplier and rounded to the nearest dollar.[13]

The new penalty amounts that apply to civil penalties assessed after January 15, 2018 are as follows:

Law	Penalty description	Penalty amounts established under 2017 final rule	OMB ''Cost-of-Living Adjustment'' multiplier	New penalty amount
Consumer Financial Protection Act, 12 U.S.C. 5565(c)(2)(A)	Tier 1 penalty	$5,526	1.02041	$5,639
Consumer Financial Protection Act, 12 U.S.C. 5565(c)(2)(B)	Tier 2 penalty	27,631	1.02041	28,195
Consumer Financial Protection Act, 12 U.S.C. 5565(c)(2)(C)	Tier 3 penalty	1,105,241	1.02041	1,127,799
Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1717a(a)(2)	Per violation	1,925	1.02041	1,964
Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1717a(a)(2)	Annual cap	1,924,589	1.02041	1,963,870
Real Estate Settlement Procedures Act, 12 U.S.C. 2609(d)(1)	Per failure	90	1.02041	92
Real Estate Settlement Procedures Act, 12 U.S.C. 2609(d)(1)	Annual cap	181,071	1.02041	184,767
Real Estate Settlement Procedures Act, 12 U.S.C. 2609(d)(2)(A)	Per failure, where intentional	181	1.02041	185
SAFE Act, 12 U.S.C. 5113(d)(2)	Per violation	27,904	1.02041	28,474
Truth in Lending Act, 15 U.S.C. 1639e(k)(1)	First violation	11,053	1.02041	11,279
Truth in Lending Act, 15 U.S.C. 1639e(k)(2)	Subsequent violations	22,105	1.02041	22,556

II. Legal Authority

The Bureau issues this final rule under the Federal Civil Penalties Inflation Adjustment Act of 1990,[14] as amended by the Debt Collection Improvement Act of 1996 [15] and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,[16] which requires the Bureau to adjust for inflation the civil penalties within its jurisdiction according to a statutorily prescribed formula.

III. Procedural Requirements

A. Administrative Procedure Act

Under the APA, notice and opportunity for public comment are not required if the Bureau finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.[17] Pursuant to this final rule, § 1083.1 is amended to update the civil penalty amounts. The 2018 adjustments to the civil penalty amounts are technical and non-discretionary, and they merely apply the statutory method for adjusting civil penalty amounts. These adjustments are required by the Inflation Adjustment Act. Moreover, the Inflation Adjustment Act directs agencies to adjust the civil penalties annually notwithstanding section 553 of the APA,[18] and OMB Guidance reaffirms that agencies need not complete a notice-and-comment process before making the annual adjustments for inflation.[19] For these reasons, the Bureau has determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendment is adopted in final form.

Section 553(d) of the APA generally requires publication of a final rule not less than 30 days before its effective date, except (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) as otherwise provided by the agency for good cause found and published with the rule.[20] At a minimum, the Bureau believes the annual adjustments to the civil penalty amounts in § 1083.1 fall under the third exception to section 553(d). The Bureau finds that there is good cause to make the amendments effective on January 15, 2018. The amendments to § 1083.1 in this final rule are technical and non-discretionary, and they merely apply the statutory method for adjusting civil penalty amounts and follow the statutory directive to make annual adjustments by January 15 of each year. Moreover, the Inflation Adjustment Act directs agencies to adjust the civil penalties annually notwithstanding section 553 of the APA,[21] and OMB Guidance reaffirms that agencies need not provide a delay in effective date for the annual adjustments for inflation.[22]

B. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[23]

C. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,[24] the Bureau reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

D. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), CFPB will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the rule taking effect. The Office of Information and Regulatory Affairs (OIRA) has designated this rule as not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 12 CFR Part 1083

Administrative practice and procedure, Consumer protection, Penalties.

Authority and Issuance

For the reasons set forth above, the Bureau amends 12 CFR part 1083 as set forth below:

[12] Memorandum to the Exec. Dep'ts & Agencies from Mick Mulvaney, Director, Office of Mgmt. & Budget (Dec. 15, 2017), *available at https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf.*

[13] In rounding to the nearest dollar, the Bureau has rounded down where the digit immediately following the decimal point is less than 5 and has rounded up where the digit immediately following the decimal point is 5 or greater.

[14] Public Law 101–410, 104 Stat. 890.

[15] Public Law 104–134, section 31001(s)(1), 110 Stat. 1321, 1321–373.

[16] Public Law 114–74, section 701, 129 Stat. 584, 599.

[17] 5 U.S.C. 553(b)(B).

[18] Inflation Adjustment Act section 4, *codified* at 28 U.S.C. 2461 note.

[19] Memorandum to the Exec. Dep'ts & Agencies from Mick Mulvaney, Director, Office of Mgmt. & Budget (Dec. 15, 2017), *available at https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf.*

[20] 5 U.S.C. 553(d).

[21] Inflation Adjustment Act section 4, *codified* at 28 U.S.C. 2461 note.

[22] Memorandum to the Exec. Dep'ts & Agencies from Mick Mulvaney, Director, Office of Mgmt. & Budget (Dec. 15, 2017), *available at https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf.*

[23] 5 U.S.C. 603(a), 604(a).

[24] 44 U.S.C. 3506; 5 CFR part 1320.

PART 1083—CIVIL PENALTY ADJUSTMENTS

■ 1. The authority citation for part 1083 continues to read as follows:

Authority: 12 U.S.C. 2609(d); 12 U.S.C. 5113(d)(2); 12 U.S.C. 5565(c); 15 U.S.C. 1639e(k); 15 U.S.C. 1717a(a); 28 U.S.C. 2461 note.

■ 2. Section 1083.1 is revised to read as follows:

§ 1083.1 Adjustments of civil penalty amounts.

(a) The maximum amount of each civil penalty within the jurisdiction of the Consumer Financial Protection Bureau to impose is adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. 2461 note), as follows:

U.S. Code citation	Civil penalty description	Adjusted maximum civil penalty amount
12 U.S.C. 5565(c)(2)(A)	Tier 1 penalty	$5,639
12 U.S.C. 5565(c)(2)(B)	Tier 2 penalty	28,195
12 U.S.C. 5565(c)(2)(C)	Tier 3 penalty	1,127,799
15 U.S.C. 1717a(a)(2)	Per violation	1,964
15 U.S.C. 1717a(a)(2)	Annual cap	1,963,870
12 U.S.C. 2609(d)(1)	Per failure	92
12 U.S.C. 2609(d)(1)	Annual cap	184,767
12 U.S.C. 2609(d)(2)(A)	Per failure, where intentional	185
12 U.S.C. 5113(d)(2)	Per violation	28,474
15 U.S.C. 1639e(k)(1)	First violation	11,279
15 U.S.C. 1639e(k)(2)	Subsequent violations	22,556

(b) The adjustments in paragraph (a) of this section shall apply to civil penalties assessed after January 15, 2018, regardless of when the violation for which the penalty is assessed occurred.

Dated: January 4, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–00399 Filed 1–11–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1244; Product Identifier 2013–NM–145–AD; Amendment 39–19152; AD 2018–01–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A319–115 and A319–133 airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. This AD was prompted by a fire during a flight, in the vicinity of the gaseous oxygen system (GOS) for passengers. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective January 29, 2018.

We must receive comments on this AD by February 26, 2018.

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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 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–2017–1244; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2014–0045, dated February 25, 2014; corrected March 4, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A319–115 and A319–133 airplanes. The MCAI states:

> Following an ECAM [electronic centralized aircraft monitor] warning ''CARGO SMOKE'' during flight, the flight crew elected to divert and the aeroplane made an uneventful landing. The post-flight inspection evidenced a heavy fire in the vicinity of the Gaseous Oxygen System (GOS) for passengers, located close to the cargo area. The origin of the fire has not been clearly identified. After more investigation, Airbus determined that the current optional passenger GOS design, specific to A319 aeroplanes, is not robust enough to prevent further events of this kind.
>
> This condition, if not detected and corrected, could lead to an uncontrolled fire, possibly resulting in loss of the aeroplane.
>
> To address this potential unsafe condition, Airbus developed mod 153555 to improve

the (optional) A319 GOS for passengers and published Service Bulletin (SB) A320–35–1062 to provide that modification for in-service application.

Consequently, EASA issued AD 2013–0153 to require modification of the passenger GOS installation.

Since that [EASA] AD was issued, a mistake was identified in Airbus SB A320–35–1062 concerning the pressure relief valve installation and the SB has been corrected and revised accordingly with mod 155860.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2013–0153, which is superseded, but requires those actions to be done in accordance with the instructions of Airbus SB 35–1062 Revision 01.

This [EASA] AD has been republished to correct an error that referenced the wrong effective date for EASA AD 2013–0153.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1244.

FAA's Determination and Requirements of This 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. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason(s) stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–1244; Product Identifier 2013–NM–145–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition, and doing the actions specified in those instructions. Based on the actions specified in the MCAI AD, we are providing the following cost estimates for an affected airplane that is placed on the U.S. Register in the future:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Passenger GOS modification	Up to 33 work-hours × $85 per hour = $2,805.	Up to $30,782	Up to $33,587
Placard modification	5 work-hours × $85 per hour = $425.	$0	$425
Pressure hose modification	8 work-hours × $85 per hour = $680.	$9,690	$10,370

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–01–11 Airbus: Amendment 39–19152; Docket No. FAA–2017–1244; Product Identifier 2013–NM–145–AD.

(a) Effective Date

This AD becomes effective January 29, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A319–115 and A319–133 airplanes, certificated in any category, all manufacturer serial numbers, having received in production Airbus modification 33125 (installation of Gaseous Oxygen System (GOS) for passengers), except those on which Airbus modification 153555 and 155860 have been embodied in production.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by a fire during a flight, in the vicinity of the GOS for passengers. We are issuing this AD to prevent an uncontrolled fire in the vicinity of the GOS for passengers, near the cargo area, which could result in loss of the airplane.

(f) Compliance

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

(g) Required Action(s)

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the actions at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2014–0045, dated February 25, 2014; corrected March 4, 2014.

(h) 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 (i)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) Refer to MCAI EASA AD 2014–0045, dated February 25, 2014; corrected March 4, 2014, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1244.

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

(j) Material Incorporated by Reference

None.

Issued in Renton, Washington, on January 2, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–00343 Filed 1–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0629; Product Identifier 2016–NM–184–AD; Amendment 39–19149; AD 2018–01–08]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD was prompted by reports of fatigue cracking in the frame outboard chord and in the radius of the auxiliary chord at a certain area. This AD requires inspections to detect this cracking, and corrective action if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 16, 2018 .

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 26, 2012 (77 FR 69747, November 21, 2012).

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0629.

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–2017–0629; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on June 30, 2017 (82 FR 29792). The NPRM was prompted by reports of fatigue cracking in the frame outboard chord and in the radius of the auxiliary chord at a certain area. The NPRM proposed to require inspections to detect this cracking, and corrective action if necessary. We are issuing this AD to detect and correct fatigue cracking of the outboard and auxiliary chords, which could result in reduced structural integrity of the outboard chord and consequent rapid decompression of the airplane.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments

received on the NPRM and the FAA's response to each comment.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing Supplemental Type Certificate (STC) ST01219SE does not affect the ability to accomplish the actions specified in the NPRM.

We agree with the commenter. We have redesignated paragraph (c) of the proposed AD as (c)(1) and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative methods of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Remove Certain Language in Paragraph (i) of the Proposed AD

Boeing asked that the language ''and repair'' be removed from paragraph (i) of the proposed AD. Boeing stated that the language in paragraph (i) refers to a section in Part 6 of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006, which is to determine if the modification should be classified as interim or permanent. Boeing noted that the additional language ''and repair'' is not part of that section, and suggested it be deleted.

We agree with the commenter's request for the reason provided. We have deleted ''and repair'' from paragraph (i) of this AD.

Request To Clarify Certain Language

Swiftair S.A. stated that the language describing the requirements in paragraph (h) of the proposed AD is confusing. Swiftair asked that the effectivity and the requirements identified in paragraph (h) of the proposed AD be clarified in some way due to extensive sub-paragraphs. Swiftair recommended that the ''and'' in the sentence be emphasized.

We acknowledge the commenter's concern. However, we cannot emphasize or highlight specific text in an AD. The affected airplanes in paragraph (h) of the AD are those that meet all of the criteria specified in the sub-paragraphs. We have not changed this AD in this regard.

Swiftair S.A. also stated that the language describing the requirements in paragraph (j) of the proposed AD is confusing. Swiftair added that the pre-regulatory text in the NPRM refers to actions from AD 2012–23–04, Amendment 39–17260 (77 FR 69747, November 21, 2012) (''AD 2012–23–04'') and the combination of that rulemaking and the actions in the proposed AD is confusing. Swiftair also stated that paragraph (r) of AD 2012–23–04 should be explained in the current requirements and not in the pre-regulatory text.

We agree that some clarification is necessary. Concerning the request to include the current requirements of AD 2012–23–04 in this AD, we would have had to issue different rulemaking. Instead of a stand-alone AD, the alternative would have been to supersede AD 2012–23–04, which would have resulted in a single but considerably more complex AD. All operators identified in AD 2012–23–04 would then have to show compliance with the new supersedure AD. Our experience with similar complex ADs, and with operator feedback, is that it is preferable to leave the existing AD as is and issue a related but stand-alone AD such as this one.

To clarify the criteria in paragraph (h)(3) of this AD, we have added Note 1 to paragraph (h)(3) of this AD to reference the optional terminating action specified in paragraph (r) of AD 2012–23–04.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006. The service information describes procedures for inspections for cracks of the body station (BS) 727 frame outboard chord and in the radius of the auxiliary chord, and repair or replacement if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 160 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Affected airplanes of U.S. registry	Cost per product	Cost on U.S. operators
Detailed and High Frequency Eddy Current (HFEC) inspections.	6 work-hours × $85 per hour = $510 per inspection cycle.	5	$510	$2,550 per inspection cycle.
One-time follow-on HFEC inspection	9 work-hours × $85 per hour = $765	5	765	$3,825.
HFEC inspection	9 work-hours × $85 per hour = $765	150	765	$114,750.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair of cracking of the outboard chord frame	514 work-hours × $85 per hour = $43,690	$13,586	$57,276.
Repair of cracking of the outboard chord	49 work-hours × $85 per hour = $4,165	4,255	8,420.

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–01–08 The Boeing Company: Amendment 39–19149; Docket No. FAA–2017–0629; Product Identifier 2016–NM–184–AD.

(a) Effective Date

This AD is effective February 16, 2018.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/EBD1CEC7B301293E86257CB30045557A?OpenDocument&Highlight=st01219se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracking in the frame outboard chord and in the radius of the auxiliary chord at body station (BS) 727 and stringer (S) 18A. We are issuing this AD to detect and correct fatigue cracking of the outboard and auxiliary chords, which could result in reduced structural integrity of the outboard chord and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Action

For airplanes identified in paragraph (h) of this AD: Within 4,500 flight cycles or 24 months after the effective date of this AD, whichever occurs first, do internal detailed and High Frequency Eddy Current (HFEC) inspections to detect cracks in the auxiliary chord radius, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006. If any crack is found during any inspection required by this paragraph, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD. Repeat the inspections thereafter at intervals not to exceed 15,000 flight cycles. Replacement of the outboard chord of the frame at BS 727 concurrently with the installation of the preventive modification of the outboard chord in accordance with Part 6 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006, terminates the repetitive inspections required by this paragraph.

(h) Airplanes for Actions Specified in Paragraph (g) of This AD

The actions specified in paragraph (g) of this AD are required for airplanes that meet the criteria of paragraphs (h)(1), (h)(2), (h)(3), and (h)(4) of this AD.

(1) Model 737–100, –200, and –200C series airplanes, line numbers 1 through 999 inclusive.

(2) Airplanes identified as Groups 1, 2, and 3 in Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006.

(3) Airplanes on which a preventive modification has been installed in accordance with the method specified in paragraph (h)(3)(i), (h)(3)(ii), or (h)(3)(iii) of this AD.

Note 1 to paragraph (h)(3) of this AD: The modification identified in paragraph (h)(3) of this AD is also specified in paragraph (r) of AD 2012–23–04, Amendment 39–17260 (77 FR 69747, November 21, 2012), as optional terminating action.

(i) Part 6 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006.

(ii) Part II of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 1, dated May 25, 1995.

(iii) Part II of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, dated June 30, 1994.

(4) Airplanes on which the outboard chord has not been replaced in accordance with the method specified in paragraph (h)(4)(i), (h)(4)(ii), or (h)(4)(iii) of this AD.

(i) Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006.

(ii) Part I of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 1, dated May 25, 1995.

(iii) Part I of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, dated June 30, 1994.

(i) Edge Margin Measurement, Related Investigative Actions, and Repair

For Model 737–100, –200, and –200C series airplanes having line numbers 1 through 999 inclusive, identified as Groups 1 through 3 in Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006, on which the preventive modification has been installed in accordance with Boeing Alert Service Bulletin 737–53A1166, dated June 30, 1994; or Boeing Alert Service Bulletin 737–53A1166, Revision 1, dated May 25, 1995: Within 60,000 flight cycles after accomplishing the preventive modification, determine if the modification is classified as interim or permanent by using the edge margin measurement classification specified in part 6 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006. In lieu of measuring on the airplane, a review of engineering documentation may be used to classify the modification if the engineering documentation was completed at the time of the modification and has the edge margins recorded.

(1) If the modification is classified as permanent, no further action is required by paragraph (i) of this AD.

(2) If the modification is classified as interim: Within 60,000 flight cycles after accomplishment of the interim modification of the outboard chord of the frame at BS 727 at S–18A, but no earlier than 50,000 flight cycles after accomplishment of the modification, do a one-time follow-on open-hole eddy current inspection to detect cracks in the modified chord, in accordance with part 8 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006. If any crack is found, before further flight, repair in accordance with part 3 or part 4, as applicable, of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006; except, if the repairs cannot be installed using the identified procedures, repair before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(j) Follow-On Inspection for Interim Modification and Repair

For airplanes having line numbers 1 through 3132 inclusive, on which an interim modification of the BS 727 outboard chord as defined in part 6 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006, has been accomplished: Within 60,000 flight cycles after accomplishment of the interim modification of the outboard chord of the frame at BS 727 at S–18A, but no earlier than 50,000 flight cycles after accomplishment of the modification, do a one-time follow-on open-hole eddy current inspection to detect cracks in the modified chord, in accordance with part 8 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006. If any crack is found during the inspection required by this paragraph, before further flight, repair in accordance with part 3 or part 4, as applicable, of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006; except, where the repairs cannot be installed using the procedures identified in this service bulletin, repair before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(k) Exception to the Service Information

Access and restoration procedures specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006, are not required by this AD. Operators may do those actions following their approved maintenance procedures.

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

(m) Related Information

For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov*.

(n) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on December 26, 2012 (77 FR 69747, November 21, 2012).

(i) Boeing Alert Service Bulletin 737–53A1166, Revision 2, dated May 25, 2006.

(ii) Reserved.

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

(5) 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.

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

Issued in Renton, Washington, on January 2, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–00256 Filed 1–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1242; Product Identifier 2013–NM–043–AD; Amendment 39–19150; AD 2018–01–09]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 95–25–02, which applied to certain Fokker Services B.V. Model F28 Mark 0100

airplanes. AD 95–25–02 required inspection(s) to detect cracks of the fuselage-mounted half of hinge assemblies of the small cargo door, and replacement of any cracked hinge assembly with a new hinge assembly. This new AD was prompted by a report that the hinges of the small cargo door are made of a material that is sensitive to stress corrosion and fatigue cracking, and by the determination that the existing inspection program does not provide sufficient protection against fatigue-induced cracks. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective January 29, 2018.

We must receive comments on this AD by February 26, 2018.

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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 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–2017–1242; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1137; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 95–25–02, Amendment 39–9446 (60 FR 63615, December 12, 1995) (''AD 95–25–02''), which applied to certain Fokker Services B.V. Model F28 Mark 0100 airplanes. AD 95–25–02 was prompted by a report that the hinges of the small cargo door are made of a material that is sensitive to stress corrosion cracking. AD 95–25–02 required inspection(s) to detect cracks of the fuselage-mounted half of hinge assemblies of the small cargo door, and replacement of any cracked hinge assembly with a new hinge assembly. We issued AD 95–25–02 to prevent failure of the hinges of the small cargo door due to stress corrosion cracking, which could result in opening and/or separation of the door while the airplane is in flight, and resultant rapid decompression and/or structural damage to the airplane.

Since we issued AD 95–25–02, we have determined that the existing inspection program does not provide sufficient protection against fatigue-induced cracks.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2013–0028, dated February 8, 2013 (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:

> Over the years, stress corrosion- and fatigue-induced cracks were found on the hinges of the downward opening small cargo doors installed on Fokker F28 Mark 0100 aeroplanes.
>
> To address the potential unsafe condition with respect to stress corrosion, CAA–NL issued AD (BLA) 93–036/2 [which corresponded to FAA AD 95–25–02] to require repetitive inspections and, if cracks are found, replacement of the hinges with hinges of a new design. These new hinges were installed before delivery on aeroplanes with s/n 11409 and higher.
>
> To ensure the continued structural integrity with respect to fatigue, a repetitive inspection was included in the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness.
>
> As part of the Widespread Fatigue Damage re-evaluation, it was concluded that the repetitive fatigue inspection in the ALS does not provide a sufficient level of protection against the fatigue-induced cracks.
>
> For the reasons described above, this [EASA] AD retains the requirements of CAA–NL AD 93–036/2, which is superseded, and requires replacement of Part Number (P/N) A28410–405 and P/N A28410–407 hinges with modified P/N D28410–409 hinges.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1242.

FAA's Determination and Requirements of This 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. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason(s) stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–1242; Product Identifier 2013–NM–043–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition, and doing the actions specified in those instructions. Based on the actions specified in the MCAI AD,

we are providing the following cost estimates for an affected airplane that is placed on the U.S. Register in the future:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Inspections (retained actions from AD 95–25–02).	2 work-hours × $85 per hour = $170 per inspection cycle.	$0	$170 per inspection cycle.
Replacement (new action)	Up to 186 work-hours × $85 per hour = $15,810.	Up to $7,700	Up to $23,510.

We estimate the following costs to do any necessary on-condition replacements that would be required based on the results of the required actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement (retained actions from AD 95–25–02).	Up to 186 work-hours × $85 per hour = $15,810.	Up to $7,700	Up to $23,510.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 95–25–02, Amendment 39–9446 (60 FR 63617, December 12, 1995), and adding the following new AD:

2018–01–09 Fokker Services B.V.: Amendment 39–19150; Docket No. FAA–2017–1242; Product Identifier 2013–NM–043–AD.

(a) Effective Date

This AD becomes effective January 29, 2018.

(b) Affected ADs

This AD replaces AD 95–25–02, Amendment 39–9446 (60 FR 63615, December 12, 1995) (''AD 95–25–02'').

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0100 series airplanes, certificated in any category, serial numbers 11244 through 11267 inclusive, 11284, 11285, 11287, 11288, 11290, 11292, 11294, 11296, 11298, 11299, 11301, 11302, 11304, 11305, 11307, 11309, 11311, 11315, 11317, 11319, 11320, 11322, 11336, 11339, 11341 through 11344 inclusive, 11347, 11348, 11350, 11351, 11362 through 11364 inclusive, 11371, 11374, 11375, 11381 through 11384 inclusive, 11386, 11389, 11390, 11394, and 11401.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by a report that the hinges of the small cargo door are made of a material that is sensitive to stress corrosion cracking, and by the determination that the existing inspection program does not provide sufficient protection against fatigue-induced cracks. We are issuing this AD to prevent failure of the hinges of the small cargo door due to stress corrosion cracking, which could result in opening and/or separation of the door while the airplane is in flight, and resultant rapid decompression and/or structural damage to the airplane.

(f) Compliance

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

(g) Required Action(s)

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the action(s) at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2013–0028, dated February 8, 2013.

(h) 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 (i)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) Refer to MCAI EASA AD 2013–0028, dated February 8, 2013, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1242.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1137; fax: 425–227–1149.

(j) Material Incorporated by Reference

None.

Issued in Renton, Washington, on January 2, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–00339 Filed 1–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1243; Product Identifier 2012–NM–150–AD; Amendment 39–19151; AD 2018–01–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2011–14–10, which applied to certain Airbus Model A330–342 airplanes. AD 2011–14–10 required repetitive ultrasonic inspections for cracks of a certain fuselage frame at the fastener hole area just above a certain stringer, and repair, if necessary. This new AD was prompted by a new fatigue and damage tolerance evaluation, which showed that certain inspection thresholds and intervals need to be shorter. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective January 29, 2018.

We must receive comments on this AD by February 26, 2018.

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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 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–2017–1243; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the 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: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2011–14–10, Amendment 39–16745 (76 FR 41657, July 15, 2011) (''AD 2011–14–10''), which applied to certain Airbus Model A330–342 airplanes. AD 2011–14–10 was prompted by a determination that airworthiness limitation item (ALI) task 533105–10–02 was not performed on certain airplanes. AD 2011–14–10 required repetitive ultrasonic inspections for cracks of fuselage frame 39.1 at the fastener hole area just above stringer 28, and repair, if necessary. We issued AD 2011–14–10 to detect and correct fatigue cracking of the internal structure of the fuselage, which could adversely affect the structural integrity of the airplane.

Since we issued AD 2011–14–10, we have determined, based on a new fatigue and damage tolerance evaluation that took into account airplane usage, that the compliance time threshold and intervals need to be shorter.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2012–0140, dated July 27, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–342 airplanes. The MCAI states:

> Airworthiness Limitation Item (ALI) task 533105–01–02 is applicable to aeroplanes on which Airbus modification 40391 has not been embodied in production. The requirements associated to this task are applicable to aeroplanes on which Modification Proposal (MP) S10374 has not been embodied.
>
> Following a query from an operator, investigations revealed that some aeroplane [manufacturer serial numbers] MSN, for which Airbus modification 40391 was indicated as fully embodied inside the Aircraft Inspection Report (AIR), did not

have MP S10374 which is part of this modification embodied in production. As a result, ALI task 533105–01–02 has not been performed on the aeroplane MSN listed in the applicability section of this [EASA] AD, which constitutes an unsafe condition.

Prompted by these findings, EASA issued AD 2010–0173 [which corresponds to FAA AD 2011–14–10] to require repetitive special detailed inspections corresponding to ALI task 533105–01–02 and, depending on findings, the accomplishment of applicable corrective actions.

Since that [EASA] AD was issued, a new fatigue and damage tolerance evaluation has been done, taking into account the aeroplane utilisation. Certain threshold and interval are more restrictive depending on airplane utilisation.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2010–0173, which is superseded, but requires those actions to be accomplished within amended thresholds and intervals.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1243.

FAA's Determination and Requirements of This 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. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason(s) stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–1243; Product Identifier 2012–NM–150–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition, and doing the actions specified in those instructions. Based on the actions specified in the MCAI AD, we are providing the following cost estimates for an affected airplane that is placed on the U.S. Register in the future:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Inspection (retained action from AD 2011–14–10)	15 work-hours × $85 per hour = $1,275 per inspection cycle.	$0	$1,275 per inspection cycle.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2011–14–10, Amendment 39–16745 (76 FR 41657, July 15, 2011), and adding the following new AD:

2018–01–10 Airbus: Amendment 39–19151; Docket No. FAA–2017–1243; Product Identifier 2012–NM–150–AD.

(a) Effective Date

This AD becomes effective January 29, 2018.

(b) Affected ADs

This AD replaces AD 2011–14–10, Amendment 39–16745 (76 FR 41657, July 15, 2011) (''AD 2011–14–10'').

(c) Applicability

This AD applies to Airbus Model A330–342 airplanes, certificated in any category, manufacturer serial numbers 0012 and 0017.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that airworthiness limitation item (ALI) task 533105–10–02 was not performed on certain airplanes, and a new fatigue and damage tolerance evaluation, which showed that certain inspection thresholds and intervals need to be shorter. We are issuing this AD to detect and correct fatigue cracking of the internal structure of the fuselage, which could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Required Action(s)

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the action(s) at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2012–0140, dated July 27, 2012.

(h) 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 (i)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) Refer to MCAI EASA AD 2012–0140, dated July 27, 2012, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1243.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

(j) Material Incorporated by Reference

None.

Issued in Renton, Washington, on January 2, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–00345 Filed 1–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0032; Airspace Docket No. 17–AEA–1]

Amendment of Class D Airspace and Revocation of Class E Airspace; Fort Eustis, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace designated as an extension at Fort Eustis, VA, as the Felker non-directional beacon (NDB) has been decommissioned, and the approaches cancelled at Felker Army Airfield, (AAF). This action also updates the airport's geographic coordinates under Class D airspace.

DATES: Effective 0901 UTC, March 29, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it removes Class E airspace designated as an extension, and amends Class D airspace at Felker AAF, Fort Eustis, VA, to support IFR operations under standard instrument approach procedures at the airport.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (82 FR 16952, April 7, 2017) for Docket No. FAA–2017–0032. The NPRM proposed to amend Class E airspace designated as an extension at Felker AAF, Fort Eustis, VA, due to the decommissioning of the Felker NDB and cancellation of the NDB approach. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

This action also makes an editorial change to the Class D airspace legal description removing the words ''(formerly the Airport/Facility Directory)''. Except for this change, the rule is the same as published in the NPRM.

Class D and E airspace designations are published in paragraph 5000, and 6005, respectively, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by removing Class E airspace designated as an extension to a Class D surface area at Felker Army Airfield, Fort Eustis, VA, due to the decommissioning of the Felker NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport are adjusted under Class D to coincide with the FAA's aeronautical database.

Additionally, this action removes the words ''(formerly the Airport/Facility Directory)'' from the Class D airspace legal description.

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA VA D Fort Eustis, VA [Amended]

Felker Army Airfield, Fort Eustis, VA
(Lat. 37°07′57″ N, long. 76°36′32″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.4-mile radius of Felker Army Airfield, excluding the portion that coincides with the Newport News, VA, Class D airspace area. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be published continuously in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA VA E4 Fort Eustis, VA [Removed]

Issued in College Park, Georgia, on January 4, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–00397 Filed 1–11–18; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 3 and 9

RIN 3038–AE15

Technical Amendments to Rules on Registration and Review of Exchange Disciplinary, Access Denial, or Other Adverse Actions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is adopting certain amendments to its rules that, respectively, govern registration of intermediaries and relate to the Commission's review of exchange disciplinary, access denial, or other adverse actions. Generally speaking, these amendments are technical in nature. The amendments to both areas of the rules integrate existing advisory guidance. The amendments to the rules on review of exchange disciplinary, access denial, or other adverse actions also incorporate swap execution facilities (''SEFs'') and update provisions currently applicable to designated contract markets (''DCMs''). These final rules also remove numerous outdated cross-references, and add citations to applicable parallel provisions contained in other Commission regulations pertaining to SEFs and DCMs. Additionally, the final rules address the publication of final disciplinary and access denial actions taken by the SEFs and DCMs on their exchange websites.

DATES: This final rule is effective March 13, 2018.

FOR FURTHER INFORMATION CONTACT: Rachel Berdansky, Deputy Director, 202–418–5429 or *rberdansky@cftc.gov;* David Steinberg, Associate Director, 202–418–5102 or *dsteinberg@cftc.gov;* Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

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I. Background

A. Description of Part 9

On December 20, 1978, the Commission adopted part 9 rules relating to the Commission's review of exchange disciplinary, access denial, or other adverse actions.[1] These rules detail the process and procedures for Commission review, including the appellate process in cases where a person applies to the Commission for review. The rules also address the procedures and standards governing filing and service, motions, and settlement; the process that exchanges must follow in providing notice of the final disciplinary action to the subject of the action and to the Commission; and the publication of such notice. As discussed below, DCMs and SEFs are already required to comply with the part 9 regulations.

B. DCM Final Rules and Part 8 Removal

In June 2012, the Commission adopted final regulations for DCMs (''DCM Final Rules'').[2] Commission regulation 38.2 of the DCM Final Rules provides that DCMs ''shall comply with all applicable regulations under Title 17 of the Code of Federal Regulations,'' except for certain exempt provisions.[3] Part 9 applies to DCMs by defining ''exchange'' in Commission regulation 9.2(c) for purposes of the rules as ''any board of trade which has been designated as a contract market.''[4]

Additionally, in the DCM Final Rules, the Commission adopted regulations in Subpart N—Disciplinary Procedures of part 38 to amend the disciplinary procedures applicable to DCMs.[5] Several of the regulations adopted in subpart N of part 38 are similar to the text of the disciplinary procedures found in former part 8—exchange procedures for disciplinary, summary, and membership denial actions.[6] The Commission removed part 8 from the regulations in order to avoid any confusion from having two sets of disciplinary procedures for DCMs.[7] As a result of this removal, the current part 9 rules, which contain cross-references to part 8 throughout, are being updated in the final rules to instead cite to parallel provisions now contained in part 37 for SEFs and part 38 for DCMs.

C. SEF Final Rules

On June 4, 2013, the Commission adopted new rules in part 37 for SEFs (''SEF Final Rules'').[8] In regulation 37.2 of the SEF Final Rules, the Commission specified that SEFs shall comply with the requirements of part 9.[9] Accordingly, for clarity purposes, the final rules amend certain part 9 definitions and language which have not yet been addressed, to integrate them into the post-Dodd-Frank regulatory regime.

II. Summary of the Proposal

A. Amendments to Part 9: Rules Relating to Review of Exchange Disciplinary, Access Denial or Other Adverse Actions

On January 23, 2017, the Commission published a Notice of Proposed Rulemaking (''NPRM'' or ''Proposal'') to amend certain part 3 and part 9 rules.[10] As discussed in the NPRM, most of the amendments are purely ministerial—for instance, some of the proposed changes updated definitions in Commission regulation 9.2 to conform them to the Commodity Exchange Act (''CEA'' or ''Act'') as amended by the Dodd-Frank Act as well as other sections of the Commission's regulations.[11]

The Commission proposed to amend the definitions of four terms in regulation 9.2. First, the Commission proposed to amend the definition of ''disciplinary action'' by removing the reference to ''member of an exchange'' and inserting ''person'' in its place.[12] The Commission explained in the NPRM that it is necessary to expand the ''disciplinary action'' definition to account for instances where an exchange imposes sanctions against a person that is not a member of the exchange.[13] The proposed language to include ''person'' in the ''disciplinary action'' definition is consistent with the statutory language found in Core Principle 2 for DCMs and section 8c(b) of the CEA, as amended by the Dodd-Frank Act.[14] Second, the Commission proposed to amend the definition of ''exchange'' in regulation 9.2(c) to include SEFs. This change makes it clear that the Commission has the discretion to review adverse actions imposed by a SEF and clarify that SEFs are subject to all of the part 9 requirements.[15] Third, the Commission proposed to amend regulation 9.2(f) to expand the definition of ''member of an exchange'' to include any person who has trading privileges on an exchange. This change is necessary to conform the part 9 definition of ''member'' to the meaning set forth in section 1a(34) of the CEA and in 1.3(q) of the Commission's regulations.[16] Fourth, the Commission proposed to amend the definition of ''summary action'' in regulation 9.2(k) by adding references to part 37 for SEFs and replacing the part 8 references with the relevant provisions from part 38.[17]

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[1] 43 FR 59343 (Dec. 20, 1978).

[2] Core Principles and Other Requirements for Designated Contract Markets, 77 FR 36612 (June 19, 2012).

[3] *Id.* at 36697; 17 CFR 38.2. Part 9 is not included in the list of exempt provisions.

[4] 17 CFR 9.2(c).

[5] 17 CFR 38.700 through 38.712.

[6] 43 FR 41950 (Sept. 19, 1978); 17 CFR 38.700 through 38.712. For example, part 8 contained regulations 8.05 (Enforcement staff); 8.08 (Disciplinary committee); and 8.20 (Final decision). Subpart N of part 38 has corresponding provisions: 38.701 (Enforcement staff); 38.702 (Disciplinary panels); and 38.709 (Final decisions).

[7] Although Commission regulation 38.2 of the DCM Final Rules specifies that DCMs are not required to comply with part 8, the Commission removed part 8 to avoid any confusion resulting from the regulations containing two sets of exchange disciplinary procedures as part of the Adaptation of Regulations to Incorporate Swaps Rulemaking. 17 CFR 38.2; and removal of part 8 at 77 FR 66304 (Nov. 2, 2012).

[8] Core Principles and Other Requirements for Swap Execution Facilities, 78 FR 33476 (June 4, 2013).

[9] *See id.* 33479; 17 CFR 37.2.

[10] 82 FR 7738 (Jan. 23, 2017).

[11] *Id.* at 7740.

[12] The Commission also proposed to amend the disciplinary action definition by removing the reference to regulation 8.03(i).

[13] 82 FR 7741 (Jan. 23, 2017).

[14] Section 735 of the Dodd-Frank Act amends section 5 of the CEA, including DCM Core Principle 2. Paragraph (B)—Capacity of Contract Market—of Core Principle 2 specifically requires that the board of trade shall have the capacity to detect, investigate, and apply appropriate sanctions to any *person* that violates any rule of the contract market. Section 8c(b) of the CEA, 7 U.S.C. 12c(b), provides that the Commission may, in its discretion and in accordance with such standards and procedures as it deems appropriate, review any decision by an exchange whereby a person is suspended, expelled, disciplined, or denied access to the exchange. In addition, section 8c(b) of the CEA provides that the Commission may, in its discretion and upon application of any person who is adversely affected by any other exchange action, review such action.

[15] *Id.* The Commission notes that regulation 37.2 requires, among other things, that a SEF shall comply with the part 9 regulations. 17 CFR 37.2. Additionally, footnote 40 of the SEF Final Rules states ''the term 'exchange' used in part 9 of the Commission's regulations should be interpreted to include a SEF for purposes of applying the requirements of part 9 to a SEF.'' 78 FR 33476, 33479 (June 4, 2013).

[16] Section 1a(34) of the CEA provides that the term ''member'' means, among other things, an individual, association, partnership, corporation, or trust having trading privileges on the registered entity. *See also* 17 CFR 1.3(q). By amending the definition of ''member of an exchange'' to include all persons with trading privileges, the Commission is clarifying that the appellate process and Commission review, as defined in part 9, applies to all persons with trading privileges.

[17] Specifically, the proposed definition of ''summary action'' means a disciplinary action resulting in the imposition of a penalty on a person for violation of rules of the exchange permitted under the provisions of part 37, appendix B, Core Principle 2, section (a)(10)(vi) or part 38, appendix B, Core Principle 13, section (a)(4) (penalty for impeding progress of hearing); part 37, appendix B, Core Principle 2, section (a)(14) or part 38, appendix B, Core Principle 13, section (a)(7) (emergency disciplinary actions); part 37, appendix B, Core Principle 2, section (a)(13) (summary fines

Continued

The Commission also proposed to amend regulation 9.11(a) to remove the requirement that an exchange provide written notice to the Commission of a final disciplinary action or access denial action and replace it with a requirement to provide notice to the National Futures Association (''NFA''). As explained in the NPRM, the Commission delegated authority to the NFA in 1999 to receive and process exchange disciplinary and access denial information (''Part 9 Delegation'').[18] Consequently, the NFA currently serves as the official custodian of records for exchange disciplinary filings. The Commission noted in the NPRM that it intends to amend the Part 9 Delegation order, consistent with the requirement that exchanges provide exchange disciplinary and access denial information to the NFA.[19] In 1999, concurrent with the Part 9 Delegation, the Commission also published an advisory permitting exchanges to file § 9.11 notices with the Commission or the NFA (''Part 9 Advisory'').[20] The Commission proposed to codify the Part 9 Advisory and formally replace the regulation 9.11 requirement that written notice be provided to the Commission by amending § 9.11 to require that notice be provided to the NFA via the NFA's BASIC system and eliminate the option of filing the notice with the Commission.

The Commission proposed an amendment to regulation 9.11(b)(3)(ii) by adding the type of product (as applicable) involved in the adverse action as an additional element required to be included in the contents of the notice. The Commission stated in the NPRM that requiring exchanges to provide this information in the § 9.11 notice will provide the Commission, market participants, the public, and other exchanges with greater transparency concerning where market abuses originate and whether the abuses are concentrated among certain product types.[21] The Commission also proposed to amend regulation 9.11(b)(3)(ii) by codifying the clarification contained in the Part 9 Advisory that an exchange indicate in its notice of disciplinary or access denial actions whether the violation underlying the notice resulted in financial harm to any customers.[22]

The Commission also proposed to amend regulation 9.11(c) by deleting instructions for filing notice with the Commission and replacing them with instructions for filing notice with the NFA given the proposed changes to regulation 9.11(a) discussed above. The NPRM provided that filing of the notice with the NFA is accomplished when an authorized exchange employee verifies the accuracy of the information entered into BASIC.

The Commission proposed to amend regulation 9.11(d), which sets forth the effect of delivery and filing by mail, by deleting instructions related to filing notices with the Commission by mail since proposed regulation 9.11(c) calls for notice filings to be made to the NFA via BASIC instead of with the Commission by mail.

Pursuant to Commission regulation 9.12(b), an exchange that determines that a disciplinary action will become effective prior to the expiration of 15 days after written notice to the person that is the subject of such action must provide notification in writing either personally or by telegram or other means of written telecommunication. The exchange also must immediately notify the Commission by telegram or other means of written telecommunication. The Commission proposed to modernize regulation 9.12(b) by replacing references to ''telegram or other means of written telecommunication'' with the term ''email'' and provide a Commission email address for Commission notification.

Commission regulation 9.13 provides that whenever an exchange suspends, expels or otherwise disciplines, or denies any person access to the exchange, it must make its findings public by disclosing at least the information contained in the Commission regulation 9.11(b) notice. An exchange also must make such findings public as soon as the disciplinary action or access denial action becomes effective by posting a notice in a conspicuous place on its premises. As noted in the NPRM, posting a notice of disciplinary action on the premises of an exchange does little to publicize the action.[23] Accordingly, the Commission proposed to modernize regulation 9.13 by requiring the notice to be posted on an exchange's website to which its members, market participants, and the public regularly have access.[24] The Commission also proposed to amend regulation 9.13 by requiring the notice to be maintained and readily available on an exchange's website.[25] As a result, the existing requirement to maintain and make available for public inspection a record of the information contained in the disciplinary or access denial notice would be eliminated.

The Commission also noted in the NPRM that it anticipates that upon the effective date of the final part 9 rules, it will include links on its SmartCheck website to each exchange's website for posting notice of disciplinary action or access denial action.[26]

B. Amendment to Regulation 3.31: Deficiencies, Inaccuracies, and Changes To Be Reported

Pursuant to Commission regulation 3.31, an applicant or registrant as a futures commission merchant (''FCM''), retail foreign exchange dealer (''RFED''), swap dealer (''SD''), major swap participant (''MSP''), commodity trading advisor (''CTA''), commodity pool operator (''CPO''), introducing broker

for violations of rules regarding timely submission of records); or part 38, appendix B, Core Principle 13, section (a)(6) (summary fines for violations of rules regarding timely submission of records, decorum, or other similar activities).

[18] 82 FR 7741 (Jan. 23, 2017). The NFA created the Background Affiliation Status Information Center (''BASIC'') system through which the public can access information pertaining to the types of violations committed, penalties imposed, the effective date of the action, and, in some cases, the text from the exchange's decision.

[19] *Id.*

[20] 64 FR 39915 (July 23, 1999) (''Part 9 Advisory'').

[21] For example, a product trading on a DCM might be specified as a July 2016 Eurodollar future; while a product trading on a SEF may be a CDX North American High Yield Series 26 5 year.

[22] 64 FR 39917 (July 23, 1999).

[23] 82 FR 7743 (Jan. 23, 2017).

[24] The Commission noted in the NPRM that many DCMs have already adopted more modern methods to publicize notices of disciplinary action. 82 FR 7743 (Jan. 23, 2017). For example, the CME Group DCMs (Chicago Board of Trade (''CBOT''), Chicago Mercantile Exchange (''CME''), Commodity Exchange, Inc., (''COMEX''), and New York Mercantile Exchange, Inc. (''NYMEX'')) and ICE Futures U.S. notify subscribers of exchange disciplinary postings via email. The Commission also noted that the amendment generally tracks the Securities and Exchange Commission's (''SEC'') standards for Release of Disciplinary Complaints, Decisions and Other Information in Financial Industry Regulatory Authority, Inc. (''FINRA'') Rule 8313, in which FINRA, with SEC approval, has established its standard for releasing to the public a copy of FINRA issued disciplinary complaints, decisions, and other disciplinary information. *See* FINRA Rule 8313 ''Release of Disciplinary Complaints, Decisions and Other Information,'' available at *http://finra.complinet.com/en/display/display_main.html?rbid=2403&element_id=3892. See also* SEC Release No. 34–69825; File No. SR–FINRA–2013–018 (June 21, 2013).

[25] Some DCMs currently maintain records of disciplinary action on their websites. For example, CBOE Futures Exchange, LLC maintains a disciplinary decision database on its website that allows the public to review disciplinary decisions dating back to 2012. The Commission notes that in the securities industry, the New York Stock Exchange maintains disciplinary notices as far back as 1972.

[26] 82 FR 7743 (Jan. 23, 2017). In November 2014, the CFTC launched the SmartCheck website. It connects investors to tools to check the registration, license, and disciplinary history of certain financial professionals. This collection of tools allows the responsible investor to confirm the credentials of investment professionals, uncover any past disciplinary history, and stay ahead of scam artists with news and alerts.

(''IB''), or floor trader (''FT'') that is a non-natural person or leverage transaction merchant (''LTM'') must promptly correct any deficiency or inaccuracy in Form 7–R or Form 8–R which has rendered the information contained therein non-current or inaccurate. These corrections must be made in accordance with the instructions of each form to create a Form 3–R record of such change.

In 1999, concurrent with the Part 9 Delegation and Part 9 Advisory, the Commission issued an advisory pertaining to part 3 of the Commission's regulations (''Part 3 Advisory''). The Part 3 Advisory relieves registrants and applicants for registrant status from filing the Form 3–R if the information to be reported is solely the result of an exchange disciplinary or access denial action.[27] In 2012, the Commission eliminated the requirement that registrants and individuals use Form 3–R to update their existing Form 7–R or 8–R and provided that an update to a registrant's online Form 7–R or 8–R would automatically create a record of changes equivalent to a completed Form 3–R.[28] The Commission proposed to codify the Part 3 Advisory by amending regulation 3.31(a)(1) with language that relieves applicants or registrants from the obligation to update their Form 7–R or 8–R if the information to be reported is solely the result of an exchange disciplinary or access denial action.

III. Comments on the Proposal

The comment period for the Proposal ended on March 24, 2017. The Commission received one comment letter.[29] The Minneapolis Grain Exchange (''MGEX'') generally supported the Proposal while offering some suggestions for certain provisions. MGEX agreed with the Commission's general approach to modernize permitted methods of communication. For example, MGEX cited the language in proposed regulation 9.11(c) that would require an exchange only to verify that information entered into NFA's BASIC system instead of mailing a notice to the Commission as a positive change. MGEX also favorably cited proposed regulation 9.12(b) that would permit an exchange to email notice of an early effective date of disciplinary action instead of mailing it or by telegram. MGEX noted these changes reduce burdens and suggested that the Commission make similar changes to proposed regulations 9.11(c) and (d) to allow an exchange to email a disciplinary or access denial notice to the person subject to the action.

MGEX agreed that an exchange should publish notices of certain disciplinary actions on its website. However, MGEX requested that an exchange have flexibility regarding how it fulfills this obligation. In particular, MGEX requested that regulation 9.13 be amended to ensure that an exchange has flexibility over the format, style, and location of the notice on its website, as well as any ancillary website relating to the publication of such notices. MGEX stated that an exchange should be able to archive notices on its website after a reasonable period of time. MGEX noted that archived notices should be accessible, but an exchange should have discretion to maintain them separately on its website. In addition, MGEX indicated that there may be situations where removing a notice from its website would be appropriate and exchanges should be provided with this discretion. In support of its position, MGEX stated that the regulatory environment or exchange rules could change over time such that certain notices no longer provide educational or informative value. MGEX commented that having notices that are predicated on antiquated rules may actually confuse members, market participants, or the public. Finally, MGEX requested guidance that regulation 9.13 will be limited to disciplinary actions that were finalized after the effective date of any final rulemaking.

IV. Final Rules and Notice and Order

A. Final Rules

The Commission, in consideration of the MGEX comment, is adopting the part 9 rules as proposed subject to the minor modifications described below. The Commission agrees with MGEX's suggestion to amend regulations 9.11(c) and (d) to allow an exchange to use email as a permitted method of delivering notice of the disciplinary or access denial action to the person subject to the action. Accordingly, the Commission is modifying 9.11(c) to allow delivery of the notice to the person's last known email address. The Commission is also amending 9.11(d) to provide that delivery of the disciplinary notice will be complete upon transmission of the email.

The Commission also agrees with MGEX that an exchange should have flexibility over the format, style, and location of the notice on its website including any indexing or search functionality. The Commission believes that adopting the rule as proposed provides sufficient flexibility for exchanges in this regard, although the Commission notes that an exchange must ensure that access to all disciplinary notices remain readily accessible regardless of whether the exchange decides to archive notices after a reasonable period of time.

In response to MGEX's comment requesting that exchanges should be given discretion in certain situations to remove a disciplinary notice from its website, the Commission acknowledges MGEX's concern that the regulatory environment or exchange rules could change over time and having notices that are predicated on antiquated rules may confuse members, market participants, or the public. However, the Commission believes that all disciplinary and access denial notices must be maintained on the exchange's website without the possibility of removal. Access to information regarding all exchange disciplinary and access denial actions provides valuable guidance and information to exchange members, market participants, and the public regardless of whether the regulatory environment or an exchange rule has changed. For example, the notices allow customers to consider member firms' and traders' disciplinary histories when considering whether to engage in business with them. This includes conduct by firms and traders that violated an exchange rule at the time the rule was in effect. The final rule also enables customers to consider an exchange's propensity to sanction firms and traders for rule violations when considering whether to trade on the exchange. In the limited circumstances where an exchange believes that a disciplinary notice may confuse its members, market participants, or the public as a result of a regulatory environment or exchange rule change, an exchange could address this concern by posting an attachment to

[27] The Part 3 Advisory also explains that the Commission has: (1) Permitted exchanges (via the Part 9 Advisory) to file either electronic or written § 9.11 notices with the NFA instead of the Commission and (2) delegated to the NFA (via the Part 9 Delegation) the duty to receive and process exchange disciplinary and access denial action information filed by the exchanges in accordance with Commission regulation 9.11. The Commission further explained that, as a result of the Part 9 Advisory and Part 9 Delegation, the NFA possesses the exchange disciplinary and access denial action information that registrants and applicants for registrant status would otherwise be required to include in Form 3–R. Therefore, to avoid duplicative reporting, the Part 3 Advisory advises all individuals and entities subject to Commission regulation 3.31 that they are relieved from Commission regulation 3.31 reporting obligations resulting from an exchange disciplinary or access denial action and reported by an exchange pursuant to a § 9.11 notice. 64 FR 39912 (July 23, 1999).

[28] 77 FR 51898 (Aug. 28, 2012).

[29] *See https://comments.cftc.gov/PublicComments/CommentList.aspx?id=1776.*

the disciplinary notice that explains the nature of any such change.

The Commission agrees with MGEX that the rulemaking should not be applied retroactively to final exchange disciplinary actions. Therefore, exchanges only will be required to publish disciplinary actions that are finalized after the effective date of the final rules.

As discussed above, the Commission proposed to amend regulation 9.2(f) to expand the definition of ''member of an exchange'' to include any person who has trading privileges on an exchange. The Commission explained that this change is necessary to conform the part 9 definition of ''member'' to the meaning set forth in section 1a(34) of the CEA and in 1.3(q) of the Commission's regulations. The Commission is adopting the amendment to regulation 9.2(f) as proposed. The Commission notes that 9.2(f)(1) preserves the prior definition of ''member of an exchange,'' while the inclusion of ''any person who has trading privileges on an exchange'' under 9.2(f)(2) conforms the ''member of an exchange'' definition with the meaning set forth in section 1a(34)(B) of the CEA and regulation 1.3(q)(1)(ii).

The Commission is also adopting the amendment to regulation 3.31(a)(1) as proposed. Therefore, the final rule relieves applicants and registrants from the obligation to update their Form 7–R or 8–R if the information to be reported is solely the result of an exchange disciplinary or access denial action.

B. Deletion of References to Commission Form 3–R

The Commission is making an additional technical change to regulation 3.31. As reflected in the amended text of the rule, the Commission is eliminating the references to Form 3–R from subsections (a)(1), (a)(3), (b), and (c)(1) of regulation 3.31 by deleting from these subsections the phrase ''to create a Form 3–R record of change.'' [30] The Commission no longer requires market participants to use the Form 3–R.[31] Additionally, by separate Notice, the Commission formally proposed to cancel the Form 3–R and transfer the administrative burdens associated with that form to Forms 7–R and 8–R.[32] Accordingly, the Commission is updating regulation 3.31 to reflect the retirement of Form 3–R. For these same reasons, the Commission is making a similar technical change to regulation 3.11. As reflected in the amended text of the rule, the Commission is deleting the reference to Form 3–R from subsection (b) of regulation 3.11. The Commission notes that these changes to regulations 3.11 and 3.31 are purely technical and do not affect the obligations of the individuals and entities subject to these rules.

C. Notice and Order

In a separate document published elsewhere in this issue of the **Federal Register**, the Commission issued an updated Notice and Order to replace the Part 9 Delegation from 1999 regarding the specific duties delegated by the Commission to the NFA for receiving and processing exchange disciplinary and access denial information. Among other things, the Notice and Order is being updated to account for the amendment to regulation 9.11(a) that will require exchanges to file disciplinary and access denial actions with the NFA. As discussed above, prior to this amendment, exchanges were only encouraged to file the notifications with the NFA, but not required. In addition, the updated Notice and Order includes SEFs now filing the required notices with the NFA as SEFs did not exist when the Commission issued the Part 9 Delegation and Advisory in 1999.

Consistent with the Part 9 Delegation, the updated Notice and Order delegates to the NFA the authority to perform the following functions: (1) To process exchange disciplinary information filed by an exchange or the Commission in the BASIC system; (2) to provide the Commission with access to a Management Report summarizing all recent exchange disciplinary information and to provide the Commission with the capability to generate standardized reports on the BASIC system; (3) to assist the Commission in enforcing exchange compliance with regulation 9.11 filing requirements; and (4) to serve as the official custodian of a database containing records of all exchange disciplinary and access denial actions filed with the NFA for inclusion in the BASIC system.

V. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'') requires federal agencies, in promulgating rules, to consider the impact of those rules on small entities.[33] The Commission did not receive any comments with respect to the RFA. The part 9 rules adopted herein will affect all SEFs and DCMs. The Commission previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its regulations on small entities in accordance with the RFA.[34] The Commission previously determined that DCMs and SEFs are not small entities for purposes of the RFA.[35]

The part 3 rules adopted herein will affect certain applicant or registrant FCMs, RFEDs, SDs, MSPs, CTAs, CPOs, IBs, FTs who are non-natural persons, and LTMs who will no longer have to file a Form 7–R or 8–R if the information to be reported is solely the result of an exchange disciplinary or access denial action. The Commission previously determined that FCMs, RFEDs, SDs, MSPs, CPOs, and LTMs are not small entities for purposes of the RFA.[36] Therefore, the requirements of the RFA do not apply to those entities. With respect to CTAs, FTs, and IBs, the Commission has found it appropriate to consider whether such registrants should be deemed small entities for purposes of the RFA on a case-by-case basis, in the context of the particular Commission regulation at issue.[37] As certain of these registrants may be small entities for purposes of the RFA, the Commission has considered whether the final rules will have a significant impact on these registrants.

The amendment to Commission regulation 3.31 is not substantive in nature. In 1999, the Commission published the Part 3 Advisory which relieved all applicants and registrants from filing a Form 3–R if the information to be reported is solely the result of an exchange disciplinary or

[30] The phrase being deleted from subsection (a)(1) of regulation 3.31 is ''to create a Form 3–R record of such change.''

[31] Registration of Intermediaries, 77 FR 51898 (Aug. 28, 2012).

[32] Agency Information Collection Activities: Proposed Collection Revision, Comment Request: Adoption of Revised Registration Form 8–R and Cancellation of Form 3–R, 82 FR 19663, 19664 (Apr. 28, 2017).

[33] 5 U.S.C. 601 *et seq.*

[34] *See* 47 FR 18618 through 18621 (Apr. 30, 1982).

[35] *See* 47 FR 18618, 18619 (Apr. 30, 1982) (DCMs); 78 FR 33548 (June 4, 2013) (SEFs).

[36] *See* Policy Statement and Establishment of Definitions of ''Small Entities'' for Purposes of the Regulatory Flexibility Act, 47 FR 18618 (Apr. 30, 1982) (FCMs and CPOs); Leverage Transactions, 54 FR 41068 (Oct. 5, 1989) (LTMs); Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries, 75 FR 55410, 55416 (Sept. 10, 2010) (RFEDs); and Registration of Swap Dealers and Major Swap Participants, 77 FR 2613, 2620 (Jan. 19, 2012) (SDs and MSPs).

[37] *See* 47 FR 18620 (Apr. 30, 1982) (CTAs); Registration of Floor Traders; Mandatory Ethics Training for Registrants; Suspension of Registrants Charged With Felonies, 58 FR 19575, 19588 (Apr. 15, 1993) (FTs); and Introducing Brokers and Associated Persons of Introducing Brokers, Commodity Trading Advisors and Commodity Pool Operators; Registration and Other Regulatory Requirements, 48 FR 35248, 35276 (Aug. 3, 1983) (IBs).

access denial action.[38] Beyond conforming the regulation to an established agency policy provided for in the Part 3 Advisory, the conforming amendments to regulation 3.31 will not affect the current processes or impose any new costs on small entities. The final rule codifies the filing relief set forth in the Part 3 Advisory and will not impose any new regulatory obligations on any registrant, including CTAs, FTs, and IBs.

The Commission does not, therefore, expect small entities to incur any additional costs as a result of the final rules. Consequently, the Commission finds that no significant economic impact on small entities will result from the final rules.

Accordingly, the Chairman, on behalf of the Commission pursuant to 5 U.S.C. 605(b), certifies that the final rules will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (''PRA'') imposes certain requirements on Federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information, as defined by the PRA.[39] An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number issued by the Office of Management and Budget (''OMB''). The final rules contain provisions that qualify as collections of information, for which the Commission has already sought and obtained control numbers from the OMB. The titles for these collections of information are ''Part 38—Core Principles and Other Requirements for Designated Contract Markets'' (OMB Control Number 3038–0052) and ''Part 37—Core Principles and Other Requirements for Swap Execution Facilities'' (OMB Control Number 3038–0074).

As explained in the NPRM, the Commission did not seek to amend information collections 3038–0052 or 3038–0074 because the Commission believes that the rule modifications proposed would not impose any new information collection requirements that require approval from OMB under the PRA.[40] The Commission invited public comment on the accuracy of its determination that no additional recordkeeping or information collection requirements or changes to existing collection requirements would result from the Proposal.[41] The Commission did not receive any such comments. Accordingly, the Commission believes the final rules will not impact the current burden estimates for collections 3038–0052 and 3038–0074. The Commission will nevertheless, by separate action, publish in the **Federal Register** a notice and request for comment on the additional elements to be included as part of exchange notices, and submit to OMB an information collection request to amend the relevant information collection, in accordance with 44 U.S.C. 3506(c)(2)(A) and 5 CFR 1320.8(d). As noted previously, by separate Notice published in the **Federal Register**, the Commission provided notice that the Form 3–R was being cancelled, and that the PRA burdens associated with Form 3–R under collections 3038–0023 and 3038–0072 were being reassigned to Forms 7–R and 8–R.[42]

C. Cost-Benefit Considerations

1. Introduction

Section 15(a) of the CEA requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders.[43] Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of the markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

The Commission considers the costs and benefits associated with the final rules, including updating the pre-existing regulatory framework to incorporate SEFs, removing references to part 8 of the Commission's regulations, and revising the reporting and notice requirements for DCMs and SEFs. The Commission compares the costs and benefits of this rulemaking against a baseline of the status quo, the current requirements under part 3 and part 9. As explained in the NPRM, and as adopted, the rules are primarily technical in nature that clarify the obligations under the current rules and generally do not impose any new costs on DCMs, SEFs, or market participants.[44] Regulation 9.11(b)(3)(ii) will require the exchanges to specify in the disciplinary notices the product involved in the disciplinary action and whether the rule violation resulted in financial harm to any customers. The Commission acknowledges that these additional elements in the disciplinary notices may result in additional costs, but any such costs would be de minimis. Accordingly, the Commission addresses below the costs associated with Commission regulation 9.13 requirement for DCMs and SEFs to publish and maintain disciplinary notices on their respective websites.

In the Proposal, the Commission sought comment concerning all aspects of the costs and benefits. The Commission did not receive any comments that specifically addressed the Cost-Benefit Considerations section of the Proposal. However, MGEX commented that the proposed amendment to regulation 9.11(c) that would allow an exchange to only have to verify that information has been entered into NFA BASIC instead of mailing a notice to the Commission, and the amendment to 9.12(b) that would permit an exchange to satisfy its obligations to deliver notice of the disciplinary or access denial action by email reduces the burden to exchanges, albeit in nominal ways. As discussed above, the Commission is amending regulations 9.11(c) and (d) to allow exchanges to satisfy their delivery obligations of the disciplinary or access denial action to the person subject to the action by email.

Finally, in light of NFA's role and experience in performing registration functions on behalf of the Commission and as the custodian of related records (including exchange disciplinary filings), the Commission believes that it is appropriate to remove the requirement that an exchange provide written notice to the Commission of a final disciplinary action or access denial action and replace it with a requirement to provide notice to the NFA. NFA performs registration processing functions with respect to applicants and registrants and an individual's or firm's disciplinary history is a factor that must be considered in any fitness determination. Delegating to the NFA the responsibility for processing such filings and generating reports with the

[38] 64 FR 39912 (July 23, 1999).

[39] 44 U.S.C. 3501 *et seq.*

[40] 82 FR 7745–46 (Jan. 23, 2017).

[41] For collection 3038–0052, *see* OMB Control No. 3038–0052, available at *http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3038-0052*. For collection 3038–0074, *see* OMB Control No. 3038–0074, available at *http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3038-0074*.

[42] 82 FR 19663 (Apr. 28, 2017).

[43] 7 U.S.C. 19(a).

[44] 82 FR 7746 (Jan. 23, 2017).

information amassed, should ensure that the NFA has the necessary information to continue to make appropriate registration determinations. The Commission also believes this delegation will enhance efficiency by permitting the Commission to carry out its statutory responsibilities under the CEA, while also freeing up Commission resources to be directed to other parts of its regulatory mandate.

2. Commission Regulation 9.13—Publication of Notice

Commission regulation 9.13 requires all DCMs and SEFs to maintain and make readily accessible final notices of exchange disciplinary and access denial actions on their websites.[45] This new requirement replaces the existing requirement in Commission regulation 9.13 that exchanges publish the notice in a conspicuous place on the exchange's premises.

a. Costs

The Commission continues to believe that requiring exchanges to post final disciplinary and access denial notices to their websites will slightly increase the costs for DCMs and SEFs. The Commission notes that the additional costs incurred by DCMs and SEFs will be offset in part due to the amendment in Commission regulation 9.13 that removes the requirement of posting disciplinary and access denial notices on the premises of the respective DCM or SEF. In order to estimate the additional costs, the Commission queried the NFA's BASIC system to determine the total number of disciplinary and access denial actions filed by DCMs and SEFs in 2016.[46]

Total number of reported disciplinary and access denial actions in BASIC by all DCMs: 296.

Total number of reported disciplinary and access denial actions in BASIC by all SEFs: 15.

The total number of exchange disciplinary and access denial actions per year for all DCMs and SEFs is estimated to be 311 (296 actions for DCMs plus 15 actions for SEFs equals 311 total actions per year). The Commission anticipates each DCM and SEF will spend an additional 15 minutes per disciplinary notice to post on the exchange's website above the current requirement of posting the notice on the exchange's premises. Accordingly, the aggregate new burden of Commission regulation 9.13 is estimated to be 77.75 hours per year for the 15 DCMs and 24 SEFs (15 minutes multiplied by 311 anticipated actions per year equals 77.75 burden hours).

The Commission expects that a compliance officer employed by the exchange will post the disciplinary or access denial action notices to the exchange website. According to recent Bureau of Labor Statistics National Occupational Employment and Wage Estimates, the mean hourly wage of an employee under occupation code 13–1041, ''Compliance Officers,'' that is employed by the ''Securities and Commodity Exchanges'' industry is $46.01. Because DCMs and SEFs can be large, specialized entities that may engage employees with wages above the mean, the Commission has conservatively chosen to use a mean hourly wage of $50 per hour.[47] Accordingly, the burden associated with posting the disciplinary notices on exchange websites is approximately $3,887.50 per year for all of the 15 DCMs and 24 SEFs, ($50 multiplied by the anticipated 77.75 burden hours equals $3,887.50 per year).[48]

b. Benefits

The Commission continues to believe that greater access to information regarding exchange disciplinary and access denial actions provides valuable guidance and information to exchange members, market participants, and the public. Releasing disciplinary information to the public serves to deter and prevent future misconduct and to improve overall compliance standards in the futures and swaps industry. It also allows customers to consider member firms' and traders' disciplinary histories when considering whether to engage in business with them. In addition, firms may use such information to educate their traders and associated persons as to compliance matters, highlighting potential violations and related sanctions. Further, any firm or individual facing allegations of rule violations may access existing disciplinary decisions to gain greater insight on related facts and sanctions. The Commission believes that the added deterrence of publishing disciplinary notices on exchange websites and the enhanced investigative and educational benefits of making such information public will ultimately decrease the incidents of wrongdoing and market abuses which benefits both market participants and the general public.

c. Section 15(a) Factors

As noted above, section 15(a) of the CEA requires the Commission to consider the effects of its actions in light of the following five factors:

(1) *Protection of market participants and the public.* The Commission believes that market participants and the public will benefit from the ministerial and conforming amendments since they eliminate obsolete, vestigial provisions and references that otherwise could be construed to give rise to confusing inconsistencies between the Commission's regulations and the provisions of the CEA. Furthermore, the Commission believes that the amendment to regulation 9.13, which requires exchanges to publish notice of final disciplinary and access denial actions on exchange websites, increases transparency of exchange disciplinary actions and serves as a deterrence of future market abuses. These enhancements allow for operational efficiencies in oversight, increased deterrence from market abuses, and greater transparency of the exchange disciplinary process. Therefore, the Commission anticipates that the amendment to regulation 9.13 will result in improved protection of market participants and the public.

(2) *The efficiency, competitiveness, and financial integrity of the markets.* The requirement that exchanges publish disciplinary notices and access denial actions on their websites is intended to improve the operational efficiency and financial integrity of the futures and swaps markets by enabling the public and those who access an exchange website to be made aware of any disciplinary and access denial actions imposed by the exchange. By publishing

[45] 17 CFR 9.13.

[46] The Commission's cost estimates in the NPRM were based on the 452 disciplinary and access denial actions filed by DCMs in 2015. Because SEFs did not post any such actions with BASIC in 2015, the cost estimates for SEFs were based on the disciplinary and access denial actions filed by DCMs in 2015, excluding the four DCMs with the largest number of reported disciplinary and access denial actions. The Commission explained that the average number of disciplinary and access denial actions by the other 11 DCMs provide a more appropriate comparison with respect to estimating the number of actions filed by SEFs annually. This average resulted in an estimate of eight disciplinary and access denial actions filed in BASIC for each SEF annually. The Commission noted that as the SEFs mature, in terms of the number of participants and volume, the number of disciplinary and access denial actions may increase accordingly. 82 FR 7746 (Jan. 23, 2017).

[47] Bureau of Labor Statistics, *Occupational Employment and Wages: 13–1041 Compliance Officers,* (May 2014), available at *http://www.bls.gov/oes/current/oes131041.htm.*

[48] As noted in the NPRM, the Commission acknowledges that requiring exchanges to post final notices of disciplinary and access denial actions on their websites may necessitate additional bandwidth. The Commission anticipates that any increased costs due to added bandwidth will be insignificant in its calculation of the total annual burden associated with the final rules. 82 FR 7747 (Jan. 23, 2017).

the notice on the exchange's website, the Commission believes that the efficiency and financial integrity of the markets will be bolstered by the deterrent effect achieved by posting the notice in a publicly accessible medium.

(3) *Price discovery.* The Commission did not identify any impact on price discovery as a result of the proposed regulations, and did not believe there would be one, but sought comment as to any potential impact. The Commission did not receive any comments on this issue. Accordingly, the Commission believes that the final regulations will not impact price discovery.

(4) *Sound risk management practices.* The Commission did not identify any impact on sound risk management practices as a result of the proposed regulations, and did not believe there would be one, but sought comment as to any potential impact. The Commission did not receive any comments on this issue. Accordingly, the Commission believes that the final regulations will not impact sound risk management practices.

(5) *Other public interest considerations.* The Commission has not identified any other public interest considerations.

D. Antitrust Considerations

Section 15(b) of the CEA requires the Commission to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of the CEA in issuing any order or adopting any Commission rule or regulation. The Commission does not anticipate that the amendments adopted herein would promote or result in anticompetitive consequences or behavior.

List of Subjects

17 CFR Part 3

Administrative practice and procedure, Brokers, Commodity futures, Major swap participants, Reporting and recordkeeping requirements, Swap dealers.

17 CFR Part 9

Administrative practice and procedure, Commodity exchanges, Commodity futures.

For the reasons stated in the preamble, the Commodity Futures Trading Commission amends 17 CFR chapter I as follows:

PART 3—REGISTRATION

■ 1. The authority citation for part 3 is revised to read as follows:

Authority: 5 U.S.C. 552, 552b; 7 U.S.C. 1a, 2, 6a, 6b, 6b–1, 6c, 6d, 6e, 6f, 6g, 6h, 6*i*, 6k, 6m, 6n, 6*o*, 6p, 6s, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21, and 23.

■ 2. In § 3.11, revise paragraph (b) to read as follows:

§ 3.11 Registration of floor brokers and floor traders.

* * * * *

(b) *Duration of registration.* A person registered as a floor broker or floor trader in accordance with paragraph (a) of this section, and whose registration has neither been revoked nor withdrawn, will continue to be so registered unless such person's trading privileges on all contract markets and swap execution facilities have ceased: Provided, that if a floor broker or floor trader whose trading privileges on all contract markets and swap execution facilities have ceased for reasons unrelated to any Commission action or any contract market or swap execution facility disciplinary proceeding and whose registration is not revoked, suspended or withdrawn is granted trading privileges as a floor broker or floor trader, respectively, by any contract market or swap execution facility where such person held such privileges within the preceding sixty days, such registration as a floor broker or floor trader, respectively, shall be deemed to continue and no new Form 7–R, Form 8–R or change to Form 7–R or Form 8–R need be filed solely on the basis of the resumption of trading privileges. A floor broker or floor trader is prohibited from engaging in activities requiring registration under the Act or from representing such person to be a registrant under the Act or the representative or agent of any registrant during the pendency of any suspension of such registration or of all such trading privileges. Each contract market and swap execution facility that has granted trading privileges to a person who is registered, or has applied for registration, as a floor broker or floor trader, must provide notice in accordance with § 3.31(d) after such person's trading privileges on such contract market or swap execution facility have ceased.

* * * * *

■ 3. In § 3.31, revise paragraphs (a)(1), (a)(3)(i), (b), and (c)(1) to read as follows:

§ 3.31 Deficiencies, inaccuracies, and changes, to be reported.

(a)(1) Each applicant or registrant as a futures commission merchant, retail foreign exchange dealer, swap dealer, major swap participant, commodity trading advisor, commodity pool operator, introducing broker, floor trader that is a non-natural person or leverage transaction merchant shall, in accordance with the instructions thereto, promptly correct any deficiency or inaccuracy in Form 7–R or Form 8–R that no longer renders accurate and current the information contained therein, with the exception of any change that requires withdrawal from registration under § 3.33 or any change resulting from an exchange disciplinary or access denial action. Each such correction shall be prepared and filed in accordance with the instructions thereto.

* * * * *

(3) * * *

(i) If the new principal is not a natural person, the registrant shall update such Form 7–R.

* * * * *

(b) Each applicant or registrant as a floor broker, floor trader or associated person, and each principal of a futures commission merchant, retail foreign exchange dealer, swap dealer, major swap participant, commodity trading advisor, commodity pool operator, introducing broker, floor trader that is a non-natural person, or leverage transaction merchant must, in accordance with the instructions thereto, promptly correct any deficiency or inaccuracy in the Form 8–R or supplemental statement thereto.

(c)(1) After the filing of a Form 8–R or updating a Form 8–R by or on behalf of any person for the purpose of permitting that person to be an associated person of a futures commission merchant, retail foreign exchange dealer, commodity trading advisor, commodity pool operator, introducing broker, or a leverage transaction merchant, that futures commission merchant, retail foreign exchange dealer, commodity trading advisor, commodity pool operator, introducing broker or leverage transaction merchant must, within thirty days after the occurrence of either of the following, file a notice thereof with the National Futures Association indicating:

(i) The failure of that person to become associated with the futures commission merchant, retail foreign exchange dealer, commodity trading advisor, commodity pool operator, introducing broker, or leverage transaction merchant, and the reasons therefor; or

(ii) The termination of the association of the associated person with the futures commission merchant, retail foreign exchange dealer, commodity trading advisor, commodity pool operator,

introducing broker, or leverage transaction merchant, and the reasons therefor.

* * * * *

PART 9—RULES RELATING TO REVIEW OF EXCHANGE DISCIPLINARY, ACCESS DENIAL OR OTHER ADVERSE ACTIONS

■ 4. The authority citation for part 9 is revised to read as follows:

Authority: 7 U.S.C. 1a, 2, 6b–1, 6c, 7, 7a–2, 7b–3, 8, 9, 9a, 12, 12a, 12c, 13b, 16a, 18, 19, and 21.

■ 5. In § 9.1, revise paragraphs (b) and (c) to read as follows:

§ 9.1 Scope of rules.

* * * * *

(b) *Matters excluded.* This part does not apply to and the Commission will not accept notices of appeal, or petitions for stay pending review, of:

(1) Any arbitration proceeding, regardless of whether the proceeding involved a controversy between members of an exchange;

(2) Except as provided in §§ 9.11(a), (b)(3)(i) through (v), and (c), and 9.12(a) and 9.13 (concerning the notice, effective date and publication of a disciplinary or access denial action), any summary action permitted under the provisions of part 37, appendix B, Core Principle 2, paragraph (a)(13) of this chapter or part 38, appendix B, Core Principle 13, paragraph (a)(6) of this chapter imposing a minor penalty for the violation of exchange rules relating to decorum or attire, or relating to the timely submission of accurate records required for clearing or verifying each day's transactions or other similar activities; and

(3) Any exchange action arising from a claim, grievance, or dispute involving cash market transactions which are not a part of, or directly connected with, any transaction for the purchase, sale, delivery or exercise of a commodity for future delivery, a commodity option, or a swap.

(4) The Commission will, upon its own motion or upon motion filed pursuant to § 9.21(b), promptly notify the appellant and the exchange that it will not accept the notice of appeal or petition for stay of matters specified in this paragraph. The determination to decline to accept a notice of appeal will be without prejudice to the appellant's right to seek alternate forms of relief that may be available in any other forum.

(c) *Applicability of these part 9 rules.* Unless otherwise ordered, these rules will apply in their entirety to all appeals, and matters relating thereto.

■ 6. In § 9.2, revise paragraphs (b), (c), (f), and (k) to read as follows:

§ 9.2 Definitions.

* * * * *

(b) *Disciplinary action* means any suspension, expulsion or other penalty imposed on a person by an exchange for violations of rules of the exchange, including summary actions.

(c) *Exchange* means a swap execution facility or any board of trade which has been designated as a contract market.

* * * * *

(f) *Member of an exchange* means:

(1) Any person who is admitted to membership or has been granted membership privileges on an exchange; any employee, officer, partner, director or affiliate of such member or person with membership privileges including any associated person; and any other person under the supervision or control of such member or person with membership privileges; or

(2) Any person who has trading privileges on an exchange.

* * * * *

(k) *Summary action* means a disciplinary action resulting in the imposition of a penalty on a person for violation of rules of the exchange permitted under the provisions of part 37, appendix B, Core Principle 2, paragraph (a)(10)(vi) of this chapter or part 38, appendix B, Core Principle 13, paragraph (a)(4) of this chapter (penalty for impeding progress of hearing); part 37, appendix B, Core Principle 2, paragraph (a)(14) of this chapter or part 38, appendix B, Core Principle 13, paragraph (a)(7) of this chapter (emergency disciplinary actions); part 37, appendix B, Core Principle 2, paragraph (a)(13) of this chapter (summary fines for violations of rules regarding timely submission of records); or part 38, appendix B, Core Principle 13, paragraph (a)(6) of this chapter (summary fines for violations of rules regarding timely submission of records, decorum, or other similar activities).

■ 7. Revise § 9.3 to read as follows:

§ 9.3 Provisions referenced.

Except as otherwise provided in this part, the following provisions of the Commission's rules relating to reparations contained in part 12 of this chapter apply to this part: § 12.3 (Business address; hours); § 12.5 (Computation of time); § 12.6 (Extensions of time; adjournments; postponements); § 12.7 (Ex parte communications in reparation proceedings); and § 12.12 (Signature).

■ 8. In § 9.4, revise paragraphs (a), (b), and (c) to read as follows:

§ 9.4 Filing and service; official docket.

(a) *Filing with the Proceedings Clerk; proof of filing; proof of service.* Any document that is required by this part to be filed with the Proceedings Clerk must be filed by delivering it in person or by mail to: Proceedings Clerk, Office of Proceedings, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. To be timely filed under this part, a document must be delivered or mailed to the Proceedings Clerk within the time prescribed for filing. A party must use a means of filing which is at least as expeditious as that used in serving that document upon the other parties. Proof of filing must be made by attaching to the document for filing a statement of service as provided in § 10.12(a)(6) of this chapter.

(b) *Formalities of filing*—(1) *Number of copies.* Unless otherwise specifically provided, an original and one conformed copy of all documents filed with the Commission in accordance with the provisions of this part must be filed with the Proceedings Clerk.

(2) *Title page.* All documents filed with the Proceedings Clerk must include at the head thereof, or on a title page, the name of the Commission, the title of the proceeding, the docket number (if one has been assigned by the Proceedings Clerk), the subject of the particular document and the name of the person on whose behalf the document is being filed.

(3) *Paper, spacing, type.* All documents filed with the Proceedings Clerk must be typewritten, must be on one grade of good white paper no less than 8 or more than 8½ inches wide and no less than 10½ or more than 11½ inches long, and must be bound on the top only. They must be double-spaced, except for long quotations (3 or more lines) and footnotes which should be single-spaced.

(4) *Signature.* The original copy of all papers must be signed in ink by the person filing the same or by his or her duly authorized agent or attorney.

(c) *Service*—(1) *General requirements.* All documents filed with the Proceedings Clerk must, at or before the time of filing, be served upon all parties. A party must use a means of service which is at least as expeditious as that used in filing that document with the Proceedings Clerk. One copy of all motions, petitions or applications made in the course of the proceeding, all notices of appeal, all briefs, and letters to the Commission or an employee thereof must be served by a party upon all other parties.

(2) *Manner of service.* Service may be either personal or by mail. Service by mail is complete upon deposit of the document in the mail. Where service is effected by mail, the time within which the person served may respond thereto will be increased by three days.

(3) *Designation of person to receive service.* The first document filed in a proceeding by or on behalf of any party must state on the first page the name and postal address of the person who is authorized to receive service for the party of all documents filed in the proceeding. Thereafter, service of documents must be made upon the person authorized unless service on a different authorized person or on the party himself or herself is ordered by the Commission, or unless pursuant to § 9.8 the person authorized is changed by the party upon due notice to all other parties. Parties must file and serve notification of any changes in the information provided pursuant to this subparagraph as soon as practicable after the change occurs.

* * * * *

■ 9. In § 9.8, revise paragraph (a)(1) to read as follows:

§ 9.8 Practice before the Commission.

(a) * * *

(1) *By non-attorneys.* An individual may appear pro se (on his or her own behalf); a general partner may represent the partnership; a bona fide officer of a corporation, trust or association may represent the corporation, trust or association.

* * * * *

■ 10. In § 9.9, revise paragraphs (b)(3) and (4) to read as follows:

§ 9.9 Waiver of rules; delegation of authority.

* * * * *

(b) * * *

(3) The General Counsel, or his or her designee, may submit to the Commission for its consideration any matter which has been delegated pursuant to paragraph (b)(1) of this section.

(4) Nothing in this section will be deemed to prohibit the Commission, at its election, from exercising the authority delegated to the General Counsel, or his or her designee, under this section.

■ 11. Revise § 9.11 to read as follows:

§ 9.11 Form, contents and delivery of notice of disciplinary or access denial action.

(a) *When required.* Whenever an exchange decision pursuant to which a disciplinary action or access denial action is to be imposed has become final, the exchange must, within thirty days thereafter, provide written notice of such action to the person against whom the action was taken and notice to the National Futures Association (''NFA'') through the NFA's Background Affiliation Status Information Center (''BASIC'') system: *Provided,* That a designated contract market is not required to notify the NFA of any summary action, as permitted under the provisions of part 38, appendix B, Core Principle 13, paragraph (a)(6) of this chapter, which results in the imposition of minor penalties for the violation of exchange rules relating to decorum or attire. No final disciplinary or access denial action may be made effective by the exchange except as provided in § 9.12.

(b) *Contents of notice.* For purposes of this part:

(1) The written notice of a disciplinary action or access denial action provided to the person against whom the action was taken by a designated contract market must be a copy of a written decision which accords with:

(i) Part 38, appendix B, Core Principle 13, paragraph (a)(3) of this chapter in the case of settlement offers;

(ii) Section 38.708 of this chapter in the case of decisions; or

(iii) Part 38, appendix B, Core Principle 13, paragraph (a)(5)(iv) of this chapter in the case of appeal decisions (including copies of any materials incorporated by reference) or other written notice which must include items listed in paragraphs (b)(3)(i)—(vi) of this section.

(2) The written notice of a disciplinary action or access denial action provided to the person against whom the action was taken by a swap execution facility must be a copy of a written decision which accords with:

(i) Part 37, appendix B, Core Principle 2, paragraph (a)(9) of this chapter in the case of settlement offers;

(ii) Section 37.206(d) of this chapter in the case of decisions; or

(iii) Part 37, appendix B, Core Principle 2, paragraph (a)(11)(iv) of this chapter in the case of appeal decisions (including copies of any materials incorporated by reference) or other written notice which must include items listed in paragraphs (b)(3)(i) through (vi) of this section.

(3) The notice of a disciplinary action or access denial action provided to the NFA must include only the items listed in the following paragraphs (b)(3)(i) through (v):

(i) The name of the person against whom the disciplinary action or access denial action was taken;

(ii) A statement of the reasons for the disciplinary action or access denial action, detailing the exchange product which was involved, as applicable, and whether the violation that resulted in the action also resulted in financial harm to any customers together with a listing of any rules which the person who was the subject of the disciplinary action or access denial action was charged with having violated or which otherwise serve as the basis of the exchange action;

(iii) A statement of the conclusions and findings made by the exchange with regard to each rule violation charged or, in the event of settlement, a statement specifying those rule violations which the exchange has reason to believe were committed;

(iv) The terms of the disciplinary action or access denial action;

(v) The date on which the action was taken and the date the exchange intends to make the disciplinary or access denial action effective; and

(vi) Except as otherwise provided in § 9.1(b), a statement informing the party subject to the disciplinary action or access denial action of the availability of Commission review of the exchange action pursuant to section 8c of the Act and this part.

(c) *Delivery and filing of the notice.* Delivery of the notice must be made personally to the person who was the subject of the disciplinary action or access denial action, by mail to such person at that person's last known address, or by email to the person's last known email address. Filing of the notice with the NFA is accomplished when an authorized exchange employee verifies the accuracy of the information entered into BASIC.

(d) *Effect of delivery by mail or email.* Delivery by mail to the person disciplined or denied access will be complete upon deposit in the mail of a properly addressed and postpaid document. Where delivery to the person disciplined or denied access is effected by such mail, the time within which a notice of appeal or petition for stay may be filed will be increased by three days. Delivery by email will be complete upon transmission of the email.

(e) *Certification.* Copies of the notice and the submission of any additional information provided pursuant to this section must be certified as true and correct by a duly authorized officer, agent or employee of the exchange. Notice filed with the NFA is deemed certified when an authorized exchange employee verifies the accuracy of the information entered into BASIC.

■ 12. Revise § 9.12 to read as follows:

§ 9.12 Effective date of disciplinary or access denial action.

(a) *Effective date.* Any disciplinary or access denial action taken by an exchange will not become effective until at least fifteen days after the written notice prescribed by § 9.11 is delivered to the person disciplined or denied access; *Provided, however,* That the exchange may cause a disciplinary action to become effective prior to that time if:

(1) As permitted by part 37, appendix B, Core Principle 2, paragraph (a)(14) of this chapter or part 38, appendix B, Core Principle 13, paragraph (a)(7) of this chapter (emergency disciplinary actions), the exchange reasonably believes, and so states in its written decision, that immediate action is necessary to protect the best interests of the marketplace; or

(2) As permitted by part 37, appendix B, Core Principle 2, paragraph (a)(10)(vi) of this chapter or part 38, appendix B, Core Principle 13, paragraph (a)(4) of this chapter (hearings), the exchange determines, and so states in its written decision, that the actions of a person who is within the exchange's jurisdiction has impeded the progress of a disciplinary hearing; or

(3) As permitted by part 37, appendix B, Core Principle 2, paragraph (a)(13) of this chapter (summary fines for violations of rules regarding timely submission of records) or part 38, appendix B, Core Principle 13, paragraph (a)(6) of this chapter (summary fines for violations of rules regarding timely submission of records, decorum, or other similar activities), the exchange determines that a person has violated exchange rules relating to decorum or attire, or timely submission of accurate records required for clearing or verifying each day's transactions or other similar activities; or

(4) The person against whom the action is taken has consented to the penalty to be imposed and to the timing of its effectiveness.

(b) *Notice of early effective date.* If the exchange determines in accordance with paragraph (a)(1) of this section that a disciplinary action will become effective prior to the expiration of fifteen days after written notice thereof, it must notify the person disciplined in writing, either personally or by email to the person's last known email address, stating the reasons for the determination. The exchange must also immediately notify the Commission by email to *secretary@cftc.gov.* Where notice is delivered by email, the time within which the person so notified may file a petition for stay pursuant to § 9.24(a)(2) will be increased by one day.

■ 13. Revise § 9.13 to read as follows:

§ 9.13 Publication of notice.

Whenever an exchange suspends, expels or otherwise disciplines, or denies any person access to the exchange, it must make public its findings by disclosing at least the information contained in the notice required by § 9.11(b). An exchange must make such findings public as soon as the disciplinary action or access denial action becomes effective in accordance with the provisions of § 9.12 by posting a notice on its website to which its members and the public regularly have access. Such notice must be maintained and readily available on the exchange's website.

■ 14. In § 9.24, revise paragraph (a)(2) to read as follows:

§ 9.24 Petition for stay pending review.

(a) * * *

(2) Within ten days after a notice of summary action has been delivered in accordance with § 9.12(b) to a person who is the subject of a summary action permitted by part 37, appendix B, Core Principle 2, paragraph (a)(14) of this chapter or part 38, appendix B, Core Principle 13, paragraph (a)(7) of this chapter (emergency disciplinary actions), that person may petition the Commission to stay the effectiveness of the summary action pending completion of the exchange proceeding.

* * * * *

■ 15. Revise § 9.31 to read as follows:

§ 9.31 Commission review of disciplinary or access denial action on its own motion.

(a) *Request for additional information.* Where a person disciplined or denied access has not appealed the exchange decision to the Commission, upon review of the notice specified in § 9.11, the Division of Market Oversight or the Division of Swap Dealer and Intermediary Oversight may request that the exchange file with the Division the record of the exchange proceeding, or designated portions of the record, a brief statement of the evidence and testimony adduced to support the exchange's findings that a rule or rules of the exchange were violated and such recordings, transcripts and other documents applicable to the particular exchange proceeding as the Division may specify. The exchange must promptly advise the person who is the subject of the disciplinary or access denial action of the Division's request. Within thirty days after service of the Division's request, the exchange must file the information requested with the Division in the manner requested by the Division and, upon request, deliver that information to the person who is the subject of the disciplinary or access denial action. Delivery to the person who is the subject of the disciplinary or access denial action must be in the manner prescribed by § 9.11(c). A person subject to the disciplinary action or access denial action requesting a copy of the information furnished to the Division must, if the exchange rules so provide, agree to pay the exchange reasonable fees for printing the copy.

(b) *Review on motion of the Commission.* The Commission may institute review of an exchange disciplinary or access denial action on its own motion. Other than in extraordinary circumstances, such review will be initiated within 180 days after the NFA has received the notice of exchange action provided for in § 9.11. If the Commission should institute review on its own motion, it will issue an order permitting the person who is the subject of the disciplinary or access denial action an opportunity to file an appropriate submission, and the exchange an opportunity to file a reply thereto.

Issued in Washington, DC, on January 9, 2018, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Technical Amendments to Rules on Registration and Review of Exchange Disciplinary, Access Denial or Other Adverse Actions—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz and Behnam voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2018–00467 Filed 1–11–18; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 9

Performance of Certain Functions by the National Futures Association With Respect to the Receipt and Processing of Exchange Disciplinary and Access Denial Action Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and order; delegation of authority.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or

''CFTC'') is updating the delegation it issued in 1999 to the National Futures Association (''NFA'') regarding the duty to receive and to process exchange disciplinary and access denial action information. The delegation is being updated to clarify, among other things, that designated contract market (''DCM'') and swap execution facility (''SEF'') disciplinary and access denial notices must be filed with the NFA instead of the Commission. The NFA will continue to serve as the official custodian of records for exchange disciplinary filings.

DATES: This notice and order takes effect on March 13, 2018.

FOR FURTHER INFORMATION CONTACT: Rachel Berdansky, Deputy Director, 202–418–5429 or *rberdansky@cftc.gov;* David Steinberg, Associate Director, 202–418–5102 or *dsteinberg@cftc.gov;* Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a separate document published elsewhere in this issue of the **Federal Register**, the Commission issued final rules that update its 17 CFR part 9 rules (''Final Part 9 Rules''), including § 9.11, that sets forth the notice requirements for an exchange regarding disciplinary and access denial actions. Section 9.11 was first established in 1978 to carry out certain mandates of section 8c of the Commodity Exchange Act (''Act'' or ''CEA'').[1] Section 8c of the Act generally: (i) Requires exchanges to discipline members and to notify the disciplined individuals, the Commission, and the public of disciplinary actions; and (ii) grants the Commission the authority to review exchange disciplinary actions. Section 9.11 sets forth the manner in which an exchange is to provide that notice.

In 1999, the Commission delegated authority to the NFA to receive and to process exchange disciplinary and access denial information (''Part 9 Delegation'').[2] Consequently, the NFA currently serves as the official custodian of records for exchange disciplinary filings. In 1999, concurrent with the Part 9 Delegation, the Commission published an advisory permitting exchanges to file 9.11 notices with the Commission or the NFA (''Part 9 Advisory'').[3] While permitting filing with the Commission, the Part 9 Advisory encourages exchanges to file the required notice with the NFA. The Final Part 9 Rules, among other things, codify the Part 9 Advisory and replace the § 9.11 requirement that written notice be provided to the Commission with a requirement that notice be provided to the NFA via the NFA's Background Affiliation Status Information Center (''BASIC'') system.[4] Moreover, because SEFs did not exist when the Commission issued the initial delegation in 1999, this Notice and Order is being updated to reflect that the NFA will receive disciplinary and access denial action notices from SEFs in addition to DCMs.[5] For purposes of this Notice and Order, the term ''exchange'' includes DCMs and SEFs.

II. Delegation of Duties to the NFA

A. Processing Regulation 9.11 Filings

The NFA must process exchange § 9.11 notices in a manner consistent with § 9.11. For purposes of this Notice and Order, the term ''process'' generally refers to receipt of filings and review of filings for compliance with applicable requirements. Section 9.11(a) requires that whenever an exchange decision, pursuant to which a disciplinary or access denial action to be imposed has become final, the exchange must provide written notice of such action to the NFA within 30 days. In addition, § 9.11 notices filed with the NFA must satisfy all of the content requirements set forth in § 9.11(b). Toward that end, notices filed with the NFA will be deemed certified when an authorized exchange employee verifies the accuracy of the information entered into BASIC.

B. Commission Access to BASIC and Reports

The NFA must provide the Commission with access to the BASIC system so that the Commission can diligently carry out its legislative mandate. This includes access to a Management Report that includes the following for each disciplinary or access denial action:

- Name of Contributor (*i.e.,* an exchange, the NFA, or the Commission);
- Name of Respondent;
- Contributor Reference Number (*i.e.,* disciplinary case number generated by contributor);
- Date of Decision or Order;
- Date of Notification of NFA;
- Total Number of Days for Data to be Released into BASIC (*i.e.,* number of days from the date of an exchange final action until the date of exchange verification/certification); and
- Name of Staff Person Entering Data (*i.e.,* initials).

The Commission currently has access to the BASIC system and the ability to generate 26 standardized reports that are customizable with respect to the timeframe selected (*e.g.,* January 1, 2017 to May 31, 2017), including the Management Report. Among other things, the Commission is able to analyze the data maintained in BASIC by: Disciplinary actions against firms or individuals resulting in fines, suspensions, or expulsions; disciplinary actions issued by each exchange; and the type of rule violations across all exchanges. The Commission generates these reports on an as needed basis. As the Commission needs these reports for effective oversight of the exchanges, the NFA must continue to provide the Commission with the capability to generate each of these reports from BASIC. The NFA shall continue working with the Commission to develop additional query capabilities as the Commission deems necessary to fulfill its regulatory and oversight responsibilities.

C. BASIC Maintenance

The NFA shall maintain, and serve as the official custodian of, records for exchange § 9.11 filings. The NFA shall fulfill this obligation by continuing to maintain the BASIC system and further developing it as necessary to comply with the terms of this Notice and Order. The NFA shall also implement such additional procedures (or modify existing procedures) as are necessary to reasonably ensure the security and integrity of these records.

III. Authority

Pursuant to section 8a(10) of the Act, the Commission has issued numerous orders authorizing the NFA to perform various portions of the Commission's registration functions and responsibilities under the Act.[6] In this connection, the Commission has previously issued orders authorizing the

[1] 43 FR 59343 (Dec. 20, 1978).

[2] 64 FR 39913 (July 23, 1999).

[3] *Id.* at 39915.

[4] The NFA's BASIC system allows the public to access disciplinary information contributed by the NFA, CFTC, DCMs, and SEFs pertaining to the types of violations committed, penalties imposed, the effective date of the action, and summary of the disciplinary action. The BASIC system enables the public to conduct a search by NFA identification number, individual name, or firm name.

[5] The Final Part 9 Rules amend the definition of ''exchange'' in § 9.2 to include SEFs in addition to DCMs.

[6] 7 U.S.C. 12a(10) (2014). Further, CEA section 17(o) provides that the Commission may require a registered futures association (''RFA'') to perform Commission registration functions in accordance with the Act and the RFA's rules. 7 U.S.C. 21(o) (2014).

NFA to perform the full range of registration processing functions with respect to applicants for and persons registered as a: futures commission merchant, commodity pool operator, or commodity trading advisor;[7] introducing broker;[8] leverage transaction merchant;[9] floor broker;[10] floor trader;[11] retail foreign exchange dealer;[12] and swap dealer or major swap participant (collectively, registrants).[13] Additionally, the NFA has adopted, and the Commission has approved, rules that govern the performance of the registration functions. For example, NFA Rule 501 pertains to the NFA's authority to deny, condition, suspend, and revoke registration for registrants. NFA Rule 504 sets forth the procedures governing applicants and registrants disqualified from registration under sections 8a(2), 8a(3), or 8a(4) of the Act.

In light of NFA's experience in processing and maintaining exchange disciplinary and access denial actions on behalf of the Commission, the Commission has determined that it will continue to delegate these functions to the NFA. This Notice and Order is in accord with the Commission's previous delegations to the NFA to perform registration processing functions with respect to applicants and registrants, in that, an individual's or firm's disciplinary history clearly is a factor that must be considered in any fitness determination. Deeming the NFA as the custodian of all exchange § 9.11 filings, and delegating to the NFA the responsibility for processing such filings and generating reports with the information amassed, should ensure that the NFA has the necessary information to continue to make appropriate registration determinations. Further, the Commission believes that this delegation order will enhance efficiency by permitting the Commission to carry out its statutory responsibilities under the CEA, while also freeing up Commission resources to be directed to other parts of its regulatory mandate.

IV. Conclusion and Order

The Commission has determined, in accordance with section 8a(10) of the Act, to delegate to the NFA the authority to perform the following functions:

(1) To process exchange disciplinary information filed with it by an exchange or the Commission for inclusion in the BASIC system;

(2) To provide the Commission with access to a Management Report summarizing all recent exchange disciplinary information and to provide the Commission with the capability to generate standardized reports on the BASIC system;

(3) To assist the Commission in enforcing exchange compliance with regulation 9.11 filing requirements; and

(4) To serve as the official custodian of a database containing records of all exchange disciplinary and access denial actions filed with the NFA for inclusion in the BASIC system.

The NFA is authorized to perform all functions specified herein until such time as the Commission orders otherwise. Nothing in this Notice and Order shall affect the Commission's oversight authority of exchange disciplinary programs. The Commission is retaining all of its oversight authority, including its authority to review and to modify exchange disciplinary actions and to take enforcement or other remedial action against exchanges for noncompliance with § 9.11. The NFA may submit to the Commission for clarification any specific matters that have been delegated to it, and

Commission staff will be available to discuss with NFA staff issues relating to implementation of this Notice and Order.

Issued in Washington, DC, on January 9, 2018, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

Appendix to Performance of Certain Functions by the National Futures Association With Respect to Regulation 9.11—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz and Behnam voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2018–00468 Filed 1–11–18; 8:45 am]

BILLING CODE 6351–01–P

[7] *See* 49 FR 39593 (Oct. 9, 1984).

[8] *See* 48 FR 35158 (Aug. 3, 1983).

[9] *See* 54 FR 19556 (May 8, 1989).

[10] *See* 51 FR 34490 (Sep. 29, 1986).

[11] *See* 58 FR 19657 (Apr. 15, 1993).

[12] *See* 75 FR 55310 (Sep. 10, 2010).

[13] *See* 77 FR 2708 (Jan. 19, 2012).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 250 and 385

[Docket No. RM18–4–000; Order No. 839]

Civil Monetary Penalty Inflation Adjustments

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing a final rule to amend its regulations governing the maximum civil monetary penalties assessable for violations of statutes, rules, and orders within the Commission's jurisdiction. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended most recently by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, requires the Commission to issue this final rule.

DATES: This final rule is effective January 12, 2018.

FOR FURTHER INFORMATION CONTACT: Todd Hettenbach, Attorney, Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8794 *Todd.Hettenbach@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Order No. 839

Final Rule

1. In this final rule, the Federal Energy Regulatory Commission (Commission) is complying with its statutory obligation to amend the civil monetary penalties provided by law for matters within the agency's jurisdiction.

Background

2. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Adjustment Act),[1] which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Adjustment Act),[2] required the head of each federal agency to issue a rule by July 2016 adjusting for inflation each ''civil monetary penalty'' provided by law within the agency's jurisdiction and to make further inflation adjustments on an annual basis every January 15 thereafter.[3]

II. Discussion

3. The 2015 Adjustment Act defines a civil monetary penalty as any penalty, fine, or other sanction that: (A)(i) Is for a specific monetary amount as provided by federal law; or (ii) has a maximum amount provided for by federal law; (B) is assessed or enforced by an agency pursuant to federal law; and (C) is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts.[4] This

[1] Sec. 701, Public Law 114–74, 129 Stat. 584, 599.

[2] Public Law 101–410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note).

[3] 28 U.S.C. 2461 note, at (4). The Commission made its January 2017 adjustment on January 9, 2017, in Docket No. RM17–9–000. *See Civil Monetary Penalty Inflation Adjustments,* Order No. 834, 82 FR 8137 (Jan. 24, 2017), FERC Stats. & Regs. ¶ 31,390 (2017).

[4] *Id.* (3).

definition applies to the maximum civil penalties that may be imposed under the Federal Power Act (FPA),[5] the Natural Gas Act (NGA),[6] the Natural Gas Policy Act of 1978 (NGPA),[7] and the Interstate Commerce Act (ICA).[8]

4. Under the 2015 Adjustment Act, the first step for such adjustment of a civil monetary penalty for inflation requires determining the percentage by which the U.S. Department of Labor's Consumer Price Index for all-urban consumers (CPI–U) for October of the preceding year exceeds the CPI–U for October of the year before that.[9] The CPI–U for October 2017 exceeded the CPI–U for October 2016 by 2.041 percent.[10]

5. The second step requires multiplying the CPI–U percentage increase by the applicable existing maximum civil monetary penalty.[11] This step results in a base penalty increase amount.

6. The third step requires rounding the base penalty increase amount to the nearest dollar and adding that amount to the base penalty to calculate the new adjusted maximum civil monetary penalty.[12]

7. Under the 2015 Adjustment Act, an agency is directed to use the maximum civil monetary penalty applicable at the time of assessment of a civil penalty, regardless of the date on which the violation occurred.[13]

8. The adjustments that the Commission is required to make pursuant to the 2015 Adjustment Act are reflected in the following table:

Source	Existing maximum civil monetary penalty	New adjusted maximum civil monetary penalty
16 U.S.C. 825o–1(b), Sec. 316A of the Federal Power Act.	$1,213,503 per violation, per day	$1,238,271 per violation, per day.
16 U.S.C. 823b(c), Sec. 31(c) of the Federal Power Act	$21,916 per violation, per day	$22,363 per violation, per day.
16 U.S.C. 825n(a), Sec. 315(a) of the Federal Power Act	$2,795 per violation	$2,852 per violation.
15 U.S.C. 717t–1, Sec. 22 of the Natural Gas Act	$1,213,503 per violation, per day	$1,238,271 per violation, per day.
15 U.S.C. 3414(b)(6)(A)(i), Sec. 504(b)(6)(A)(i) of the Natural Gas Policy Act of 1978.	$1,213,503 per violation, per day	$1,238,271 per violation, per day.
49 App. U.S.C. 6(10) (1988), Sec. 6(10) of the Interstate Commerce Act.	$1,270 per offense and $64 per day after the first day.	$1,296 per offense and $65 per day after the first day.
49 App. U.S.C. 16(8) (1988), Sec. 16(8) of the Interstate Commerce Act.	$12,705 per violation, per day	$12,964 per violation, per day.
49 App. U.S.C. 19a(k) (1988), Sec. 19a(k) of the Interstate Commerce Act.	$1,270 per offense, per day	$1,296 per offense, per day.
49 App. U.S.C. 20(7)(a) (1988), Sec. 20(7)(a) of the Interstate Commerce Act.	$1,270 per offense, per day	$1,296 per offense, per day.

III. Administrative Findings

9. Congress directed that agencies issue final rules to adjust their maximum civil monetary penalties notwithstanding the requirements of the Administrative Procedure Act (APA).[14] Because the Commission is required by law to undertake these inflation adjustments notwithstanding the notice and comment requirements that otherwise would apply pursuant to the APA, and because the Commission lacks discretion with respect to the method and amount of the adjustments, prior notice and comment would be impractical, unnecessary, and contrary to the public interest.

IV. Regulatory Flexibility Statement

10. The Regulatory Flexibility Act, as amended, requires agencies to certify that rules promulgated under their authority will not have a significant economic impact on a substantial number of small businesses.[15] The requirements of the Regulatory Flexibility Act apply only to rules promulgated following notice and comment.[16] The requirements of the Regulatory Flexibility Act do not apply to this rulemaking because the Commission is issuing this final rule without notice and comment.

V. Paperwork Reduction Act

11. This rule does not require the collection of information. The Commission is therefore not required to submit this rule for review to the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995.[17]

VI. Document Availability

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

13. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and downloading. To access this document in eLibrary, type the docket number (excluding the last three digits) in the docket number field.

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

[5] 16 U.S.C. 791a *et seq.*

[6] 15 U.S.C. 717 *et seq.*

[7] 15 U.S.C. 3301 *et seq.*

[8] 49 App. U.S.C. 1 *et seq.* (1988).

[9] 28 U.S.C. 2461 note, at (5)(b)(1).

[10] *See, e.g.,* Memorandum from Mick Mulvaney, Office of Management and Budget, Implementation of the Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 1 (Dec. 15, 2017).

[11] *Id.* (5)(a).

[12] *Id.*

[13] *Id.* (6).

[14] *Id.* (3)(b)(2).

[15] 5 U.S.C. 601 *et seq.*

[16] 5 U.S.C. 603, 604.

[17] 44 U.S.C. 3507(d).

VII. Effective Date and Congressional Notification

15. For the same reasons the Commission has determined that public notice and comment are unnecessary, impractical, and contrary to the public interest, the Commission finds good cause to adopt an effective date that is less than 30 days after the date of publication in the **Federal Register** pursuant to the Administrative Procedure Act,[18] and therefore, the regulation is effective upon publication in the **Federal Register**.

16. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this rule is not a ''major rule'' as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996. This Final Rule is being submitted to the Senate, House, and Government Accountability Office.

List of Subjects

18 CFR Part 250

Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

Issued: January 8, 2018.

Kimberly D. Bose,

Secretary.

In consideration of the foregoing, the Commission amends parts 250 and 385, chapter I, title 18, *Code of Federal Regulations* as follows:

PART 250—FORMS

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352; 28 U.S.C. 2461 note.

■ 2. Amend § 250.16 by revising paragraph (e)(1) to read as follows:

§ 250.16 Format of compliance plan transportation services and affiliate transactions.

* * * * *

(e) * * * (1) Any person who transports gas for others pursuant to subparts B or G of part 284 of this chapter and who knowingly violates the requirements of §§ 358.4 and 358.5, § 250.16, or § 284.13 of this chapter will be subject, pursuant to sections 311(c), 501, and 504(b)(6) of the Natural Gas Policy Act of 1978, to a civil penalty, which the Commission may assess, of not more than $1,238,271 for any one violation.

* * * * *

PART 385—RULES OF PRACTICE AND PROCEDURE

■ 3. The authority citation for part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825v, 2601–2645; 28 U.S.C. 2461; 31 U.S.C 3701, 9701; 42 U.S.C. 7101–7352, 16441, 16451–16463; 49 U.S.C. 60502; 49 App. U.S.C. 1–85 (1988); 28 U.S.C. 2461 note (1990); 28 U.S.C. 2461 note (2015).

■ 4. Revise § 385.1504(a) to read as follows:

§ 385.1504 Maximum civil penalty (Rule 1504).

(a) Except as provided in paragraph (b) of this section, the Commission may assess a civil penalty of up to $22,363 for each day that the violation continues.

* * * * *

■ 5. Revise § 385.1602 to read as follows:

§ 385.1602 Civil penalties, as adjusted (Rule 1602).

The current inflation-adjusted civil monetary penalties provided by law within the jurisdiction of the Commission are:

(a) 15 U.S.C. 3414(b)(6)(A)(i), Natural Gas Policy Act of 1978: $1,238,271.

(b) 16 U.S.C. 823b(c), Federal Power Act: $22,363 per day.

(c) 16 U.S.C. 825n(a), Federal Power Act: $2,852.

(d) 16 U.S.C. 825o–1(b), Federal Power Act: $1,238,271 per day.

(e) 15 U.S.C. 717t–1, Natural Gas Act: $1,238,271 per day.

(f) 49 App. U.S.C. 6(10) (1988), Interstate Commerce Act: $1,296 per offense and $65 per day after the first day.

(g) 49 App. U.S.C. 16(8) (1988), Interstate Commerce Act: $12,964 per day.

(h) 49 App. U.S.C. 19a(k) (1988), Interstate Commerce Act: $1,296 per day.

(i) 49 App. U.S.C. 20(7)(a) (1988), Interstate Commerce Act: $1,296 per day.

[FR Doc. 2018–00415 Filed 1–11–18; 8:45 am]

BILLING CODE 6717–01–P

[18] 5 U.S.C. 553(d)(3).

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 16

[Docket No. TTB–2018–0002; Notice No. 171]

Civil Monetary Penalty Inflation Adjustment—Alcoholic Beverage Labeling Act

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notification of civil monetary penalty adjustment.

SUMMARY: This document informs the public that the maximum penalty for violations of the Alcoholic Beverage Labeling Act (ABLA) is being adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended. Prior to the publication of this document, any person who violated the provisions of the ABLA was subject to a civil penalty of not more than $20,111, with each day constituting a separate offense. This document announces that this maximum penalty is being increased to $20,521.

DATES: The new maximum civil penalty for violations of the ABLA takes effect on January 12, 2018 and applies to penalties that are assessed after that date.

FOR FURTHER INFORMATION CONTACT: Rita D. Butler, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; (202) 453–1039, ext. 101.

SUPPLEMENTARY INFORMATION:

Background

Statutory Authority for Federal Civil Monetary Penalty Inflation Adjustments

The Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act), Public Law 101–410, 104 Stat. 890, 28 U.S.C. 2461 note, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, section 701, 129 Stat. 584, requires the regular adjustment and evaluation of civil monetary penalties to maintain their deterrent effect and helps to ensure that penalty amounts imposed by the Federal Government are properly accounted for and collected. A ''civil monetary penalty'' is defined in the Inflation Adjustment Act as any penalty, fine, or other such sanction that is: (1) For a specific monetary amount as provided by Federal law, or has a

maximum amount provided for by Federal law; (2) assessed or enforced by an agency pursuant to Federal law; and (3) assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

The Inflation Adjustment Act, as amended, requires agencies to adjust civil monetary penalties by the inflation adjustment described in section 5 of the Inflation Adjustment Act no later than January 15 of every year thereafter. The Act also provides that any increase in a civil monetary penalty shall apply only to civil monetary penalties, including those whose associated violation predated such an increase, which are assessed after the date the increase takes effect.

The Inflation Adjustment Act, as amended, provides that the inflation adjustment does not apply to civil monetary penalties under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

Alcoholic Beverage Labeling Act

The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the Federal Alcohol Administration Act (FAA Act) pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013, (superseding Treasury Department Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

The FAA Act contains the Alcoholic Beverage Labeling Act (ABLA) of 1988, Public Law 100–690, 27 U.S.C. 213–219a, which was enacted on November 18, 1988. Section 204 of the ABLA, codified in 27 U.S.C. 215, requires that a health warning statement appear on the labels of all containers of alcoholic beverages manufactured, imported, or bottled for sale or distribution in the United States, as well as on containers of alcoholic beverages that are manufactured, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the U.S. Armed Forces, including those located outside the United States.

The health warning statement requirement applies to containers of alcoholic beverages manufactured, imported, or bottled for sale or distribution in the United States on or after November 18, 1989. The statement reads as follows:

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

Section 204 of the ABLA also specifies that the Secretary of the Treasury shall have the power to ensure the enforcement of the provisions of the ABLA and issue regulations to carry out them out. In addition, section 207 of the ABLA, codified in 27 U.S.C. 218, provides that any person who violates the provisions of the ABLA is subject to a civil penalty of not more than $10,000, with each day constituting a separate offense.

Most of the civil monetary penalties administered by TTB are imposed by the Internal Revenue Code of 1986, and thus are not subject to the inflation adjustment mandated by the Inflation Adjustment Act. The only civil monetary penalty enforced by TTB that is subject to the inflation adjustment is the penalty imposed by the ABLA at 27 U.S.C. 218.

TTB Regulations

The TTB regulations implementing the ABLA are found in 27 CFR part 16, and the regulations implementing the Inflation Adjustment Act with respect to the ABLA penalty are found in 27 CFR 16.33. This section indicates that the ABLA provides that any person who violates the provisions of this part shall be subject to a civil penalty of not more than $10,000, but also states that, pursuant to the provisions of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, this civil penalty is subject to periodic cost-of-living adjustment. Accordingly, any person who violates the provisions of 27 CFR part 16 shall be subject to a civil penalty of not more than the amount listed at *https://www.ttb.gov/regulation_guidance/ablapenalty.html.* Each day shall constitute a separate offense.

To adjust the penalty, § 16.33(b) indicates that TTB will provide notice in the **Federal Register** and at the website mentioned above of cost-of-living adjustments to the civil penalty for violations of 27 CFR part 16.

Penalty Adjustment

In this document, TTB is publishing its yearly adjustment to the maximum ABLA penalty, as required by the amended Inflation Adjustment Act.

As mentioned earlier, the ABLA contains a maximum civil monetary penalty. For such penalties, Section 5 of the Inflation Adjustment Act indicates that the inflation adjustment shall be determined by increasing the maximum penalty by the cost-of-living adjustment. The cost-of-living adjustment means the percentage (if any) by which the Consumer Price Index for all-urban consumers (CPI–U) for the month of October preceding the date of the adjustment exceeds the CPI–U for the month of October 1 year before the month of October preceding the date of the adjustment.

The CPI–U in October 2016 was 241.729, and the CPI–U in October 2017 was 246.663. The rate of inflation between October 2016 and October 2017 is therefore 2.041 percent. When applied to the current ABLA penalty of $20,111, this rate of inflation yields a raw (unrounded) inflation adjustment of $410.46551. Rounded to the nearest dollar, the inflation adjustment is $410, meaning that the new maximum civil penalty for violations of the ABLA will be $20,521.

The new maximum civil penalty will apply to all penalties that are assessed after January 12, 2018. TTB will also update its web page at *https://www.ttb.gov/regulation_guidance/ablapenalty.html* to reflect the adjusted penalty.

Dated: January 8, 2018.

Amy R. Greenberg,

Director, Regulations and Rulings Division.

[FR Doc. 2018–00417 Filed 1–11–18; 8:45 am]

BILLING CODE 4810–31–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in February 2018. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective February 1, 2018.

FOR FURTHER INFORMATION CONTACT: Daniel S. Liebman (*liebman.daniel@pbgc.gov*), Acting Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202–

326–4400 ext. 6510. (TTY/ASCII users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400, ext. 6510.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminated single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's website (*http://www.pbgc.gov*).

PBGC uses the interest assumptions in appendix B to part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for February 2018.[1]

The February 2018 interest assumptions under the benefit payments regulation will be 0.75 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for January 2018, these assumptions are unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during February 2018, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 292 is added at the end of the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
292	2–1–18	3–1–18	0.75	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 292 is added at the end of the table to read as follows:

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
292	2–1–18	3–1–18	0.75	4.00	4.00	4.00	7	8

[1] Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes interest assumptions for valuing benefits under terminating covered single-employer plans for purposes of allocation of assets under ERISA section 4044. Those assumptions are updated quarterly.

Issued in Washington, DC.

Daniel S. Liebman,

Acting Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–00348 Filed 1–11–18; 8:45 am]

BILLING CODE 7709–02–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4071 and 4302

RIN 1212–AB45

Adjustment of Civil Penalties for Inflation

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation is required to amend its regulations annually to adjust for inflation the maximum civil penalty for failure to provide certain notices or other material information and for failure to provide certain multiemployer plan notices.

DATES: *Effective date:* This rule is effective on January 12, 2018.

Applicability date: The increases in the civil monetary penalties under sections 4071 and 4302 provided for in this rule apply to such penalties assessed after January 12, 2018.

FOR FURTHER INFORMATION CONTACT: Stephanie Cibinic, Deputy Assistant General Counsel for Regulatory Affairs (*cibinic.stephanie@pbgc.gov*), Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026; 202–326–4400 extension 6352. (TTY and TDD users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400 extension 6352.)

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of the Regulatory Action

This rule is needed to carry out the requirements of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget guidance M–18–03. The rule adjusts, as required for 2018, the maximum civil penalties under 29 CFR part 4071 and 29 CFR part 4302 that PBGC may assess for failure to provide certain notices or other material information and certain multiemployer plan notices.

PBGC's legal authority for this action comes from the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and from sections 4002(b)(3), 4071, and 4302 of the Employee Retirement Income Security Act of 1974 (ERISA).

Major Provisions of the Regulatory Action

This rule adjusts as required by law the maximum civil penalties that PBGC may assess under sections 4071 and 4302 of ERISA. The new maximum amounts are $2,140 for section 4071 penalties and $285 for section 4302 penalties.

Background

The Pension Benefit Guaranty Corporation (PBGC) administers title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Title IV has two provisions that authorize PBGC to assess civil monetary penalties.[1] Section 4302, added to ERISA by the Multiemployer Pension Plan Amendments Act of 1980, authorizes PBGC to assess a civil penalty of up to $100 a day for failure to provide a notice under subtitle E of title IV of ERISA (dealing with multiemployer plans). Section 4071, added to ERISA by the Omnibus Budget Reconciliation Act of 1987, authorizes PBGC to assess a civil penalty of up to $1,000 a day for failure to provide a notice or other material information under subtitles A, B, and C of title IV and sections 303(k)(4) and 306(g)(4) of title I of ERISA.

Adjustment of Civil Penalties

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,[2] which requires agencies to adjust civil monetary penalties for inflation and to publish the adjustments in the **Federal Register**. An initial adjustment was required to be made by interim final rule published by July 1, 2016, and effective by August 1, 2016. Subsequent adjustments must be promulgated in January each year after 2016. In an interim final rule published on May 13, 2016 (at 81 FR 29765), PBGC adjusted the maximum penalty under section 4071 to $2,063 and adjusted the maximum penalty under section 4302 to $275.[3] In a final rule published on January 31, 2017 (at 82 FR 8813), PBGC finalized its interim final rule and adjusted the maximum penalty under section 4071 to $2,097 and the maximum penalty under section 4302 to $279.[4]

On December 15, 2017, the Office of Management and Budget issued memorandum M–18–03 on implementation of the 2018 annual inflation adjustment pursuant to the 2015 act.[5] The memorandum provides agencies with the cost-of-living adjustment multiplier for 2018, which is based on the Consumer Price Index (CPI–U) for the month of October 2017, not seasonally adjusted. The multiplier for 2018 is 1.02041. The adjusted maximum amounts are $2,140 for section 4071 penalties and $285 for section 4302 penalties.

Compliance With Regulatory Requirements

The Office of Management and Budget has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866 and therefore not subject to their review. As this is not a significant regulatory action under E.O. 12866, it is not considered an E.O. 13771 regulatory action.

The Office of Management and Budget also has determined that notice and public comment on this final rule are unnecessary because the adjustment of civil penalties implemented in the rule is required by law. See 5 U.S.C. 553(b).

Because no general notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4071

Penalties.

29 CFR Part 4302

Penalties.

In consideration of the foregoing, PBGC amends 29 CFR parts 4071 and 4302 as follows:

[1] Under the Federal Civil Penalties Inflation Adjustment Act of 1990, a penalty is a civil monetary penalty if (among other things) it is for a specific monetary amount or has a maximum amount specified by Federal law. Title IV also provides (in section 4007) for penalties for late payment of premiums, but those penalties are neither in a specified amount nor subject to a specified maximum amount.

[2] Sec. 701, Public Law 114–74, 129 Stat. 599–601 (Bipartisan Budget Act of 2015).

[3] The Office of Management and Budget issued memorandum M–16–06 on implementation of the 2015 act, including multipliers to use in the initial adjustment.

[4] The Office of Management and Budget issued memorandum M–17–11 on December 16, 2016, on implementation of the 2015 act, including the cost-of-living adjustment multiplier for 2017.

[5] *https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf*

PART 4071—PENALTIES FOR FAILURE TO PROVIDE CERTAIN NOTICES OR OTHER MATERIAL INFORMATION

■ 1. The authority citation for part 4071 continues to read as follows:

Authority: 28 U.S.C. 2461 note, as amended by sec. 701, Pub. L. 114–74, 129 Stat. 599–601; 29 U.S.C. 1302(b)(3), 1371.

§ 4071.3 [Amended]

■ 2. In § 4071.3, the figures ''$2,097'' are removed and the figures ''$2,140'' are added in their place.

PART 4302—PENALTIES FOR FAILURE TO PROVIDE CERTAIN MULTIEMPLOYER PLAN NOTICES

■ 3. The authority citation for part 4302 continues to read as follows:

Authority: 28 U.S.C. 2461 note, as amended by sec. 701, Pub. L. 114–74, 129 Stat. 599–601; 29 U.S.C. 1302(b)(3), 1452.

§ 4302.3 [Amended]

■ 4. In § 4302.3, the figures ''$279'' are removed and the figures ''$285'' are added in their place.

Issued in Washington, DC.

W. Thomas Reeder,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–00406 Filed 1–11–18; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 205

[Docket ID: DOD–2017–OS–0004]

RIN 0790–AJ05

End Use Certificates (EUCs)

AGENCY: Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning the signing of EUCs required by foreign governments for foreign defense items purchased by the United States. DoD has determined that this part does not place a burden on the public as it deals with matters internal to DoD. DoD signs end use certificates (following internal coordination and approval) at the behest of a foreign country, when DoD is buying products from that country. Therefore, this part is unnecessary and can be removed from the CFR.

DATES: This rule is effective on January 12, 2018.

FOR FURTHER INFORMATION CONTACT: Karen Kay at 703–693–0909.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publically available on the Department's issuance website. Once signed, a copy of DoD's internal guidance contained in DoD Directive 2040.03 will be made available at *http://www.esd.whs.mil/Directives/issuances/dodd/.*

This rule is being removed from the CFR because it does not place a burden on the public as it deals with matters internal to DoD. As a direct result of there being no burden on the public, there was never was a cost to the public to execute this rule, therefore, removing it does not provide a cost savings to the public.

List of Subjects in 32 CFR Part 205

Government procurement.

PART 205—[REMOVED]

■ Accordingly, under the authority of 5 U.S.C. 301, 32 CFR part 205 is removed.

Dated: January 9, 2018.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–00473 Filed 1–11–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

34 CFR Parts 350, 356, 359, 364, 365, and 366

RIN 1820–AB75; 1820–AB76

National Institute on Disability and Rehabilitation Research (NIDRR) and Independent Living Programs, Outdated, Superseded Regulations

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary removes outdated, superseded regulations for five programs no longer administered by the Department: The Disability and Rehabilitation Research Projects and Centers Program, the Research Fellowships program, the Special Projects and Demonstrations for Spinal Cord Injuries program, the State Independent Living Services program, and the Centers for Independent Living program. In 2014, the Workforce Innovation and Opportunity Act transferred these programs to the Department of Health and Human Services, which has adopted regulations for them.

DATES: These regulations are effective January 12, 2018.

FOR FURTHER INFORMATION CONTACT: Kate Friday, U.S. Department of Education, 400 Maryland Ave. SW, Room 5104 PCP, Washington, DC 20202–2500. Telephone: (202) 245–7605 or email: *Kate.Friday@ed.gov.*

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

SUPPLEMENTARY INFORMATION: On February 24, 2017, President Trump signed Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. Section 3(a) of the Executive Order directed each Federal agency to establish a regulatory reform task force, the duty of which is to evaluate existing regulations and ''make recommendations to the agency head regarding their repeal, replacement, or modification.'' Accordingly, the Secretary removes 34 CFR parts 350, 356, 359, 364, 365, and 366 because they have been superseded.

In 2014, the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128) made significant changes to many programs administered by the Office of Special Education and Rehabilitative Services (OSERS). WIOA transferred the National Institute for Disability and Rehabilitation Research (NIDRR), its functions, and its programs from OSERS to the Administration for Community Living (ACL) within the Department of Health and Human Services (HHS). In the process, WIOA renamed NIDRR the National Institute for Disability, Independent Living, and Rehabilitation Research (NIDILRR). (See, WIOA sections 433, 435, 491(n).) The programs transferred were the Disability and Rehabilitation Research Projects and Centers program, the Research Fellowships program, and the Special Projects and Demonstrations for Spinal Cord Injuries program.

WIOA also created within ACL the Independent Living Administration and transferred to it two programs from the Rehabilitation Services Administration (RSA) within OSERS, namely the State Independent Living Services program and the Centers for Independent Living

program (WIOA sections 471–484, 491(b)).

To ensure that there would be no interruption in funding for, or services provided by, these five programs during their transfer, WIOA kept the regulations for those programs in effect until they were properly ''modified, terminated, superseded, set aside, or revoked'' (WIOA sections 491(i)(1), 491(n)(3)(A)). The regulations for the five transferred programs are:

Program	Regulations 34 CFR part(s)
Disability and Rehabilitation Research Projects and Centers Program	350
Research Fellowships	356
Special Projects and Demonstrations for Spinal Cord Injuries	359
State Independent Living Services	364, 365
Centers for Independent Living	364, 366

The Department and HHS completed all transfers from OSERS to ACL on March 30, 2015.

On May 11, 2016, HHS published final regulations for NIDILRR's three programs, superseding 34 CFR parts 350, 356, and 359, and combines them into a single part, now codified at 45 CFR part 1330. Those three programs are now titled the Disability, Independent Living, and Rehabilitation Research Projects and Centers Program; the Disability, Independent Living, and Rehabilitation Research Fellowships program; and the Special Projects and Demonstrations for Spinal Cord Injuries program (81 FR 29156).

On October 27, 2016, HHS published final regulations for the two programs transferred from RSA, superseding 34 CFR parts 364, 365, and 366. HHS did not change the names of the State Independent Living Services program or the Centers for Independent Living program, but combined all Independent Living program regulations and codified them at 45 CFR part 1329. (81 FR 74682).

Waiver of Proposed Rulemaking

Under the Administrative Procedures Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, this regulatory action merely removes regulations that are unnecessary because administration of the regulations and the affected programs has been transferred to another agency. This regulatory action adopts no new regulations and does not establish or affect substantive policy. Therefore, under 5 U.S.C. 553(b)(B), the Secretary has determined that proposed regulations are unnecessary, and, thus, waives notice and comment rulemaking.

The APA also requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). Again, because the final regulations merely remove regulations that are unnecessary because administration of the regulations and the affected programs has been transferred to another agency, the Secretary is also waiving the 30-day delay in the effective date of these regulatory changes under 5 U.S.C. 553(d)(3).

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

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

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

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

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

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

This regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2018, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. Because this final rule is not a significant regulatory action, the requirement to offset new regulations in Executive Order 13771 does not apply.

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

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

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

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

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

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

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

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

We are issuing this regulatory action only upon a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected the approach that maximizes net benefits. Based on the analysis that follows, the Department believes that these regulations are consistent with the principles in Executive Order 13563.

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

Need for the Regulatory Action

This regulatory action is necessary to comply with Executive Order 13777 and to remove superseded regulations from the *Code of Federal Regulations* (CFR).

Analysis of Costs and Benefits

This regulatory action is a benefit to the public, grant recipients, and the Department as the action will remove any confusion that might be caused by maintaining superseded regulations in the CFR.

The Department has also analyzed the costs of this regulatory action and has determined that it will impose no additional costs ($0). As detailed earlier, this regulatory action removes superseded regulations for five programs that WIOA transferred from OSERS to HHS and adopts no new ones. In 2016, HHS adopted regulations for the Disability, Independent Living, and Rehabilitation Research Projects and Centers Program; the Disability, Independent Living, and Rehabilitation Research Fellowships program; the Special Projects and Demonstrations for Spinal Cord Injuries program; the State Independent Living Services program; and the Centers for Independent Living program. See, 81 FR 29156 (May 11, 2016); 81 FR 74682 (October 27, 2016).

Regulatory Flexibility Act Certification

The Secretary certifies that this regulatory action does not have a significant economic impact on a substantial number of small entities. As detailed above, this regulatory action merely removes superseded regulations from the CFR and imposes no costs.

Paperwork Reduction Act of 1995

This regulatory action does not contain any information collection requirements. The previously OMB-approved information collections that were contained in parts 350, 356, 364, and 366 are no longer active information collections with the Department of Education. These information collections were transferred to HHS under WIOA in May 2015 and March 2016, removing 1820–0027 and 1820–0527 from ED inventory and transferring part 366 from 1820–0018. The information collections under OMB 1820–0027 (parts 350 and 356), OMB 1820–0527 (part 364), and OMB 1820–0018 (part 366 only) are not contained in this regulatory action.

Intergovernmental Review

Some of these programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

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

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

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

List of Subjects

34 CFR Part 350

Grant programs—education; Reporting and recordkeeping requirements; Research; Vocational rehabilitation.

34 CFR Part 356

Grant programs—education; Human research subjects; Reporting and recordkeeping requirements; Research; Scholarships and fellowships; Vocational rehabilitation.

34 CFR Part 359

Grant programs—education; Research; Vocational rehabilitation.

34 CFR Part 364

Grant programs—education; Grant programs—social programs; Reporting and recordkeeping requirements; Vocational rehabilitation.

34 CFR Part 365

Grant programs—education; Grant programs—social programs; Reporting and recordkeeping requirements; Vocational rehabilitation.

34 CFR Part 366

Grant programs—social programs; Reporting and recordkeeping requirements; Vocational rehabilitation.

Dated: January 8, 2018.

Kimberly M. Richey,

Deputy Assistant Secretary, delegated the authority to perform the functions and duties of the Assistant Secretary for Special Education and Rehabilitative Services.

For the reasons discussed in the preamble, and under the authority of section 414 of the Department of Education Organization Act, 20 U.S.C. 3474, the Secretary of Education amends chapter III of title 34 of the Code of Federal Regulations as follows:

PART 350 [Removed and Reserved]

■ 1. Part 350 is removed and reserved.

PART 356 [Removed and Reserved]

■ 2. Part 356 is removed and reserved.

PART 359 [Removed and Reserved]

■ 3. Part 359 is removed and reserved.

PART 364 [Removed and Reserved]

■ 4. Part 364 is removed and reserved.

PART 365 [Removed and Reserved]

■ 5. Part 365 is removed and reserved.

PART 366 [Removed and Reserved]

■ 6. Part 366 is removed and reserved.

[FR Doc. 2018–00475 Filed 1–11–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Part 2

[Docket No. PTO–T–2017–0054]

RIN 0651–AD29

Changes in Requirements for Collective Trademarks and Service Marks, Collective Membership Marks, and Certification Marks; Correction

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule; correcting amendment.

SUMMARY: The United States Patent and Trademark Office published in the **Federal Register** on June 11, 2015 a final rule, which became effective on July 11, 2015, revising the Trademark Rules of Practice. This document reinstates three paragraphs, which were inadvertently deleted as a result of an error in the amendatory instructions.

DATES: This rule is effective January 12, 2018.

FOR FURTHER INFORMATION CONTACT: Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, by email at *TMFRNotices@uspto.gov,* or by telephone at (571) 272–8946.

SUPPLEMENTARY INFORMATION: The USPTO issues this final rule to correct an inadvertent error in § 2.193(e)(1) of its June 11, 2015 final rule revising the Trademark Rules of Practice (80 FR 33170) (published under RIN 0651–AC89).

The June 11, 2015 final rule amended the introductory text of § 2.193(e)(1) to correspond with new § 2.2(n). However, the amendatory instruction inadvertently instructed that § 2.193(e)(1)(i)–(iii) be deleted. This correction revises the amendatory instruction and thereby reinstates paragraphs (i)–(iii).

This rule is issued without prior notice and opportunity for comment as this correction is procedural/interpretative in nature, and is being implemented to avoid inconsistencies and confusion with the rule issued on June 11, 2015. Additionally, as this correction rule is nonsubstantive, it is effective immediately upon publication.

Rulemaking Requirements

Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs): This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

List of Subjects in 37 CFR Part 2

Administrative practice and procedure, Trademarks.

For the reasons stated in the preamble and under the authority contained in 15 U.S.C. 1123 and 35 U.S.C. 2, as amended, the Office amends part 2 of title 37 as follows:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

■ 1. The authority citation for 37 CFR part 2 continues to read as follows:

Authority: 15 U.S.C. 1113, 15 U.S.C. 1123, 35 U.S.C. 2, Section 10(c) of Pub. L. 112–29, unless otherwise noted.

■ 2. In § 2.193, revise paragraph (e)(1) to read as follows:

§ 2.193 Trademark correspondence and signature requirements.

* * * * *

(e) * * *

(1) *Verified statement of facts.* A verified statement in support of an application for registration, amendment to an application for registration, allegation of use under § 2.76 or § 2.88, request for extension of time to file a statement of use under § 2.89, or an affidavit under section 8, 12(c), 15, or 71 of the Act must satisfy the requirements of § 2.2(n), and be signed by the owner or a person properly authorized to sign on behalf of the owner. A person who is properly authorized to verify facts on behalf of an owner is:

(i) A person with legal authority to bind the owner (*e.g.,* a corporate officer or general partner of a partnership);

(ii) A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner; or

(iii) An attorney as defined in § 11.1 of this chapter who has an actual written or verbal power of attorney or an implied power of attorney from the owner.

* * * * *

Dated: January 8, 2018.

Joseph D. Matal,

Associate Solicitor Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2018–00428 Filed 1–11–18; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–R06–OAR–2017–0061; FRL–9972–28–Region 6]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; delegation of authority.

SUMMARY: The Texas Commission on Environmental Quality (TCEQ) has submitted updated regulations for receiving delegation of the EPA authority for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources). These regulations apply to certain NESHAPs promulgated by the EPA, as amended between April 24, 2013 and August 3, 2016. The delegation of authority under this action does not apply to sources located in Indian Country. The EPA is taking direct final action to approve the delegation of certain NESHAPs to TCEQ.

DATES: This rule is effective on March 13, 2018 without further notice, unless the EPA receives relevant adverse comment by February 12, 2018. If the EPA receives such comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2017–0061, at *http://www.regulations.gov* or via email to *barrett.richard@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please

contact Rick Barrett, 214–665–7227, *barrett.richard@epa.gov.* 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.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett (6MM–AP), (214) 665–7227; email: *barrett.richard@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mr. Rick Barrett or Mr. Bill Deese at (214) 665–7253.

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

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I. What does this action do?

The EPA is taking direct final action to approve the delegation of certain NESHAPs to TCEQ. With this delegation, TCEQ has the primary responsibility to implement and enforce the delegated standards. See sections V and VI, below, for a discussion of which standards are being delegated and which are not being delegated.

II. What is the authority for delegation?

Section 112(l) of the CAA, and 40 CFR part 63, subpart E, authorizes the EPA to delegate authority to any State or local agency which submits adequate regulatory procedures for implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR part 63.

III. What criteria must Texas' program meet to be approved?

Section 112(l)(5) of the CAA enables the EPA to approve State air toxics programs or rules to operate in place of the Federal air toxics program or rules. 40 CFR part 63, subpart E (subpart E) governs the EPA's approval of State rules or programs under section 112(l).

The EPA will approve an air toxics program if we find that:

(1) The State program is ''no less stringent'' than the corresponding Federal program or rule;

(2) The State has adequate authority and resources to implement the program;

(3) The schedule for implementation and compliance is sufficiently expeditious; and

(4) The program otherwise complies with Federal guidance.

In order to obtain approval of its program to implement and enforce Federal section 112 rules as promulgated without changes (straight delegation), only the criteria of 40 CFR 63.91(d) must be met. 40 CFR 63.91(d)(3) provides that interim or final Title V program approval will satisfy the criteria of 40 CFR 63.91(d) for part 70 sources (sources required to obtain operating permits pursuant to Title V of the Clean Air Act). The NESHAPs delegation was most recently approved on November 25, 2014 (79 FR 70102).

IV. How did TCEQ meet the subpart E approval criteria?

As part of its Title V submission, TCEQ stated that it intended to use the mechanism of incorporation by reference to adopt unchanged Federal section 112 standards into its regulations. This commitment applied to both existing and future standards as they applied to part 70 sources ((60 FR 30444 (June 7, 1995) and 61 FR 32699 (June 25, 1996)). On December 6, 2001, the EPA promulgated final full approval of the State's operating permits program effective November 30, 2001 (66 FR 63318). TCEQ was originally delegated the authority to implement certain NESHAPs effective May 17, 2005 (70 FR 13108). Under 40 CFR 63.91(d)(2), once a State has satisfied up-front approval criteria, it needs only to reference the previous demonstration and reaffirm that it still meets the criteria for any subsequent submittals. TCEQ has affirmed that it still meets the up-front approval criteria.

V. What is being delegated?

By letter dated January 12, 2017, TCEQ requested the EPA to update its existing NESHAP delegation. With certain exceptions noted in section VI below, TCEQ requests delegation of certain Part 63 NESHAPs for all sources (both part 70 and non-part 70 sources). TCEQ's request included newly incorporated NESHAPs promulgated by the EPA and amendments to existing standards currently delegated, as amended between April 24, 2013 and August 3, 2016. These NESHAP were adopted by TCEQ on December 7, 2016.

VI. What is not being delegated?

The EPA cannot delegate to a State any of the Category II Subpart A authorities set forth in 40 CFR 63.91(g)(2). These include the following provisions: § 63.6(g), Approval of Alternative Non-Opacity Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; and § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting. In addition, some Part 63 standards have certain provisions that cannot be delegated to the States. Therefore, any Part 63 standard that the EPA is delegating to TCEQ that provides that certain authorities cannot be delegated are retained by the EPA and not delegated. Furthermore, no authorities are delegated that require rulemaking in the **Federal Register** to implement, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA section 112. Finally, section 112(r), the accidental release program authority, is not being delegated by this approval.

All of the inquiries and requests concerning implementation and enforcement of the excluded standards in the State of Texas should be directed to the EPA Region 6 Office.

In addition, this delegation to TCEQ to implement and enforce certain NESHAPs does not extend to sources or activities located in Indian country, as defined in 18 U.S.C. 1151. Under this definition, the EPA treats as reservations, trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation. Consistent with previous federal program approvals or delegations, the EPA will continue to implement the NESHAPs in Indian country because TCEQ has not submitted information to demonstrate authority over sources and activities

located within the exterior boundaries of Indian reservations and other areas in Indian country.

VII. How will applicability determinations under section 112 be made?

In approving this delegation, TCEQ will seek concurrence from the EPA on any matter involving the interpretation of section 112 of the CAA or 40 CFR part 63 to the extent that application, implementation, administration, or enforcement of these sections have not been covered by the EPA determinations or guidance.

VIII. What authority does the EPA have?

We retain the right, as provided by CAA section 112(l)(7), to enforce any applicable emission standard or requirement under section 112. The EPA also has the authority to make certain decisions under the General Provisions (subpart A) of part 63. We are granting TCEQ some of these authorities, and retaining others, as explained in sections V and VI above. In addition, the EPA may review and disapprove of State determinations and subsequently require corrections. (*See* 40 CFR 63.91(g) and 65 FR 55810, 55823, September 14, 2000, as amended at 70 FR 59887, October 13, 2005; 72 FR 27443, May 16, 2007.)

Furthermore, we retain any authority in an individual emission standard that may not be delegated according to provisions of the standard. Also, listed in the footnotes of the part 63 delegation table at the end of this rule are the authorities that cannot be delegated to any State or local agency which we therefore retain.

IX. What information must TCEQ provide to the EPA?

TCEQ must provide any additional compliance related information to the EPA, Region 6, Office of Enforcement and Compliance Assurance within 45 days of a request under 40 CFR 63.96(a). In receiving delegation for specific General Provisions authorities, TCEQ must submit to the EPA Region 6 on a semi-annual basis, copies of determinations issued under these authorities. For part 63 standards, these determinations include: Section 63.1, Applicability Determinations; Section 63.6(e), Operation and Maintenance Requirements—Responsibility for Determining Compliance; Section 63.6(f), Compliance with Non-Opacity Standards—Responsibility for Determining Compliance; Section 63.6(h), Compliance with Opacity and Visible Emissions Standards—Responsibility for Determining Compliance; Sections 63.7(c)(2)(i) and (d), Approval of Site-Specific Test Plans; Section 63.7(e)(2)(i), Approval of Minor Alternatives to Test Methods; Section 63.7(e)(2)(ii) and (f), Approval of Intermediate Alternatives to Test Methods; Section 63.7(e)(iii), Approval of Shorter Sampling Times and Volumes When Necessitated by Process Variables or Other Factors; Sections 63.7(e)(2)(iv), (h)(2), and (h)(3), Waiver of Performance Testing; Sections 63.8(c)(1) and (e)(1), Approval of Site-Specific Performance Evaluation (Monitoring) Test Plans; Section 63.8(f), Approval of Minor Alternatives to Monitoring; Section 63.8(f), Approval of Intermediate Alternatives to Monitoring; Section 63.9 and 63.10, Approval of Adjustments to Time Periods for Submitting Reports; Section 63.10(f), Approval of Minor Alternatives to Recordkeeping and Reporting; Section 63.7(a)(4), Extension of Performance Test Deadline.

X. What is the EPA's oversight role?

The EPA must oversee TCEQ's decisions to ensure the delegated authorities are being adequately implemented and enforced. We will integrate oversight of the delegated authorities into the existing mechanisms and resources for oversight currently in place. If, during oversight, we determine that TCEQ made decisions that decreased the stringency of the delegated standards, then TCEQ shall be required to take corrective actions and the source(s) affected by the decisions will be notified, as required by 40 CFR 63.91(g)(1)(ii). We will initiate withdrawal of the program or rule if the corrective actions taken are insufficient.

XI. Should sources submit notices to the EPA or TCEQ?

For the NESHAPs being delegated and included in the table below, all of the information required pursuant to the general provisions and the relevant subpart of the Federal NESHAP (40 CFR part 63) should be submitted by sources located outside of Indian country, directly to TCEQ at the following address: Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration, Air Permits Division (MC 163), P.O. Box 13087, Austin, Texas 78711–3087. TCEQ is the primary point of contact with respect to delegated NESHAPs. Sources do not need to send a copy to the EPA. The EPA Region 6 waives the requirement that notifications and reports for delegated standards be submitted to the EPA in addition to TCEQ in accordance with 40 CFR 63.9(a)(4)(ii) and 63.10(a)(4)(ii).[1] For those standards that are not delegated, sources must continue to submit all appropriate information to the EPA.

XII. How will unchanged authorities be delegated to TCEQ in the future?

In the future, TCEQ will only need to send a letter of request to the EPA, Region 6, for NESHAP regulations that TCEQ has adopted by reference. The letter must reference the previous up-front approval demonstration and reaffirm that it still meets the up-front approval criteria. We will respond in writing to the request stating that the request for delegation is either granted or denied. A **Federal Register** action will be published to inform the public and affected sources of the delegation, indicate where source notifications and reports should be sent, and to amend the relevant portions of the Code of Federal Regulations showing which NESHAP standards have been delegated to TCEQ.

XIII. Final Action

The public was provided the opportunity to comment on the proposed approval of the program and mechanism for delegation of section 112 standards, as they apply to part 70 sources, on June 7, 1995, for the proposed interim approval of TCEQ's Title V operating permits program; and on October 11, 2001, for the proposed final approval of TCEQ's Title V operating permits program. In the EPA's final full approval of Texas' Operating Permits Program on December 6, 2001 (66 FR 63318), the EPA discussed the public comments on the proposed final delegation of the Title V operating permits program. In today's action, the public is given the opportunity to comment on the approval of TCEQ's request for delegation of authority to implement and enforce certain section 112 standards for all sources (both part 70 and non-part 70 sources) which have been adopted by reference into Texas' state regulations. However, the Agency views the approval of these requests as a noncontroversial action and anticipates no adverse comments. Therefore, the EPA is publishing this rule without prior proposal. However, in the ''Proposed Rules'' section of this issue of the **Federal Register**, the EPA is publishing a separate document that will serve as the proposal to approve the

[1] This waiver only extends to the submission of *copies* of notifications and reports; EPA does not waive the requirements in delegated standards that require notifications and reports be submitted to an electronic database (*e.g.,* 40 CFR part 63, subpart HHHHHHH).

program and delegation of authority described in this action if relevant adverse comments are received. This action will be effective March 13, 2018 without further notice unless the Agency receives relevant adverse comments by February 12, 2018.

If the EPA receives relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of a relevant adverse comment.

XIV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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). The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The delegation 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

This action also does not have Federalism implications because it does 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state request to receive delegation of certain Federal standards, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing delegation submissions, the EPA's role is to approve submissions, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), the EPA has no authority to disapprove a delegation submission for failure to use VCS. It would thus be inconsistent with applicable law for the EPA to use VCS in place of a delegation submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 13, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 63

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

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

Dated: January 4, 2018.

Wren Stenger,

Director, Multimedia Division, Region 6.

40 CFR part 63 is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 2. Section 63.99 is amended by revising paragraph (a)(44)(i) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(44) * * *

(i) The following table lists the specific part 63 standards that have been delegated unchanged to the Texas Commission on Environmental Quality for all sources. The ''X'' symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law and regulations. Some authorities cannot be delegated and are retained by the EPA. These include certain General Provisions authorities and specific parts of some standards. Any amendments made to

these rules after August 3, 2016 are not delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF TEXAS [1]

[Excluding Indian Country]

Subpart	Source category	TCEQ [2]
A	General Provisions	X
F	Hazardous Organic NESHAP (HON)—Synthetic Organic Chemical Manufacturing Industry (SOCMI).	X
G	HON—SOCMI Process Vents, Storage Vessels, Transfer Operations and Wastewater.	X
H	HON—Equipment Leaks	X
I	HON—Certain Processes Negotiated Equipment Leak Regulation	X
J	Polyvinyl Chloride and Copolymers Production	(3)
K	(Reserved)	
L	Coke Oven Batteries	X
M	Perchloroethylene Dry Cleaning	X
N	Chromium Electroplating and Chromium Anodizing Tanks	X
O	Ethylene Oxide Sterilizers	X
P	(Reserved)	
Q	Industrial Process Cooling Towers	X
R	Gasoline Distribution	X
S	Pulp and Paper Industry	X
T	Halogenated Solvent Cleaning	X
U	Group I Polymers and Resins	X
V	(Reserved)	
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X
X	Secondary Lead Smelting	X
Y	Marine Tank Vessel Loading	X
Z	(Reserved)	
AA	Phosphoric Acid Manufacturing Plants	X
BB	Phosphate Fertilizers Production Plants	X
CC	Petroleum Refineries	X
DD	Off-Site Waste and Recovery Operations	X
EE	Magnetic Tape Manufacturing	X
FF	(Reserved)	
GG	Aerospace Manufacturing and Rework Facilities	X
HH	Oil and Natural Gas Production Facilities	X
II	Shipbuilding and Ship Repair Facilities	X
JJ	Wood Furniture Manufacturing Operations	X
KK	Printing and Publishing Industry	X
LL	Primary Aluminum Reduction Plants	X
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfide, and Stand-Alone Semichemical Pulp Mills.	X
NN	Wool Fiberglass Manufacturing Area Sources	X
OO	Tanks-Level 1	X
PP	Containers	X
QQ	Surface Impoundments	X
RR	Individual Drain Systems	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	
TT	Equipment Leaks—Control Level 1	X
UU	Equipment Leaks—Control Level 2 Standards	X
VV	Oil—Water Separators and Organic—Water Separators	X
WW	Storage Vessels (Tanks)—Control Level 2	X
XX	Ethylene Manufacturing Process Units Heat Exchange Systems and Waste Operations.	X
YY	Generic Maximum Achievable Control Technology Standards	X
ZZ–BBB	(Reserved)	
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration	X
DDD	Mineral Wool Production	X
EEE	Hazardous Waste Combustors	X
FFF	(Reserved)	
GGG	Pharmaceuticals Production	X
HHH	Natural Gas Transmission and Storage Facilities	X
III	Flexible Polyurethane Foam Production	X
JJJ	Group IV Polymers and Resins	X
KKK	(Reserved)	
LLL	Portland Cement Manufacturing	X
MMM	Pesticide Active Ingredient Production	X
NNN	Wool Fiberglass Manufacturing	X
OOO	Amino/Phenolic Resins	X
PPP	Polyether Polyols Production	X
QQQ	Primary Copper Smelting	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF TEXAS [1]—Continued

[Excluding Indian Country]

Subpart	Source category	TCEQ [2]
RRR	Secondary Aluminum Production	X
SSS	(Reserved)	
TTT	Primary Lead Smelting	X
UUU	Petroleum Refineries—Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Plants.	X
VVV	Publicly Owned Treatment Works (POTW)	X
WWW	(Reserved)	
XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	X
AAAA	Municipal Solid Waste Landfills	X
CCCC	Nutritional Yeast Manufacturing	X
DDDD	Plywood and Composite Wood Products	X [4]
EEEE	Organic Liquids Distribution	X
FFFF	Misc. Organic Chemical Production and Processes (MON)	X
GGGG	Solvent Extraction for Vegetable Oil Production	X
HHHH	Wet Formed Fiberglass Mat Production	X
IIII	Auto & Light Duty Truck (Surface Coating)	X
JJJJ	Paper and other Web (Surface Coating)	X
KKKK	Metal Can (Surface Coating)	X
MMMM	Misc. Metal Parts and Products (Surface Coating)	X
NNNN	Surface Coating of Large Appliances	X
OOOO	Fabric Printing Coating and Dyeing	X
PPPP	Plastic Parts (Surface Coating)	X
QQQQ	Surface Coating of Wood Building Products	X
RRRR	Surface Coating of Metal Furniture	X
SSSS	Surface Coating for Metal Coil	X
TTTT	Leather Finishing Operations	X
UUUU	Cellulose Production Manufacture	X
VVVV	Boat Manufacturing	X
WWWW	Reinforced Plastic Composites Production	X
XXXX	Rubber Tire Manufacturing	X
YYYY	Combustion Turbines	X
ZZZZ	Reciprocating Internal Combustion Engines (RICE)	X
AAAAA	Lime Manufacturing Plants	X
BBBBB	Semiconductor Manufacturing	X
CCCCC	Coke Ovens: Pushing, Quenching and Battery Stacks	X
DDDDD	Industrial/Commercial/Institutional Boilers and Process Heaters Major Sources	X [5]
EEEEE	Iron Foundries	X
FFFFF	Integrated Iron and Steel	X
GGGGG	Site Remediation	X
HHHHH	Miscellaneous Coating Manufacturing	X
IIIII	Mercury Cell Chlor-Alkali Plants	X
JJJJJ	Brick and Structural Clay Products Manufacturing	X [6]
KKKKK	Clay Ceramics Manufacturing	X [6]
LLLLL	Asphalt Roofing and Processing	X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X
NNNNN	Hydrochloric Acid Production, Fumed Silica Production	X
OOOOO	(Reserved)	
PPPPP	Engine Test Facilities	X
QQQQQ	Friction Products Manufacturing	X
RRRRR	Taconite Iron Ore Processing	X
SSSSS	Refractory Products Manufacture	X
TTTTT	Primary Magnesium Refining	X
UUUUU	Coal and Oil-Fired Electric Utility Steam Generating Units	X [7]
VVVVV	(Reserved)	
WWWWW	Hospital Ethylene Oxide Sterilizers Area Sources	X
XXXXX	(Reserved)	
YYYYY	Electric Arc Furnace Steelmaking Facilities Area Sources	X
ZZZZZ	Iron and Steel Foundries Area Sources	X
AAAAAA	(Reserved)	
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources	X
CCCCCC	Gasoline Dispensing Facilities Area Sources	X
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	X
EEEEEE	Primary Copper Smelting Area Sources	X
FFFFFF	Secondary Copper Smelting Area Sources	X
GGGGGG	Primary Nonferrous Metals Area Sources: Zinc, Cadmium, and Beryllium	X
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources	X
IIIIII	(Reserved)	
JJJJJJ	Industrial, Commercial, and Institutional Boilers Area Sources	X
KKKKKK	(Reserved)	
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF TEXAS [1]—Continued

[Excluding Indian Country]

Subpart	Source category	TCEQ [2]
MMMMMM	Carbon Black Production Area Sources	X
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	X
PPPPPP	Lead Acid Battery Manufacturing Area Sources	X
QQQQQQ	Wood Preserving Area Sources	X
RRRRRR	Clay Ceramics Manufacturing Area Sources	X
SSSSSS	Glass Manufacturing Area Sources	X
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	X
UUUUUU	(Reserved)	
VVVVVV	Chemical Manufacturing Area Sources	X
WWWWWW	Plating and Polishing Operations Area Sources	X
XXXXXX	Metal Fabrication and Finishing Area Sources	X
YYYYYY	Ferroalloys Production Facilities Area Sources	X
ZZZZZZ	Aluminum, Copper, and Other Nonferrous Foundries Area Sources	X
AAAAAAA	Asphalt Processing and Asphalt Roofing Manufacturing Area Sources	X
BBBBBBB	Chemical Preparations Industry Area Sources	X
CCCCCCC	Paints and Allied Products Manufacturing Area Sources	X
DDDDDDD	Prepared Feeds Manufacturing Area Sources	X
EEEEEEE	Gold Mine Ore Processing and Production Area Sources	
FFFFFFF—GGGGGGG	(Reserved)	
HHHHHHH	Polyvinyl Chloride and Copolymers Production Major Sources	X

[1] Program delegated to the Texas Commission on Environmental Quality (TCEQ).

[2] Authorities which may not be delegated include: § 63.6(g), Approval of Alternative Non-Opacity Emission Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting; and all authorities identified in the subparts (*e.g.,* under ''Delegation of Authority'') that cannot be delegated.

[3] TCEQ was previously delegated this subpart on May 17, 2005 (*70 FR 13018*). The subpart was vacated and remanded to the EPA by the United States Court of Appeals for the District of Columbia Circuit. See, *Mossville Environmental Action Network* v. *EPA,* 370 F. 3d 1232 (DC Cir. 2004). Because of the DC Court's holding, this subpart is not delegated to TCEQ at this time.

[4] This subpart was issued a partial vacatur by the United States Court of Appeals for the District of Columbia Circuit. See 72 FR 61060 (October 29, 2007).

[5] Final rule. See 76 FR 15608 (March 21, 2011), as amended at 78 FR 7138 (January 31, 2013); 80 FR 72807 (November 20, 2015).

[6] Final promulgated rule adopted by the EPA. See 80 FR 65470 (October 26, 2015). Note that Part 63 Subpart KKKKK was amended to correct minor typographical errors. See 80 FR 75817 (December 4, 2015).

[7] Final Rule. See 77 FR 9304 (February 16, 2012), as amended 81 FR 20172 (April 6, 2016). Final Supplemental Finding that it is appropriate and necessary to regulate HAP emissions from Coal- and Oil-fired EUSGU Units. See 81 FR 24420 (April 25, 2016).

* * * * *

[FR Doc. 2018–00447 Filed 1–11–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 10

[PS Docket No. 15–91; PS Docket No. 15–94, FCC 16–127]

Wireless Emergency Alerts; Emergency Alert System

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a three-year period, the information collection associated with the Commission's Wireless Emergency Alerts (WEA) Report and Order, FCC 16–127 (*WEA Report and Order*). In the *WEA Report and Order,* the Commission stated that it would publish a document in the **Federal Register** announcing the effective date of the rule.

DATES: 47 CFR 10.320(g) published at 81 FR 75710, November 1, 2016, is effective January 12, 2018.

FOR FURTHER INFORMATION CONTACT: Maureen McCarthy, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418–0011 or *Maureen.McCarthy@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: A summary of the *WEA Report and Order* was published in the **Federal Register** on November 1, 2016, 81 FR 75710. The *WEA Report and Order* promotes the utility of WEA as a life-saving tool. The summary stated that it would publish a document in the **Federal Register** announcing the effective date of the rules requiring OMB approval. The information collection requirements in § 10.320(g) were approved by OMB under OMB Control No. 3060–1126. With publication of the instant document in the **Federal Register**, the rule changes to 47 CFR 10.320(g) adopted in the *WEA Report and Order* are now effective.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1126, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

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).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on March

13, 2017, for the information collection requirements contained in the modifications to 47 CFR 10.320(g).

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1126.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1126.

OMB Approval Date: March 13, 2017.

OMB Expiration Date: March 31, 2020.

Title: Testing and Logging Requirements for Wireless Emergency Alerts (WEA).

Form Number: N/A.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

Number of Respondents and Responses: 80 respondents; 451,600 responses.

Estimated Time per Response: 0.0000694 hours (2.5 seconds)–2 hours.

Frequency of Response: Monthly and on occasion reporting requirements and recordkeeping requirement.

Obligation To Respond: Statutory authority for these collection is contained in sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), 706, and 715 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), 606, and 615, as well as by sections 602(a), (b), (c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. 1202(a), (b), (c), (f), 1203, 1204 and 1206, unless otherwise noted.

Total Annual Burden: 125,390 hours.

Total Annual Cost: No Cost.

Nature and Extent of Confidentiality: Confidentiality protection at least equal to that provided by the federal Freedom of Information Act upon request, but only insofar as those logs pertain to Alert Messages initiated by that emergency management agency.

Privacy Act: No impact(s).

Needs and Uses: Section 10.320 describes the provider alert gateway requirements, specifically with respect to logging. The CMS provider must log the CMAC attributes of all Alert Messages received at the CMS Provider Alert Gateway, including time stamps that verify when the message is received, and when it is retransmitted or rejected by the Participating CMS Provider Alert Gateway. If an Alert Message is rejected, a Participating CMS Provider is required to log the specific error code generated by the rejection. The CMS provider must also maintain a log of all active and cancelled Alert Messages for at least 12 months after receipt of such alert or cancellation and make their alert logs available to the Commission and FEMA upon request. Participating CMS Providers are also required to make alert logs available to emergency management agencies that offer confidentiality protection at least equal to that provided by the federal Freedom of Information Act upon request, but only insofar as those logs pertain to Alert Messages initiated by that emergency management agency.

This information will inform emergency managers whether their alerts are delivered, and if not, why not. We anticipate that the alert log maintenance requirements will serve to ensure that alert logs are available when needed, both to the Commission and to emergency management agencies. These logs have potential to increase their confidence that WEA will work as intended when needed. Alert logs are also necessary to establish a baseline for system integrity against which future iterations of WEA can be evaluated. Without records that can be used to describe the quality of system integrity, and the most common causes of message transmission failure, it will be difficult to evaluate how any changes to WEA could affect system integrity.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–00463 Filed 1–11–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59; FCC 17–151]

Advanced Methods To Target and Eliminate Unlawful Robocalls

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, Commission issues new rules that protect consumers from unwanted robocalls by permitting voice service providers to proactively block telephone calls when the subscriber of a phone number requests that calls purporting to originate from that number be blocked, and when calls purport to originate from three categories of unassigned phone numbers: Invalid numbers, valid numbers that are not allocated to a voice service provider, and valid numbers that are allocated but not assigned to a subscriber. While such calls may appear to be legitimate to those who receive them, they can result in fraud or identity theft. To combat these scams, the new rules expressly authorize voice service providers to block these robocalls without running afoul of the FCC's call completion rules. To minimize blocking of lawful calls, the Commission encourages voice service providers that elect to block calls to establish a simple way to identify and fix blocking errors. The rules also prohibit providers from blocking 911 emergency calls.

DATES: Effective February 12, 2018.

FOR FURTHER INFORMATION CONTACT: Karen A Schroeder, Consumer Policy Division, Consumer and Governmental Affairs Bureau (CGB), at (202) 418–0654, email: *Karen.Schroeder@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* in CG Docket No. 17–59; FCC 17–151, adopted on November 16, 2017 and released on November 17, 2017. The full text of this document will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. The full text of this document and any subsequently filed documents in this matter may also be found by searching ECFS at: *http://apps.fcc.gov/ecfs/* (insert CG Docket No. 17–59 into the Proceeding block). The Further Notice of Proposed Rulemaking (*FNPRM*) that was adopted concurrently with the Report and Order is published elsewhere in the **Federal Register**.

Final Paperwork Reduction Act of 1995 Analysis

The *Report and Order* does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Congressional Review Act

The Commission sent a copy of the *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Synopsis

1. In the *Report and Order,* the Commission takes another important step in combatting illegal robocalls by enabling voice service providers to block certain calls before they reach consumers' phones. Specifically, the Commission adopts rules allowing providers to block calls from phone numbers on a Do-Not-Originate (DNO) list and those that purport to be from invalid, unallocated, or unused numbers. Providers have been active in identifying these calls and there is broad support for these rules. At the same time, the Commission establishes safeguards to mitigate the possibility of blocking desired calls.

2. Caller ID spoofing is often the key to making robocall scams work. Generally, Caller ID services permit the recipient of an incoming call to know the telephone number of the calling party, and in some cases a name associated with the number, before the recipient answers the call. But Caller ID information can be altered or manipulated, *i.e.,* spoofed, so that the name or number displayed to the called party does not match that of the actual subscriber or the actual originating number. Though callers can use spoofing to mislead or even defraud the called party, there are legitimate uses for spoofing.

3. Congress passed the 2009 Truth in Caller ID Act to ''address the growing problem of Caller ID spoofing done for fraudulent or harmful purposes.'' Congress limited the spoofing prohibition to the knowing transmission of misleading or inaccurate Caller ID information ''with the intent to defraud, cause harm, or wrongfully obtain anything of value,'' except where such transmission is determined to be exempt by the Commission.

4. Despite these protections, consumers still receive an unacceptably high volume of illegal robocalls. To combat the robocall problem in a coordinated way, industry established the Robocall Strike Force (Strike Force) in 2016. The Strike Force includes representatives from providers of traditional landline, mobile, and Voice over internet Protocol (VoIP) services, handset manufacturers, operating system developers, and VoIP gateway providers. The Strike Force has said that ''robocalls are best addressed in a holistic manner through deployment of a wide variety of tools by a broad range of stakeholders'' that includes industry blocking of calls. On October 26, 2016, it published the Robocall Strike Force Report (Strike Force Report). The Strike Force specifically asked the Commission to provide guidance on when providers may block a call that the provider believes is illegal.

5. The Consumer and Governmental Affairs Bureau (Bureau) addressed one of the Strike Force's requests in 2016 by clarifying that voice service providers may block calls using a spoofed Caller ID number if the number's subscriber requests that they do so. Following that initial guidance, the Strike Force Report sought additional clarification regarding the legality of certain provider-initiated call blocking. Specifically, it sought clarification that: (1) Providers may block calls where the Caller ID shows an unassigned number; and (2) providers may block calls that the provider has determined to be illegal robocalls, so long as the provider takes reasonable steps to confirm that the calls are illegal.

6. In the March 2017 *Advanced Methods NPRM and NOI,* document FCC 17–24, published at 82 FR 22625, May 17, 2017, the Commission sought comment on whether to take certain steps to facilitate voice service providers' blocking of illegal robocalls. In the *Advanced Methods NPRM and NOI,* the Commission proposed rules to allow voice service providers to block telephone calls when the subscriber of a phone number requests that calls purporting to originate from that number be blocked, and when calls purport to originate from three categories of phone numbers: Invalid numbers, valid numbers that are not allocated to a voice service provider, and valid numbers that are allocated but not assigned to a subscriber.

7. *Call Completion Considerations.* The Commission has generally found call blocking by voice service providers to be unlawful. The Commission also made clear that it is unlawful for providers to block VoIP-Public Switched Telephone Network (PSTN) traffic, and for interconnected and one-way VoIP providers to block voice traffic to or from the PSTN. The Commission has allowed call blocking only in ''rare and limited circumstances.''

Discussion

8. In the *Report and Order,* the Commission adopts rules to give voice service providers the option of blocking illegal robocalls in certain, well-defined circumstances. By doing so, the Commission furthers its goal of removing regulatory roadblocks and gives industry the flexibility to block illegal calls. At the same time, the Commission affirms its commitment to protect the reliability of the nation's communications network and ensure that provider-initiated blocking helps, rather than harms, consumers. These rules outline specific, well-defined circumstances in which voice service providers may block calls that are highly likely to be illegitimate because there is no lawful reason to spoof certain kinds of numbers. Thus, a provider who blocks calls in accordance with these rules will not violate the call completion rules. Conversely, a provider that blocks calls that do not fall within the scope of these rules may be liable for violating the Commission's call completion rules.

Blocking at the Request of the Subscriber to the Originating Number

9. First, the Commission codifies the Bureau's earlier clarification that providers may block calls when they receive a request from the subscriber to which the originating number is assigned, *i.e.,* a DNO request. The *2016 Guidance Public Notice,* document DA 16–1121, made clear that voice service providers—whether providing such service through TDM, VoIP, or CMRS—may block calls purporting to be from a telephone number if the subscriber to that number requests such blocking in order to prevent its number from being spoofed. The Bureau concluded that where the subscriber did not consent to the number being used, the call was very likely made to annoy and defraud, and therefore, no reasonable consumer would wish to receive such a call. The Commission agrees and finds such DNO calls highly likely to be illegal and to violate the Commission's anti-spoofing rule, with the potential to cause harm, defraud, or wrongfully obtain something of value.

10. The record shows broad support among consumer groups, providers, government, and callers for blocking DNO calls. Consumers Union *et. al.* emphasizes the urgent need for providers to take action against spoofed calls, stating, ''DNO is one of several promising tools that they should implement to help address the problem.'' Several commenters note the positive results of DNO trials conducted by members of the Strike Force.

11. ZipDX and others claim that gains from blocking DNO numbers will be temporary, because those making illegal robocalls will simply choose other numbers to spoof when their calls are blocked. The Commission disagrees that this possibility negates the

demonstrated benefits of such blocking. Allowing providers to block spoofed calls from high-profile numbers, such as IRS phone numbers, that are among those most likely to lure consumers into scams will substantially benefit consumers and help entities that make DNO requests control the integrity of their phone numbers. The Commission believes that codifying the Bureau's 2016 guidance in the form of a rule gives providers greater certainty that blocking calls at the request of the subscriber is lawful and provides an incentive to engage in this kind of beneficial blocking.

12. *Criteria for Blocking DNO Numbers.* In its comments, USTelecom suggests five criteria used by the Industry Traceback Group (ITB) to evaluate numbers to determine whether they should be blocked, namely:

> a candidate number must: (1) Be inbound-only; (2) be currently spoofed by a robocaller in order to perpetrate impersonation-focused fraud; (3) be the source of a substantial volume of calls; (4) have authorization for participation in the DNO effort from the party to which the telephone number is assigned; and/or (5) be recognized by consumers as belonging to a legitimate entity, lending credence to the impersonators and influencing successful execution of the scam.

The Commission finds that for purposes of the rule, only two of these criteria are necessary. The number must be used for inbound calls only, and the subscriber to the number must authorize it to be blocked. The Commission agrees with the ITB recommendation that both the subscriber making the request and the provider receiving the request validate that the number is used for inbound calls only. The Commission will not require the subscriber or the provider to determine whether the number is currently being spoofed, is the source of a substantial volume of calls, or is recognized by consumers. While the Commission believes the additional criteria may be helpful in some circumstances, they would impose too high a barrier for inclusion in the DNO list. In addition, the Commission does not want to impose a potentially burdensome analysis requirement on providers that might discourage them from blocking inbound-only numbers at the request of the subscriber.

13. *Coordination of Effort.* The Commission agrees with Consumers Union *et. al.* that ''[m]uch responsibility rests with the providers to ensure that DNO works as well as possible'' through broad industry participation. While full industry participation is not required to achieve positive results, having more providers block a number will allow fewer calls purporting to be from that number to go through. Commenters note that providers must coordinate their efforts for this type of call blocking to be used effectively. For example, Sprint comments that, while it supports this type of blocking and participated in the collaborative effort to block spoofed IRS numbers, ''there are currently no automated systems in place to expand the scale of such projects industry-wide or to accommodate much larger numbers of customers requesting blocking.'' USTelecom points out the inefficiency of requiring subscribers ''requesting DNOs to be forced to make individual requests to multiple providers.'' ZipDX suggests that the originating provider is in the best position to block these kinds of calls.

14. Other commenters, however, suggest that providers expand their existing ways of sharing information from the test cases and other initiatives to support this effort. As Comcast comments, ''[p]articipants in the Strike Force have set up an ad hoc shared list of numbers that should not be originated and can add more for review.'' USTelecom comments that its ''Industry Traceback Group has been facilitating a targeted, centralized, and coordinated DNO trial and stands ready to continue to evolve industry efforts on this front going forward.''

15. The Commission strongly encourages providers to continue to work cooperatively to share information about any inbound-only numbers for which the subscriber has requested that the number be blocked. At this time, the Commission declines to prescribe a sharing mechanism, especially in light of industry's existing efforts at coordination. The Commission emphasizes that safeguards must be put in place to prevent numbers used for outbound calls from being wrongly added to the DNO list, whether from hacking, honest mistakes, or some other cause, especially for calls made to emergency services. The Commission encourages industry to continue developing its methods for implementing DNO and encourages providers that choose to do such blocking to establish a mechanism for timely removal of erroneous blocks.

16. *Resellers.* Finally, the Commission agree with TracFone that wireless resellers may pass along subscriber requests to the underlying carrier that the subscriber's inbound-only number be blocked. The Commission sees no reason on this record to not allow wireless reseller subscribers to participate in the DNO effort.

Calls Purporting To Originate From Unassigned Numbers

17. The Commission next finds that providers may initiate blocking where the call purports to originate from a number that is unassigned. Use of an unassigned number provides a strong indication that the calling party is spoofing the Caller ID to potentially defraud and harm a voice service subscriber. Such calls are therefore highly likely to be illegal. The Commission identifies three categories of unassigned numbers that it determines can be reasonably subject to blocking: (1) Numbers that are invalid under the North American Numbering Plan (NANP); (2) numbers that have not been allocated by the North American Numbering Plan Administrator (NANPA) or the Pooling Administrator (PA) to any provider; and (3) numbers that the NANPA or PA has allocated to a provider, but are not currently used. Providers may block calls purporting to be from numbers that fall into any one of these three categories.

Calls Purporting To Originate From Invalid Numbers

18. Providers may block calls purportedly originating from numbers that are not valid NANP numbers. Examples of such numbers include those that use an unassigned area code; that use an abbreviated dialing code, such as 911 or 411, in place of an area code; that do not contain the requisite number of digits; and that are a single digit repeated, such as 000–000–0000, with the exception of 888–888–8888, which is an assignable number. With a few important exceptions detailed below, the record generally supports the assumption that, because these numbers are not valid, a subscriber could not lawfully originate calls from such numbers and these calls should be blocked. Providers, however, must take care that they do not block calls that purportedly originate from valid numbers, especially emergency calls.

19. The record supports the proposal that no caller would spoof an invalid number for any lawful purpose; for example, unlike a business spoofing Caller ID on outgoing calls to show its main call-back number, invalid numbers cannot be called back. Thus, the Commission does not see a significant risk to network reliability in allowing providers to block this category of calls. ATIS suggests that benefits will be temporary because ''widespread blocking of invalid and unallocated numbers could have an unintended negative consequence by driving bad actors to focus their efforts on spoofing

assigned/valid numbers.'' Consumers Union *et. al.,* however, comment that blocking such calls is imperative, because ''[c]onsumers do not expect that their phone service would be the means through which illegal and fraudulent scams enter their homes, and providers should not be obligated to deliver illegal messages that could cause consumers harm.'' In addition, blocking calls purporting to be from invalid numbers ''holds the greatest potential for success in the short term and likely would be the easiest to implement.''

20. The Commission rejects suggestions that blocking calls purporting to originate from invalid numbers creates ''significant possibilities of false positives.'' Although ZipDX claims that ''a significant number'' of private branch exchanges (PBXs) ''are not properly configured'' to display an accurate Caller ID and that Caller ID information could theoretically be ''unintentionally altered'' during a call's transmission, the record belies such claims. Instead, the record demonstrates that the risk of erroneously blocking such calls is very low and should not be a barrier to allowing providers to block calls purporting to be from invalid numbers. Indeed, the Commission agrees with USTelecom that this small risk simply requires providers to exercise ''caution when instituting blocking in the network.'' And the Commission reiterates that caution to businesses with PBXs: The responsibility to properly configure PBX equipment lies with the owner, and those spoofing invalid numbers (whether intentionally or not) have the ability to ensure that their calls go through by properly reconfiguring that equipment.

21. *Identifying Invalid Numbers.* Neustar, which currently is the NANPA and PA, comments that ''information for invalid numbers [is maintained] within the [NANP], and the industry has other sources to identify invalid numbers such as ATIS's Industry Numbering Committee. . . . Thus, service providers already have access to the information they need'' for this kind of blocking. Comcast similarly states that ''[v]oice providers generally have 'intimate knowledge of the [NANP]' and can 'easily identify numbers that fall into this category,' including numbers that use an N11 code in place of an area code or that repeat a single digit.'' In light of the industry's assurance that it can confidently identify invalid numbers, the Commission sees no need to further define or limit what is meant by ''a number that is not a valid [NANP] number.'' The Commission encourages providers to conduct tests or simulations before blocking calls purporting to originate from invalid numbers to verify their methods.

Calls Purporting To Originate From Numbers Not Allocated to Any Provider

22. The Commission finds that providers may block calls purportedly originating from numbers that are valid but have not yet been allocated by the NANPA or the PA to any provider. Though these numbers are valid under the NANP, the Commission finds that calls purporting to use unallocated numbers are similar to calls purporting to use invalid numbers in that no subscriber can actually originate a call from any of these numbers, and the Commission sees no lawful reason to spoof such numbers because they cannot be called back. Calls purporting to originate from such numbers therefore are highly likely to be illegal.

23. Here, the provider must have knowledge that a certain block of numbers has not been allocated to any provider and therefore that the number being blocked could not have been assigned to a subscriber. The record generally supports allowing permissive blocking of calls purporting to be from unallocated numbers. For example, ATIS points out that ''no subscriber can actually originate a call from these unallocated central office codes and it is unlikely that there is any legitimate, lawful reason to.''

24. Parties opposing this type of call blocking generally do so based on implementation difficulties and the risk of blocking legal calls. For example, NCTA warns that the proposal ''could unintentionally result in harm to consumers and should not be adopted at this time,'' and ZipDX cautions that ''[t]he unintended consequences of these blocks (false positives) are potentially quite troublesome and far outweigh any good that would result from successful robocall blocks.'' Several commenters also note that, if providers block unallocated numbers, then ''illegal robocallers could simply shift to spoofing assigned numbers.''

25. Commenters do not agree on the potential volume of calls that might be blocked under this rule. While ZipDX says the ''fraction of complaints'' from unassigned numbers is ''miniscule,'' USTelecom states that ''the scale of numbers at issue in the Commission's latter two proposals [blocking calls from unallocated and unassigned numbers] are potentially enormous—encompassing 3 billion telephone numbers.'' Transaction Network Services (TNS) attempts to strike a middle ground, suggesting that ''[w]hile there is a large number of unallocated telephone numbers (over 33 million) that have been flagged as making calls, the volume of call activity from these numbers relative to all negative robocalling is very small.'' TNS concludes that blocking ''this subset of numbers has significant, but limited value.'' In contrast, a recent Commission enforcement action found that one robocaller made a staggering 21,582,771 spoofed robocalls in a three-month period; the caller ID for each of the robocalls examined by the FCC falsely identified a phone number that was not assigned to any carrier or subscriber at the time the calls were made. Although the number of complaints about calls from unassigned numbers may be small, the Commission agrees with USTelecom that the potential value of blocking such calls is enormous. Consumers will benefit from this type of blocking because the calls are highly likely to annoy or defraud.

26. *Defining Unallocated Numbers Subject to Blocking.* Some commenters emphasize that a permissive rule does not require providers to identify and block every unallocated number, but rather simply allows a provider to block calls purporting to be from those numbers it can verify are unallocated. The Commission agrees. Providers may block calls purporting to be from unallocated numbers and should limit themselves to blocking only those numbers that they can verify are unallocated. Providers may not be able to identify the complete set of all unallocated numbers for purposes of call blocking. Accordingly, voice service providers might be unable to block calls purporting to originate from every unallocated number, but this shortcoming would not result in the blocking of legal calls.

27. *Obtaining Unallocated Number Information.* The Commission does not prescribe a technical solution for identifying and communicating information about unallocated numbers at this time. The record shows consensus that, while information on unallocated numbers is available to providers, no currently available source identifies all unallocated numbers in real time and that ''the NANPA does not administer codes outside the United States, specifically in Canada and Caribbean countries, or toll-free numbers.'' Many commenters suggest that providers should use a new, centralized database as a resource for identification of unallocated numbers.

28. Neustar lists categories of unallocated numbers that should not initiate calls, including ''telephone numbers in: (1) Unallocated area codes in the NANP; (2) unallocated geographic

Central Office (''CO'') codes (NPA–NXX) in the United States; and (3) unallocated non-contaminated thousands-blocks (NPA–NXX–X) in the United States.'' ATIS elaborates on the issue of contaminated thousands-blocks, stating that available thousands-blocks ''publicly posted on the PA website . . . could contain up to 100 assigned numbers within those blocks.'' Therefore, providers blocking calls from contaminated blocks could erroneously block calls purporting to originate from assigned numbers. Providers that block calls purporting to originate from assigned numbers may be liable for violating the call completion rules.

29. Several commenters propose enhancements to the information provided by the NANPA and the PA. Neustar suggests that the NANPA and the PA ''provide on their websites: (1) 'Blacklists' of unallocated numbers that should not be making calls; and (2) 'Whitelists' of allocated area codes in the NANP, allocated geographic CO codes in the United States, and allocated thousands-blocks in the United States.'' Comcast takes a similar approach, suggesting that the databases ''(1) more clearly identify which numbers have not yet been allocated and (2) are updated immediately to reflect any new allocations as they occur.''

30. The Commission believes that providers, the NANPA, and the PA are in the best position to determine how to share information about unallocated numbers. The Commission encourages these parties to work together on whether and how to improve the availability of this information for blocking purposes. At the same time, the Commission cautions against blocking calls purporting to originate from allocated numbers and encourages providers to examine their practices carefully to verify that they are not inadvertently doing so. A provider that erroneously blocks calls purporting to originate from allocated numbers may be liable for violating the call completion rules.

Calls Purporting To Originate From Numbers That Are Allocated but Unused

31. The Commission finds that providers may block calls purportedly originating from numbers that are allocated to a provider by the NANPA or PA, but are unused, so long as the provider blocking the calls is the allocatee of the number or has obtained verification from the allocatee that the number is unused at the time of the blocking. For these purposes, an ''unused'' number is a number that is not assigned to a subscriber or otherwise set aside for outbound call use. As with invalid numbers and unallocated numbers, calls cannot originate from such a number, and the Commission foresees no lawful purpose for intentionally spoofing a number that is unused and thus cannot be called back.

32. The record shows mixed support for allowing providers to block these kinds of calls. For example, EPIC points out that ''because they are not assigned anyone using them without the provider's knowledge is almost certainly engaging in unlawful activity.'' Many commenters, however, express concerns about legal calls being blocked, similar to the concerns about unallocated number call blocking, because ''the status of numbers is always changing.'' The record also shows ''potentially thorny implementation issues'' for blocking calls from unused numbers, similar to but greater in scale than those identified for unallocated numbers. In addition, the argument concerning the likely reaction of robocallers to the blocking of unallocated numbers detailed above applies here as well.

33. *Obtaining Unused Number Information.* The record clearly shows ''an industry-wide recognition that there is currently no technical solution that allows providers to accurately and promptly identify numbers that have been allocated to a carrier but not yet assigned to a subscriber.'' Commenters assert that without such a database, providers cannot be certain of the status of numbers not assigned to them. The Number Portability Administration Center (NPAC) and other existing databases do not show the details of provider assignment of numbers and are not capable of identifying reassigned numbers. Microsoft claims that such blocking, ''if not supported by use of a 100 percent reliable real-time database (which does not exist), could prevent outgoing domestic call completion for consumers who are assigned newly-activated telephone numbers.''

34. The record reveals that creating such a database would be difficult. Neustar comments that providers ''often consider such information to be competitively sensitive.'' In addition, the information changes very quickly, ''as providers are constantly assigning new numbers to subscribers or are de-assigning numbers when a subscriber leaves and decides not to take advantage of number portability.'' While the FTC encourages providers to share this information, providers oppose mandatory information sharing. CTIA cautions that creating a centralized database ''is technically challenging and would divert resources away from innovative solutions.''

35. The Commission concludes, however, that a narrowly tailored rule could be implemented without a database. Noble Systems makes a distinction between allowing providers to block calls purported to originate from numbers allocated to that provider, which the provider knows to be unused, and requiring providers to share information to block all unused numbers. Regarding their own numbers, ''each individual service provider certainly knows which telephone numbers it has been allocated but not yet assigned to subscribers.'' As such, the rule permits providers to block on this basis. Should the industry develop more comprehensive information sources that would facilitate broader blocking of calls purported to originate from unused numbers, the rule would also permit that kind of blocking.

36. *Scope of Rule.* The record shows significant obstacles to implementing a rule requiring all providers to pool their information, yet where the allocatee of the number in question is the only provider able to block calls purporting to originate from that number, ''the value of the initiative would be significantly diminished and would create a disadvantage for smaller providers.'' With fewer providers blocking each number, fewer illegal calls will be blocked overall.

37. The Commission will not require providers to share competitively sensitive information on an industry-wide basis, nor will it limit providers to blocking only unused numbers they have been allocated. The Commission therefore defines the scope of this rule to allow providers to block calls purporting to originate from an unused number, so long as the provider blocking the call either (1) is the allocatee of the number and has confirmed the number is unused, or (2) has verified the unused status of the number with the allocatee at the time of the blocking. This gives providers the flexibility to share information if they wish to, and the Commission encourages providers to do so.

38. In addition, this is a permissive rule. CTIA points out that such ''[a] voluntary regime will allow carriers that develop the ability to identify these numbers to block calls originating from them without forcing carriers to develop capabilities they do not currently possess.''

39. *Types of Used Numbers.* Many commenters indicate that legal calls may be made from what appear to be unassigned numbers. For example, INCOMPAS points out that ''many

legitimate callers do not originate calls on the [PSTN] and, therefore, do not have telephone numbers.'' Commenters identify three specific kinds of unassigned numbers that should not be blocked because they are being used to make legal outbound calls: Intermediate numbers, administrative numbers, and proxy numbers. The Commission acknowledges this concern and the rule is clear that providers should not block any type of number that, although it is not assigned to a subscriber, is used for these lawful purposes. The Commission encourages providers to examine the status of their numbers before blocking calls that purport to originate from unused numbers to verify that they are not inadvertently blocking calls that fall outside the scope of this rule, which would risk liability for violating the call completion rules.

Other Issues

40. *Emergency Calls.* The Commission makes clear that the rules do not authorize the blocking of calls to 911 under any circumstance. The Commission notes that the NANP itself contemplates certain non-standard numbers to facilitate emergency calling; the NANP, for example, ''permits the use of '911' as the [Numbering Plan Area code] for emergency calls from non-initialized mobile devices.'' To make it abundantly clear, nonetheless, that voice providers should not block such calls, the Commission makes clear these rules do not permit the blocking of emergency calls except as otherwise expressly permitted by the Commission's rules.

41. *International Calls.* In the *Advanced Methods NPRM and NOI,* the Commission sought comment ''on whether an internationally originated call purportedly originated from a NANP number should be subject to these rules, whereas an internationally originated call showing an international number would be beyond the scope of this rule.'' The Commission adopts this proposal. The Commission agrees with Neustar that it should apply to international calls purporting to use NANP numbers ''the same blocking rules applicable to domestic originated calls.'' Many illegal robocalls originate from overseas call centers, and excluding such calls that purport to use NANP numbers from the ambit of the rule would create an exception that threatens to swallow the rule. In contrast, international calls from purported non-NANP numbers would not, by definition, follow the NANP numbering scheme and thus are beyond the scope of this proceeding.

42. The Commission agrees with commenters that internationally originated calls may have lawful reasons to use a NANP number. VON, for example, suggests ''a US-based user of a service may be traveling in Europe but uses their service to make Wi-Fi-based calls (and have their US caller ID shown).'' And the Commission agrees with Microsoft that it must ''avoid inadvertently authorizing international call blocking.'' But the Commission disagrees with ZipDX's apparent suggestion that some possibility of international call blocking means the Commission must abandon its efforts. Because the Commission authorizes blocking only for purported NANP numbers, it sees no reason why the actual origination point of the call would bear on whether it is blocked. In other words, the Commission finds the likelihood of blocking a legitimate call is minimal—no matter its origin. And the Commission reiterates that the rules do not authorize the blocking of any international call purporting to use a valid NANP number assigned to that user.

43. *Subscriber Consent.* The Commission does not require consumer opt-in for providers to block the specific types of calls addressed herein. The Commission believes that no reasonable consumer would want to receive the calls the Commission has determined may be subject to blocking. For call blocking to be most effective, it must be applied throughout the calling network. An opt-in requirement would thwart providers' efforts.

44. The record shows support for allowing providers to block these specific types of spoofed calls without requiring consent from the subscriber. Some commenters emphasize the limited scope of calls that do not require consent. ITTA agrees with the Commission's reasoning that ''obtaining opt-in consent from subscribers would add unnecessary burdens and complexity, . . . may not be technically feasible for some providers'' and ''would also add unnecessary delays.'' EPIC comments that ''proactive blocking'' would benefit consumers, ''especially those that rely on landlines, [who] may not have or use caller ID.''

45. Consumers Union *et. al.* propose that providers should obtain consent from all consumers before blocking calls other than those purporting to originate from DNO numbers, but, as stated above, the Commission does not believe any reasonable consumer would want to receive these calls. The administrative burden of tracking individual opt-in responses would likely be a disincentive to blocking.

46. While providers are not required to obtain subscriber consent before blocking these calls, the Commission emphasizes that the types of calls that can be blocked are very limited. The Commission agrees with the recommendation from the Consumer Advisory Committee (CAC) and encourages providers to inform their customers about the features and risks of their own call blocking programs.

47. *Call Completion Rates.* The Strike Force requested that the Commission amend its call completion rules to ensure that providers can block illegal calls without those blocked calls being held against them in calculating call completion rates. The Commission agrees that providers do not need to count these blocked calls for purposes of calculating their call completion rates on FCC Form 480 and therefore the Commission interprets the rules and the form to not require inclusion of calls blocked in accordance with the rules adopted here. Reporting carriers may exclude these calls to the extent that they are able to identify them.

48. The record shows significant support for excluding these calls from the call completion calculations to ''incentivize carriers to participate in voluntary blocking when appropriate and consistent with the rules.'' CenturyLink comments that ''[w]ithout this protection, carriers may be unwilling to use any of the tools that may be adopted in the proceeding and the consumer benefits the Commission hopes to achieve may not be realized.'' Consumers Union *et. al.* agrees that ''the calls that are blocked according to these guidelines should be exempt from call completion rates.''

49. Notwithstanding this support for the concept of excluding blocked calls from call completion rate calculations, it might not currently be possible for all providers to identify blocked calls. Originating providers required to file call completion reports have no standard mechanism to identify calls that are blocked intentionally under these rules by downstream providers and distinguish them from calls that are not completed for other reasons. Further, NTCA suggests that excluding such calls from call completion would be premature ''until the definitions and practical considerations noted above are addressed and standardized by industry and the Commission.''

50. Given the inability of all providers who must file call completion reports to identify blocked calls in every instance and the Commission's revisiting of the rural call completion requirements in a separate rulemaking proceeding, the Commission does not believe that

requiring exclusion of these calls is appropriate at this time. The Commission instead simply notes that providers subject to the call-completion reporting rules may, but are not required to, exclude blocked calls from the recordkeeping and reporting requirements to the extent they can identify such calls.

51. *CPNI Rules.* In the *Advanced Methods NPRM and NOI,* the Commission sought comment on whether there are concerns about sharing DNO request information and whether any clarifications or rule changes could be helpful. Some commenters asked the Commission to clarify the applicability of section 222 of the Act, and the implementing rules, in order to allow sharing of robocall information for traceback purposes or sharing of a subscriber's request to block an inbound-only number.

52. USTelecom notes that ''the sharing of CPNI by telecommunications providers is essential to ensuring accurate and thorough call traceback efforts in multiple providers' networks related to suspicious calling events.'' The Commission notes that traceback efforts are aimed at identifying persons who make illegal robocalls, including calls that involve fraud in violation of the Truth in Caller ID Act. The FTC comments that ''information sharing by providers at the subscriber's request appears to be consistent'' with the CPNI rules. The Commission agrees. Section 222 of the Act and the implementing rules explicitly allow telecommunications carriers to use, disclose, or permit access to CPNI obtained from its customers, either directly or indirectly through its agents, ''to protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.'' Furthermore, the Commission agrees with the FTC that when a subscriber requests that the carrier block calls purporting to be from the subscriber's inbound-only number, ''the subscriber is almost certainly seeking to have the number blocked by as many providers as possible.'' Therefore, such a request should be understood as authorizing the carrier to share that request with other carriers as permitted by section 222(c)(1) of the Act. Thus, voice service providers are free to share DNO requests as necessary to block calls in the limited circumstances identified in the *Report and Order.*

53. *Removing Blocks on Valid Numbers.* A challenge mechanism may be needed for voice service providers that block calls given the small possibility of blocking legitimate calls. AARP suggested ''[i]t would seem to be prudent to have the needed procedures to allow consumers to quickly counteract inadvertent blocking in place prior to the commencement of the general robocall blocking program.'' The Commission's Consumer Advisory Committee similarly states that providers and consumers should ''work collaboratively to develop processes and solutions whereby unintended blocking of legitimate callers can be remedied in a timely and efficient manner.'' The Commission encourages providers that block calls to establish a means for a caller whose number is blocked to contact the provider and remedy the problem. Specifically, the Commission encourages providers that block calls in accordance with these rules to provide a way for subscribers to challenge a blocked number using a simple method that is easy for the average subscriber to understand. The Commission also encourages providers to quickly resolve the matter so subscribers making legitimate calls may resume doing so speedily.

54. As a reminder, the call completion rules require voice service providers to complete calls and they should therefore not block legitimate calls. The Commission also reminds callers that the Commission's complaint process is available when calls that fall outside the scope of these rules are improperly blocked.

55. *Definition of ''Illegal Robocall.''* Although the *Advanced Methods NPRM and NOI* sought comment on the definition of ''illegal robocall'' for the purposes of this proceeding, the Commission declines to adopt a definition here given that none of the rules adopted here rely on such a definition. Indeed, the record shows confusion regarding how the proposed definition of ''illegal robocall'' should apply to the call blocking rules. Sprint comments that providers cannot determine whether a call meets the definition of an illegal robocall before blocking it, because ''[u]nlike spam prevention in email, the content of a call cannot be determined before the call rings through to the customer's phone.'' First Orion states ''the Commission clearly intends to give carriers the flexibility to prevent all illegal calls, regardless of the technology used.'' Similarly, the FTC suggests that the Commission use the term ''illegal call'' rather than ''illegal robocall,'' because ''the problematic calls here are not limited to just robocalls, but also abusive, fraudulent, or unlawful calls that are 'live.' '' Because the Commission makes clear that providers need not listen to the content of calls or otherwise to determine whether a particular call is expressly illegal before blocking it, the Commission sees no reason to define the term at the present moment.

Report on Robocalling

56. To shed additional light on the issue of robocalling and inform the Commission's actions going forward, the Commission directs the Consumer and Governmental Affairs Bureau, in consultation with the Federal Trade Commission's Bureau of Consumer Protection, to prepare a report on the state of robocalling in the United States and to submit it to the Commission within one year from publication of the *Report and Order* in the **Federal Register**. This report should encompass both the progress made by industry, government, and consumers in combatting illegal robocalls, as well as the remaining challenges to continuing these important efforts. A focus on quantitative data, including, but not limited to, calling trends and consumer complaints, will provide particular insight into the current state of the robocalling problem and how to target additional measures to help consumers avoid the fraud and annoyance that they experience.

Final Regulatory Flexibility Analysis

57. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Advanced Methods NPRM and NOI.* The Commission sought written public comment on the proposals in the *Advanced Methods NPRM and NOI,* including comment on the IRFA. The comments received are discussed below. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

Need for, and Objectives of, the Order

58. The *Report and Order* takes another important step in combatting illegal robocalls by enabling voice service providers to block certain calls before they reach consumers' phones. In the year since August 1, 2016, the Commission has received nearly 185,000 complaints about calls that consumers did not want. Stopping illegal robocalls and the problems they cause has united industry, government, and consumer groups. Caller ID spoofing is often the key to making robocall scams work. Therefore, the rules outline specific, well-defined circumstances in which voice service providers may block calls that are highly likely to be illegitimate because

there is no lawful reason to spoof certain kinds of numbers. Specifically, the *Report and Order* adopts rules allowing providers to block calls from phone numbers on a DNO list and those that purport to be from invalid, unallocated, or unused numbers. By doing so, the Commission furthers its goal of removing regulatory roadblocks and gives industry the flexibility to block illegal calls. At the same time, the Commission affirms its commitment to protect the reliability of the nation's communications network and ensure that provider-initiated blocking helps, rather than harms, consumers. A provider that blocks calls that do not fall within the scope of these rules may be liable for violating the Commission's call completion rules.

59. *Blocking at the Request of the Subscriber to the Originating Number.* In the *Report and Order,* the Commission codifies the Bureau's earlier clarification that voice service providers may block calls purporting to be from a telephone number if the subscriber to that number requests such blocking in order to prevent its number from being spoofed. Where the subscriber did not consent to the number being used, the call was very likely made with the intent to defraud, and therefore no reasonable consumer would wish to receive such a call.

60. *Calls Supposedly Originating From Invalid Numbers.* Similarly, the *Report and Order* allows providers to block calls purportedly originating from numbers that are not valid under the NANP. Examples of such numbers include those that use an unassigned area code; that use an abbreviated dialing code, such as 411, in place of an area code; that do not contain the requisite number of digits; and that are a single digit repeated, such as 000–000–0000, with the exception of 888–888–8888, which is an assignable number. No caller would spoof an invalid number for any lawful purpose; for example, unlike a business spoofing Caller ID on outgoing calls to show its main call-back number, invalid numbers cannot be called back. Providers, however, must take care that they do not block calls that purportedly originate from valid numbers, especially emergency calls.

61. *Calls Supposedly Originating From Numbers Not Allocated to Any Provider.* The *Report and Order* also allows providers to block calls purportedly originating from numbers that are valid but have not yet been allocated by the NANPA or the PA to any provider. Though these numbers are valid under the North American Numbering Plan, the Commission finds that calls purporting to use unallocated numbers are similar to calls purporting to use invalid numbers in that no subscriber can actually originate a call from any of these numbers, and the Commission sees no lawful reason to spoof such numbers because they cannot be called back.

62. *Calls Supposedly Originating From Numbers That are Allocated but Unused.* Document FCC 17–151 allows providers to block calls purportedly originating from numbers that are allocated to a provider by the North American Numbering Plan Administrator or Pooling Administrator, but are unused, so long as the provider blocking the calls is the allocatee of the number or has obtained verification from the allocatee that the number is unused at the time of the blocking. For these purposes, an ''unused'' number is a number that is not assigned to a subscriber or otherwise set aside for legitimate outbound call use. As with invalid numbers and unallocated numbers, a subscriber cannot originate a call from such a number, and the Commission foresees no lawful purpose for intentionally spoofing a number that is unused and thus cannot be called back.

63. *Other Issues.* The *Report and Order* also clarifies that these rules do not permit the blocking of emergency calls except as otherwise expressly permitted by the Commission's rules, that all calls purporting to originate from a NANP number, including international calls, are subject to these rules, and that international calls from purported non-NANP numbers would not, by definition, follow the NANP numbering scheme and thus are beyond the scope of this proceeding. It confirms that the Commission does not require consumer opt-in for providers to block these specific types of calls, clarifies that providers do not need to count these blocked calls for purposes of calculating their call completion rates, clarifies that voice service providers are free to share the CPNI necessary to block calls in the limited circumstances identified in the *Report and Order,* encourages providers to establish a means for a caller whose number is blocked to contact the provider and remedy the problem, and declines to adopt a definition of the term ''illegal robocall'' at the present moment.

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

64. In the *Advanced Methods NPRM and NOI,* the Commission solicited comments on how to minimize the economic impact of the new rules on small businesses. The Commission received one comment directly addressing the IRFA and several comments addressing small business concerns. Two of the comments requested that the call blocking rules be permissive, rather than mandatory, three pertained to the administration of a database for unassigned numbers, and two addressed other issues. In addition, the Commission received two consumer comments documenting the negative impact of unwanted calls on small businesses. None of the other comments pointed out any areas where small businesses would incur a particular hardship in complying with the rules.

65. *Permissive Rules.* Both CTIA and ITTA support permissive rules. CTIA suggests that ''blocking of numbers . . . should be authorized, but not required.'' ITTA claims that permissive rules give providers ''flexibility in how aggressively they choose to block calls.'' The rules the Commission adopts here are permissive and not mandatory.

66. *Database Administration.* INCOMPAS, ITTA, and PACE suggest that a centralized database of unused numbers be created, and then suggest ways to minimize disproportionate costs to small businesses in using such a database. The Commission considered both the technical and cost issues inherent in the creations of a database and determined not to require one. Without a database, concerns about its administration are rendered moot.

67. INCOMPAS requests a mechanism that will ''spare smaller providers from using additional resources to prove the legitimacy of its call traffic to other providers.'' In the *Report and Order,* the Commission allows a provider to block unused numbers only if the provider blocking the calls is the allocatee of the number or has obtained verification from the allocatee that the number is unused at the time of the blocking. Therefore, if a smaller provider does not give information to other providers, its call traffic will not be blocked.

68. *Other Issues.* Commenters raise three other issues. First, INCOMPAS requests that the Commission require providers to put a mechanism in place to remove blocks on valid numbers, and that in doing so, ''providers should be given discretion to adjust their policies according to their size and services.'' In the *Report and Order,* the Commission urges, but does not require providers to implement such a mechanism, nor does the Commission provide specific requirements for how providers might remove blocks on valid numbers, allowing smaller providers the flexibility they request. Second, NTCA suggests that the North American

Numbering Council (NANC) ''may be best positioned to help clarify practical requirements'' to ''to assess and mitigate the costs of compliance for smaller firms.'' However, industry has already established the Robocall Strike Force (Strike Force), which has produced significant documentation clarifying the practical requirements for the limited and specific types of call blocking authorized in the *Report and Order*. Blocking these calls presents a very low risk, and NANC participation is not required to move forward at this time. Third, TNS suggests that providers be permitted to block unused numbers allocated to other providers to avoid creating ''a disadvantage for smaller providers.'' The record also shows that many providers view their unused number data as competitively sensitive information. In the *Report and Order,* the Commission balances these concerns by allowing, but not requiring, providers to block unused numbers allocated to other providers if they have verified the unused status of the number.

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

69. 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. 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 Rules Will Apply

70. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Wireline Carriers

71. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

72. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for local exchange services. The closest applicable size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of local exchange service are small businesses.

73. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses.

74. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of

technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, shared-tenant service providers, and other local service providers are small entities.

75. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although it emphasizes that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

76. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a small business size standard specifically for providers of interexchange services. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that the majority of interexchange carriers are small entities.

77. *Cable System Operators (Telecom Act Standard).* The Communications Act also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, the Commission finds that all but nine incumbent cable operators are small entities under this size standard. Note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, the Commission is unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

78. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to other toll carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of other toll carriers can be considered small.

Wireless Carriers

79. *Wireless Telecommunications Carriers (except Satellite).* Since 2007, the Census Bureau has placed wireless firms within this new, broad, economic census category. Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. For the category of Wireless Telecommunications Carriers (except Satellite), Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees. Thus, under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services. Of this total, an estimated 261 have 1,500 or fewer employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

80. *Satellite Telecommunications Providers.* The category of Satellite Telecommunications ''comprises establishments primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting

industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' This category has a small business size standard of $32.5 million or less in average annual receipts, under SBA rules. For this category, Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of under $25 million. Consequently, the Commission estimates that the majority of satellite telecommunications firms are small entities.

81. *All Other Telecommunications.* All other telecommunications comprise, *inter alia,* ''establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.'' The SBA has developed a small business size standard for the category of All Other Telecommunications. Under that size standard, such a business is small if it has $32.5 million in annual receipts. For this category, Census Bureau data for 2012 show that there were a total of 1,442 firms that operated for the entire year. Of this total, 1,400 had annual receipts below $25 million per year. Consequently, the Commission estimates that the majority of all other telecommunications firms are small entities.

Resellers

82. *Toll Resellers.* The Commission has not developed a definition for toll resellers. The closest NAICS Code Category is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services. Of this total, an estimated 857 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of toll resellers are small entities.

83. *Local Resellers.* The SBA has developed a small business size standard for the category of Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these local resellers can be considered small entities.

84. *Prepaid Calling Card Providers.* The SBA has developed a small business size standard for the category of Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

85. *The Report and Order* gives voice service providers the option of blocking illegal robocalls in certain, well-defined circumstances. These changes affect small and large companies equally, and apply equally to all of the classes of regulated entities identified above.

86. *Reporting and Recordkeeping Requirements.* The *Report and Order* clarifies the call completion rules by allowing, but not requiring, voice service providers to exclude calls blocked under these new rules from their call completion calculations, to the extent that they are aware of which calls are blocked. To do so, voice service providers that choose to exclude such calls may modify their current reporting and recordkeeping procedures already in place for performing their call completion calculations on existing FCC Form 480. This is a minor modification to an existing process, so the Commission anticipates that the impact will be minimal.

87. *Other Compliance Requirements.* Voice service providers will be permitted, but not required, to block calls purportedly originating from (1) a telephone number if the subscriber to that number requests such blocking in order to prevent its number from being spoofed; (2) numbers that purport to be NANP numbers but are not valid under the NANP; (3) numbers that are valid but have not yet been allocated by the NANPA or the PA to any provider; (4) numbers that are allocated to a provider by the NANPA or PA, but are unused, so long as the provider blocking the calls is the allocatee of the number and or has obtained verification from the allocatee that the number is unused at the time of the blocking.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

88. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its 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.

89. The Commission considered feedback from the *Advanced Methods NPRM and NOI* in crafting the final order. The Commission evaluated the comments in light of balancing the goal of removing regulatory roadblocks and giving industry the flexibility to block illegal calls with its commitment to protect the reliability of the nation's communications network. Small businesses supported the proposal to make the call blocking rules permissive rather than mandatory. While the Commission considered mandatory rules, it both proposed and implemented permissive rules to address the concerns of voice service providers, including small businesses, that the cost and burden of complying with mandatory rules could be significant and might require implementation of new technology. The Commission also took small business concerns into consideration in its determination to not require a database of unused numbers. While the Commission considered mandating the use of a database for providers that choose to block unused numbers, such a database could impose disproportionate costs on small businesses and would be challenging to create and maintain. Similarly, the Commission considered the needs of small businesses in its guidance regarding removing blocks from valid numbers. While the Commission considered requiring specific processes or dedicated resources, it does not mandate them at this time to allow small providers to scale their efforts in accordance with their businesses and to develop a more robust record on the issue before the Commission addresses this in a future proceeding.

90. The Commission does not see a need to establish a special timetable for small entities to reach compliance with the modification to the rules. No small business has asked for a delay in implementing the rules. Small businesses may avoid compliance costs entirely by declining to block robocalls, or may delay implementation of call blocking indefinitely to allow for more time to come into compliance with the rules. Similarly, there are no design standards or performance standards to consider in this rulemaking.

Report to Congress

91. The Commission sent a copy of the *Report and Order,* including the FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

Ordering Clauses

92. Pursuant to sections 201, 202, 222, 251(e), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 201, 202, 222, 251(e), 403, the *Report and Order is adopted* and that part 64 of the Commission's rules, 47 CFR 64.1200, *is amended.*

93. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

94. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the Report and Order, including the Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Telecommunications, Telephone.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 is amended to read as follows:

Authority: 47 U.S.C. 154, 202, 225, 251(e), 254(k), 403(b)(2)(B), (c), 616, 620, Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 202, 218, 222, 225, 226, 227, 228, 251(e), 254(k), 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, unless otherwise noted.

■ 2. In § 64.1200, add reserved paragraphs (i) and (j) and paragraph (k) to read as follows:

§ 64.1200 Delivery restrictions.

* * * * *

(i) [Reserved]

(j) [Reserved]

(k) Voice service providers may block calls so that they do not reach a called party as follows:

(1) A provider may block a voice call when the subscriber to which the originating number is assigned has requested that calls purporting to originate from that number be blocked because the number is used for inbound calls only.

(2) A provider may block a voice call purporting to originate from any of the following:

(i) A North American Numbering Plan number that is not valid;

(ii) A valid North American Numbering Plan number that is not allocated to a provider by the North American Numbering Plan Administrator or the Pooling Administrator; and

(iii) A valid North American Numbering Plan number that is allocated to a provider by the North American Numbering Plan Administrator or Pooling Administrator, but is unused, so long as the provider blocking the calls is the allocatee of the number and confirms that the number is unused or has obtained verification from the allocatee that the number is unused at the time of the blocking.

(3) A provider may not block a voice call under paragraph (k)(1) or (2) of this section if the call is an emergency call placed to 911.

(4) For purposes of this subsection, a provider may rely on Caller ID information to determine the purported originating number without regard to whether the call in fact originated from that number.

[FR Doc. 2018–00457 Filed 1–11–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PS Docket No. 13–87; PS Docket No. 06–229, WT Docket No. 96–86, RM–11433 and RM–11577, FCC 14–172]

Service Rules Governing Narrowband Operations in the 769–775/799–805 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Service Rules Governing Narrowband Operations in the 769–775/799–805 MHz Bands, FCC 14–172. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules.

DATES: Amendments to 47 CFR 90.531(b)(2) and (7), published at 79 FR 71321, December 2, 2014, are effective January 12, 2018.

FOR FURTHER INFORMATION CONTACT: John A. Evanoff, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418–0848 or *john.evanoff@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: A summary of the 700 MHz Report and Order was published in the **Federal Register** on December 2, 2014, 79 FR 71321. The 700 MHz Report and Order adopted technical rules for the 700 MHz narrowband. The summary stated that with the exception of certain rules requiring OMB approval, the rules adopted in the 700 MHz Report and Order would become effective January 2, 2015. With regard to rules requiring OMB approval, the Commission stated it will publish a document in the **Federal Register** announcing the effective date of these rules. The information collection requirements in §§ 90.531(b)(2) and (b)(7) were approved by OMB under OMB Control No. 3060–1198. With publication of the instant document in the **Federal Register**, the rule changes to 47 CFR 90.531(b)(2) and (b)(7) adopted in the 700 MHz Report and Order are now effective.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street, SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1198, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

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).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on April 20, 2015, for the information collection requirements contained in the modifications to 47 CFR 90.531(b)(2) and (b)(7).

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1198.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1198.

OMB Approval Date: April 20, 2015.

OMB Expiration Date: April 30, 2018.

Title: Section 90.525, Administration of Interoperability Channels; Section 90.529, State Licenses; and Section 90.531, Band Plan.

Form Number: N/A.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

Number of Respondents and Responses: 2,283 respondents; 2,283 responses.

Estimated Time per Response: 1—2 hours.

Frequency of Response: On occasion reporting and one-time reporting requirements; third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in sections 4(i), 11, 303(g), 303(r), and 332(c) (7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), unless otherwise noted.

Total Annual Burden: 2,336 hours.

Total Annual Cost: No Cost.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act: No impact(s).

Needs and Uses: Section 90.531(b)(2) of the Commission's rules provides that narrowband reserve channels are designated for General Use subject to Commission approved regional planning committee regional plans and technical rules applicable to General Use channels. T-Band incumbents shall enjoy priority access to these channels in certain markets provided that such incumbent commits to return to the Commission an equal amount of T-Band spectrum and obtains concurrence from the relevant regional planning committee(s). *Section 90.531(b)(7)* of the Commission's rules reserves certain narrowband channels for air-ground communications to be used by low altitude aircraft and ground based stations subject to state administration (*e.g.* letter of concurrence).

Commission staff will use the information to assign licenses for narrowband public safety channels. The information will also be used to determine whether prospective licensees operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate State interoperability or regional planning requirements or provide for the efficient use of narrowband public safety frequencies. This information collection includes rules to govern the operation and licensing of 700 MHz band systems to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934, as amended. Such information will continue to be used to verify that applicants are legally and technically qualified to hold licenses, and to determine compliance with Commission rules.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–00454 Filed 1–11–18; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 83, No. 9
Friday, January 12, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1245; Product Identifier 2017–NM–099–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A318 series airplanes and Model A319 series airplanes; all Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and all Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the holes of the upper cleat to upper stringer attachments at certain areas of the left- and right-hand wings are subject to widespread fatigue damage (WFD). This proposed AD would require modifying the holes of the upper cleat to upper stringer attachments at certain areas of the left- and right-hand wings. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by February 26, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this NPRM, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1245; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–1245; Product Identifier 2017–NM–099–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as widespread fatigue damage. It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose

LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0117, dated July 7, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A318 series airplanes; Model A319 series airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Within the scope of work of service life extension for A320 aeroplanes and of widespread fatigue damage evaluations, it has been determined that a structural modification is required to allow the aeroplanes to continue operation up to the limit of validity (LoV).
>
> This condition, if not corrected, may affect the structural integrity of the wing.
>
> To address this potential unsafe condition, Airbus issued SB A320–57–1208, providing instructions to oversize the holes of the upper cleat to upper stringer attachments at Rib 2 to Rib 7 (inclusive).
>
> For the reason described above, this [EASA] AD requires modification of the affected holes.

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–2017–1245.

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus Service Bulletin A320–57–1208, dated November 21, 2016. The service information describes procedures for modifying the stringer attachments at rib 2 through rib 7 of the left- and right-hand wings. The modification includes oversizing the holes, doing an eddy current inspection of the affected holes for damage, and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 1,136 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification (by oversizing and doing eddy current inspection).	125 work-hours × $85 per hour = $10,625	$26,260	$36,885	$41,901,360

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2017–1245; Product Identifier 2017–NM–099–AD.

(a) Comments Due Date

We must receive comments by February 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A318–111, –112 –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers, except airplanes specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model A318 series airplanes on which Airbus Modification (Mod) 39195 has been embodied in production or Airbus Service Bulletin A320–00–1219 has been embodied in service.

(2) Model A319 series airplanes on which Airbus Mod 28238, Mod 28162, and Mod 28342 have been embodied in production.

(d) Subject

Air Transport Association (ATA) of America Code 57, wings.

(e) Reason

This AD was prompted by an evaluation by the design approval holder indicating that the holes of the upper cleat to upper stringer attachments at rib 2 through rib 7 of the left- and right-hand wings are subject to widespread fatigue damage. We are issuing this AD to prevent fatigue cracking in the stringer attachment holes of the wings, which could result in reduced structural integrity of the wings.

(f) Compliance

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

(g) Modification

Before reaching the upper limit, but not before reaching the lower limit, as defined in table 1 to paragraph (g) of this AD, as applicable: Modify the holes of the upper cleat to upper stringer attachments at rib 2 through rib 7 inclusive, on the left- and right-hand wings by oversizing the holes, doing eddy current inspections of the holes for damage, and repairing any damage found, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1208, dated November 21, 2016, except as required by paragraph (h) of this AD. Repair all damage before further flight.

Table 1 to paragraph (g) of this AD – *Window of Embodiment (Total Accumulated Flight Hours (TFH) or Total Accumulated Flight Cycles (TFC), whichever occurs first since airplane first flight)*

Airplanes affected		Lower Limit		Upper Limit	
		TFH	TFC	TFH	TFC
A318-100	All	94,000	47,000	159,200	79,600
A319-100 and A320-200	Pre-mod 160001 and Pre-Airbus Service Bulletin A320-57-1193	94,000	47,000	159,200	79,600
A319-100 and A320-200	Post-mod 160001 or Post-Airbus Service Bulletin A320-57-1193	52,260	26,130	101,610	50,805
A321-100 and A321-200	Pre-mod 160021	101,200	50,600	148,300	74,100
A321-200	Post-mod 160021	44,796	22,398	112,808	56,404

(h) Service Information Exception

Where Airbus Service Bulletin A320–57–1208, dated November 21, 2016, specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (Required for Compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (i)(2) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (h) of this AD: If

any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0117, dated July 7, 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–2017–1245.

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

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on December 26, 2017.

John P. Piccola, Jr.,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–00342 Filed 1–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1144; Airspace Docket No. 16–AGL–30]

Proposed Modification of Air Traffic Service (ATS) Routes in the Vicinity of Richmond, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify five VHF Omnidirectional Range (VOR) Federal airways (V–12, V–214, V–340, V–467, and V–517) and one low altitude area navigation (RNAV) route (T–213) in the vicinity of Richmond, IN. The FAA is proposing this action due to the planned decommissioning of the Richmond, IN (RID), VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) navigation aid (NAVAID) which provides navigation guidance for portions of the affected ATS routes. Overall, this action would enhance the safety and management of aircraft within the National Airspace System (NAS).

DATES: Comments must be received on or before February 26, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–1144 and Airspace Docket No. 16–AGL–30 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would support the route structure in the Richmond, IN, area as necessary to preserve the safe and efficient flow of air traffic within the NAS.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2017–1144 and Airspace Docket No. 16–AGL–30) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2017–1144 and Airspace Docket No. 16–AGL–30.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

Background

The FAA was originally considering decommissioning activities for the Richmond, IN (RID), VORTAC in 2023 as one of the candidate VORs identified for discontinuance by the VOR Minimum Operating Network (VOR MON) program as listed in the final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. However, recent damage to the roof of the structure that houses the VORTAC has been determined to be significant enough that repair to the roof would not be cost effective for the period of time the VORTAC was originally planned to be retained. As a result, the FAA is now planning to decommission the Richmond, IN, VORTAC in 2018 and to amend the ATS routes that use the VORTAC prior to its decommissioning. The ATS routes affected by the Richmond VORTAC are VOR Federal airways V–12, V–214, V–340, V–467, V–517, and low altitude RNAV route T–213.

With the planned decommissioning of the Richmond, IN, VORTAC, the remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the affected airways. As such, proposed modifications to VOR Federal airways V–12, V–214, V–340, V–467, and V–517 would result in gaps in the route structures. To overcome the gaps in the route structures, instrument flight rules (IFR) traffic could use adjacent VOR Federal airways (V–5, V–47, V–50, V–55, V–97, V–214 (retained portions), V–221, and V–275) to circumnavigate the affected area, file point to point through the affected area using fixes that will remain in place, or receive air traffic control (ATC) radar vectors through the area. Visual flight rules (VFR) pilots who elect to navigate via the airways through the affected area could also take advantage of the adjacent VOR Federal airways or ATC services previously listed.

Additionally, due to the planned decommissioning of the Richmond, IN, VORTAC, the end point in the T–213 route description (the Richmond VORTAC) would be redefined to retain the T-route as charted.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify VOR Federal airways V–12, V–214, V–340, V–467, and V–517, and low altitude RNAV route T–213. The planned decommissioning of the Richmond, IN, VORTAC has made these actions necessary.

The proposed VOR Federal airways and RNAV T-route changes are outlined below.

V–12: V–12 currently extends between the Gaviota, CA, VORTAC and the Pottstown, PA, VORTAC. The FAA proposes to remove the airway segment between the Shelbyville, IN, VOR/Distance Measuring Equipment (VOR/DME) and the Allegheny, PA, VOR/DME. The unaffected portions of the existing airway would remain as charted in the two remaining segments.

V–214: V–214 currently extends between the Kokomo, IN, VORTAC and the Richmond, IN, VORTAC; and between the intersection of the Appleton, OH, VORTAC 236° and Zanesville, OH, VOR/DME 274° radials (GLOOM fix) and the Teterboro, NJ, VOR/DME. The FAA proposes to remove the airway segment between the Muncie, IN, VOR/DME and the Richmond, IN, VORTAC. The unaffected portions of the existing airway would remain as charted in the two remaining segments.

V–340: V–340 currently extends between the intersection of the Peotone, IL, VORTAC 053° and Knox, IN, VOR/DME 297° radials (BEARZ fix) and the Richmond, IN, VORTAC. The FAA proposes to remove the airway segment between the Fort Wayne, IN, VORTAC and the Richmond, IN, VORTAC. The unaffected portions of the existing airway would remain as charted.

V–467: V–467 currently extends between the Richmond, IN, VORTAC and the Detroit, MI, VOR/DME. The FAA proposes to remove the airway segment between the Richmond, IN, VORTAC and the Waterville, OH, VOR/DME. The unaffected portion of the existing airway would remain as charted.

V–517: V–517 currently extends between the Snowbird, TN, VORTAC and Dayton, OH, VOR/DME. The FAA proposes to remove the airway segment between the Cincinnati, OH, VORTAC and the Dayton, OH, VOR/DME. The unaffected portions of the existing airway would remain as charted.

T–213: T–213 currently extends between the Louisville, KY, VORTAC and Richmond, IN, VORTAC. The FAA proposes to remove the VOR portion of the Richmond, IN, VORTAC from service and retain the DME equipment, with the same three-letter identifier, in service at the same location. The existing RNAV route would remain as charted.

All radials in the route descriptions below are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a), and United States Area Navigation Routes (low altitude T-routes) are published in paragraph 6011, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways and RNAV T-route listed in this document would be subsequently published in the Order.

Regulatory Notices and Analyses

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

number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–12 [Amended]

From Gaviota, CA; San Marcus, CA; Palmdale, CA; 38 miles, 6 miles wide, Hector, CA; 12 miles, 38 miles, 85 MSL, 14 miles, 75 MSL, Needles, CA; 45 miles, 34 miles, 95 MSL, Drake, AZ; Winslow, AZ; 30 miles, 85 MSL, Zuni, NM; Albuquerque, NM; Otto, NM; Anton Chico, NM; Tucumcari, NM; Amarillo, TX; Mitbee, OK; Anthony, KS; Wichita, KS; Emporia, KS; INT Emporia 063° and Napoleon, MO, 243° radials; Napoleon; INT Napoleon 095° and Columbia, MO, 292° radials; Columbia; Foristell, MO; Troy, IL; Bible Grove, IL; to Shelbyville, IN. From Allegheny, PA; Johnstown, PA; Harrisburg, PA; INT Harrisburg 092° and Pottstown, PA, 278° radials; to Pottstown.

* * * * *

V–214 [Amended]

From Kokomo IN, Marion, IN; to Muncie, IN. From INT Appleton, OH, 236° and Zanesville, OH, 274° radials; Zanesville; Bellaire, OH; INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; Martinsburg, WV; INT Martinsburg 094° and Baltimore, MD, 300° radials; Baltimore; INT Baltimore 093° and Dupont, DE, 223° radials; Dupont; Yardley, PA; to Teterboro, NJ.

* * * * *

V–340 [Amended]

From INT Peotone, IL, 053° and Knox, IN, 297° radials; Knox; to Fort Wayne, IN.

* * * * *

V–467 [Amended]

From Waterville, OH; to Detroit, MI.

* * * * *

V–517 [Amended]

From Snowbird, TN; INT Snowbird 329° and London, KY, 141° radials; London; INT London 004° and Falmouth, KY, 164° radials; Falmouth; to Cincinnati, OH.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–213 Louisville, KY to Richmond, IN

Louisville, KY (IIU)	VORTAC	(Lat. 38°06′13″ N, long. 85°34′39″ W)
GAMKE, IN	WP	(Lat. 38°46′13″ N, long. 85°14′35″ W)
MILAN, IN	FIX	(Lat. 39°21′22″ N, long. 85°19′01″ W)
Richmond, IN (RID)	DME	(Lat. 39°45′18″ N, long. 84°50′20″ W)

* * * * *

Issued in Washington, DC, on January 3, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–00376 Filed 1–11–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0755; Airspace Docket No. 17–AEA–11]

Proposed Revocation and Amendment of Class E Airspace, Philipsburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove Class E surface airspace at Mid-State Airport, as the airport no longer qualifies for surface airspace. Also, this action proposes to remove Class E airspace extending upward from 700 feet above the surface at Philipsburg Area Hospital Heliport, as the Hospital has closed. Controlled airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at Mid-State Airport.

DATES: Comments must be received on or before February 26, 2018.

ADDRESSES: Send comments on this proposal to: U. S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Bldg. Ground Floor Rm. W12–140, Washington, DC 20590; Telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2017–0755; Airspace Docket No. 17–AEA–11, at the beginning of your comments. You may also submit and review received comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone 404 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator.

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend and remove Class E airspace in the Philipsburg, PA, area to support IFR operations.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0755; Airspace Docket No. 17–AEA–11.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to remove Class E surface airspace at Mid-State Airport as the airport no longer qualifies for the airspace. Also, the Class E airspace extending upward from 700 feet or more above the surface surrounding Philipsburg Area Hospital Heliport would be removed as the hospital has closed. Airspace reconfiguration is necessary for continued safety and management of IFR operations in the area.

Class E airspace designations are published in Paragraphs 6002 and 6005 respectively, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA PA E2 Philipsburg, PA [Removed]

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

* * * * *

AEA PA E5 Philipsburg, PA [Amended]

Mid-State Airport, PA
(Lat. 40°53′04″ N, long. 78°05′14″ W)
Philipsburg VORTAC
(Lat. 40°54′59″ N, long. 77°59′34″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Mid-State Airport extending clockwise from the 261° bearing to the 012° bearing from the airport and within a 7.4-mile radius of Mid-State Airport extending clockwise from the 012° bearing to the 098°

bearing from the airport and within a 6.6-mile radius of Mid-State Airport extending clockwise from the 098° bearing to the 183° bearing from the airport, and within a 8.3-mile radius of Mid-State Airport extending clockwise from the 183° bearing to the 261° bearing from the airport and within 3.1 miles each of the Philipsburg VORTAC 067° radial extending from the VORTAC to 10 miles northeast of the VORTAC, and within 3.5 miles each side of the 327° bearing from a point at lat. 40°53′09″ N, long. 78°05′06″ W, extending from said point to a point 7.4 miles northwest, and within 2.2 miles each side of the Philipsburg VORTAC 330° radial extending from the VORTAC to 5.3 miles northwest of the VORTAC and within 3.1 miles each side of the Philipsburg VORTAC 301° radial extending from the VORTAC to 10 miles northwest of the VORTAC.

Issued in College Park, Georgia, on January 4, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–00395 Filed 1–11–18; 8:45 am]

BILLING CODE 4910–13–P

DELAWARE RIVER BASIN COMMISSION

18 CFR Parts 401 and 440

Administrative Manual and Special Regulations Regarding Natural Gas Development Activities; Additional Clarifying Amendments

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: The Commission proposes to amend its *Special Regulations* by the addition of a section on hydraulic fracturing in shale and other rock formations, including: The prohibition of high volume hydraulic fracturing in such formations; provisions related to water use for hydraulic fracturing; and provisions related to the management of produced water from hydraulic fracturing. The Commission also proposes to amend its *Administrative Manual—Rules of Practice and Procedure* by the addition of project review classifications and fees related to the management of produced water from hydraulic fracturing of hydrocarbon bearing rock formations. Minor amendments to the project review classifications unrelated to hydraulic fracturing are also proposed.

DATES: *Written comments:* Written comments will be accepted through 5 p.m. on March 30, 2018.

Public hearings:

1. January 23, 2018, 1:00 p.m. to 4:30 p.m., Waymart, Wayne County, PA
2. January 23, 2018, 6:00 p.m. to as late as 9:30 p.m., Waymart, Wayne County, PA
3. January 25, 2018, 1:00 p.m. to 4:30 p.m., Philadelphia, PA
4. January 25, 2018, 6:00 p.m. to as late as 9:30 p.m., Philadelphia, PA
5. February 22, 2018, 3 p.m. to as late as 7 p.m., Schnecksville, PA
6. March 6, 2018, 1:30 p.m. to 3:30 p.m., *via* telephone.

Registration to attend hearings: Online registration to attend hearings will remain open until 5 p.m. the day prior to the hearing. (On-site registration will also be available at in-person venues.) Registrants will be afforded opportunities to request speaking time.

ADDRESSES: *Written submissions:* Written comments will be accepted through the Commission's online public comment collection system at: *http://dockets.drbc.commentinput.com.* To request an exception to use of the online system based on lack of access to the internet, please contact: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

The hearing locations are:

- Ladore Camp, Retreat and Conference Center, 287 Owego Turnpike, Waymart, PA 18472 (Jan. 23)
- DoubleTree by Hilton Hotel Philadelphia Airport, 4509 Island Avenue, Philadelphia, PA 19153 (Jan. 25)
- LCCC Community Services Center, 4525 Education Park Drive, Schnecksville, PA 18078 (Feb. 22)
- By telephone 866–831–8713 (Mar. 6)

Registration to attend hearings: To register to attend one or more public hearings, use the links posted on the Commission's website at *http://www.nj.gov/drbc/meetings/proposed/notice_hydraulic-fracturing.html* (strongly recommended). On-site registration will also be available at in-person hearing venues. Registrants will be afforded opportunities to request speaking time.

See **SUPPLEMENTARY INFORMATION** for important details regarding the substance of requested comments, registration to attend public hearings, and other aspects of the public process.

FOR FURTHER INFORMATION CONTACT: Kate Schmidt, 609–477–7205, *kate.schmidt@drbc.nj.gov.*

SUPPLEMENTARY INFORMATION: The Delaware River Basin Commission (DRBC or ''Commission'') is a regional interstate and federal agency formed by concurrent compact legislation of the four basin states and the federal government in 1961 to manage the water resources of the Delaware River Basin without regard to political boundaries. Its members are, *ex officio,* the governors of the basin states (Delaware, New Jersey, New York, and Pennsylvania) and the commander of the U.S. Army Corps of Engineers North Atlantic Division, who represents the federal government. Most actions of the Commission, including the adoption of rules to effectuate, apply and enforce the compact, require a majority vote of the Commission's five members.

Background

On September 13, 2017, the Commissioners by a Resolution for the Minutes directed the Executive Director to prepare and publish for public comment a revised set of draft regulations, to include: ''(a) prohibitions relating to the production of natural gas utilizing horizontal drilling and hydraulic fracturing within the basin; (b) provisions for ensuring the safe and protective storage, treatment, disposal and/or discharge of wastewater within the basin associated with horizontal drilling and hydraulic fracturing for the production of natural gas where permitted; and (c) regulation of the inter-basin transfer of water and wastewater for purposes of natural gas development where permitted.''

In accordance with the Commissioners' September 13 directive, the Commission is proposing amendments to its regulations and comprehensive plan to better provide for the planning, conservation, utilization, development, management and control of the basin's water resources in connection with the hydraulic fracturing of shale and other hydrocarbon bearing formations to produce oil and gas. The Commission proposes to prohibit high volume hydraulic fracturing within the basin to effectuate the comprehensive plan for the immediate and long-term development and use of the water resources of the basin, and to conserve, preserve and protect the quality and quantity of the basin's water resources for uses in accordance with the comprehensive plan.

Through a series of policies and regulations establishing and amending its comprehensive plan, the Commission over the past half-century has established in-stream water quality standards throughout the basin, prohibited degradation of groundwater, and provided special protection to the non-tidal segment of the Delaware River to preserve its exceptionally high water quality and water supply values. As the agency through which the five signatory parties to the Compact collectively manage the basin's water resources on a

regional basis, the Commission has taken these steps to meet public and private needs for, among other things, drinking water, recreation, power generation, and industrial activity, and to accommodate large out-of-basin diversions by the City of New York and the State of New Jersey that are authorized by the 1954 decree of the U.S. Supreme Court in the matter of *New Jersey* v. *New York.*[1]

Portions of Pennsylvania and New York comprising about 40 percent of the basin's geographic area are underlain by the Marcellus and Utica shales, geologic strata known to contain natural gas. Although the presence of commercially viable natural gas from these formations within the basin is not known, in regions of Pennsylvania west of the basin divide, oil and natural gas are extracted from the Marcellus and Utica formations by means of directional drilling and hydraulic fracturing using large volumes of water in a process referred to commonly in the region as ''high volume hydraulic fracturing'' (HVHF).[2] The South Newark Basin formation, which underlies portions of Pennsylvania and New Jersey, may also contain oil and gas deposits capable of development by HVHF. All of the basin areas underlain by the Marcellus and Utica shales, with the exception of a small area of Schuylkill County, Pennsylvania, drain to waters the Commission has designated as ''Special Protection Waters'', due to their exceptionally high scenic, recreational, ecological, and/or water supply values. The Commission's water quality management policy objective for Special Protection Waters is ''that there be no measurable change [in the quality of these waters] except toward natural conditions.' ''[3]

During hydraulic fracturing, hydraulic fracturing fluid consisting primarily of water and recycled wastewater mixed with chemicals is injected through a well bore into the target rock formation under pressures great enough to fracture the rock. The fracturing fluid typically includes proppants (usually sand), which hold open the newly created fractures, allowing the gas to flow back through them and up the well to the surface. After a well is ''stimulated'' through hydraulic fracturing, much of the injected fracturing fluid, together with brines that were trapped within the target formation, is conveyed to the surface, where these fluids are collected and managed. The returned fluids, known as ''flowback'' and ''produced water,'' contain chemicals used in the fracturing mixture, as well as salts, metals, radionuclides, and hydrocarbons from the target rock formation. As discussed in greater detail below, in the Marcellus region in Pennsylvania, the median quantity of water required to stimulate a natural gas well exceeds 4 million gallons for each fracturing event.[4] A single well may be fractured in multiple stages and/or multiple times,[5] and as many as twelve wells may be installed on a single well pad.[6] The volume of water and wastewater involved is thus significant.

The use of HVHF to extract oil and natural gas from tight shale formations presents risks, vulnerabilities and impacts to the quality and quantity of surface and ground water resources that have been documented extensively, including in comprehensive reports by the New York State Department of Environmental Conservation (NYSDEC)[7] and the United States Environmental Protection Agency (EPA),[8] among others. These reports identify the risks to water resources associated with each of the steps in the ''hydraulic fracturing water cycle,''[9] as summarized below. At times, these steps or portions thereof may be identified by the Commission as separate projects. In addition, an EPA technical background document describes industry processes, pollutants generated, risks, and available treatment technologies for produced water from oil and gas extraction.[10] A significant number of data points in this document are provided for the Marcellus formation.

Water acquisition. The acquisition of water for use in HVHF may result in modifications to groundwater levels, surface water levels, and stream flows. The Susquehanna River Basin Commission (SRBC) has reported that for the period 2008 through 2013 an average of 4.3 million gallons of water were injected per fracturing event in natural gas wells within the Susquehanna Basin.[11] During the same period, 84 percent of injected water was ''fresh'' water from surface water and groundwater sources, and the remaining 16 percent was recycled produced water or flowback water.[12] According to EPA, the median volume of water used per well fracturing event in Pennsylvania between January 2011 and February 2013 was 4.18 million gallons.[13] EPA further reports that in at least 10 percent of cases, the water use in Pennsylvania during the same period was over 6.6 million gallons per well.[14] EPA has reported that in the Marcellus formation in Pennsylvania, 82 to 90 percent of the base fluid used for hydraulic fracturing is fresh water that is naturally occurring and that the remaining base fluids (10 to 18 percent) are reused and recycled produced water.[15] Advances in horizontal drilling technology are leading to longer drill paths and the need for more fracturing fluid volumes for each path. According to SRBC, when

[1] *See New Jersey* v. *New York,* 347 U.S. 995 (1954).

[2] *See generally,* New York State Department of Environmental Conservation, *Final Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program—Regulatory Program for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs,* May 2015 (hereinafter, NYS Final SGEIS). Available at: *http://www.dec.ny.gov/energy/75370.html.*

[3] Delaware River Basin Water Code (hereinafter, ''Water Code'') (18 CFR part 410), § 3.10.3 A.2.

[4] James L. Richenderfer *et al.,* Water Use Associated with Natural Gas Development: An Assessment of Activities Managed by the Susquehanna River Basin Commission—July 2008–December 2013, Pub. No. 299, April 2016 (hereinafter, ''SRBC NG Water Use 2016''), p.39. Available at: *http://www.srbc.net/pubinfo/techdocs/NaturalGasReport/docs/SRBC_Full_Gas_Report_fs306397v1_20160408.pdf.*

[5] United States Environmental Protection Agency, *Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States,* Dec. 2016 (EPA–600–R–16–236Fa) (hereinafter, ''EPA HF Study 2016''). Exec. Sum., p. 23, n.3 (explaining that in a multi-stage hydraulic fracturing operation, specific parts of the well are isolated and hydraulically fractured until the total desired length of the well has been hydraulically fractured.) Available at: *https://www.epa.gov/hfstudy. Also see,* 18 CFR 806.3 (SRBC regulations for review and approval of projects, defining ''hydrocarbon development project'' as including ''all other activities and facilities associated with . . . the production, maintenance, operation, closure, plugging and restoration of [unconventional natural gas development] wells or drilling pad sites that require water for purposes including but not limited to, *re-stimulation* and/or *re-completion* of such wells . . .'' (emphasis added)).

[6] *See e.g.,* Alex K. Manda et al., *Evolution of multi-well pad development and influence of well pads on environmental violations and wastewater volumes in the Marcellus shale (USA),* J. Environ. Manage, Sep. 1, 2014, 142:36–45. Available at *https://www.ncbi.nlm.nih.gov/pubmed/24814546.*

[7] *See* NYS Final SGEIS 2016, *supra* n.1.

[8] *See* EPA HF Study 2016, *supra* n.5.

[9] The term ''hydraulic fracturing water cycle'' is used by the EPA to describe the five stages of this water-intensive activity: water acquisition, chemical mixing, well injection, produced water handling, wastewater disposal and reuse. EPA HF Study 2016, *Exec. Sum.,* pp. 7–9. Extracted at: *https://www.epa.gov/hfstudy/hydraulic-fracturing-water-cycle.*

[10] *See* United States Environmental Protection Agency, *Technical Development Document for the Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category,* June 2016 (EPA–820–R–16–003) (hereinafter ''EPA TDD 2016''). Available at: *https://www.epa.gov/sites/production/files/2016-06/documents/uog_oil-and-gas-extraction_tdd_2016.pdf.*

[11] SRBC NG Water Use 2016, p. 39.

[12] *Id.*

[13] EPA HF Study 2016, Exec. Sum., p. 11 (Table ES–1).

[14] *Id.*

[15] EPA TDD 2016, p. 43 (Table C–1).

the industry began lengthening its lateral well bores in 2013, the average amount of water used per fracturing event increased to approximately 5.1 to 6.5 million gallons per fracturing event.[16]

Withdrawals from surface and ground water in the amounts required for HVHF may adversely affect aquatic ecosystems and river channel and riparian resources downstream, including wetlands, and may diminish the quantity of water stored in an aquifer or a stream's capacity to assimilate pollutants. Because HVHF operations may significantly increase the volume of water withdrawn in a localized area, they may ultimately upset the balance between the demand on water resources and the availability of those resources for uses protected by the Commission's comprehensive plan, particularly during periods of low precipitation or drought.

Consumptive use. In contrast with most domestic and commercial water use, most water used for HVHF is used ''consumptively,'' meaning it is not returned to the basin's usable ground or surface waters. According to the EPA, water accounts for 90 to 97 percent of all hydraulic fracturing fluids injected into a well for the purpose of extracting natural gas.[17] EPA reports further that produced water, or water that flows from and through oil and gas wells to the surface as a by-product of oil and gas production over a ten-year operations period, makes up only 10 to 30 percent of the fluid injected. Accordingly, EPA estimates that 70 to 90 percent of the water used in high volume hydraulic fracturing is permanently removed from the water cycle.[18] The SRBC's estimate is higher. SRBC reports that approximately 96 percent of water withdrawn by the natural gas industry is consumptively used in the hydraulic fracturing process and that the balance of the water is consumptively used for other activities at the drilling pads, such as well drilling, preparation of drilling muds and grout, dust control, maintenance operations, and site reclamation.[19] In contrast, the DRBC estimates that 90 percent of water withdrawn for domestic and commercial uses in the Delaware River Basin is returned to basin waters, either by infiltration into aquifers or by discharge to surface waters after treatment at a wastewater treatment facility.[20]

Chemical use. Although chemical additives generally make up the smallest proportion of the overall composition of hydraulic fracturing fluids, they pose a comparatively high risk to ground and surface water quality relative to proppants and base fluids.[21] Additives, which can be a single chemical or a mixture of chemicals, are combined with the base fluid to change its properties, including, for example, to adjust pH, increase fluid thickness, reduce friction, or limit bacterial growth. The EPA has identified 1,084 chemicals reported to have been added to hydraulic fracturing fluids between 2005 and 2013.[22] The choice of which additives to use depends on the characteristics of the targeted rock formation, and in some cases chemical information is considered Confidential Business Information and not disclosed by the fracturing operator.[23] Based upon EPA's analysis, the combination of activities and factors more likely than others to result in more frequent or more severe impacts to water resources are spills during the management of hydraulic fracturing fluids and chemicals that result in large volumes or high concentrations of chemicals reaching groundwater resources.[24] In May 2015, an EPA study compiled data on and characterized 457 hydraulic fracturing related spills that occurred between January 2006 and April 2012 in eleven states.[25] The study attributed these to equipment failure, human error, failure of container integrity, and other causes, including but not limited to well communication, weather and vandalism.[26] Storage, equipment, well or wellhead, hose or line, and ''unknown'' were among the identified sources.[27] Spills can affect both surface and groundwater resources, both locally and regionally, within the host state and in adjoining states. Pollution from spills and from hydraulic fracturing has occurred in parts of Pennsylvania outside the basin where high volume hydraulic fracturing is occurring.[28]

Well drilling and construction. Well drilling, well construction and well stimulation associated with HVHF also carry risks for groundwater and surface water resources. These risks include turbidity or other disruptions in local ground water formations and local groundwater wells, and contamination of aquifers by fluids pumped into or flowing from rock formations penetrated by the drilling of the well, particularly in the event of a compromised well casing. Typically, the developable shale formations are vertically separated from potential freshwater aquifers by thousands of feet of sandstones and shales of moderate to low permeability. High-volume hydraulic fracturing is engineered to target the prospective hydrocarbon-producing zone. Although the induced fractures create a pathway to the intended wellbore, they typically do not create a discharge mechanism or pathway beyond the fractured zone where none existed before. However, because the well bore penetrates groundwater aquifers and can be a pathway for fluid movement to existing drinking water and other groundwater resources, the mechanical integrity of the well is an important factor that affects the frequency and severity of potential water resource impacts from pollutants. A well with insufficient mechanical integrity can increase the risk of impacts and allow unintended fluid movement, including into drinking water aquifers. Such defects can arise from inadequate well design or construction or can develop over the well's lifetime, including during hydraulic fracturing.[29] In particular, casing and cement can degrade over the life of the well because of exposure to corrosive chemicals, formation stresses, and operational stresses (*e.g.,* pressure and temperature changes during hydraulic fracturing).[30] Gas migration can also potentially occur as a result of poor well construction (*i.e.,* casing and cement problems), or through existing abandoned wells or faults, which may be intersected inadvertently by a new oil or natural gas well. The EPA examined these types of pathways for the migration of hydraulic fracturing fluids and liquids and/or gases that exist in the subsurface to affect the quality of subsurface drinking water resources and

[16] SRBC NG Water Use 2016, p. 43.

[17] EPA HF Study 2016, Exec. Sum., p. 10.

[18] *Id.,* p. 12 (Fig. ES–4(a)).

[19] SRBC NG Water Use 2016, p. 38.

[20] For comparison with climatically similar areas and the world, *see* Kimberly H. *Schaffer* and Donna L. Runkle, *Consumptive Water-Use Coefficients for the Great Lakes Basin and Climatically Similar Areas,* U.S. Geological Survey Scientific Investigations Report 2007–5197, p. 13 (Fig. 7). Available at: *https://pubs.usgs.gov/sir/2007/5197/.*

[21] EPA HF Study 2016, Exec. Sum., p.16.

[22] *Id.* A comprehensive review of chemical additives is provided in EPA TDD 2016, pp. 43–47 (Sec. 1.2).

[23] EPA HF Study 2016, p. 5–20 (Text Box 5–2).

[24] *Id.,* Exec. Sum., p. 1.

[25] U.S. Environmental Protection Agency, *Review of State and Industry Spill Data: Characterization of Hydraulic Fracturing-Related Spills,* May 2015 (EPA/601/R–14/001) (hereinafter ''EPA HF Spill Data 2015''), p. 1. Available at: *https://www.epa.gov/hfstudy/review-state-and-industry-spill-data-characterization-hydraulic-fracturing-related-spills-1.*

[26] EPA HF Study 2016, p. 5–42.

[27] *Id.*

[28] *See generally,* NYS Final SGEIS, Ch. X. Available at: *http://www.dec.ny.gov/docs/materials_minerals_pdf/fsgeis2015ch10.pdf.*

[29] EPA HF Study 2016, Exec. Sum., p. 24.

[30] *Id.*

reported on failures and impacts to water resources in detail.[31]

Wastewater handling and disposal. ''Produced water'' (including ''flowback'' water) refers to any water or fluid returned to the surface through the production well as a waste product of hydraulic fracturing. This material may be stored in tanks or other containers on the pad site before it is transferred for off-site treatment and/or disposal. The composition of produced water depends on the composition of the injected hydraulic fracturing fluid and the composition of the target formation. In the Marcellus region, produced water is generated in large quantities and often contains high concentrations of total dissolved solids (TDS or ''salts'') and constituents that may be harmful to human health and the environment. Produced water from HVHF in the Marcellus formation has been found to contain: [32]

- Salts, including chloride, bromide, sulfate, sodium, magnesium, and calcium;
- Metals, including barium, manganese, iron, and strontium;
- Naturally-occurring organic compounds, including benzene, toluene, ethylbenzene, xylenes (BTEX), and oil and grease;
- Radioactive materials, including radium; and
- Hydraulic fracturing chemicals and their chemical transformation products.

The disposal of produced water poses a significant risk to the water resources of the basin if the wastewater is not properly managed. The concentration of TDS in produced water can be high enough that if discharged untreated to surface water, the potential exists to adversely affect designated uses of surface water, including drinking water, aquatic life support, livestock watering, irrigation, and industrial use. Because produced water contains high TDS and dissolved inorganic constituents that most publicly owned treatment works and other municipal wastewater treatment facilities are not designed to remove, these constituents can be discharged untreated from such facilities; can disrupt treatment processes, for example by inhibiting biological treatment; can accumulate in biosolids (sewage sludge), limiting their beneficial use; and can facilitate the formation of harmful disinfection byproducts.[33] Where produced water has been discharged to domestic wastewater treatment facilities in the past, elevated concentrations of chloride and bromide have been documented in the receiving waters.[34] The discharge of bromide upstream of drinking water intakes has led in documented instances to the formation of carcinogenic disinfection by-products at drinking water utilities.[35]

The EPA since 1979 has required zero discharge of pollutants to waters of the United States from onshore oil and gas extraction wastewater. In 2016 EPA finalized a rule establishing pretreatment standards for discharges of wastewater from onshore unconventional oil and gas extraction facilities to municipal sewage treatment plants (also known as ''publicly owned treatment works'' or POTWs).[36] The recent EPA rule will protect POTWs from disruptions in their operations that can be caused by these wastewaters. However, the rule does not extend to commercially owned treatment works that primarily treat domestic and commercial wastewater, and it does not address the discharge to POTWs of produced water that has been partially treated at centralized waste treatment facilities. Thus, significant risks associated with the treatment and discharge of produced water remain outside the scope of current federal regulations.

Siting and Landscapes. Certain water resources in the basin have high water resource value because of their excellent water quality or their exceptional ability to perform water supply, ecological, recreational or other water-related functions. The Commission has classified certain of these waters as Special Protection Waters through provisions of its Water Code incorporated in the comprehensive plan.[37] The Water Code seeks to maintain or improve the condition of these water resources through regulatory requirements such as prevention of measurable change to existing water quality, evaluation of natural wastewater treatment system alternatives, conditions or limitations on wastewater treatment facilities and control of non-point sources.[38]

Many high value water resources are associated with and dependent on their surrounding landscapes. Special Protection Waters are located in the upper portion of the basin where forested headwater areas and riparian buffers slow the rate and volume of stormwater runoff, replenish groundwater that serves as a source of drinking water and sustains stream flow, and control the introduction of pollutants into streams. These landscape features are particularly effective at controlling non-point source pollution that may occur following precipitation events.

High volume hydraulic fracturing and the related alteration of landscapes required to support that activity pose risk to high value water resources. It is expected that practically all of the development and related disturbances from high volume hydraulic fracturing would occur in the drainage area of Special Protection Waters.[39] Approximately 70 percent of the basin area underlain by the Marcellus and Utica shales (largely in the drainage area of Special Protection Waters) is forested. The average total disturbance associated with a single well pad, including associated access roads and utility corridors, is estimated at 7.7 acres.[40] Off-site facilities such as gathering lines involve additional disturbances. These landscape changes will reduce forested areas and potentially vegetated buffers, increase non-point source pollution, diminish groundwater infiltration, and risk adversely affecting water quality and quantity in surface and groundwater. Because high volume hydraulic fracturing would most likely occur in headwater areas in the drainage area to Special Protection Waters, the risks of degrading water resources and impairing the effectuation of the comprehensive plan are of particular concern.

Uncertainty. The comprehensive EPA and New York DEC studies cited above report multiple instances of damage to water resources associated with all stages of the natural gas development process, and importantly, both sources emphasize the degree of uncertainty

[31] *Id.,* pp. 23–29. *Also see* Main Report, Ch. 6.

[32] *See generally,* EPA TDD 2016, pp. 59–81 (part C.3) for a comprehensive characterization of produced water that includes a significant number of data points for the Marcellus formation.

[33] United States Environmental Protection Agency, Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, Final Rule, 81 FR 41845, 41847c.

[34] William D. Burgos et al., *Watershed-Scale Impacts from Surface Water Disposal of Oil and Gas Wastewater in Western Pennsylvania.* Environ. Sci. Technol., 2017, 51 (15), pp. 8851–8860.

Available at: *http://pubs.acs.org/doi/abs/10.1021/acs.est.7b01696.*

[35] Kimberly M. Parker et al., *Enhanced formation of disinfection byproducts in shale gas wastewater-impacted drinking water supplies.* Environ Sci Technol. 2014 Oct 7; 48 (19), pp. 11161–9.

Available at: *http://pubs.acs.org/doi/abs/10.1021/es5028184.*

[36] *Id.,* pp. 41485–41857.

[37] *See* Water Code, § 3.10.3 A.2, 18 CFR part 410.

[38] *Id.*

[39] *See* DRBC map at: *http://www.nj.gov/drbc/library/documents/maps/SPW-MarcellusShale.pdf.*

[40] E.T. Slonecker *et al.,* Landscape Consequences of Natural Gas Extraction in Allegheny and Susquehanna Counties, Pennsylvania, 2004–2010; U.S. Department of the Interior U.S. Geological Survey, Open-File Report 2013–1025, p. 19 (Table 2) (converted to acres).

regarding potential future effects. The EPA report states:

Cases of impacts were identified for all stages of the hydraulic fracturing water cycle. Identified impacts generally occurred near hydraulically fractured oil and gas production wells and ranged in severity, from temporary changes in water quality to contamination that made private drinking water wells unusable . . . However, significant data gaps and uncertainties in the available data prevented us from calculating or estimating the national frequency of impacts on drinking water resources from activities in the hydraulic fracturing water cycle. The data gaps and uncertainties described in this report also precluded a full characterization of the severity of impacts.[41]

The New York State DEC study asserts:

. . . a broad range of experts from academia, industry, environmental organizations, municipalities, and the medical and public health professions commented and/or provided their analyses of high-volume hydraulic fracturing. The comments referenced an increasing number of ongoing scientific studies across a wide range of professional disciplines. These studies and expert comments evidence that significant uncertainty remains regarding the level of risk to public health and the environment that would result from permitting high-volume hydraulic fracturing in New York, and regarding the degree of effectiveness of proposed mitigation measures. In fact, the uncertainty regarding the potential significant adverse environmental and public health impacts has been growing over time.

. . . .

Potential significant adverse impacts on water resources exist with regard to potential degradation of drinking water supplies; impacts to surface and underground water resources due to large water withdrawals for high-volume hydraulic fracturing; cumulative impacts; stormwater runoff; surface spills, leaks and pit or surface impoundment failures; groundwater impacts associated with well drilling and construction and seismic activity; [and] waste disposal. . . .''[42]

Additional detail regarding damages to water resources and the risks, vulnerabilities and impacts to surface and ground water resources associated with HVHF can be found in the cited reports.

Related Statutory and Regulatory Provisions

The proposed rules regarding hydraulic fracturing arise from clauses of the Commission's organic statute, the Delaware River Basin Compact (''Compact''),[43] and from provisions of the Delaware River Basin Water Code, comprehensive plan and past determinations.

The Compact recognizes the water and related resources of the Delaware River Basin as regional assets vested with local, state, and national interests, for which the signatory parties have shared responsibility.[44] The Compact further recognizes that the economic development of the region as a whole and the health, safety, and general welfare of its population will remain vitally affected by management of these resources.[45] Through the Compact, the signatory parties expressly provided that ''[t]he commission may assume jurisdiction to control future pollution and abate existing pollution in the waters of the basin, whenever it determines after investigation and public hearing upon due notice that the effectuation of the comprehensive plan so requires.''[46]

By regulation, the Commission has determined that the basin's waters are limited in quantity and that frequent drought warnings and drought declarations are needed due to limited water supply, storage and streamflow during dry periods. For these reasons, the Commission has adopted a policy of discouraging exportations of water from the basin.[47] The Commission also has recognized that the basin's waters have limited assimilative capacity and in particular, limited capacity to accept conservative substances without significant impacts. On this basis and on grounds that the assimilative capacity of the basin's waters should be reserved for in-basin users, the Commission has adopted a policy of discouraging the importation of wastewater into the basin when it would significantly reduce the assimilative capacity of the receiving stream.[48] No credit toward meeting wastewater treatment requirements is granted for wastewater imported into the basin when wasteload allocations have been established.[49] The Commission in 2000 determined by resolution that allocations of the waste assimilative capacity of the Delaware River Estuary are necessary to maintain stream quality objectives in Zones 2, 3, 4 and 5 for acute and chronic toxicity[50] and in Zones 2 and 3 for the chemicals 1, 2 dichloroethane and tetrachloroethene.[51]

The Commission's Special Protection Waters program establishes a water quality objective of no measurable change in existing water quality except towards natural conditions in waters that the Commission has designated as of exceptionally high scenic, recreational, ecological, and/or water supply value. The Commission has so designated virtually all of the non-tidal main stem, as well as the portions of tributaries to the main stem located within the Delaware Water Gap National Recreation Area.[52]

The Commission has determined that the basin's underground water resources are to be ''used, conserved, developed, managed, and controlled in view of the need of present and future generations.'' To that end, it has provided by rule that interference, impairment, penetration, or artificial recharge of groundwater may be subject to the Commission's review.[53] In accordance with Commission regulations, substances or properties in harmful or toxic concentrations or that produce color, taste, or odor of the water may not be ''permitted or induced by the activities of man to become ground water.''[54] The Commission has asserted by rule that it may establish requirements, conditions, or prohibitions that in its judgment are necessary to protect ground water quality.[55]

Summary of Proposed Rules

Prohibition. Section 5.2 of the Compact authorizes the Commission to ''assume jurisdiction to control future pollution . . . in the waters of the basin, whenever it determines after investigation and public hearing upon due notice that the effectuation of the comprehensive plan so requires.'' It further authorizes the Commission to control pollution from industrial or other waste originating within a basin state so that the pollution does not ''injuriously affect the waters of the basin as contemplated by the comprehensive plan.'' The Commission may also adopt rules, regulations and standards to control future pollution. Considering the totality of the risks that HVHF poses to basin water resources, the Commission proposes in Section 440.3(b) of the draft rule to determine that controlling pollution by prohibiting high volume hydraulic fracturing in the

[41] EPA HF Study 2016, Exec. Sum., p. 2.

[42] NYS Final SGEIS 2016, pp. 1, 13.

[43] United States Public Law 87–328, Approved Sept. 27, 1961, 75 Statutes at Large 688; 53 Delaware Laws, Ch. 71, Approved May 26, 1961; New Jersey Laws of 1961, Ch. 13, Approved May 1, 1961; New York Laws of 1961, Ch. 148, Approved March 17, 1961; Pennsylvania Acts of 1961, Act. No. 268, Approved July 7, 1961.

[44] *See* Delaware River Basin Compact (hereinafter, ''Compact''), Part I, 1st Whereas clause.

[45] *See id.,* 8th Whereas clause.

[46] *See id.,* § 5.2.

[47] *See* Water Code, § 2.30.2.

[48] *See id.*

[49] *See Id.,* § 2.30.6.

[50] *See* DRBC Resolution No. 2000–4, ''Be it resolved'' par. 4.

[51] *See id.,* ''Be it resolved'' par. 1.

[52] *See* Water Code, §§ 3.10.3. A.2. and A.2.e.

[53] *Id.,* § 2.20.6.

[54] *See id.,* § 3.40.5 B.1.

[55] *See id.,* § 3.40.5 B.3.

basin is required to effectuate the comprehensive plan, avoid injury to the waters of the basin as contemplated by the comprehensive plan and protect the public health and preserve the waters of the Basin for uses in accordance with the comprehensive plan.

Water Exports. The transfer of surface water, groundwater, treated wastewater or mine drainage water, at any rate or volume, for utilization in hydraulic fracturing to produce oil and gas outside the Delaware River Basin is proposed to require Commission approval. Currently, exports of water from the basin of less than the daily average quantity of 100,000 gallons are deemed to have no substantial effect on the basin's water resources and are thus not reviewed by the Commission under section 3.8 of the Compact. The Commission has a longstanding policy of discouraging exportations of water on the grounds that the availability of water to meet in-basin needs is limited and low-flow and drought conditions are frequent. Unlike regulated withdrawals for domestic, commercial and industrial water supplies, withdrawals of large quantities of water for hydraulic fracturing to produce oil and gas have the potential, if unregulated, to occur through de-centralized, periodic and transient means and thus to adversely affect headwater streams and minimum flows of surface and groundwater, and to impair uses protected by the Commission's comprehensive plan. The proposed rule will make all proposed exports of water for oil and gas extraction subject to the requirement that alternatives involving no exportation be analyzed and that the water resource, economic and social impacts of the proposal be evaluated.

Wastewater. As set forth above, the data available on produced water (including flowback) from hydraulically fractured wells in the Marcellus formation indicate that this waste stream is unlike other industrial and domestic waste streams treated and discharged in the Delaware River Basin, and that it poses significant risks to human health and the environment if improperly handled. Under the proposed rules, the ''produced water'' from the hydrocarbon-bearing strata during oil and gas extraction is broadly defined to include untreated produced water, diluted produced water, and produced water mixed with other wastes. The rule provides that this material may not be transferred to, treated by or discharged from or to a new or existing wastewater treatment facility located within the Delaware River Basin, at any volume or rate, except in accordance with an approval in the form of a docket issued by the Commission to the owner or operator of the wastewater treatment facility or in accordance with a state permit issued pursuant to a duly adopted administrative agreement between the Commission and the host state. The rule further provides that produced water may not be treated within the basin except at a centralized waste treatment facility (CWT) as that term is defined by the EPA in 40 CFR part 437 and may not be discharged within the basin without treatment at a CWT. Because current EPA regulations governing treatment by CWTs do not include limitations for pollutants commonly found in produced water, such as total dissolved solids, barium, bromide, radium and strontium,[56] the proposed rule also places conditions on the treatment and discharge of wastewater or effluent resulting from the treatment of produced water by a CWT (''CWT wastewater'') before the CWT wastewater can be discharged to basin waters or to another treatment facility within the basin.

The Commission already has in place a policy to discourage the importation of wastewater into the basin due to the limited capacity of the basin's waters to assimilate waste. Proposals to import produced water and CWT wastewater into the basin will be subject to this policy and to the requirements that alternatives involving no importation be analyzed and that the water resource, economic and social impacts of the proposal be evaluated.

Under the proposed rules, projects involving the treatment and discharge of produced water within the basin must meet the more stringent of applicable federal, state and DRBC requirements. Additional effluent limitations are proposed to apply to such projects for TDS, whole effluent toxicity, and a set of ''pollutants of concern'' identified on the basis of produced water characterizations provided by EPA in a 2016 technical document.[57] The majority of the EPA's primary and secondary drinking water standards are also proposed as treatment levels for produced water discharged to a receiving waterbody designated for use as a public water supply. Treatability studies will be required to ensure that pollutant loads from natural gas wastewater are thoroughly characterized and that treatment ensures these pollutants are effectively reduced or eliminated, such that applicable effluent limits, stream quality objectives, protected uses, and in the case of Special Protection Waters, the ''no measurable change'' objective, are attained. Because the proposed rule requires treatment to ''background concentrations'' for pollutants of concern in many instances, the Commission is simultaneously publishing draft guidance on acceptable methods for determining background concentrations of these pollutants.

Other changes. Revisions to the Commission's thresholds for review set forth at 18 CFR 401.35 are proposed to establish that certain activities relating to hydraulic fracturing in hydrocarbon-bearing formations are deemed to constitute projects having a substantial effect on water resources of the basin and are thus subject to review under Section 3.8 of the Compact. These include: the importation, treatment, or discharge to basin land or water of ''produced water'' as defined by the rule; and the exportation of water from the basin for uses related to hydraulic fracturing. Although certain additional activities and facilities on a well pad site could be separately identified by the Commission as projects, in light of the proposed prohibition, no changes to existing rules are proposed in this regard at this time. Minor changes are concurrently proposed to existing thresholds for the Commission's review of leachate discharges and wetlands.

To provide for appropriate fees to cover the cost of reviews of new classes of projects deemed to require the Commission's approval, changes are also proposed to section 401.43 (regulatory program fees).

Executive Director Determinations

The final regulations relating to natural gas development when adopted will supersede and replace the Executive Director's Determinations issued on May 19, 2009, June 14, 2010 and July 23, 2010.

Public Process

Substance of comments: The Commission expressly seeks comment on the effects the proposed rules may have within the basin on: Water availability, the control and abatement of water pollution, economic development, the conservation and protection of drinking water supplies, the conservation and protection of aquatic life, the conservation and

[56] United States Environmental Protection Agency, Final 2014 Effluent Guidelines Program Plan, July 2015 (EPA–821–R–15–002), p. 5–4 (sec. 5.3.2). Available at: *https://www.epa.gov/sites/production/files/2015-09/documents/final-2014-effluent-guidelines-program-plan_july-2015.pdf.* A detailed EPA study of the CWT industry focused on facilities accepting oil and gas extraction wastewaters is ongoing. *See* Preliminary 2016 Effluent Guidelines Program Plan, June 2016 (EPA–821–R–16–001), p. 6–1 (sec. 6.1).

[57] *See* EPA TDD 2016, pp. 59–81 (Part C.3).

protection of water quality in Special Protection Waters, and the protection, maintenance and improvement of water quantity and quality basinwide. Comment is also requested on whether use of base fluids other than water for HVHF is practical within the basin and if so, how it should be addressed in these rules, and on any alternatives to the proposed rules that the commenters would like the Commission to consider, as well as on draft guidance published simultaneously with the rules for determining background concentrations of certain pollutants. The Commission welcomes and will consider any other comments that concern the potential effects of the draft rules on the conservation, utilization, development, management and control of the water and related resources of the Delaware River Basin. Comments on matters not within this scope may not be considered.

Non-digitized voluminous materials such as books, journals or collected letters/petitions will not be accepted. Digital submissions of these, as well as articles and websites, must be accompanied by a statement containing citations to the specific findings or conclusions the commenter wishes to reference.

Submission of written comments. Written comments along with any attachments may be submitted through the Commission's web-based comment system (*http://dockets.drbc.commentinput.com*) until 5 p.m. on March 30, 2018. All materials should be provided in searchable formats, preferably in .pdf searchable text. Notably, a picture scan of a document may not result in searchable text. Comments received through any method other than the designated on-line method, including *via* email, fax, postal/delivery services or hand delivery, will not be considered or included in the rulemaking record unless an express exception has been granted. Requests for exceptions to the web-based-submissions-only policy based on lack of access to the web-based comment system may be addressed to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

Public hearings. To reduce uncertainty on the part of attendees about whether they will have a seat and an opportunity to speak at a public hearing, and to provide for a safe and orderly process, the Commission is requiring registration online or on-site to attend each public hearing. Use of the online, web-based registration system is encouraged, as this system will track and publish in real time the available capacity for each hearing. Key dates, times and addresses are set forth at the top of this notice. Key elements of the procedure are as follows:

- Online *or* on-site registration is required to attend each public hearing.
- Online registration to attend will remain open until 5 p.m. the day prior to each hearing.
- On-site registration will be available at all in-person hearing venues.
- Available capacity for each in-person hearing will be posted on the web-based registration system. When users access the system, they will see the number of seats still available or if the venue is at capacity.
- If capacity has been reached for a specific hearing, online registrants will be placed on a waiting list.
- Those who do not register to attend a hearing in advance are advised to check the availability of seats BEFORE planning travel to a hearing.
- Public hearing registrants will be afforded opportunities to request speaking time.
- If more people request to speak than time allows, those not assigned time will be placed on a waiting list.
- If fewer people request to speak than time allows, additional opportunities to request time will be provided on or before the hearing date.
- Elected government officials and their staff will have the opportunity to identify themselves when registering to attend a hearing.
- Written and oral comment will receive equal consideration.

The Commission appreciates the public's participation and input on this important matter. In order to provide as many individuals who wish to speak as possible with an opportunity to do so, each person will be limited to one time slot at one hearing location. Depending on the number who wish to be heard, speakers will be limited to two or three minutes. To ensure that scheduled public hearings meet the objectives of the Commission and the interested public in a safe and orderly process, it is essential that public hearing procedures are understood and followed. Participants are asked to review all DRBC public hearing procedures at: *http://www.state.nj.us/drbc/library/documents/procedures_public-hearings050317.pdf.* The Commission's policies related to speaker conduct, audience conduct, safety, security, signs, placards and banners will be in effect at these public hearings. The public is reminded that oral and written comments will receive the same consideration.

More Information Available. Detailed and up-to-date information about the public process, including a version of the proposed rule text that shows proposed additions and deletions to 18 CFR part 401, draft guidance concerning the calculation of background pollutant concentrations (associated with proposed 18 CFR part 440) and links for online registration to attend each of the scheduled public hearings can be found on the DRBC website, drbc.net, at *http://www.nj.gov/drbc/meetings/proposed/notice_hydraulic-fracturing.html.*

List of Subjects

18 CFR Part 401

Administrative practice and procedure, Penalties, Water pollution control, Water resources.

18 CFR Part 440

Water pollution control, Water resources, Water supply, Waste treatment and disposal.

For the reasons set forth in the preamble, the Delaware River Basin Commission proposes to amend title 18, chapter III of the Code of Federal Regulations as follows:

PART 401—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 401 continues to read as follows:

Authority: Delaware River Basin Compact (75 Stat. 688), unless otherwise noted.

■ 2. Amend § 401.35 by:
■ a. Revising introductory text to paragraph (a) and paragraphs (a)(2), (4), (5), (15), (16) and (18);
■ b. Redesignating paragraph (a)(19) as (a)(20);
■ c. Adding a new paragraph (a)(19);
■ d. Removing paragraph (b)(14);
■ e. Redesignating paragraphs (b)(15) through (18) as (b)(14) through (17);
■ f. Revising newly redesignated paragraph (b)(14);
■ g. Revising newly redesignated paragraph (b)(17);
■ h. Adding new paragraphs (b)(18) and (19);
■ i. Revising paragraph (c);
■ j. Removing paragraph (d).

The revisions and additions read as follows:

§ 401.35 Classification of projects for review under section 3.8 of the Compact.

(a) Except as the Commission may specially direct by notice to the project owner or sponsor, a project in any of the following classifications will be deemed not to have a substantial effect on the water resources of the Basin and is not required to be submitted under section 3.8 of the Compact:

* * * * *

(2) A withdrawal from ground water when the daily average gross

withdrawal during any 30 consecutive day period does not exceed 100,000 gallons;

* * * * *

(4) Except as provided at paragraph (b)(18) of this section, the construction of new domestic sewage treatment facilities or alteration or addition to existing domestic sewage treatment facilities when the design capacity of such facilities is less than a daily average rate of 10,000 gallons per day in the drainage area to Outstanding Basin Waters and Significant Resource Waters or less than 50,000 gallons per day elsewhere in the Basin; and all local sewage collector systems and improvements discharging into authorized trunk sewage systems;

(5) Except as provided at paragraph (b)(18) of this section, the construction of new facilities or alteration or addition to existing facilities for the direct discharge to surface or ground waters of industrial wastewater having design capacity of less than 10,000 gallons per day in the drainage area to Outstanding Basin Waters and Significant Resource Waters or less than 50,000 gallons per day elsewhere in the Basin; except where such wastewater contains toxic concentrations of waste materials;

* * * * *

(15) Draining, filling or otherwise altering marshes or wetlands when the area affected is less than 25 acres; provided; however, that areas less than 25 acres shall be subject to Commission review and action where neither a state nor a federal level review and permit system is in effect;

(16) Except as provided at paragraph (b)(19) of this section, the diversion or transfer of water from the Delaware River Basin (exportation) whenever the design capacity is less than a daily average rate of 100,000 gallons;

* * * * *

(18) Except as provided at paragraph (b)(18) of this section, the diversion or transfer of wastewater into the Delaware River Basin (importation) whenever the design capacity is less than a daily average rate of 50,000 gallons; and

(19) To the extent allowed in the basin (*see* prohibition at § 440.3(b) of this title), projects involving hydraulic fracturing, unless no state-level review and permit system is in effect;

* * * * *

(b) * * *

(14) Leachate treatment and disposal projects associated with landfills and solid waste disposal facilities in the basin;

* * * * *

(17) Any other project that the Commission may specially direct by notice to the project sponsor or land owner as having a potential substantial water quality impact on waters classified as Special Protection Waters.

(18) The importation, treatment, or discharge to basin land or water of ''produced water'' or CWT wastewater as those terms are defined in § 440.2 of this chapter.

(19) The transfer, diversion or exportation of water from the basin at any volume or rate for uses related to ''hydraulic fracturing'' as that term is defined in § 440.2 of this chapter.

(c) Regardless of whether expressly excluded from review by paragraph (a) of this section, any project or class of projects that in the view of the Commission could have a substantial effect on the water resources of the basin may, upon special notice to the project sponsor or landowner, be subject to the requirement for review under section 3.8 of the Compact.

■ 3. Amend § 401.43 by:

■ a. Revising paragraphs (b)(1) introductory text, (b)(1)(iii) introductory text and (b)(2)(i);

■ b. Adding paragraph (b)(3)(v);

■ c. Revising paragraphs (b)(4)(iii) and (c);

■ d. Revising Tables 1 and 2.

The revisions and additions read as follows:

§ 401.43 Regulatory program fees.

* * * * *

(b) * * *

(1) *Application fee.* Except as set forth in paragraph (b)(1)(iii) of this section, the application fee shall apply to:

* * * * *

(iii) *Exemptions.* The application fee shall not apply to:

* * * * *

(2) *Annual monitoring and coordination fee.* (i) Except as provided in paragraph (b)(2)(ii) of this section, an annual monitoring and coordination fee shall apply to each active water allocation or wastewater discharge approval issued pursuant to the *Compact* and implementing regulations, regardless of whether the approval was issued by the Commission in the form of a docket, permit or other instrument, or by a Signatory Party Agency under the One Permit Program rule (§ 401.42).

(3) * * *

(v) A project involves treatability studies for the discharge of wastewater.

(4) * * *

(iii) *Modification of a DRBC approval.* Following Commission action on a project, each project revision or modification that the Executive Director deems substantial shall require an additional application fee calculated in accordance with paragraph (e) of this section and subject to an alternative review fee in accordance with paragraph (b)(3) of this section.

* * * * *

(c) *Indexed adjustment.* On July 1 of every year, beginning July 1, 2017, all fees established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics during that year.[1] In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the application fee and annual monitoring and coordination fee will remain unchanged. Following any indexed adjustment made under this paragraph (c), a revised fee schedule will be published in the **Federal Register** by July 1 and posted on the Commission's website. Interested parties may also obtain the fee schedule by contacting the Commission directly during business hours.

* * * * *

TABLE 1 TO § 401.43—APPLICATION FEES

Project type	Application fee	Fee maximum
Water Allocation	$405 per million gallons/month of allocation,[1] not to exceed $15,190.[1] Fee is doubled for any portion to be exported from the basin.	Greater of: $15,190[1] or Alternative Review Fee.
Wastewater Discharge	Private projects: $1,013.[1] Public projects: $506.[1] Projects involving wastewater treatability studies: $5,000.[1]	Alternative Review Fee.

[1] Consumer Price Index—U/Series ID: CWURA102SA0/Not Seasonally Adjusted/Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD/Item: All items/Base Period: 1982–84=100.

TABLE 1 TO § 401.43—APPLICATION FEES—Continued

Project type	Application fee	Fee maximum
Other	0.4% of project cost up to $10,000,000 plus 0.12% of project cost above $10,000,000 (if applicable), not to exceed $75,951.[1]	Greater of: $75,951 [1] or Alternative Review Fee.

[1] Subject to an annual adjustment in accordance with paragraph (c) of this section.

TABLE 2 TO § 401.43—ANNUAL MONITORING AND COORDINATION FEE

Annual fee	Allocation
Water Allocation	
$304 [1]	<4.99 mgm.
$456 [1]	5.00 to 49.99 mgm.
$658 [1]	50.00 to 499.99 mgm.
$835 [1]	500.00 to 9,999.99 mgm.
$1,013 [1]	> or = to 10,000 mgm.

Wastewater Discharge	
Annual fee	Discharge design capacity
$304 [1]	<0.05 mgd.
$618 [1]	0.05 to 0.99 mgd.
$830 [1]	1 to 9.99 mgd.
$1,013 [1]	> or = to 10 mgd.

[1] Subject to annual adjustment in accordance with paragraph (c) of this section.

* * * * *

■ 4. Add Part 440 to Subchapter B—Special Regulations to read as follows:

PART 440—HYDRAULIC FRACTURING IN SHALE AND OTHER FORMATIONS

Sec.
440.1 Purpose, authority and relationship to other requirements.
440.2 Definitions.
440.3 High volume hydraulic fracturing (HVHF).
440.4 Exportation of water for hydraulic fracturing.
440.5 Produced water.

Authority: Delaware River Basin Compact (75 Stat. 688).

§ 440.1 Purpose, authority and relationship to other requirements.

(a) *Purpose.* The purpose of this part is to protect and conserve the water resources of the Delaware River Basin. To effectuate this purpose, this section establishes standards, requirements, conditions and restrictions to prevent or reduce depletion and degradation of surface and groundwater resources and to promote sound practices of water resource management.

(b) *Authority.* This part implements sections 1.5, 3.6(b), 3.8, 4.1, 5.2, 7.1, 13.1 and 14.2(a) of the Delaware River Basin Compact.

(c) *Comprehensive plan.* The Commission has determined that the provisions of this part are required for the immediate and long-range development and use of the water resources of the Basin and are therefore incorporated into the Commission's comprehensive plan.

(d) *Relationship to other Commission requirements.* (1) The provisions of this part are in addition to all applicable requirements in other Commission regulations, dockets and permits.

(2) Upon the effective date of this rule, the Executive Director Determinations dated May 19, 2009, June 14, 2010 and July 23, 2010, to the extent not already superseded by the Commission's Resolution dated December 8, 2010, are no longer operative.

(e) *Severability.* The provisions of this part are severable. If any provision of this part or its application to any person or circumstances is held invalid, the invalidity will not affect other provisions or applications of this part, which can be given effect without the invalid provision or application.

(f) *Coordination and avoidance of duplication.* In accordance with and pursuant to section 1.5 of the Delaware River Basin Compact, to the fullest extent it finds feasible and advantageous the Commission may enter into an Administrative Agreement (Agreement) with any basin state or the federal government to coordinate functions and eliminate unnecessary duplication of effort. Such Agreements will be designed to: Effectuate intergovernmental cooperation, minimize the efforts and duplication of state and Commission staff resources wherever possible, ensure compliance with Commission-approved requirements, enhance early notification of the general public and other interested parties regarding proposed activities in the basin, indicate where a host state's requirements satisfy the Commission's regulatory objectives and clarify the relationship and project review decision making processes of the states and the Commission for projects subject to review by the states under their state authorities and by the Commission under section 3.8 and articles 6, 7, 10 and 11 of the Compact.

§ 440.2 Definitions.

For purposes of this part, the following terms and phrases have the meanings provided. Some definitions differ from those provided in regulations of one or more agencies of the Commission's member states and the federal government.

Basin—The area of drainage into the Delaware River and its tributaries, including Delaware Bay.

Centralized waste treatment facility (CWT)—As defined by EPA at 40 CFR 437.2(c), any facility that treats (for disposal, recycling or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off-site. ''CWT facility'' includes both a facility that treats waste received exclusively from off-site and a facility that treats wastes generated on-site as well as waste received from off-site.

Commission—The Delaware River Basin Commission (DRBC) created and constituted by the Delaware River Basin Compact.

Conservative substances—Pollutants that undergo no or minimal transformation or decay in a water body or groundwater, except by dilution.

CWT wastewater—For purposes of this part, ''CWT wastewater'' means any wastewater or effluent resulting from the treatment of produced water by a CWT.

Docket—A legal instrument issued by the Commission approving, or approving as modified, a project having a substantial effect on water resources of the basin. The approval may modify the project by imposing conditions to prevent the project from substantially impairing or conflicting with the Commission's comprehensive plan.

Domestic wastewater—Liquid waste that contains pollutants produced by a domestic residence or residences or by a non-residential facility that generates wastewater with the same characteristics as residential wastewater.

Executive Director—The Executive Director of the Delaware River Basin Commission.

Flowback—Fluids returned to the surface through an oil or gas well once hydraulic fracturing pressure is released. Flowback can also refer to the stage of well completion in which fluids are returned to the surface through the well after fracturing is performed.

Groundwater—Includes all water beneath the surface of the ground.

High-volume hydraulic fracturing (HVHF)—Hydraulic fracturing using a combined total of 300,000 or more gallons of water during all stages in a well completion, whether the well is vertical or directional, including horizontal, and whether the water is fresh or recycled and regardless of the chemicals or other additives mixed with the water.

Hydraulic fracturing—A technique used to stimulate the production of oil and natural gas from a well by injecting fracturing fluids down the wellbore under pressure to create and maintain induced fractures in the hydrocarbon-bearing rock of the target geologic formation.

Fracturing fluid(s)—A mixture of water (whether fresh or recycled) and/or other fluids and chemicals or other additives, which are injected into the subsurface and which may include chemicals used to reduce friction, minimize biofouling of fractures, prevent corrosion of metal pipes or remove drilling mud damage within a wellbore area, and propping agents such as silica sand, which are deposited in the induced fractures.

Person—Any natural person, corporation, partnership, association, company, trust, federal, state or local governmental unit, agency, or authority, or other entity, public or private.

Pollutants—Any substance which when introduced into water resources, including surface water or groundwater, degrades natural or existing water quality, including but not limited to: Dredge spoils, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals and chemical wastes, biological materials, radioactive materials, methane, heat, wrecked or discarded equipment, rock, sand, sediment, cellar dirt, and industrial, municipal or agricultural waste as well as any substance defined as a pollutant, contaminant or hazardous substance by any federal or state statute or regulation.

Pollutants of concern—Conservative, radioactive, toxic or other substances that are potentially present in produced water, consisting of all parameters listed in the EPA *Technical Development Document for the Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category* (June 2016), specifically all pollutants for produced water listed in Tables C–11, C–13, C–15, C–17, and C–19.

Produced water—The water that flows out of an oil or gas well, typically including other fluids and pollutants and other substances from the hydrocarbon-bearing strata. Produced water may contain ''flowback'' fluids, fracturing fluids and any chemicals injected during the stimulation process, formation water, and constituents leached from geologic formations. For purposes of §§ 401.35(b)(18) and 440.5, the term ''produced water'' encompasses untreated produced water, diluted produced water, and produced water mixed with other wastes.

Wastewater treatment facility—Any facility treating and discharging wastewater.

Water resource(s)—Water and related natural resources in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership or control within the hydrologic boundary of the Delaware River Basin.

§ 440.3 High volume hydraulic fracturing (HVHF)

(a) *Determination.* The Commission has determined that high volume hydraulic fracturing poses significant, immediate and long-term risks to the development, conservation, utilization, management, and preservation of the water resources of the Delaware River Basin and to Special Protection Waters of the basin, considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Controlling future pollution by prohibiting such activity in the basin is required to effectuate the comprehensive plan, avoid injury to the waters of the basin as contemplated by the comprehensive plan and protect the public health and preserve the waters of the basin for uses in accordance with the comprehensive plan.

(b) *Prohibition.* High volume hydraulic fracturing in hydrocarbon bearing rock formations is prohibited within the Delaware River Basin.

§ 440.4 Exportation of water for hydraulic fracturing

As set forth in section 2.30 of the Delaware River Basin Water Code (''Water Code'') (incorporated by reference at part 410 of this chapter), it is the policy of the Commission to discourage the exportation of water from the Delaware River Basin. Accordingly, the diversion, transfer or exportation of water from sources within the basin to support hydraulic fracturing outside the basin is discouraged. The transfer of surface water, groundwater, treated wastewater or mine drainage water, at any rate or volume, for utilization in hydraulic fracturing of hydrocarbon bearing rock formations outside the basin requires Commission approval in the form of a docket and shall be subject to the evaluation described by section 2.30.4 of the Water Code.

§ 440.5 Produced water.

(a) *Related Commission policies.* (1) It is the policy of the Commission to discourage the importation of wastewater into the basin (*see* section 2.30.2 of the Delaware River Basin Water Code, incorporated by reference at part 410 of this chapter).

(2) It is the policy of the Commission to give no credit toward meeting wastewater treatment requirements for wastewater imported into the Basin (*see* section 2.30.6 of the Delaware River Basin Water Code incorporated by reference at part 410 of this chapter).

(3) The Commission has determined by Resolution No. 2000–4 that allocations of the waste assimilative capacity of the Delaware River Estuary are necessary to maintain stream quality objectives for acute toxicity and chronic toxicity in Water Quality Zones 2, 3, 4 and 5 and for 1,2 dichloroethane and tetrachloroethene in Water Quality Zones 2 and 3.

(4) It is the policy of the Commission that there be no measurable change in existing water quality except towards natural conditions in waters considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Waters with exceptional values may be classified by the Commission as either Outstanding Basin Waters or Significant Resource Waters. (*See* section 3.10.3.2 of the Delaware River Basin Water Code, incorporated by reference at part 410 of this chapter).

(5) Effluents shall not create a menace to public health or safety at the point of discharge. (*See* section 3.10.4 of the Delaware River Basin Water Code, incorporated by reference at part 410 of this chapter).

(6) The underground water resources of the Basin shall be used, conserved, developed, managed, and controlled in view of the needs of present and future generations, and in view of the resources available to them. To that end, interference, impairment, penetration, or artificial recharge shall be subject to review and evaluation under the Compact. (*See* section 2.20.6 of the Delaware River Basin Water Code, incorporated by reference at part 410 of this chapter).

(b) *Approval required.* Produced water and CWT wastewater as defined in this part may not be imported into the Basin except by a new or existing wastewater treatment facility located within the Basin, and may not be transferred to, treated by or discharged from or to a new or existing wastewater treatment facility located within the Basin, at any volume or rate, except in accordance with an approval in the form

of a docket issued by the Commission to the owner or operator of the wastewater treatment facility pursuant to section 3.8 of the Compact or in accordance with a state permit issued pursuant to a duly adopted administrative agreement between the Commission and the host state.

(c) *Alternatives and impact assessment.* Any project involving the importation of produced water or CWT wastewater into the Basin shall be subject to the requirement that alternatives involving no importation must be analyzed and the water resource, economic and social impacts of the project evaluated, as described in section 2.30.4 of the Commission's Water Code.

(d) *Compliance with existing rules.* In addition to the requirements in this part, all discharges within the Basin of produced water and CWT wastewater as defined in this part must comply with applicable DRBC Water Quality Regulations (incorporated by reference at part 410 of this chapter), state regulations and federal regulations. If a conflict exists among the applicable regulations, the more stringent requirement shall apply to these discharges.

(e) *Treatment facilities.* (1) Produced water as defined in this part:

(i) May not be treated within the Basin except at a centralized waste treatment facility (CWT) as that term is defined by the U.S. Environmental Protection Agency in 40 CFR part 437 (to convert it to CWT wastewater); and pursuant to an approval issued in accordance with § 440.5(b).

(ii) May not be discharged within the basin without treatment at a CWT.

(2) CWT wastewater as defined in this part may be discharged only:

(i) Directly by the CWT pursuant to an approval issued in accordance with section 440.5(b); or

(ii) Indirectly by a CWT to a wastewater treatment facility within the Basin (via sewer, truck or other means) pursuant to an approval issued in accordance with § 440.5(b),

(iii) Provided that the discharge meets the requirements of § 440.5(f) through (h).

(f) *Treatability studies.* The Commission shall not issue any required docket or approval for the treatment of produced water or the discharge of CWT wastewater unless the project sponsor has identified each proposed source of the produced water or CWT wastewater and has submitted to the Commission a treatability study (or studies) prepared by a professional engineer licensed in the state(s) in which the treatment and discharge facilities are located, demonstrating that:

(1) An analysis, characterization and quantification of all pollutants of concern, as that term is defined in § 440.2, has been conducted and the results submitted to the Commission;

(2) The acute and chronic toxicity of the waste, measured as Whole Effluent Toxicity (WET), have been evaluated;

(3) The treatment technologies and applicable design criteria to be used to meet all requirements of § 440.5(g) have been identified;

(4) The produced water (or CWT wastewater) will not pass through or interfere with the facility's treatment process, and the resulting effluent will meet all applicable limits;

(5) The classification, treatment and disposal of residuals from the facility, if any, will not be adversely affected; and

(6) The discharge will not cause or contribute to an exceedance of applicable water quality criteria or stream quality objectives or impair the existing or protected use of the receiving water.

(g) *Additional effluent requirements.* Except as provided in paragraph (h) of this section, the following requirements shall apply within the Basin to effluent resulting from the treatment of produced water or CWT wastewater. In any instance in which these requirements are deemed to conflict, the more stringent shall apply:

(1) For total dissolved solids (TDS):

(i) The effluent shall not exceed background or 500 mg/l, whichever is less,

(ii) Provided, however, that in waters that drain to Delaware River Water Quality Zones 4 through 6, the resulting effluent shall not exceed 1,000 mg/l, or a concentration established by the Commission that is compatible with designated water uses and stream quality objectives.

(iii) The Commission will publish guidance on acceptable methods for determining background TDS concentrations.

(2) For waters for which the protected or designated uses include ''public water supplies'' or ''drinking water'', the effluent shall not exceed the more stringent of EPA's or the host state's

(i) Primary drinking water standards for inorganic chemicals, organic chemicals (excluding acrylamide and epichlorohydrin) and disinfection byproducts; and

(ii) Secondary drinking water standards (excluding color, corrosivity, and odor).

(3) For whole effluent toxicity (WET), the effluent shall not exceed: 0.3 toxic units (acute) and 1.0 toxic units (chronic).

(4) For pollutants of concern as defined in section 440.2 of this part:

(i) For waters that drain to Special Protection Waters, the effluent shall not exceed the background concentration of each pollutant in the receiving water.

(ii) For waters that do not drain to Special Protection Waters:

(A) If pollutant-specific numeric water quality criteria exist, the effluent concentration for the pollutant shall not exceed the numeric criteria.

(B) If pollutant-specific numeric water quality criteria do not exist, the effluent shall not exceed the background concentration of the pollutant in the receiving water or cause an exceedance or violation of any existing narrative criteria.

(C) The Commission will publish guidance on acceptable methods for determining background concentrations for pollutants of concern.

(5) The Commission may require the discharger to perform such monitoring and reporting as the Commission deems necessary to ensure compliance with established numeric effluent limits and to support the development of additional numeric limits if needed.

(h) *Point of compliance.* (1) The effluent limitations are to be met at the point of discharge to basin waters.

(2) To ensure that all conditions, requirements and standards under this rule are met, the Commission may impose additional monitoring requirements or other conditions on any CWT within the basin that discharges CWT wastewater as defined in this part to another wastewater treatment facility in the basin.

(3) A mixing zone may be considered for any pollutant for which a mixing zone is permitted in the Delaware River Estuary by the DRBC Water Quality Regulations (incorporated by reference at part 410 of this chapter).

Dated: January 5, 2018.

Pamela M. Bush,

Commission Secretary/Assistant General Counsel.

[FR Doc. 2018–00344 Filed 1–11–18; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–1054]

RIN 1625–AA08

Special Local Regulation; Chesapeake Bay, between Sandy Point and Kent Island, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations for certain waters of the Chesapeake Bay. This action is necessary to provide for the safety of life on these navigable waters located between Sandy Point, Anne Arundel County, MD and Kent Island, Queen Anne's County, MD, during a paddling event on June 2, 2018. In the case of inclement weather, the paddling event is scheduled for June 3, 2018. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before February 12, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–1054 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.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On October 16, 2017, ABC Events, Inc. of Arnold, MD notified the Coast Guard that it will be conducting the Bay Bridge Paddle from 8 a.m. to 12:30 p.m. on June 2, 2018. The third annual kayak and stand up paddle board event for intermediate and elite paddlers includes up to 500 paddlers in two classes operating on two race courses in the Chesapeake Bay. The first course is under and between the north and south bridges that consist of the William P. Lane, Jr. (US–50/301) Memorial Bridges, located between Sandy Point, Anne Arundel County, MD and Kent Island, Queen Anne's County, MD, and the second course is adjacent to Sandy Point State Park at Annapolis, MD. Elite paddlers will operate on a 9-statute mile/14.5-kilometer race course that starts at the east beach area of Sandy Point State Park, proceeds southerly along the shoreline to a point on the course located between north bridge piers 13 and 13A, then easterly along and between the bridges toward the eastern shore at Kent Island and turns around upon reaching a point near Kent Island, then proceeds westerly along and between the bridges toward the western shore, turns upon reaching a point on the course located between north bridge piers 24 and 25, proceeds northerly to the Sandy Point Shoal Lighthouse, and proceeds westerly to a finish at the east beach area of Sandy Point State Park. Intermediate paddlers will operate on a 3.1-statute mile/5-kilometer course that starts at the east beach area of Sandy Point State Park and follows the elite paddlers to the north bridge, then easterly along and between the bridges toward the eastern shore at Kent Island and turns northerly upon reaching a point on the course located between north bridge piers 24 and 25, and proceeds to a finish at the north beach area of Sandy Point State Park. In the case of inclement weather, the event is scheduled from 8 a.m. to 12:30 p.m. on June 3, 2018. Hazards from the paddle race include numerous event participants crossing designated shipping channels and interfering with vessels intending to operate within those channels. The COTP Maryland-National Capital Region has determined that potential hazards associated with the paddle race would be a safety concern for anyone intending to operate within certain waters of the Chesapeake Bay between Sandy Point and Kent Island, MD.

The purpose of this rulemaking is to protect event participants, spectators and transiting vessels on certain waters of the Chesapeake Bay before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233, which authorize the Coast Guard to establish and define special local regulations.

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region proposes to establish special local regulations from 7 a.m. to 1:30 p.m. on June 2, 2018, and, if necessary due to inclement weather, from 7 a.m. to 1:30 p.m. on June 3, 2018. The regulated area would cover all navigable waters of the Chesapeake Bay, adjacent to the shoreline at Sandy Point State Park and between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline at latitude 39°01′05.23″ N., longitude 076°23′47.93″ W.; thence eastward to latitude 39°01′02.08″ N., longitude 076°22′58.38″ W.; thence southward to latitude 38°59′57.02″ N., longitude 076°23′02.79″ W.; thence eastward and parallel and 500 yards north of the north bridge span to eastern shoreline at latitude 38°59′13.70″ N., longitude 076°19′58.40″ W.; and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′17.08″ N., longitude 076°24′28.36″ W.; thence southward to latitude 38°59′38.36″ N., longitude 076°23′59.67″ W.; thence eastward to latitude 38°59′26.93″ N., longitude 076°23′25.53″ W.; thence eastward to the eastern shoreline at latitude 38°58′40.32″ N., longitude 076°20′10.45″ W, located between Sandy Point and Kent Island, MD. The duration of the regulated area is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 8 a.m. until 12:30 p.m. paddle race event. Except for Bay Bridge Paddle participants, no vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and duration of the regulated area, which would impact a small designated area of the Chesapeake Bay for six hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the COTP Coast Guard Patrol Commander deems it safe to do so.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 6 hours. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

CONTACT section of this document for alternate instructions.

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

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.501T05–1054 to read as follows:

§ 100.501T05–1054 Special Local Regulation; Chesapeake Bay, between Sandy Point and Kent Island, MD.

(a) *Regulated area.* The following location is a regulated area: All navigable waters of the Chesapeake Bay, adjacent to the shoreline at Sandy Point State Park and between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline at latitude 39°01′05.23″ N., longitude 076°23′47.93″ W.; thence eastward to latitude 39°01′02.08″ N., longitude 076°22′58.38″ W.; thence southward to latitude 38°59′57.02″ N., longitude 076°23′02.79″ W.; thence eastward and parallel and 500 yards north of the north bridge span to eastern shoreline at latitude 38°59′13.70″ N., longitude 076°19′58.40″ W.; and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′17.08″ N., longitude 076°24′28.36″ W.; thence southward to latitude 38°59′38.36″ N., longitude 076°23′59.67″ W.; thence eastward to latitude 38°59′26.93″ N., longitude 076°23′25.53″ W.; thence eastward to the eastern shoreline at latitude 38°58′40.32″ N., longitude 076°20′10.45″ W, located between Sandy Point and Kent Island, MD. All coordinates reference North American Datum 83 (NAD 1983).

(b) *Definitions*—(1) *Captain of the Port (COTP) Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Participant* means all persons and vessels participating in the Bay Bridge Paddle event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Maryland-National Capital Region.

(c) *Special local regulations.* (1) The COTP or Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(2) Except for participants and vessels already at berth, all persons and vessels within the regulated area at the time it is implemented are to depart the regulated area.

(3) Persons and vessels desiring to transit, moor, or anchor within the regulated area must first obtain authorization from the COTP Maryland-National Capital Region or Coast Guard Patrol Commander. Prior to the enforcement period, vessels or persons seeking permission to transit, moor, or anchor within the area may contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). During the enforcement period, vessels or persons seeking permission to transit, moor, or anchor within the area may contact the Coast Guard Patrol Commander on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) for direction.

(4) The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies. The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz).

(5) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced from 7 a.m. to 1:30 p.m. on June 2, 2018, and, if necessary due to inclement weather, from 7 a.m. to 1:30 p.m. on June 3, 2018.

Dated: January 5, 2018.

Lonnie P. Harrison, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–00420 Filed 1–11–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0965]

RIN 1625–AA00

Safety Zone; Cape Fear River, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the navigable waters of the Cape Fear River in Brunswick County and New Hanover County, North Carolina. This temporary safety zone is intended to restrict vessel traffic on the Cape Fear River while a vessel transports two new Post-Panamax gantry cranes to the North Carolina State Port in Wilmington, North Carolina. This action is intended to restrict vessel traffic on the Cape Fear River to protect mariners and vessels from the hazards associated with transporting the assembled gantry cranes. Entry of vessels or persons into this safety zone is prohibited unless specifically authorized by the Captain of the Port (COTP) North Carolina or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before February 12, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0965 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.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, contact Petty Officer Matthew Tyson, Waterways Management Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone: 910–772–2221, email: *Matthew.I.Tyson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On August 22, 2017, the North Carolina State Port Authority notified the Coast Guard that they will be transporting two pre-assembled Post-Panamax gantry cranes up the Cape Fear River to the North Carolina State Port in Wilmington, North Carolina. The planned transit date is April 1, 2018 with alternate dates of March 29th, 30th, 31st, April 2nd, 3rd, or 4th, 2018. The transit path will be from the Cape Fear River Entrance Buoy, north through the Cape Fear River to the turning basin, and ending at the North Carolina State Port in Wilmington, North Carolina. The COTP North Carolina has determined that potential safety hazards associated with transporting the gantry cranes would be a concern for anyone transiting the Cape Fear River.

The purpose of this rule is to protect persons, vessels, and the marine environment on the navigable waters on the Cape Fear River during the transport of the gantry cranes. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone on a portion of the Cape Fear River to be enforced during the transit of a vessel transporting two pre-assembled Post-Panamax gantry cranes up the Cape Fear River on April 1, 2018. The transport is expected to take between five and seven hours. There will be alternate dates of March 29th, 30th, 31st, April 2nd, 3rd, or 4th, 2018 in case severe weather or other conditions prevent the safe transit of the vessel on April 1st. Exact enforcement times will be based on tide schedules and anticipated sea conditions and will be announced by broadcast to mariners at least two days prior to the transit. The safety zone will include all navigable waters of the Cape Fear River from the International Regulations for Prevention of Collisions at Sea, 1972 (COLREGS, 72) Demarcation Line drawn from Oak Island Light House to Bald Head Island Abandon Light House noted on NOAA chart 11537 and proceeding north up the Cape Fear River from shore to shore to the Cape Fear Memorial Bridge, a length of approximately 26 miles. The safety zone will be enforced until the vessel transporting the cranes has been safely moored at North Carolina State Port in Wilmington, North Carolina. The duration of this zone is intended to protect persons, vessels, and the marine environment on the navigable waters of the Cape Fear River during the transport of the gantry cranes. No vessel or person will be permitted to enter the safety zone unless specifically authorized by the Captain of the Port North Carolina or a designated representative. There will be a pre-designated safety vessel ahead of the transport vessel to monitor the flow of traffic and inform mariners that the gantry crane transit is in progress. Vessels that are less than 40 feet in height and will not impede the transport vessel may request permission to pass through the safety zone or remain in place as the transport vessel passes. The Fort Fisher and Bald Head ferries will be able to operate on their normal schedule as long as the scheduled transit will not come within one mile of the transport vessel and they receive permission from the Captain of the Port North Carolina or a designated representative. The strict height restriction of 40 feet is required because portions of the transported cranes extend over the water on both sides of the transport vessel. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the proposed safety zone. Vessel traffic will not be allowed to enter or transit a portion of the Cape Fear River on April 1, 2018 with alternate dates of March 29th, 30th, 31st, April 2nd, 3rd, or 4th, 2018 for approximately five to seven hours. The Coast Guard will issue a Local Notice to Mariners and transmit a Broadcast Notice to Mariners via VHF–FM marine channel 16 regarding the safety zone. This portion of the Cape Fear River has been determined to be a high traffic area. This rule allows vessels to request permission to pass through the moving safety zone or remain in place as long as they are under the height restriction of 40 feet.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see

ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone on all navigable waters of the Cape Fear River from the International Regulations for Prevention of Collisions at Sea, 1972 (COLREGS, 72) Demarcation Line drawn from Oak Island Light House to Bald Head Island Abandon Light House noted on NOAA chart 11537 and proceeding north up the Cape Fear River from shore to shore to the Cape Fear Memorial Bridge, a length of approximately 26 miles. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0965 to read as follows:

§ 165.T05–0965 Safety Zone, Cape Fear River, Brunswick County and New Hanover County, NC.

(a) *Location.* The following area is a safety zone: All navigable waters of the Cape Fear River from the International Regulations for Prevention of Collisions at Sea, 1972 (COLREGS, 72) Demarcation Line drawn from Oak Island Light House to Bald Head Island Abandon Light House noted on NOAA chart 11537 and proceeding north up the Cape Fear River from shore to shore to the Cape Fear Memorial Bridge, in Brunswick County and New Hanover County, NC.

(b) *Definitions.* As used in this section:

Designated representative means a Coast Guard Patrol Commander,

including a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone.

Captain of the Port means the Commander, Sector North Carolina.

Participants means persons and vessels involved in support of the gantry crane transport.

(c) *Regulations.* (1) The general regulations governing safety zones in § 165.23 apply to the area described in paragraph (a) of this section.

(2) With the exception of participants, entry into or remaining in this safety zone is prohibited unless authorized by the COTP North Carolina or the COTP North Carolina's designated representative. All vessels under 40 feet in height within this safety zone when this section becomes effective may request permission to remain in the zone. All other vessels must depart the zone immediately.

(3) To request permission to remain in, enter, or transit through the safety zone, contact the COTP North Carolina or the COTP North Carolina's representative through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina, at telephone number 910–343–3882, or on VHF–FM marine band radio channel 13 (165.65 MHz) or channel 16 (156.8 MHz).

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

(e) *Enforcement period.* This regulation will be enforced during vessel transit on April 1, 2018 or alternatively, March 29th, 30th, 31st, April 2nd, 3rd, or 4th, 2018.

Dated: December 19, 2017.

Bion B. Stewart,

Captain, U.S. Coast Guard Captain of the Port North Carolina.

[FR Doc. 2018–00421 Filed 1–11–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0634; FRL–9972–14—Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Revisions to East Helena Lead SIP

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the state of Montana on September 11, 2013. The submittal revises the portions of the Administrative Rules of Montana (ARM) that pertain to the East Helena Lead SIP. This action is being taken under section 110 of the Clean Air Act (CAA) (Act).

DATES: Written comments must be received on or before February 12, 2018.

ADDRESSES: Submit your comments, identified by EPA–R08–OAR–2017–0634 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

What should I consider as I prepare my comments for the EPA?

a. *Submitting Confidential Business Information (CBI).* Do not submit CBI to the EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

b. *Tips for Preparing Your Comments.* When submitting comments, remember to:

i. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

The proposed SIP revisions stem from a June 10, 2013, Montana Board of Environmental Review Order (Board Order) removing a stipulated condition in an August 4, 1995 Board Order. The condition limited the allowable concentration of lead in raw feed material at the American Chemet Corporation's East Helena facility. Specifically, American Chemet requested a change to the 1995 Board Order which would eliminate Exhibit A, Section C, Subsection B. This subsection reads:

''*Feed Material into the plant shall have a quarterly average lead content of less than 0.15%, and an average annual lead content of less than 0.10%.*''

All other East Helena Lead SIP provisions, including direct numerical limits on lead emissions from American Chemet Corporation's East Helena facility, would remain unchanged.

The East Helena Lead SIP includes a ''lead in feed'' limitation for the American Chemet facility, which was created as part of the Montana

Department of Environmental Quality's (DEQ) efforts to respond to the EPA's designation of East Helena as a nonattainment area for the 1978 National Ambient Air Quality Standard (NAAQS) for airborne lead. The American Chemet East Helena facility produces cuprous oxides, cupric oxides, and fine particle size copper powders. In the 1990's, through informal discussions between DEQ and American Chemet, the parties arrived at restrictions on lead emissions for the East Helena area to meet and maintain compliance with the 1978 lead NAAQS. The principal target for curtailing lead emissions was the American Smelting and Refining Company (ASARCO) facility, which was a lead smelter located adjacent to American Chemet's East Helena facility. In addition to shutting down its operations in 2001, ASARCO demolished its stacks in 2009. After the ASARCO facility shut down in 2001, ambient air monitoring during the following six months showed that East Helena was in compliance with the 1978 lead NAAQS of 1.5 micrograms per cubic meter (ug/m ^{3}).

The EPA subsequently promulgated a new, more stringent, lead NAAQS standard (0.15 ug/m^3); the final rulemaking was published on November 12, 2008 (73 FR 66964). In our final 2011 rulemaking (76 FR 72097) to designate areas of the country as attainming or nonattaining for the 2008 lead NAAQS, the EPA noted that the most recent three years of available monitoring data from the East Helena nonattainment area showed no violations of the 2008 standard (See Montana's September 11, 2013 submittal), although the monitors were shut down in December 2001 (roughly six months after the shut down of the large stationary source of lead emissions, ASARCO). Effective December 31, 2011, the entire state of Montana, including the East Helena area, was designated as ''Unclassifiable/Attainment'' for the 2008 Lead NAAQS. In the rulemaking for the 2011 designation, the EPA reiterated that the 1978 standard would remain in effect for the East Helena area until an implementation plan for the 2008 lead NAAQS was approved by the EPA (76 FR 72099). Accordingly, and as required in 40 CFR 50.12, Montana's nonattainment status for the the 1978 lead NAAQS will apply for East Helena until the state submits, and the EPA approves, an implementation plan providing for attainment and/or maintenance of the 2008 Lead NAAQS. The EPA amended 40 CFR 50.12 to reflect the possibility that the nonattainment status for the old standard could be revoked upon the EPA's approval of a maintenance plan for the new standard (73 FR 67043). The EPA encourages Montana to submit such an implementation plan for East Helena in the near future.

On December 18, 2009, in response to the DEQ's request for the EPA's guidance concerning modifying the 1995 Board order to eliminate Exhibit A, Section C, Subsection B, the EPA sent a letter dated December 18, 2009 (See docket) to the DEQ that stated:

''. . . our preliminary view is that we could allow a revision to the Montana State Implementation Plan (SIP) that would eliminate Exhibit A, Section C, Subsection B from the 1995 Board Order if the conditions listed below are met.

1. DEQ must perform modeling sufficient to demonstrate noninterference with the attainment and maintenance of the lead NAAQS (a demonstration for the new standard will suffice for the old standand). AERMOD is appropriate to use for the modeling. If DEQ meets condition 2 below, DEQ may assume in modeling that ASARCO's stack emissions are zero but will need to input appropriate values for any remaining lead emissions from ASARCO, such as fugitive emissions.

2. The State must finalize the revocation of ASARCO's permit and provide us with evidence of, and ASARCO's consent to, the revocation. In the alternative, the SIP revision must state that ASARCO has shut down permanently and that ASARCO would need to go through New Source Review permitting in order to resume operations.''

American Chemet submitted to DEQ a modeling analysis on December 4, 2012 (see docket). The EPA has reviewed the supplied modeling analysis and agrees that the methodology is in accordance with 40 CFR part 51, Appendix W and the EPA's ''Guideline on Air Quality Models.'' The AERMOD analysis used the emission limits in the SIP, located in Condition II.A.4.b of the 1995 Board Order, of 0.007 lb/hr and the results of the modeling analysis are valid. The AERMOD modeling analysis shows a concentration of 0.14 ug/m^3 (which includes background concentrations); and therefore, East Helena is below the lead NAAQS threshold for the 2008 lead NAAQS standard (0.15 ug/m^3). In particular, the modeling shows that operating the facility at the remaining SIP limits does not violate the 2008 lead NAAQS, even including background ambient lead concentrations. The submitted modeling analysis used background concentrations of lead based off of lead monitoring results that were performed during the three quarters immediately after the ASARCO facility ceased operations in April of 2001.

On December 9, 2009, ASARCO's representative sent a letter to DEQ requesting the revocation of Montana Air Quality Permit (MAQP) #2557. On September 3, 2013, the DEQ sent a letter to the EPA stating that, in a letter dated December 16, 2009, the DEQ notified ASARCO of its intent to revoke MAQP #2557. In accordance with the Administrative Rules of Montana (ARM) 17.8.763, the revocation of MAQP #2557 was final within 15 days of ASARCO's receipt of the letter unless ASARCO requested a hearing before the Board of Environmental Review. ASARCO did not request a hearing; therefore, the revocation of MAQP #2557 became final following the 15-day appeal period. The previously mentioned letters are all available in the docket for this proposed rulemaking. In addition, ASARCO's Title V permit expired on April 5, 2007, and DEQ did not receive a renewal application. Any new industrial operations on the former ASARCO site would be required to go through major New Source Review permitting before construction.

III. Proposed Action

The EPA is proposing to approve the state of Montana's revisions, as submitted on September 11, 2013, to remove Exhibit A, Section C, Subsection B from the August 4, 1995 Board Order. This Board order is found in the Montana SIP under ''EPA-approved Source-Specific Requirements.'' The final rulemaking approving the 1995 Board Order for adoption into the SIP can be found at 66 FR 32760.

This revision is in compliance with CAA section 110(l) because it does not change American Chemet's SIP emission limits and modeling has shown that it will not interfere with the 2008 Lead NAAQS. No other criteria pollutant emissions would be impacted by this proposed action. In addition, CAA section 193 does not apply to this revision because the American Chemet limits were approved into the SIP after November 15, 1990. Furthermore, any new industrial construction on the former ASARCO site would be required to go through major New Source Review construction permitting before construction.

IV. Incorporation by Reference

In this action, 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 the incorporation by reference of a change to the State of Montana's SIP regarding a 1995 Board Order; this action would eliminate

Exhibit A, Section C, Subsection B. This Board order is found in the Montana SIP under ''EPA-approved Source-Specific Requirements.'' The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. Accordingly, this 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 Order 12866 (58 FR 51735, October 4, 1993);
- is not expected to be an Executive Order 13771 regulatory action because this action is not significant 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 CAA; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Dated: January 2, 2018.

Douglas H. Benevento,

Regional Administrator, Region 8.

[FR Doc. 2018–00114 Filed 1–11–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–R06–OAR–2017–0061; FRL–9972–29–Region 6]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Texas Commission on Environmental Quality (TCEQ) has submitted updated regulations for receiving delegation of EPA authority for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants (NESHAP) for all sources (both part 70 and non-part 70 sources). These regulations apply to certain NESHAP promulgated by the EPA, as amended between April 24, 2013 and August 3, 2016. The delegation of authority under this action does not apply to sources located in Indian Country. The EPA is providing notice proposing to approve the delegation of certain NESHAPs to TCEQ.

DATES: Written comments should be received on or before February 12, 2018.

ADDRESSES: Submit your comments, identified by EPA–R06–OAR–2017–0061, at *http://www.regulations.gov* or via email to *barrett.richard@epa.gov.* For additional information on how to submit comments see the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett, (214) 665–7227; email: *barrett.richard@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this issue of the **Federal Register**, the EPA is approving TCEQ's request for delegation of authority to implement and enforce certain NESHAP for all sources (both part 70 and non-part 70 sources). TCEQ has adopted certain NESHAP by reference into Texas's state regulations. In addition, the EPA is waiving its notification requirements so sources will only need to send notifications and reports to TCEQ. The EPA is taking direct final action without prior proposal because the EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this issue of the **Federal Register**.

Dated: January 4, 2018.

Wren Stenger,

Director, Multimedia Division, Region 6.

[FR Doc. 2018–00448 Filed 1–11–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 83, No. 9
Friday, January 12, 2018

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

Forest Service

National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule Committee (Committee) will meet in Washington, DC. Attendees may also listen via webinar and/or conference call. The Committee operates in compliance with the Federal Advisory Committee Act (FACA). Additional information relating to the Committee, including the meeting summary/minutes, can be found by visiting the Committee's website at: *http://www.fs.usda.gov/main/planningrule/committee.*

DATES: The meetings will be held in-person and streamed via webinar/conference call on the following dates and times:

- Tuesday, January 30, 2018, from 8:30 a.m. to 5:00 p.m. Eastern Standard Time (EST)
- Wednesday, January 31, 2018, from 8:30 a.m. to 5:00 p.m. EST
- Thursday, February 1, 2018, from 8:30 a.m. to 12:00 p.m. EST

All meetings are subject to cancellation. For updated status of meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the USDA Forest Service, International Programs Office, 1 Thomas Circle NW, Suite 400, Washington, DC 20005. For anyone who would like to attend via webinar and/or conference call, please visit *http://www.fs.usda.gov/main/planningrule/committee,* or contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. Written comments may 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 Washington Office—Yates Building, 201 14th Street SW, Mail Stop 1104, Washington, DC 20250–1104. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Crystal Merica, Committee Coordinator, by phone at 202–205–3562, or by email at *ckmerica@fs.fed.us.* 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. EST, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to:

1. Continue deliberations on formulating advice for the Secretary;
2. Discuss Committee work group findings;
3. Hear public comments; and
4. Conduct administrative tasks.

This meeting is open to the public. The agenda will include time for people to make oral comments of three minutes or less. Individuals wishing to make an oral comment should submit a request in writing by January 26, 2018, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Committee may file written statements with the Committee's staff before or after the meeting. Written comments and time requests for oral comments must be sent to

Crystal Merica, USDA Forest Service, Ecosystem Management Coordination, 201 14th Street SW, Mail Stop 1104, Washington, DC, 20250–1104, or by email at *ckmerica@fs.fed.us.* The agenda and summary of the meeting will be posted on the Committee's website within 21 days of the meeting. *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: December 29, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–00426 Filed 1–11–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972, the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act of 1976, and the Federal Public Lands Recreation Enhancement Act. Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's website at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

DATES: The meeting will be held on Wednesday, February 21, 2018, at 1:00 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Forest Service Center, 8221 Mount Rushmore Road, Rapid City, South Dakota.

Written comments may 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 Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–440–1409 or by email at *sjjacobson@fs.fed.us.*

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 purpose of the meeting is to provide:

(1) Information Topic: Black Hills National Forest Staffing;

(2) Recreation Site Analysis (RSA);

(3) Over snow use;

(4) Recreation Site Analysis (RSA) update;

(5) Black Hills Resilient Landscape Project update; and

(6) Non-motorized Trails.

The meeting is open to the public and transcripts, documents and minutes will be made available for public inspection. The U.S. Forest Service will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Chairman may allow the public to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by February 12, 2018, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208.

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: December 8, 2017.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–00429 Filed 1–11–18; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Telephonic Business Meeting.

DATES: Friday, January 19, 2018, at 11:00 a.m. EST.

ADDRESSES: Meeting to take place by telephone.

FOR FURTHER INFORMATION CONTACT: Brian Walch, (202) 376–8371, *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: This business meeting is open to the public by telephone only.

PARTICIPANT ACCESS INSTRUCTIONS: Listen Only, Toll Free: 1–800–479–9001; Conference ID: 6075575. Please dial in 5–10 minutes prior to the start time.

Meeting Agenda

I. Approval of Agenda

II. Program Planning

- Discussion and Vote on Administrative Instruction on Oral Public Comment Periods
- Discussion and Vote on Release of Outline and Transcript of Commission's Briefing on Inequities in Higher Education Funding

V. Adjourn Meeting.

Dated: January 10, 2018.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2018–00631 Filed 1–10–18; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[12/19/2017 through 01/07/2018]

Firm name	Firm address	Date accepted for investigation	Product(s)
E. Smith Box, Inc	1875 Rockdale Industrial Boulevard NW, Conyers, GA 30012.	12/29/2017	The firm manufactures corrugated boxes, point-of-purchase displays, and custom packaging materials.
Good Clothing Company, Inc	104 Anawan Street, Suite 5, Fall River, MA 02721.	01/04/2018	The firm manufactures apparel for both men and women.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which

these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2018–00401 Filed 1–11–18; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–03–2018]

Foreign-Trade Zone (FTZ) 40—Cleveland, Ohio; Notification of Proposed Production Activity; Swagelok Company (Valve Component Parts); Solon, Willoughby Hills, Highland Heights, and Strongsville, Ohio

The Cleveland-Cuyahoga County Port Authority, grantee of FTZ 40, submitted a notification of proposed production activity to the FTZ Board on behalf of Swagelok Company (Swagelok) located in Solon, Willoughby Hills, Highland Heights, and Strongsville, Ohio. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on December 26, 2017.

The Swagelok facilities are located within Subzone 40I. The facilities are used for production of industrial fittings, finished valves, pressure reducing valves, and regulators. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Swagelok from customs duty payments on the foreign-status components used in export production (estimated at 13 percent of production). On its domestic sales, for the foreign-status materials/components noted below, Swagelok would be able to choose the duty rates during customs entry procedures that apply to: High pressure reinforced plastic hoses; teflon tubing; plastic tubing with fittings; polytetrafluoroethylene and plastic hoses; plastic and nylon fittings and nuts; plastic and teflon ferrules; rubber hoses with and without fittings; rubber hoses with fittings reinforced or otherwise combined with textile materials; non-alloy steel seamless tubing; stainless steel tubing; welded stainless steel tubing; stainless steel flanges; straight or shaped stainless steel fittings; stainless steel butt-weld fittings; threaded, unthreaded, and welded-ends stainless steel fittings; machined flanges of alloy steel not including stainless; straight or shaped steel fittings; steel butt-welded fittings; steel adapter fittings without threads; brass tubes used in brass valve assemblies; brass fittings used in brass valve assemblies; brass fitting ferrules; nuts and ferrule sets used in brass fittings; nickel-chromium alloy tubing; nickel alloy fittings; aluminum ferrules, nuts, and ferrule kits; stainless steel flexible metal tubing; steel flexible tubing with fittings; pressure reducing valves; hydraulic solenoid valves; check valves; relief valves, and diaphragm valves (duty rate ranges from duty-free to 6.2%). Swagelok would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Plastic caps used for component protection in shipping; teflon O-rings for valve connections; rubber gaskets and O-rings to prevent leakage; rubber gripper pads; rubber grommets; rubber bands used in valve applications; grafoil packing; replacement safety glass for pressure gauge lenses; glass face plates for gauges; forged non-alloy steel bars; carbon steel barstock; forged rods; cold finished steel bars; circular, hot formed or extruded hot rolled stainless steel; cold formed stainless steel bars; circular bars or rods of stainless steel barstock; steel angled shapes and sections to be used in valve bodies; unmachined stainless steel flanges; empty sample cylinders for compressed gases or liquids; self-tapping screws of various sizes for valve assemblies; nuts and bolts; steel screws; threaded hardware for valves; nuts for tube support systems; lock and spring washers; stainless steel washers; cotter pins and retaining rings; steel and stainless steel non-threaded hardware; helical springs; spring kits; disc springs for tube supports; circular or hex brass barstock; square copper alloy barstock to machine fittings; brass tube plugs; brass sleeves; nickel alloy barstock; nickel alloy gaskets; aluminum barstock; lead seals for valves; titanium barstock; steel and stainless steel clamps; steel mountings for valve applications; brackets for valve applications; hydraulic motors to open and close valves; non-linear acting air operators to open and close valves; air operator carbon steel mufflers and filters; air and liquid pumps; filters for liquids and gases; filter elements; cutting dies; drill inserts; cut-off blade bases; grooving insert holders; pigging machines—push-on tool assembly; valve and regulator poppets; linear, ball or radial bearings to be used in pumps; bearing housings for plain shaft bearings to be used in pumps; ball or roller screws for gears; machine clutches used in fitting manufacturing machines; rubber, plastic, and steel O-ring sets; direct current (DC) motors between 37.5 watts and 74.6 watts to open and close valves; DC motors between 750 watts and 14.92 kilowatts to open and close valves; alternating current (AC) electric actuators to open and close valves; multiphase AC motors to open and close valves; power supplies or converters; welding machine weld heads; heater cartridges for regulators; transceivers; optical projectors used in valve assemblies; indicator panels for alarms; power connection and termination kits; limit and proximity switches; crimp terminals; insulated ring terminals; butt connectors; electrical controllers; USB power cables or cords; panel faces for valve assembly controllers; lasers used for valve assemblies; thermometers; flow sensors for measuring and checking pressure; pressure gauges; pressure gauge cable fittings—fill plugs and steam syphons; inspection gauges; and, temperature control instruments (duty rate ranges from duty-free to 15%). The request indicates that the following components are subject to antidumping/countervailing duty (AD/CVD) orders if imported from certain countries: Carbon steel barstock; hot rolled stainless steel; stainless steel bars; stainless steel barstock; empty sample cylinders for compressed gases or liquids; bolts with nuts; steel screws; threaded hardware for valves; lock and spring washers; helical springs or kits; disc springs for tube supports; brass tube plugs; brass sleeves; brackets for valve applications; parts for hose crimping machines; pigging machines; push-on tool assemblies; bearing housings for plain shaft bearings to be used in pumps; DC motors between 37.5 watts and 74.6 watts to open and close valves; and, heater cartridges for regulators. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is February 21, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: January 8, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–00436 Filed 1–11–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–28–2017]

Foreign-Trade Zone 186—Waterville, Maine; Application for Production Authority; Flemish Master Weavers; Subzone 186A; Invitation for Public Comment on Additional Information

The FTZ Board is inviting public comment on a new submission by the City of Waterville, Maine, grantee of FTZ 186, containing additional information pertaining to the production application of Flemish Master Weavers (FMW). The application, which was subject to a public comment period through August 7, 2017, requests unrestricted authority for FMW to produce machine-made woven area rugs from foreign-status continuous filament polypropylene yarn within Subzone 186A at the FMW facility in Sanford, Maine. The new submission on which the FTZ Board is now inviting public comment includes additional information concerning the supply of domestically-produced continuous filament polypropylene yarn and additional HTSUS Subheadings to describe that yarn.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is February 12, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to February 26, 2018.

A copy of the submission will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: January 8, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–00437 Filed 1–11–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–02–2018]

Foreign-Trade Zone 49—Newark/Elizabeth, New Jersey; Application for Expansion of Subzone 49C; E.R. Squibb & Sons, LLC; New Brunswick, New Jersey

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port Authority of New York and New Jersey, grantee of FTZ 49, requesting the expansion of Subzone 49C for the facility of E.R. Squibb and Sons, LLC, located in New Brunswick, New Jersey. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on January 3, 2018.

The proposed expansion of Subzone 49C will add 0.1258 acres to existing Site 1 (96 acres), located at One Squibb Drive in New Brunswick. No additional authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is February 21, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 8, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: January 8, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–00435 Filed 1–11–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–02–2018]

Foreign-Trade Zone 49—Newark/Elizabeth, New Jersey; Application for Expansion of Subzone 49C; E.R. Squibb & Sons, LLC; New Brunswick, New Jersey

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port Authority of New York and New Jersey, grantee of FTZ 49, requesting the expansion of Subzone 49C for the facility of E.R. Squibb and Sons, LLC, located in New Brunswick, New Jersey. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on January 3, 2018.

The proposed expansion of Subzone 49C will add 0.1258 acres to existing Site 1 (96 acres), located at One Squibb Drive in New Brunswick. No additional authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is February 21, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 8, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ

Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: January 8, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–00465 Filed 1–11–18; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions from the Procurement List.

SUMMARY: The Committee is proposing to add a product and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* February 11, 2018.

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: For further information or to submit comments 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.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product

NSN—Product Name: 6850–01–474–2317—Solvent, Dry Cleaning, Degreasing, 5 Gal
Mandatory Source of Supply: The Lighthouse for the Blind, St. Louis, MO
Mandatory for: Broad Government Requirement
Contracting Activity: Defense Logistics Agency Aviation

Service

Service Type: Janitorial and Related Service
Mandatory for: GSA Region 5, FDA Forensic Chemistry Center, 6751 Steger Drive, Cincinnati, OH
Mandatory Source of Supply: Portco, Inc., Portsmouth, VA
Contracting Activity: GSA, Public Buildings Service, PBS R5

Patricia Briscoe,

Deputy Director, Business Operations, Pricing and Information Management.

[FR Doc. 2018–00423 Filed 1–11–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes products from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to the Procurement List:* February 11, 2018.

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:

Deletions

On 12/8/2017 (82 FR 235), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer 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 additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may 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 deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSNs—Product Names:
7510–00–NIB–1784—Portfolio Pad Holder, with Pad, Custom Logo & Color, 4″ x 6″
7510–00–NIB–1785—Portfolio Pad Holder, with pad, Custom Logo & Color, 6″ x 9″
Mandatory Source of Supply: Alphapointe, Kansas City, MO
Contracting Activity: General Services Administration, New York, NY

NSNs—Product Names:
7510–01–642–8626—Kit, Maintenance, Remanufactured, Toner Cartridge, Lexmark T620/620N Series Compatible
7510–01–633–7855—Toner Cartridge, Remanufactured, Lexmark E230/E232/E234/E330/E332/E340/E342 Series Compatible
7510–01–633–7853—Toner Cartridge, Remanufactured, Lexmark Optra T620/T622 Series Compatible
7510–01–641–9550—Toner Cartridge, Remanufactured Lexmark Optra T630/T632/T634 Series Compatible
7510–01–560–6576—Remanufactured HP LJ Toner Cartridge—OEM C3909A
7510–01–560–6233—Remanufactured HP LJ Toner Cartridge—OEM C7115X
Mandatory Source of Supply: TRI Industries NFP, Vernon Hills, IL
Contracting Activity: General Services Administration, New York, NY

Patricia Briscoe,

Deputy Director, Business Operations, Pricing and Information Management.

[FR Doc. 2018–00422 Filed 1–11–18; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Revise Collection Numbers 3038–0052 and 3038–0074, Core Principles and Other Requirements for Designated Contract Markets, and Core Principles and Other Requirements for Swap Execution Facilities

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comment on the proposed revision of two collections of certain information by the agency. Under the Paperwork Reduction Act (''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. This notice solicits comments, as described below, on the proposed Information Collection Requests (''ICR'') titled: OMB Control Number 3038–0074 and Part 38, Relating to Core Principles and Other Requirements for Designated Contract Markets; and OMB Control Number 3038–0052 and Part 37, Relating to Core Principles and Other Requirements for Swap Execution Facilities. This notice also solicits comments on the collection of information mandated by the Commission regulation on Contents of Notice of Disciplinary or Access Denial Action. The collection of information burden associated with that regulation belongs to OMB Control Nos. 3038–0052 and 3038–0074.

DATES: Comments must be submitted on or before March 13, 2018.

ADDRESSES: You may submit comments, identified by OMB Control Nos. 3038–0052 and 3038–0074 by any of the following methods:

- *CFTC website: https://comments.cftc.gov.* Follow the instructions for submitting comments through the Comments Online process on the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail, above.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: David Steinberg, Associate Director, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5102; email: *dsteinberg@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 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 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, the CFTC is publishing notice of the proposed amendments to the collections of information listed below. 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: Core Principles and Other Requirements for Designated Contract Markets (OMB Control No. 3038–0052), and Core Principles and Other Requirements for Swap Execution Facilities (OMB Control No. 3038–0074). This is a request for an extension of currently approved information collections.

Abstract: The regulations governing designated contract markets (''DCMs'') were adopted pursuant to the requirements of the Commodity Futures Modernization Act of 2000 (''CFMA'').[1] Part 38 of the Commission's regulations governs the activities of DCMs. The information collected pursuant to part 38 is necessary for the Commission to evaluate whether entities operating as, or applying to become DCMs, comply with the part 38 requirements including 23 core principles.

In June 2012, the Commission implemented core principles and other requirements for DCMs (''DCM Final Rules'').[2] The Commission stated in the DCM Final Rules that 18 DCMs were registered with the Commission.[3] However, since publication of the DCM Final Rules, the number of DCMs registered with the Commission has decreased from 18 to 15. Accordingly, the Commission is revising the below burden statement from the DCM Final Rules to account for the decrease in the number of registered DCMs.

Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') added new section 5h to the Commodity Exchange Act (''CEA'') to impose requirements concerning the registration and operation of swap execution facilities (''SEFs''), which the Commission has incorporated in part 37 of its regulations. These information collections are needed for the Commission to ensure that SEFs comply with these requirements. Among other requirements, part 37 of the Commission's regulations imposes SEF registration requirements for a trading platform or system, obligates SEFs to provide transaction confirmations to swap counterparties, and requires SEFs to comply with 15 core principles.

In September 2016, the Commission published a 30-Day Notice of Intent to Renew Collection 3038–0074 (30-Day Renewal Notice) and stated that 23 SEFs were registered with the Commission.[4] However, since publication of the 30-Day Renewal Notice, the Commission has granted permanent registration to two additional SEFs, for a total of 25 registered SEFs. Therefore, the Commission is revising the below burden statement from the 30-Day Renewal Notice to account for the increase in the number of registered SEFs.

In a separate document published elsewhere in this issue of the **Federal Register**, the Commission adopted regulation 9.11(b)(3)(ii) requiring a DCM or SEF (collectively, ''exchange'') to include two additional elements in the disciplinary or access denial notice action provided to the National Futures Association. First, an exchange must include the type of product (as applicable) involved in the adverse action.[5] Requiring an exchange to provide this information in the disciplinary or access denial notice will provide the Commission, market participants, the public, and other exchanges with greater transparency concerning where market abuses originate and whether the abuses are concentrated among certain product types. Second, an exchange must indicate in its notice of disciplinary or access denial actions whether the violation underlying the notice resulted in financial harm to any customers. This requirement codifies the clarification contained in an advisory previously issued by the Commission (''Part 9 Advisory'').[6] The Commission believes

[1] 7 U.S.C. 1 *et seq.*

[2] 77 FR 36612 (June 19, 2012).

[3] *Id.* at 36663.

[4] 81 FR 65630 (Sept. 23, 2016).

[5] For example, a product trading on a designated contract market might be specified as a July 2016 Eurodollar future; while a product trading on a swap execution facility may be a CDX North American High Yield Series 26 5 year.

[6] The Part 9 Advisory permitted an exchange to file disciplinary or access denial notices with the Commission or the National Futures Association. 64 FR 39915 (July 23, 1999).

that the inclusion of customer harm is essential because it cannot effectively perform its regulatory and oversight functions without knowledge of those instances in which brokers violate their fiduciary duty to customers by taking advantage of customer orders and engaging in fraudulent activity. The collections of information are mandatory.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[7]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission believes that the additional burden for an exchange to add the two additional elements in the contents of the disciplinary or access denial notice is de minimis.[8] Accordingly, the Commission is maintaining its current estimate of the burden for both collections as result of these reporting requirements. However, the Commission is amending its estimates for the collections to account for the change in the number of DCMs and SEFs currently registered with the Commission. The current respondent burden for these collections are estimated to be as follows:

- OMB Control No. 3038–0052 (Core Principles and Other Requirements for Designated Contract Markets).

Number of Respondents: 15.

Estimated Annual Burden Hours per Respondent: 490.5.

Estimated Total Burden Hours on Respondents: 7,357.5.

Frequency of Collection: As applicable.

- OMB Control No. 3038–0074 (Core Principles and Other Requirements for Swap Execution Facilities).

Number of Respondents: 25.

Estimated Annual Burden Hours per Respondent: 1,000.

Estimated Total Burden Hours on Respondents: 25,000.

Frequency of Collection: As applicable.

The regulations require no new startup or operations and maintenance costs.

(Authority 44 U.S.C. 3501 *et seq.*)

Dated: January 9, 2018.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2018–00469 Filed 1–11–18; 8:45 am]

BILLING CODE 6351–01–P

[7] 17 CFR 145.9.

[8] The Commission stated in the Notice of Proposed Rulemaking that the burden associated with Commission regulation 9.11(b)(3)(ii) requiring an exchange to specify the product involved in the disciplinary or access denial action would be de minimis. 82 FR 7745 (Jan. 23, 2017). The Commission did not receive any comments regarding this determination. The Commission estimates that it will take an exchange just a few seconds to add the product involved in the adverse action and whether the violation underlying the notice resulted in financial harm to any customers.

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the F–35A Operational Beddown—Pacific, Eielson Air Force Base, Alaska

AGENCY: Pacific Air Forces, Department of the Air Force.

ACTION: Notice of availability of a record of decision.

SUMMARY: The United States Air Force signed the Record of Decision for the F–35A Operational Beddown—Pacific, for the Eielson Air Force Base, Alaska Supplemental Final Environmental Impact Statement on December 19, 2017. The Record of Decision reflects the Air Force decision to implement the three Proposed Action Alternatives: provide additional stormwater runoff control; develop equipment and material laydown areas; and provide additional heat, water, and power to the South Loop.

The decision was based on matters discussed in the F–35A Operational Beddown—Pacific, Final Supplemental Environmental Impact Statement, contributions from the public and regulatory agencies, and other relevant factors. The Final Supplemental Environmental Impact Statement was made available to the public on October 6, 2017 through a Notice of Availability published in the **Federal Register** (82 FR 46808) with a 30-day wait period that ended on November 6, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Hamid Kamalpour, AFCEC/CZN, 2261 Hughes Ave, Ste 155, JBSA Lackland, TX 78236, ph: 210–925–2738.

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. 2018–00458 Filed 1–11–18; 8:45 am]

BILLING CODE 5001–10–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: ER18–539–001.

Applicants: New England Power Pool Participants Committee.

Description: Tariff Amendment: Jan 2018 Membership Filing (Updated) to be effective 12/1/2017.

Filed Date: 1/5/18.

Accession Number: 20180105–5224.

Comments Due: 5 p.m. ET 1/26/18.

Docket Numbers: ER18–613–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: SMEPA NITSA Amendment Filing (adding 55 Delivery Points, etc.) to be effective 1/1/2018.

Filed Date: 1/5/18.
Accession Number: 20180105–5220.
Comments Due: 5 p.m. ET 1/26/18.

Docket Numbers: ER18–614–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to OATT, Sch. 12—Appendix A re: RTEP Projects Approved Dec 2017 to be effective 4/5/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5222.
Comments Due: 5 p.m. ET 1/26/18.

Docket Numbers: ER18–615–000.
Applicants: Harvest Wind Energy, LLC.
Description: Petition for Waiver of Tariff Requirements and Request for Expedited Review of Harvest Wind Energy, LLC.
Filed Date: 1/5/18.
Accession Number: 20180105–5237.
Comments Due: 5 p.m. ET 1/19/18.

Docket Numbers: ER18–616–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–01–08_SA 3082 Saratoga Wind-SMMPA GIA (J614) to be effective 12/21/2017.
Filed Date: 1/8/18.
Accession Number: 20180108–5077.
Comments Due: 5 p.m. ET 1/29/18.

Docket Numbers: ER18–617–000.
Applicants: Public Service Company of Colorado.
Description: Tariff Cancellation: OATT—Cancel Historic Att O–PSCo records to be effective 4/16/2016.
Filed Date: 1/8/18.
Accession Number: 20180108–5100.
Comments Due: 5 p.m. ET 1/29/18.

Docket Numbers: ER18–618–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: Black Hills NITSA Rev 3 to be effective 1/1/2018.
Filed Date: 1/8/18.
Accession Number: 20180108–5106.
Comments Due: 5 p.m. ET 1/29/18.

Docket Numbers: ER18–619–000.
Applicants: ISO New England Inc.
Description: § 205(d) Rate Filing: Rev. to Tariff Related to Competitive Auctions with Sponsored Policy Resources to be effective 3/9/2018.
Filed Date: 1/8/18.
Accession Number: 20180108–5125.
Comments Due: 5 p.m. ET 1/29/18.

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: January 8, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00414 Filed 1–11–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9972–91–Region 2]

Proposed CERCLA Cost Recovery Settlement for Operable Unit Two of the Diamond Alkali Superfund Site, In or About Essex and Hudson Counties, New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 2, of a proposed cost recovery settlement agreement pursuant to CERCLA, between the EPA and 15 settling parties (''Settling Parties'') regarding Operable Unit Two of the Diamond Alkali Superfund Site (''Site''), located in or about Essex and Hudson Counties, New Jersey. Pursuant to the proposed cost recovery settlement agreement, each Settling Party shall pay to EPA $280,600.00 to resolve the Settling Party's civil liability under sections 106 and 107(a) of CERCLA, related to Operable Unit Two of the Site.

DATES: Comments must be submitted on or before February 12, 2018.

ADDRESSES: The proposed settlement agreement is available for public inspection at EPA's Region 2 offices. To request a copy of the proposed settlement agreement, please contact the EPA employee identified in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Juan M. Fajardo, Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency Region 2, 290 Broadway—17th Floor, New York, NY 10007. Email: *fajardo.juan@epa.gov* Telephone: 212–637–3132.

SUPPLEMENTARY INFORMATION: For 30 days following the date of publication of this notice, EPA will receive written comments concerning the proposed cost recovery settlement agreement. Comments to the proposed settlement agreement should reference Operable Unit Two of the Diamond Alkali Superfund Site, Index No. CERCLA–02–2017–2023. EPA will consider all comments received during the 30-day public comment period and may modify or withdraw its consent to the settlement agreement if comments received disclose facts or considerations that indicate that the proposed settlement agreement is inappropriate, improper, or inadequate. EPA's response to comments will be available for public inspection at EPA's Region 2 offices located at 290 Broadway, New York, NY 10007–1866.

Dated: November 21, 2017.

Walter Mugdan,

Director, Emergency and Remedial Response Division. U.S. Environmental Protection Agency, Region 2.

[FR Doc. 2018–00471 Filed 1–11–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9037–1]

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 Filed 01/01/2018 Through 01/05/2018

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: *http://cdxnodengn.epa.gov/cdx-nepa-public/action/eia/search.*

EIS No. 20180000, Final, USDA, ID, Winschell Dugway Motorized Trail Project, Review Period Ends: 02/26/2018, Contact: Jessica Taylor 208–557–5837.

Dated: January 9, 2018.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2018–00450 Filed 1–11–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0149]

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) 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 FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 13, 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 contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

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 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.

OMB Control Number: 3060–0149.

Title: Part 63, Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17–84.

Form Number(s): N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 58 respondents; 58 responses.

Estimated Time per Response: 6 hours per response.

Frequency of Response: One-time reporting requirement and third-party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 214 and 402 of the Communications Act of 1934, as amended.

Total Annual Burden: 348 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Information filed in section 214 applications has generally been non-confidential. Requests from parties seeking confidential treatment are considered by Commission staff pursuant to 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission is seeking Office of Management and Budget (OMB) approval for a revision to a currently approved collection. Section 214 of the Communications Act of 1934, as amended, requires that a carrier first obtain FCC authorization either to (1) construct, operate, or engage in transmission over a line of communications, or (2) discontinue, reduce or impair service over a line of communications. Part 63 of Title 47 of the Code of Federal Regulations (CFR) implements Section 214. Part 63 also implements provisions of the Cable Communications Policy Act of 1984 pertaining to video which was approved under this OMB Control Number 3060–0149. In 2009, the Commission modified Part 63 to extend to providers of interconnected Voice of internet Protocol (VoIP) service the discontinuance obligations that apply to domestic non-dominant telecommunications carriers under Section 214 of the Communications Act of 1934, as amended. In 2014, the Commission adopted improved administrative filing procedures for domestic transfers of control, domestic discontinuances and notices of network changes, and among other adjustments, modified Part 63 to require electronic filing for applications for authorization to discontinue, reduce, or impair service under section 214(a) of the Act. In July 2016, the Commission revised certain section 214(a) discontinuance procedures. To reduce burdens on carriers, the Commission revised its rules to: (1) Allow carriers to provide notice via email or other alternative methods to offer additional options to customers, and (2) provide for streamlined treatment of applications to discontinue services for which the carrier has had no existing customers or reasonable requests for service during the previous 180 days. It also addressed a gap in the Commission's rules by making a competitive LEC's application for discontinuance deemed granted on the effective date of any copper retirement that made the discontinuance unavoidable. The Commission further concluded that applicants must provide notice of discontinuance applications to federally-recognized Tribal Nations. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,* WC Docket No. 17–84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 17–154 (rel. Nov. 29, 2017) (*Wireline Infrastructure Order*), the Commission, among other things, reduced the public comment and auto-grant periods for

applications that grandfather low speed legacy services and applications to discontinue previously grandfathered legacy data services. The Commission also held that if a carrier files an application to discontinue, reduce, or impair a legacy voice or data service below 1.544 Mbps for which it has had no customers and no request for service for at least a 30-day period immediately preceding submission of the application, that application will be automatically granted on the 15th day after its filing with the Commission, absent Commission notice to the contrary. The Commission will use the information collected under these revisions to 47 CFR Section 63 to determine if affected respondents are in compliance with its rules and the requirements of section 214 of the Communications Act of 1934, as amended.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–00453 Filed 1–11–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0678]

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 of 1995 (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 PRA comments should be submitted on or before March 13, 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 contact listed 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:

OMB Control No.: 3060–0678.

Title: Part 25 of the Federal Communications Commission's Rules: Governing the Licensing of, and Spectrum Usage by, Commercial Earth Stations and Space Stations.

Form Nos.: FCC Form 312; Schedule A; Schedule B; Schedule S; FCC Form 312–EZ; FCC Form 312–R.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 5,036 respondents; 5,094 responses.

Estimated Time per Response: 0.5–80 hours per response.

Frequency of Response: On occasion, one time, and annual reporting requirements; third-party disclosure requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721.

Total Annual Burden: 35,622 hours.

Annual Cost Burden: $12,411,120.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information. Certain information collected regarding international coordination of satellite systems is not routinely available for public inspection pursuant to 5 U.S.C. 552(b) and 47 CFR 0.457(d)(vii).

Needs and Uses: On September 27, 2017, the Commission released a Report and Order, FCC 17–122, titled, ''Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters.'' In this Report and Order, the Commission updated and streamlined its rules governing satellite constellations that operate in the fixed-satellite service. Many of the amendments are substantive changes intended to give licensees greater operational flexibility. At the same time, however, many more applications for non-geostationary, fixed-satellite service systems have been filed, increasing the overall information collection burden.

The information collection requirements in this collection are needed to determine the technical, legal, and other qualifications of applicants and licensees to operate a radio station and to determine whether grant of an authorization serves the public interest, convenience and necessity. Without such information, the Commission could not determine whether to permit respondents to provide communications services in the United States. Therefore, the Commission would not be able to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended, and the obligations imposed on parties to the World Trade Organization Basic Telecom Agreement.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison, Office of the Secretary.

[FR Doc. 2018–00452 Filed 1–11–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0991]

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 February 12, 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 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 Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@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 Cathy Williams at (202) 418–2918. 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: 3060–0991.

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.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–00455 Filed 1–11–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 8, 2018.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528. Comments can also be sent electronically to *Comments.applications@rich.frb.org:*

1. Old Line Bancshares, Inc., Bowie, Maryland; to acquire 100 percent of the voting shares of Bay Bancorp, Inc., Columbia, Maryland, and thereby indirectly acquire Bay Bank, FSB, Columbia, Maryland, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, January 9, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–00433 Filed 1–11–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: National Child Abuse and Neglect Data System.

OMB No.: 0970–0424.

Description: The Administration on Children, Youth and Families in the U.S. Department of Health and Human Services (HHS) established the National Child Abuse and Neglect Data System (NCANDS) to respond to the 1988 and 1992 amendments (Pub. L. 100–294 and Pub. L. 102–295) to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 *et seq.*), which called for the creation of a coordinated national data collection and analysis program, both universal and case specific in scope, to examine standardized data on false, unfounded, or unsubstantiated reports.

In 1996, the Child Abuse Prevention and Treatment Act was amended by Public Law 104–235 to require that any state receiving the Basic State Grant work with the Secretary of the Department of Health and Human Services (HHS) to provide specific data on child maltreatment, to the extent practicable. These provisions were retained and expanded upon in the 2010 reauthorization of CAPTA (Pub. L. 111–320). Item (17) below was enacted with the Justice for Victims of Trafficking Act of 2015 (Pub. L. 114–22). The law goes into effect in 2017 and it is anticipated that states will begin reporting with FFY 2018 data. Item (18) below was enacted with the Comprehensive Addiction and Recovery Act of 2016 (CARA) (Pub. L. 114–198). The law goes into effect in 2017 and it is anticipated that states will begin reporting with FFY 2018 data. Each state to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

1. The number of children who were reported to the state during the year as victims of child abuse or neglect.

2. Of the number of children described in paragraph (1), the number with respect to whom such reports were—

A. substantiated;

B. unsubstantiated; or

C. determined to be false.

3. Of the number of children described in paragraph (2)—

A. the number that did not receive services during the year under the state program funded under this section or an equivalent state program;

B. the number that received services during the year under the state program funded under this section or an equivalent state program; and

C. the number that were removed from their families during the year by disposition of the case.

4. The number of families that received preventive services, including use of differential response, from the state during the year.

5. The number of deaths in the state during the year resulting from child abuse or neglect.

6. Of the number of children described in paragraph (5), the number of such children who were in foster care.

7.

A. The number of child protective service personnel responsible for the—

i. intake of reports filed in the previous year;

ii. screening of such reports;

iii. assessment of such reports; and

iv. investigation of such reports.

B. The average caseload for the workers described in subparagraph (A).

8. The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

9. The response time with respect to the provision of services to families and children where an allegation of child abuse or neglect has been made.

10. For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the state—

A. information on the education, qualifications, and training requirements established by the state for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

B. data of the education, qualifications, and training of such personnel;

C. demographic information of the child protective service personnel; and

D. information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.

11. The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse or neglect, including the death of the child.

12. The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

13. The annual report containing the summary of activities of the citizen review panels of the state required by subsection (c)(6).

14. The number of children under the care of the state child protection system who are transferred into the custody of the state juvenile justice system.

15. The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

16. The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 *et seq.*).

17. The number of children determined to be victims described in subsection (b)(2)(B)(xxiv).

18. The number of infants—

(A) identified under subsection (b)(2)(B)(ii);

(B) for whom a plan of safe care was developed under subsection (b)(2)(B)(iii); and

(C) for whom a referral was made for appropriate services, including services for the affected family or caregiver, under subsection (b)(2)(B)(iii).

The Children's Bureau proposes to continue collecting the NCANDS data through the two files of the Detailed Case Data Component, the Child File (the case-level component of NCANDS) and the Agency File (additional aggregate data, which cannot be collected at the case level). Technical assistance will be provided so that all states may provide the Child File and Agency File data to NCANDS.

The reauthorization of CAPTA, subsection (b)(2)(B)(xxiv), specifies for ''requiring identification and assessment of all reports involving children known or suspected to be victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102 (10)); and S. 178–38.'' To comply with the new reporting requirements for item 17, NCANDS will use a new field in the Child File.

The Children's Bureau proposes to modify the Child File by modifying the maltreatment fields.

- Add a new maltreatment type code, 7=sex trafficked, to the existing Fields 26, 28, 30, 32 (Maltreatment-1 Type, Maltreatment-2 Type, Maltreatment-3 Type, Maltreatment-4 Type).

The reauthorization of CAPTA, subsection (b)(2)(B)(ii), specifies collecting the number of (A) screened-in and screened-out referrals from healthcare providers involved in the delivery or care of infants and who referred such infants born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder; (B) of those screened-in, for whom a plan of safe care was developed, under subsection (b)(2)(B)(iii); and (C) of those screened-in, for whom a referral was made for appropriate services, including services for the affected family or caregiver, under subsection (b)(2)(B)(iii). To comply with the new reporting requirements for item 18, NCANDS will use a combination of existing fields in the Child File and a new field in the Agency File.

The Children's Bureau proposes to modify the Agency File by adding 1 new field, under Section 2, Referrals and Reports.

- 2.5. Number of screened-out referrals from healthcare providers involved in the delivery or care of infants and who referred such infants born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder.

The Children's Bureau proposes to modify the Child File by adding two new fields.

- Field 151, Has A Safe Care Plan: The Safe Care Plan field will establish a flag as to whether a child has a safe care plan.
- Field 152, Referral to CARA-Related Services: The Referral to CARA-related Services field will establish a flag as to whether a referral was made for appropriate services, including services for the affected family or caregiver.

Respondents: State governments, the District of Columbia, and the Commonwealth of Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Detailed Case Data Component (Child File and Agency File)	52	1	149	7,717
Estimated Total Annual Burden Hours				7,717

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. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@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.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–00432 Filed 1–11–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–5974]

Determining Whether To Submit an Abbreviated New Drug Application or 505(b)(2) Application; Draft Guidance for Industry; Availability; Reopening of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is reopening the comment period for the notice of availability, published in the **Federal Register** of October 13, 2017. In that document, FDA requested comments on the draft guidance for industry entitled ''Determining Whether to Submit an ANDA or 505(b)(2) Application.'' The Agency is taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is reopening the comment period on the notice of availability published October 13, 2017 (82 FR 47749). Submit either electronic or written comments on the draft guidance by February 12, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–5974 for ''Determining Whether to Submit an ANDA or 505(b)(2) Application; Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of 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: Elizabeth Giaquinto Friedman, Office of Generic Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1670, Silver Spring, MD 20993–0002, 240–402–7930.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 13, 2017, FDA published a notice of availability with a 60-day comment period to request comments on the draft guidance for industry entitled ''Determining Whether to Submit an ANDA or 505(b)(2) Application.''

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 factors for applicants to consider when determining which one of the abbreviated approval pathways under the Federal Food, Drug, and Cosmetic Act is appropriate for the submission of a marketing application to FDA. 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.

The Agency has received a request for a 30-day extension of the comment period for the draft guidance. The request conveyed concern that the requestor did not have sufficient time to develop a meaningful or thoughtful response to the draft guidance.

FDA has considered the request and is reopening the comment period for the draft guidance for 30 days, until February 12, 2018. The Agency believes that a 30-day reopening of the comment period allows adequate time for interested persons to submit comments to ensure that the Agency can consider the comments on this draft guidance before it begins work on the final version of the guidance.

II. 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: January 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00405 Filed 1–11–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–6380]

Clarification of Orphan Designation of Drugs and Biologics for Pediatric Subpopulations of Common Diseases; Draft Guidance for Industry; Availability; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or Agency) is extending the comment period for the notice of availability that appeared in the **Federal Register** of December 20, 2017. In the notice of availability, FDA requested comments on the draft guidance for industry entitled ''Clarification of Orphan Designation of Drugs and Biologics for Pediatric Subpopulations of Common Diseases.'' The Agency is taking this action in response to public interest in the draft guidance and to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the notice of availability published December 20, 2017 (82 FR 60402). Submit either electronic or written comments on the draft guidance by February 18, 2018, to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–6380 for ''Clarification of Orphan Designation of Drugs and Biologics for Pediatric Subpopulations of Common Diseases.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Aaron Friedman, Office of Orphan Products Development, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5295, Silver Spring, MD 20993, 301–796–8660.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 20, 2017, FDA published a notice of availability with a 30-day comment period to request comments on the draft guidance for industry entitled ''Clarification of Orphan Designation of Drugs and Biologics for Pediatric Subpopulations of Common Diseases.''

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 orphan designation of drugs and biologics for pediatric subpopulations of common diseases. 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 draft guidance is not subject to Executive Order 12866.

Based on public interest in the draft guidance, FDA is extending the comment period for the notice of availability for 30 days, until February 28, 2018. The Agency believes that a 30-day extension allows adequate time for interested persons to submit comments without significantly delaying guidance on these important issues.

Dated: January 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00418 Filed 1–11–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2016–E–2516 and FDA–2016–E–2514]

Determination of Regulatory Review Period for Purposes of Patent Extension; PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by March 13, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 11, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 March 13, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of March 13, 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 Nos. FDA–2016–E–2516 and FDA–2016–E–2514 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term

Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN. PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN is indicated for the treatment of adult men who have stress incontinence arising from intrinsic sphincter deficiency of at least 12 months duration following radical prostatectomy or transurethral resection of the prostate and who have failed to respond adequately to conservative therapy. Subsequent to this approval, the USPTO received patent term restoration applications for PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN (U.S. Patent Nos. 7,014,606 and 7,828,716) from Uromedica, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 10, 2016, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN is 3,892 days. Of this time, 3,179 days occurred during the testing phase of the regulatory review period, while 713 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* March 31, 2005. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective on August 29, 2005. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on March 31, 2005, which represents the IDE effective date.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* December 12, 2013. The applicant claims June 19, 2013, as the date the premarket approval application (PMA) for PROACT ADJUSTABLE CONTINENCE THERAPY FOR MEN (PMA 130018) was initially submitted. However, FDA records indicate that the PMA as submitted was not administratively complete for the Agency to undertake a substantive review. FDA did not file this application and notified the applicant of this fact by letter dated September 13, 2013. The complete PMA was then submitted on December 12, 2013, which is considered to be the initially submitted date.

3. *The date the application was approved:* November 24, 2015. FDA has verified the applicant's claim that PMA 130018 was approved on November 24, 2015.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,827 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: January 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00404 Filed 1–11–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Digital Markers for Marijuana Intoxication (1218).

Date: January 30, 2018.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Julia Berzhanskaya, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–827–5840, *julia.berzhanskaya@nih.gov*.

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00445 Filed 1–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Fogarty International Center Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Fogarty International Center Advisory Board.

Date: February 12–13, 2018.

Place: National Institutes of Health Lawton L. Chiles International House (Stone House), Building 16, Conference Room, 16 Center Drive, Bethesda, MD 20892.

Closed Session: February 12, 2018, 2:00 p.m. to 5:00 p.m.

Agenda: Second level review of grant applications.

Date: February 13, 2018.

Place: National Institutes of Health. Lawton L. Chiles International House (Stone House), Building 16, Conference Room, 16 Center Drive, Bethesda, MD 20892.

Open Session: February 13, 2018, 9:00 a.m. to 3:00 p.m.

Agenda: Update and discussion of current and planned FIC activities.

Contact Person: Kristen Weymouth, Executive Secretary, Fogarty International Center, National Institutes of Health, 31 Center Drive, Room B2C02, Bethesda, MD 20892, (301) 496–1415, *kristen.weymouth@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.fic.nih.gov/About/Advisory/Pages/default.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.106, Minority International Research Training Grant in the Biomedical and Behavioral Sciences; 93.154, Special International Postdoctoral Research Program in Acquired Immunodeficiency Syndrome; 93.168, International Cooperative Biodiversity Groups Program; 93.934, Fogarty International Research Collaboration Award; 93.989, Senior International Fellowship Awards Program, National Institutes of Health, HHS)

Dated: January 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00440 Filed 1–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Development of Portable Neuromodulatory Devices for the Treatment of Substance Use Disorders (8941).

Date: January 17, 2018.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Julia Berzhanskaya, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–827–5840, *julia.berzhanskaya@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00444 Filed 1–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel PHS 2018—Small Business Innovation Research (SBIR) Program Contract Solicitation NO1.

Date: February 5, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: James T. Snyder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities/ Room 3G31B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC 9823, Rockville, MD 20892, (240) 669–5060, *james.snyder@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00442 Filed 1–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Peer Review Meeting.

Date: February 9, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Amstad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 5601 Fishers Lane, Room 3G41, Bethesda, MD 20892–7616, 240–669–5067, *pamstad@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00441 Filed 1–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: February 7, 2018.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Building 31, Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Melinda Nelson, Acting Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Grants Management Branch, 45 Center Drive, Natcher Building, Room 5A49, Bethesda, MD 20892, (301) 594–3535, *mn23z@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 9, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00443 Filed 1–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Infectious Diseases, Reproductive Health, Asthma and Pulmonary Conditions Study Section.

Date: February 5–6, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Lisa Steele, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 257–2638, *steeleln@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Infectious, Reproductive, Asthma and Pulmonary Conditions.

Date: February 6, 2018.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov*.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Enabling Bioanalytical and Imaging Technologies Study Section.

Date: February 8–9, 2018.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street NW, Washington, DC 20037.

Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301–435–0229, *kenneth.ryan@nih.hhs.gov*.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Etiology Study Section.

Date: February 8–9, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr. Room 4192, MSC 7806, Bethesda, MD 20892, 301–451–4467, *howardz@mail.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Prokaryotic Cell and Molecular Biology Study Section.

Date: February 8–9, 2018.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Dominique Lorang-Leins, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5108, MSC 7766, Bethesda, MD 20892, 301.326.9721, *Lorangd@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Hypertension and Microcirculation.

Date: February 8, 2018.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Orlando East UCF, 1959 N. Alafaya Trail, Orlando, FL 32822 (Telephone Conference Call).

Contact Person: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, *Katherine_Malinda@csr.nih.gov*.

Name of Committee: Vascular and Hematology Integrated Review Group; Vascular Cell and Molecular Biology Study Section.

Date: February 12–13, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 9, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00439 Filed 1–11–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0095]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Appeal or Motion

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments. USCIS previously published a 60-day **Federal Register** Notice; after this publication, additional edits were made and USCIS is providing this Notice to allow for comment on those changes.

DATES: Comments are encouraged and will be accepted for 60 days until March 13, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0095 in the body of the letter, the agency name and Docket ID USCIS–2008–0027. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0027;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not

accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0027 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Notice of Appeal or Motion.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–290B; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The form serves the purpose of standardizing requests for motions and appeals and ensures that the basic information required to adjudicate appeals and motions is provided by applicants and petitioners, or their attorneys or representatives. USCIS uses the data collected on Form I–290B to determine whether an applicant or petitioner is eligible to file an appeal or motion, whether the requirements of an appeal or motion have been met, and whether the applicant or petitioner is eligible for the requested immigration benefit. Form I–290B can also be filed with Immigration and Customs Enforcement (ICE) by schools appealing decisions on Form I–17 filings for certification to ICE's Student and Exchange Visitor Program (SEVP).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–290B is 24,878 and the estimated hour burden per response is 1.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 37,317 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $6,188,403.

Dated: January 5, 2018.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–00446 Filed 1–11–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[16XD4523WK,DS61200000, DWK000000.000000,DP61201GS000116]

U.S. Coral Reef Task Force; Public Meeting and Public Comment

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of public meeting; request for public comment.

SUMMARY: We, the U.S. Department of the Interior, announce a public meeting of the U.S. Coral Reef Task Force and a request for written comments. This meeting, the 39th biannual meeting of the task force, provides a forum for coordinated planning and action among Federal agencies, State and territorial governments, and nongovernmental partners.

DATES: The meeting will be held on Thursday, February 22, 2018, from 08:30 a.m. to 5:00 p.m.

Submit advance public comments by January 29, 2018. Submit requests for copies of comments given at the meeting by March 30, 2018.

ADDRESSES: Meeting will be held at the Department of Interior, Main Interior Building, 1849 C Street NW, Washington, DC 20240.

Submit advance public comments or requests for copies of comments given at the meeting to Liza Johnson, U.S. Coral Reef Task Force Steering Committee Co-Chair, U.S. Department of the Interior, MS–3530–MIB, 1849 C Street NW, Washington, DC 20240; or via email to *liza_m_johnson@ios.doi.gov;* or fax to (202) 208–4867.

FOR FURTHER INFORMATION CONTACT: Liza Johnson, U.S. Coral Reef Task Force Steering Committee Co-Chair, U.S. Department of the Interior, MS–3530–MIB, 1849 C Street NW, Washington, DC 20240 (phone: 202–208–1378; fax: 202–208–4867; email: *liza_m_johnson@ios.doi.gov*); or visit the U.S. Coral Reef Task Force website at *www.coralreef.gov.*

SUPPLEMENTARY INFORMATION: Established by Presidential Executive Order 13089 in 1998, the U.S. Coral Reef Task Force has a mission to lead, coordinate, and strengthen U.S. government actions to better preserve and protect coral reef ecosystems. The Departments of Commerce and the Interior co-chair the Task Force, whose members include leaders of 12 Federal agencies, 2 U.S. States, 5 U.S. territories, and 3 freely associated States. For more information about the meetings, draft agendas, and how to register, go to *www.coralreef.gov.* A written summary

of the meeting will be posted on the website after the meeting.

Registration To Attend the Meeting

Attendees can register online before the start of the meeting, or on site at the registration desk. Registration details will be announced on the task force website at *www.coralreef.gov.*

Public Comments

Comments may address the meeting, the role of the U.S. Coral Reef Task Force, or general coral reef conservation issues. Advance public comments should be submitted by January 29, 2018. Copies of comments given at the meeting can be submitted afterwards in writing to Liza Johnson by email, fax, or mail (see **FOR FURTHER INFORMATION CONTACT**) by March 30, 2018.

Public Availability of Comments

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.

Shawn Buckner,

Acting Director, Office of Policy Analysis, U.S. Department of the Interior.

[FR Doc. 2018–00398 Filed 1–11–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

[RR04310000, XXXR0680G1, RA202240000019200]

Notice of Availability for the Final Environmental Impact Statement for the Pojoaque Basin Regional Water System, Santa Fe County, New Mexico

AGENCY: Office of the Assistant Secretary—Water and Science, Interior.

ACTION: Notice of availability.

SUMMARY: The Secretary of the Interior, acting through the Bureau of Reclamation, announces the availability of the Final Environmental Impact Statement (FEIS) for the proposed Pojoaque Basin Regional Water System, as authorized by the Aamodt Litigation Settlement Act. The FEIS responds to comments received on the Draft Environmental Impact Statement during the comment period that ended on February 27, 2017, and identifies Alternative E as the preferred alternative for the Pojoaque Basin Regional Water System.

DATES: The Department of the Interior will complete a Record of Decision identifying the actions that will be implemented no sooner than 30 days after publication of the U.S. Environmental Protection Agency's Notice of Availability in the **Federal Register**.

ADDRESSES: The FEIS is available for viewing on the following websites: *http://www.usbr.gov/uc/envdocs/eis.html* or *www.pojoaquebasineis.com.* Compact disc copies may be obtained by contacting Ms. Sarah Branum, Bureau of Reclamation, Albuquerque Area Office, 555 Broadway NE, Suite 100, Albuquerque, New Mexico 87102; or via email to *pojoaquebasineis@usbr.gov.* Please see the **SUPPLEMENTARY INFORMATION** section for additional locations where the FEIS is available.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Branum, Environmental Project Manager, Bureau of Reclamation, *sbranum@usbr.gov,* (505) 462–3591. Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above-named individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation (Reclamation) prepared the FEIS in cooperation with the U.S. Bureau of Indian Affairs, U.S. Indian Health Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Pueblo de San Ildefonso, Pueblo of Nambé, Pueblo of Pojoaque, Pueblo of Tesuque, New Mexico Department of Transportation, Santa Fe County, and the City of Santa Fe. The FEIS has been updated according to public comments received during the 45-day Draft Environmental Impact Statement (DEIS) public review period (January 13–February 27, 2017) and other project updates. A summary of changes between the DEIS and FEIS is included in Chapter 1 of the FEIS.

Background: The Pojoaque Basin Regional Water System (RWS) is described in and authorized by the Aamodt Litigation Settlement Act (Title VI of the Claims Resolution Act of 2010; Public Law 111–291, Title VI; 124 Stat. 3065) (''Settlement Act''). The Settlement Act authorizes and ratifies the Aamodt Litigation Settlement Agreement (Settlement Agreement), dated January 19, 2006, as conformed to the Settlement Act and amendments. The settlement parties are the United States; the State of New Mexico; Santa Fe County; City of Santa Fe; Pueblo de San Ildefonso, Pueblo of Nambé, Pueblo of Pojoaque, Pueblo of Tesuque (Settlement Pueblos); and other individuals. The Settlement Agreement resolves the water rights claims of the Settlement Pueblos.

Among other provisions, the RWS and 2,220 acre-feet per year of new water supply to the basin are included in the Settlement Agreement in exchange for the Pueblos agreeing to reduce their claims to water within the basin and to limit their priority calls against existing non-Pueblo water users. The Settlement Agreement also addresses funding for other water-related projects on the Settlement Pueblos.

Proposed Federal Action: The Secretary of the Interior, through Reclamation, proposes to plan, design, and construct a regional water system in accordance with the Settlement Agreement, consisting of water diversion from the Rio Grande and water treatment facilities on the Pueblo de San Ildefonso, along with storage tanks and transmission and distribution pipelines that are necessary to supply up to 4,000 acre-feet of water annually to customers in the Pojoaque Basin.

Purpose of and Need for the Proposed Federal Action: The purpose of the proposed action is to reliably provide a firm, safe supply of treated drinking water for distribution in the Pojoaque Basin, in compliance with the Settlement Act. The need for action is to reduce reliance on groundwater in the Pojoaque Basin and to allow the Settlement Pueblos to receive a portion of the water provided under the Settlement Act. The proposed action would also enable the Settlement Pueblos to use funding made available in the Settlement Act for certain water-related infrastructure improvements, if requested. This funding can be requested prior to substantial completion of the RWS and, if approved by the Secretary, used for water-related improvements that would be more cost effective when implemented in conjunction with RWS construction (Settlement Act, Section 615[d][7][A][ii]).

The FEIS Analyzes Five Alternatives: The FEIS assesses the potential environmental effects of five alternatives for the RWS. These include the No Action Alternative (Alternative A), and four action alternatives (Alternatives B, C, D, and E) that vary in six main components or project elements:

1. Firm, reliable water supply.

2. Primary source water collection.
3. Water treatment.
4. Short-term storage.
5. Water transmission and distribution system, including pipelines, pumping plants, forebay tanks, and other associated facilities.
6. Electrical power service.

Alternative A: The No Action Alternative: The No Action Alternative is the ''no build'' alternative. Under this alternative, the RWS would not be constructed, the Settlement Agreement would be nullified, and Aamodt litigation over water rights claims would likely resume. A firm, reliable water supply would not be provided to residents of the Pojoaque Basin. Under the No Action Alternative, the benefits of the proposed RWS would not be realized. Use of domestic wells would continue to reduce groundwater and surface water supplies in the Pojoaque Basin. The Pueblos would continue to rely on their existing separate water systems, rather than integrating their systems into one regional system.

Alternative B: Alternative B incorporates the RWS facilities and components described in a 2008 Engineering Report prepared by HKM Engineering, Inc., as updated through surveys and public input. The HKM Engineering Report served as the preliminary RWS concept for the Settlement Act. Under this alternative, the RWS would consist of these components:

1. The firm, reliable water supply would be provided by diverting surface flows from the Rio Grande, supplemented by operational planning and scheduling of San Juan-Chama Project water supplies, as well as one of the following three backup aquifer storage and recovery water supply options:

- Three deep injection and recovery wells for injecting raw or treated surface water into an aquifer and recovering it for use in the RWS; or
- Three shallow injection and recovery wells for injecting raw or treated surface water into an aquifer and recovering it for use in the RWS; or
- Three shallow passive infiltration reaches and recovery wells for infiltrating raw surface water into an aquifer and recovering it for use in the RWS.

2. A side-channel surface diversion structure and pumping plant with a sediment removal and return system on the east bank of the Rio Grande on Pueblo de San Ildefonso lands, just north of the Otowi Bridge.
3. A water treatment plant and pumping plant on the Pueblo de San Ildefonso on the south side of State Highway 502, approximately 0.75 mile east of the Otowi Bridge.
4. Eleven new short-term storage tanks in addition to 13 existing storage tanks.
5. A water transmission and distribution system including approximately 194 miles of pipelines, seven pumping plants, and pressure-reducing and flow-control valves.
6. Approximately 15 miles of new electrical distribution lines.

Alternative C: Under this alternative, the RWS would consist of the following major components:

1. The firm, reliable water supply would be provided by collecting flows from beneath and adjacent to the Rio Grande (the hyporheic zone), supplemented by operational planning and scheduling of San Juan-Chama Project water supplies.
2. A parallel river interceptor drain in the alluvium to collect water from below the water table in the bosque on the east side of the Rio Grande north of the Otowi Bridge.
3. A water treatment plant on the eastern portion of the Pueblo de San Ildefonso, on the east side of County Road 101D, near the El Rancho power substation.
4. Eleven new short-term storage tanks in addition to 13 existing storage tanks.
5. A water transmission and distribution system including approximately 189 miles of pipelines, one surge tank, six pumping plants, and pressure-reducing and flow-control valves.
6. Approximately 7 miles of new electrical distribution lines supplemented by distributed solar generation.

Alternative D: Under Alternative D, the RWS would consist of the following major components:

1. The firm, reliable water supply would be provided by collecting flows from the hyporheic zone of the Rio Grande, supplemented by operational planning and scheduling of San Juan-Chama Project water supplies.
2. An infiltration gallery (an estimated 180 horizontal drains to collect water from below the water table) on the east bank of the Rio Grande.
3. A water treatment plant on the eastern portion of the Pueblo de San Ildefonso, on the east side of County Road 101D, near the El Rancho power substation.
4. Sixteen new short-term storage tanks in addition to 13 existing tanks.
5. A water transmission and distribution system, including approximately 187 miles of pipelines, one surge tank, six pumping plants, and pressure-reducing and flow-control valves.
6. Approximately 7 miles of new electrical distribution lines, with solar-ready facilities.

Alternative E: Preferred Alternative: Under this alternative, the RWS would consist of the following major components:

1. The firm, reliable water supply would be provided by collecting flows from the hyporheic zone of the Rio Grande and supplementing it with operational planning and scheduling of San Juan-Chama Project water supplies; emergency use wells would allow water to be withdrawn during emergencies lasting longer than two days that cannot be supplied by short-term storage tanks.
2. Four horizontal radial well collectors to divert water from below the water table on the east bank of the Rio Grande.
3. A water treatment plant located on the west side of County Road 101D, north of State Highway 502.
4. Seven new short-term storage tanks, in addition to 14 existing storage tanks.
5. A water transmission and distribution system, including approximately 151 miles of pipelines, one surge tank, 6 pumping plants, and pressure-reducing and flow-control valves.
6. Approximately 7 miles of new overhead and buried electrical distribution lines, with solar-ready facilities.

Connected Actions: The FEIS also includes analyses of three connected actions: (1) The Rio Pojoaque irrigation improvement project, (2) the Pueblo de San Ildefonso future projects which consist of wastewater system improvements and water distribution infrastructure, and (3) the Rio Tesuque channel modification project. Each of the connected actions have been analyzed in the FEIS to the extent that the details of the projects have been developed.

Copies of the FEIS: The FEIS may be viewed at:

- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW, Main Interior Building, Washington, DC 20240–0001.
- Bureau of Reclamation, Upper Colorado Region, Public Affairs Office, 125 South State Street, Room 8100, Salt Lake City, Utah 84138.
- Bureau of Reclamation, Albuquerque Area Office, 555 Broadway NE, Suite 100, Albuquerque, New Mexico 87102.
- Santa Fe County Pojoaque Satellite Office, 5 West Gutierrez, Suite 9, Pojoaque, New Mexico 87506 (in the Pojoaque Pueblo Plaza).

- Santa Fe Public Library, 145 Washington Avenue, Santa Fe, New Mexico 87501.
- New Mexico State Library, 1209 Camino Carlos Rey, Santa Fe, New Mexico 87507.
- Santa Fe Community College Library, 6401 Richards Avenue, Santa Fe, New Mexico 87508.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in any correspondence, you should be aware that your entire correspondence—including your personal identifying information—may be made publicly available at any time. While you may ask us in your correspondence to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: December 20, 2017.

Andrea Travnicek,

Deputy Assistant Secretary for Water and Science, Exercising the Authority of the Assistant Secretary for Water and Science.

[FR Doc. 2018–00427 Filed 1–11–18; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17X.LLID957000.L14400000.BJ0000.241A.4500117485]

Filing of Plats of Survey: Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Idaho State Office, Boise, Idaho, in 30 days from the date of this publication.

Boise Meridian, Idaho

T. 11 N., R. 17 E., Section 25, accepted December 14, 2017
T. 13 N., R. 41 E., Sections 10, 11 and 12, accepted December 14, 2017
T. 8 N., R. 22 E., Section 5, accepted December 14, 2017
T. 20 N., R. 22 E., Section 6, accepted December 14, 2017
T. 16 N., R. 43 E., Section 33, accepted December 14, 2017
T. 7 N., R. 23 E., Section 3, accepted December 14, 2017
T. 9 S., R. 40 E., Section 1, accepted December 14, 2017

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, upon required payment.

FOR FURTHER INFORMATION CONTACT: Timothy A. Quincy, (208) 373–3981 Branch of Cadastral Survey, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho 83709–1657. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Quincy. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest one or more plats of survey identified above must file a written notice with the Chief Cadastral Surveyor for Idaho, Bureau of Land Management. The protest must identify the plat(s) of survey that the person or party wishes to protest and contain all reasons and evidence in support of the protest. The protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any protest filed after the scheduled date of official filing will be untimely and will not be considered. A protest is considered filed on the date it is received by the Chief Cadastral Surveyor for Idaho during regular business hours; if received after regular business hours, a protest will be considered filed the next business day. If a protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a protest, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Timothy A. Quincy,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 2018–00459 Filed 1–11–18; 8:45 am]

BILLING CODE 4310–AK–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83570000, 189R5065C6, RX.59389832.1009676; OMB Control Number 1006–0028]

Agency Information Collection Activities; Recreation Visitor Use Survey

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Reclamation (Reclamation), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before March 13, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) by mail to Jerome Jackson, Bureau of Reclamation, Office of Policy and Administration, 84–57000, P.O. Box 25007, Denver, CO 80225–0007; or by email to *jljackson@usbr.gov.* Please reference OMB Control Number 1006–0028 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jerome Jackson by email at *jljackson@usbr.gov,* or by telephone at (303) 445–2712.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, or 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 Reclamation; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might Reclamation enhance the quality, utility, and clarity of the information to be collected; and (5) how might Reclamation 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.

Abstract: Reclamation is responsible for recreation development at all of its reservoirs. Presently, there are over 200 designated recreation areas on our lands within the 17 Western States hosting approximately 30 million visitors annually. As a result, we must be able to respond to emerging trends, changes in the demographic profile of users, changing values, needs, wants, and desires, and conflicts between user groups. Statistically valid and up-to-date data derived from the user is essential to developing and providing recreation programs relevant to today's visitor. Reclamation is requesting re-approval for the collection of data from recreational users on Reclamation lands and waterbodies. To meet our needs for the collection of visitor use data, we will be requesting OMB to authorize a two-part request: survey questions for our regional offices to choose from, and a survey form template. This will allow for a custom designed survey instrument to fit a specific activity or recreation site. The custom designed survey would be created by extracting questions from the approved list of survey questions that are applicable to the recreation area and issue being evaluated. Only questions included in the pre-approved list of survey questions will be used.

Title of Collection: Recreation Visitor Use Survey.

OMB Control Number: 1006–0028.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Respondents to the surveys will be members of the public engaged in recreational activities on Reclamation lands and waterbodies. Visitors will primarily consist of local residents, people from large metropolitan areas in the vicinity of the lake/reservoir, and people from out of state.

Total Estimated Number of Annual Respondents: 556.

Total Estimated Number of Annual Responses: 556.

Estimated Completion Time per Response: 20 minutes per survey. (An average of 20 questions will be used on each survey; each question will take 1 minute to complete on average.)

Total Estimated Number of Annual Burden Hours: 185.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion. Varies by survey.

Total Estimated Annual Non-hour Burden cost: 0.00

In addition, there are an estimated 140 number of contacts who will not respond. These non-respondents account for 1 total burden hour per year.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: December 11, 2017.

Ruth Welch,

Director, Policy and Administration.

[FR Doc. 2018–00449 Filed 1–11–18; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Agency Information Collection Activities: Announcement of the Office of Management and Budget (OMB) Control Numbers Under the Paperwork Reduction Act

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice; announcement of the Office of Management and Budget's (OMB) approval of information collection requirements.

SUMMARY: The Occupational Safety and Health Administration announces that OMB extended its approval for a number of information collection requirements found in a number of OSHA's standards and regulations. OSHA sought approval of these requirements under the Paperwork Reduction Act of 1995 (PRA), and, as required by that Act, is announcing the approval numbers and expiration dates for these requirements and regulations.

DATES: This notice is applicable January 12, 2018.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, *Kenney.Theda@dol.gov,* or Charles McCormick, *McCormick.Charles@dol.gov;* telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION: In a series of **Federal Register** notices, the Agency announced its requests to OMB to renew its current extensions of approvals for various information collection (paperwork) requirements in its safety and health standards pertaining to general industry, shipyard employment, and the construction industry (*i.e.,* 29 CFR parts 1910, 1915, 1917, 1918, 1919, and 1926), and regulations pertaining to the OSHA–7 Form, Occupational Safety and Health Administration Grantee Quarterly Progress Report, and Requirements for the Occupational Safety and Health Administration Training Institute Education Centers Program and Occupational Safety and Health Administration Outreach Training Program. In these **Federal Register** announcements, the Agency provided 60-day comment periods for the public to respond to OSHA's burden hour and cost estimates.

In accordance with the PRA (44 U.S.C. 3501–3520), OMB approved these information collection requirements. The table below provides the following information for each of these requirements approved by OMB: The title of the **Federal Register** notice; the **Federal Register** reference (date, volume, and leading page); OMB's Control Number; and the new expiration date.

Title of the information collection request	Date of **Federal Register** publication, **Federal Register** reference, and OSHA docket No.	OMB control No.	Expiration date
Anhydrous Ammonia Storage and Handling (29 CFR 1910.111).	April 25, 2017, 82 FR 19087, Docket No. OSHA–2010–0050.	1218–0208	10/31/2020
Concrete and Masonry Construction (29 CFR part 1926, subpart Q).	February 24, 2017, 82 FR 11658, Docket No. OSHA–2010–0040.	1218–0095	09/30/2020

Title of the information collection request	Date of **Federal Register** publication, **Federal Register** reference, and OSHA docket No.	OMB control No.	Expiration date
Electric Power Generation, Transmission, and Distribution Standard for Construction and General Industry and Electrical Protective Equipment Standards for Construction and General Industry.	April 5, 2017, 82 FR 16627, Docket No. OSHA–2017–0005.	1218–0253	10/31/2020
Ethylene Oxide (EtO) (29 CFR 1910.1047)	April 5, 2017, 82 FR 16629, Docket No. OSHA–2009–0035.	1218–0108	09/30/2020
Gear Certification (29 CFR part 1919)	December 22, 2016, 81 FR 93963, Docket No. OSHA–2010–0042.	1218–0003	08/31/2020
Hazard Communication (29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, 1926.59, and 1928.21).	April 27, 2015, 80 FR 23300, Docket No. OSHA–2009–0014.	1218–0072	10/31/2020
Hydrostatic Testing Provision of the Standard on Portable Fire Extinguishers (29 CFR 1910.157(f)(16)).	May 23, 2017, 82 FR 23609, Docket No. OSHA–2010–0025.	1218–0238	11/30/2020
Logging Operations (29 CFR 1910.266)	March 9, 2017, 82 FR 13141, Docket No. OSHA–2010–0041.	1218–0198	09/30/2020
Manlifts (29 CFR 1910.6(e))	February 14, 2017, 82 FR 10588, Docket No. OSHA–2010–0051.	1218–0226	10/31/2020
Notice of Alleged Safety or Health Hazards, OSHA–7 Form.	April 24, 2017, 82 FR 18932, Docket No. OSHA–2010–0056.	1218–0064	11/30/2020
Occupational Safety and Health Administration Grantee Quarterly Progress Report.	May 22, 2017, 82 FR 23315, Docket No. OSHA–2010–0021.	1218–0100	11/30/2020
Overhead and Gantry Cranes (29 CFR 1910.179)	April 25, 2017, 82 FR 19090, Docket No. OSHA–2010–0023.	1218–0224	11/30/2020
Portable Fire Extinguishers (Annual Maintenance Certification Record) (29 CFR 1910.157(e)(3)).	April 24, 2017, 82 FR 18930, Docket No. OSHA–2010–0039.	1218–0238	11/30/2020
Presence Sensing Device Initiation (PSDI) (29 CFR 1910.217(h)).	December 22, 2016, 81 FR 93962, Docket No. OSHA–2010–0009.	1218–0143	06/30/2020
Requirements for the Occupational Safety and Health Administration Training Institute Education Centers Program and Occupational Safety and Health Administration Outreach Training Program.	April 25, 2017, 82 FR 19089, Docket No. OSHA–2009–0022.	1218–0262	10/31/2020
Rigging Equipment for Material Handling (29 CFR 1926.251).	April 24, 2017, 82 FR 18934, Docket No. OSHA–2010–0038.	1218–0233	10/31/2020
Underground Construction (29 CFR 1926.800)	June 20, 2017, 82 FR 28098, Docket No. OSHA–2011–0029.	1218–0067	11/30/2020
Walking-Working Surfaces (29 CFR part 1910, subpart D).	March 2, 2016, 81 FR 10918, Docket No. OSHA–2013–0002.	1218–0199	02/29/2020

In accordance with 5 CFR 1320.5(b), an agency cannot conduct, sponsor, or require a response to a collection of information unless the collection displays a valid OMB control number and the Agency informs respondents that they need not respond to the collection of information unless it displays a valid OMB control number.

Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on January 8, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–00391 Filed 1–11–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2017–0012]

National Fall Safety Stand-Down To Prevent Falls in Construction; Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Request for public comment.

SUMMARY: OSHA solicits public comments concerning its proposal to the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the National Fall Safety Stand-Down to Prevent Falls in Construction.

DATES: Comments must be submitted (postmarked, sent, or received) by March 13, 2018.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2017–0012, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier services) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA–2017–0012) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without

change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other materials in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Charles McCormick, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

Falls are a leading cause of death for employees. According to 2015 Bureau of Labor Statistics (BLS) data, falls accounted for 350 of the 937 construction fatalities, and 648 of the 4,836 fatalities in all recorded industries. The National Fall Safety Stand-Down to Prevent Falls in Construction raises fall hazard awareness across the country in an effort to stop fall fatalities and injuries. The Stand-Down is the biggest safety outreach event ever conducted by the Agency. OSHA has collaborated with countless industry leaders and employers over the last four years to reach over 7.5 million workers during Stand-Downs.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply. For example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB approve the information collection requirements contained in the National Fall Safety Stand-Down to Prevent Falls in Construction (29 U.S.C. 669). OSHA is proposing a burden hour estimate of seven hundred sixty-five (765) hours. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: New.

Title: National Fall Safety Stand-Down to Prevent Falls in Construction.

OMB Control Number: 1218–0NEW.

Affected Public: Business or other for-profits.

Number of Respondents: 4,500.

Frequency of Responses: Annually.

Average Time Per Response: OSHA estimates an employer will take 10 minutes to complete the survey.

Estimated Total Burden Hours: 765.

Estimated Cost (Operation and Maintenance): $37,118.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax) at (202) 693–1648; or (3) by hard copy. All comments, attachments, and other materials must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2017–0012). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on January 8, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–00394 Filed 1–11–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0057]

Telecommunications; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in its Telecommunications Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by March 13, 2018.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2010–0057, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2010–0057) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the phone number below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, or Charles McCormick, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Under the paperwork requirements specified by paragraph (c) of the Standard, an employer must certify that his or her workers have been trained as specified by the training provision of the Standard. Specifically, employers must prepare a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The information collected will be used by employers as well as by compliance officers to determine whether employees have been trained according to the requirements set forth in 29 CFR 1910.268(c).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply. For example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Telecommunications (29 CFR 1910.268). The burden hours have decreased based on the reduced number of telecommunication workers installing and repairing lines and equipment from 215,810 to 205,360. Therefore, the Agency is proposing to decrease the existing burden hour estimate for the collection of information requirements specified by the Standard from 4,532 to 3,765 (difference of 767 hours). The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Telecommunications (29 CFR 1910.268).

OMB Control Number: 1218–0225.

Affected Public: Business or other for-profits.

Number of Respondents: 35,742.

Frequency of Responses: On occasion.

Average Time Per Response: Various.

Estimated Total Burden Hours: 3,765.

Total Responses: 205,360.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other materials must identify the Agency name and the OSHA docket number (Docket No. OSHA–2010–0057) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information, such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on January 8, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–00392 Filed 1–11–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0194]

Cotton Dust Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Cotton Dust Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by March 13, 2018.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2011–0194, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2011–0194) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the phone number below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Charles McCormick or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The information collection requirements specified in the Cotton Dust Standard protect workers from the adverse health effects that may result from their exposure to cotton dust. The major information collection requirements of the Cotton Dust Standard include: Performing exposure monitoring, including initial, periodic, and additional monitoring; notifying each worker of their exposure monitoring results either in writing or by posting; implementing a written compliance program; and establishing a respiratory protection program in accord with OSHA's Respiratory Protection Standard (29 CFR 1910.134).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply. For example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting to decrease its current burden hours from 21,549 to 9,532 hours, a total decrease of 12,017 hours. The decrease was due to a decrease in the number of exposed employees from 11,786 to 4,957. In addition, there was a $1,555,336 decrease in the overall cost of medical exams (from $2,896,328 to $1,340,992), as a result of a decrease in the number of medical exams.

Type of Review: Extension of a currently approved collection.

Title: Cotton Dust Standard (29 CFR 1910.1043).

OMB Control Number: 1218–0061.

Affected Public: Business or other for-profits.

Number of Respondents: 5,474.

Frequency of Responses: On occasion.

Total Responses: 25,712.

Average Time per Response: Various.

Estimated Total Burden Hours: 9,532 hours.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0194). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on January 8, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–00393 Filed 1–11–18; 8:45 am]

BILLING CODE 4510–26–P

OFFICE OF MANAGEMENT AND BUDGET

Request for Information

AGENCY: Office of Information and Regulatory Affairs, U.S. Office of Management and Budget.

ACTION: Request for information.

SUMMARY: The Chief Statistician of the United States and the Statistical and Science Policy Branch (SSP) in the U.S. Office of Management and Budget (OMB) seek to establish priorities and coordinate research efforts across the Federal Statistical System to focus on improving federal statistics. In particular, a priority has been placed on using new techniques and methodologies based on combining data from multiple sources. To support this effort, information is requested on: (1) Current and emerging techniques for linking and analyzing combined data; (2) on-going research on methods to describe the quality of statistical products that result from these techniques; (3) computational frameworks and systems for conducting such work; (4) privacy or confidentiality issues that may arise from combining such data; and (5) suggestions for additional research in those or related areas. While there are regulatory and statutory constraints on combining data within the federal government, the information sought concerns how best to combine data once they are accessed appropriately and successfully. The intent is for the research to inform the adoption of revised statistical standards regarding the use of such combined data for federal purposes, including but not limited to the production of principal key economic indicators and demographic statistical products.

DATES: Submit written comments within 60 days of publication date.

ADDRESSES: All responses must be submitted electronically to the following email address: *FN-OMB-Combined-Data-RFI@omb.eop.gov.*

You will receive an electronic confirmation acknowledging receipt of your response, but will not receive individualized feedback.

Response to this Request for Information (RFI) is voluntary. Any personal identifiers (*e.g.,* names, addresses, email addresses, etc.) will be available to the public when responses are compiled. Proprietary, classified, confidential, or sensitive information should not be included in your response.

This RFI is for information and planning purposes only. It should not be construed as a solicitation or as an obligation on the part of the Federal Government, the Office of Management and Budget, the Chief Statistician of the United States or SSP. OMB does not intend to make any awards based on responses to this RFI or to otherwise pay for the preparation of any information submitted or for the Government's use of such information.

FOR FURTHER INFORMATION CONTACT: Bob Sivinski, Statistician, Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building Room 9257, 725 17th St. NW, Washington, DC 20006; telephone: (202) 395–1205 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The federal government produces a wide array of statistical data that are a critical national resource. The use of these data are central to our democracy and include: Supporting constitutional duties, such as reapportionment of the House of Representatives; allocating resources to states, localities, tribes, businesses and individuals; supporting good planning at all levels of federal, state, local and tribal governments; describing our economic wellbeing; providing evidence to address critical problems facing our nation, such as opioid addiction; supporting informed public and private decision making that will create jobs and improve our infrastructure; and creating opportunities for local communities.

These statistics use well-tested and documented processes that rely on censuses, sample surveys or administrative records. However, the federal government is facing a number of challenges for these traditional methods supporting informational needs of the future. It is well documented [1] that survey response rates are declining, and costs are rising. At the same time, data users increasingly demand much more timely and granular information, such as local rather than national data. To meet the needs of the many stakeholders and policy-makers who depend on high quality, reliable federal statistical data, the statistical agencies must take advantage of new technologies and data sources to both reduce costs and make improvements. We believe there are many opportunities to increase the efficiency of the statistical system and reduce the response burden on people and businesses.

The Chief Statistician of the United States and SSP are well aware of these issues and are seeking to change the paradigm underlying the production of these statistics. The Federal Statistical System must adopt new methods and standards to provide statistics that continue to meet the data needs of our nation for the 21st century. Given the existing environment, an important component of this transformation will be based on combining data from multiple sources to produce statistical products and information.

Important work in the area of combining data from multiple sources has been conducted; see, *e.g.* National Research Council (2017; *www.nap.edu/catalog/24652/innovations-in-federal-statistics-combining-data-sources-while-protecting-privacy*); the related information provided through: *http://sites.nationalacademies.org/DBASSE/CNSTAT/DBASSE_170268;* and references cited therein. However, much more research must be carried out before the Federal Statistical System can adopt these techniques for the production of its key statistics. The Chief Statistician is therefore seeking to set priorities and coordinate Federal Statistical System resources to focus on such a program of continued research and therefore is requesting relevant information.

Request for Public Comment

This RFI seeks to identify published works, current and planned research, and descriptions of best practices taking place in private sector firms and academic institutions related to combining data from multiple sources to produce statistical data and products. The RFI is also seeking suggestions for new areas of research that the federal government should pursue in order to adopt new methods for combining data from multiple sources to produce statistics. These include but are not limited to: Computational environments for accessing and processing multiple data sources; measurement and documentation of the quality of statistical data derived from combining multiple data sources; new techniques for harmonizing and linking multiple data sources; issues regarding privacy and disclosure avoidance, standards for describing the fitness for use of key statistics based on combined data sources; and principles for curating and disseminating these new data and associated products. In addition, descriptions of and citations to papers or projects where data have been combined to do analyses that highlight sources of data that may be useful for government data integration, or how new data sources can be helpful in assessing how federal statistics can be better structured and presented to increase their value to the nation, are welcome. Finally, the RFI is seeking information on tested best practices related to securing partnerships across data holders and providing access to secondary users.

The Chief Statistician of the United States and SSP plan to consider this input in focusing Federal Statistical System research efforts, including the Federal Committee on Statistical Methodology, on a program that informs policy and provides guidance on the Federal use of data combined from multiple sources.

Footnotes

1. National Research Council. 2013. Nonresponse in Social Science Surveys: A Research Agenda. Washington, DC: The National Academies Press. *https://doi.org/10.17226/18293*.

Nancy Potok,

Chief, Statistical and Science Policy, Office of Information and Regulatory Affairs.

[FR Doc. 2018–00400 Filed 1–11–18; 8:45 am]

BILLING CODE 3110–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meeting Notice

DATES: Weeks of January 15, 22, 29, February 5, 12, 19, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 15, 2018

Thursday, January 18, 2018

9:00 a.m. Strategic Programmatic Overview of the Decommissioning and Low-Level Waste and Spent Fuel Storage and Transportation Business Lines (Public Meeting); (Contact: Damaris Marcano: 301–415–7328)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of January 22, 2018—Tentative

Tuesday, January 23, 2018

9:00 a.m. Hearing on Construction Permit for Northwest Medical Isotopes Production Facility: Section 189a of the Atomic Energy Act Proceeding (Public Meeting); (Contact: Michael Balazik: 301–415–2856)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, January 25, 2018

10:00 a.m. Strategic Programmatic Overview of the New Reactors Business Line (Public Meeting); (Contact: Donna Williams: 301–415–1322).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of January 29, 2018—Tentative

There are no meetings scheduled for the week of January 29, 2018.

Week of February 5, 2018—Tentative

Thursday, February 8, 2018

9:00 a.m. Discussion of Potential Changes to the 10 CFR 2.206 Enforcement Petition Process (Public Meeting); (Contact: Doug Broaddus: 301–415–8124).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 12, 2018—Tentative

There are no meetings scheduled for the week of February 12, 2018.

Week of February 19, 2018—Tentative

There are no meetings scheduled for the week of February 19, 2018.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Patricia.Jimenez@nrc.gov* or *Jennifer.BorgesRoman@nrc.gov.*

Dated: January 10, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–00629 Filed 1–10–18; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on APR1400; Notice of Meeting

The ACRS Subcommittee on APR1400 will hold meetings on January 24–25, 2018, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meetings will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meetings shall be as follows:

Wednesday, January 24, 2018, 1:00 p.m. until 5:00 p.m. and Thursday, January 25, 2018 8:30 a.m. until 12:00 p.m.

The Subcommittee will review APR1400 design control document Chapter 4 (Reactor), Chapter 14.1 (Specific Information to be Addressed for the Initial Plant Test Program) & 14.2 (Initial Plant Test Program), Chapter 16 (Technical Specifications), and Chapter 18 (Human Factors Engineering). The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Ms. Kendra Freeland (Telephone 301–415–6207) to be escorted to the meeting room.

Dated: January 8, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–00424 Filed 1–11–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82458; File No. SR–ISE–2017–111]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Proposed Rule Change To Establish a Nonstandard Expirations Pilot Program

January 8, 2018.

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 December 21, 2017, Nasdaq ISE, LLC (''ISE'' 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 establish a Nonstandard Expirations Pilot Program on a pilot basis, for an initial period of twelve months from the date of approval of this proposed rule change.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule filing is to add new Supplementary Material .07 to ISE Rule 2009, Terms of Index Options Contracts, to permit the listing and trading, on a pilot basis, of p.m.-settled options on broad-based indexes with nonstandard expiration dates for an initial period of twelve months (the ''Nonstandard Expirations Pilot Program'' or ''Pilot Program'') from the date of approval of this proposed rule change. The Pilot Program would permit both weekly expirations (''Weekly Expirations'') and end of month (''EOM'') expirations as explained below. Contract terms for the Weekly Expirations and EOM expirations will be similar to those of the a.m. settled broad-based index options, except that the exercise settlement value will be based on the index value derived from the closing prices of component stocks.

Weekly Expirations

The Exchange proposes to add new Supplementary Material .07(a), Weekly Expirations, to Rule 2009. Under the proposed new rule the Exchange would be permitted to open for trading Weekly Expirations on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM expiration).

The maximum number of expirations that could be listed for each Weekly Expiration (*i.e.,* a Monday expiration, Wednesday expiration, or Friday expiration, as applicable) in a given class would be the same as the maximum number of expirations permitted for standard options on the same broad-based index. Weekly Expirations would not need to be for consecutive Monday, Wednesday, or Friday expirations as applicable. However, the expiration date of a non-consecutive expiration would not be permitted beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively.

Weekly Expirations that are first listed in a given class could expire up to four weeks from the actual listing date. If the last trading day of a month were a Monday, Wednesday, or Friday and the Exchange were to list EOMs and Weekly Expirations as applicable in a given class, the Exchange would list an EOM instead of a Weekly Expiration in the given class. Other expirations in the same class would not be counted as part of the maximum number of Weekly Expirations for a broad-based index class. If the Exchange were not open for business on a respective Monday, the normally Monday expiring Weekly Expirations would expire on the following business day. If the Exchange were not open for business on a respective Wednesday or Friday, the normally Wednesday or Friday expiring Weekly Expirations would expire on the previous business day.

End of Month (''EOM'') Expirations

Pursuant to proposed ISE Rule 2009 Supplementary Material .07(b), End of Month (''EOM'') Expirations, the Exchange could open for trading EOMs on any broad-based index eligible for standard options trading to expire on last trading day of the month. EOMs would be subject to all provisions of Rule 2009 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, the EOMs would be P.M.-settled and new series in EOMs could be added up to and including on the expiration date for an expiring EOM.

The maximum number of expirations that could be listed for EOMs in a given class would be the same as the maximum number of expirations permitted for standard options on the same broad-based index. EOM expirations would not need to be for consecutive end of month expirations. However, the expiration date of a non-consecutive expiration may not be beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively. EOMs that are first listed in a given class could expire up to four weeks from the actual listing date. Other expirations would not be counted as part of the maximum numbers of EOM expirations for a broad-based index class.

Contract Terms Trading Rules

Weekly Expirations and EOMs would be subject to the same rules that currently govern the trading of standard monthly broad-based index options, including sales practice rules, margin requirements, and floor trading procedures. Contract terms for Weekly Expirations and EOMs would be the same as those for standard monthly broad-based index options. Since Weekly Expirations and EOMs will be a new type of series, and not a new class, the Exchange proposes that Weekly Expirations and EOMs shall be aggregated for any applicable reporting and other requirements.[3] Pursuant to proposed new Supplementary Material .07(d) of Rule 2009, transactions in Weekly Expirations and EOMs could be effected on the Exchange between the hours of 9:30 a.m. (Eastern Time) and 4:15 p.m. (Eastern Time).

The Exchange has analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any additional traffic associated with the listing of the maximum number

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 2006(a)(13) which sets forth the reporting requirements for certain market indexes that do not have position limits, including NDX. The Exchange is adding Nonstandard Expirations to Rule 2004(d) to reflect the aggregation requirement. The Exchange notes that the proposed aggregation is consistent with the aggregation requirements for other types of option series (*e.g.* quarterly expiring options) that are listed on the Exchange and which do not expires on the customary ''third Friday''.

nonstandard expirations permitted under the Pilot.

Pilot Program

As stated above, this proposal is to establish a Nonstandard Expirations Pilot Program for broad-based index options on a pilot basis, for an initial period of twelve months from the date of approval of this proposed rule change. If the Exchange were to propose an extension of the Pilot or should the Exchange propose to make the Pilot permanent, the Exchange would submit a filing proposing such amendments to the Pilot.

Further, any positions established under the Pilot would not be impacted by the expiration of the Pilot. For example, if the Exchange lists a Weekly Expiration or EOM that expires after the Pilot expires (and is not extended) then those positions would continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the Pilot, the Exchange will submit a Pilot report to the Commission at least two months prior to the expiration date of the Pilot (the ''annual report''). The annual report will contain an analysis of volume, open interest and trading patterns. In addition, for series that exceed certain minimum open interest parameters, the annual report will provide analysis of index price volatility and, if needed, share trading activity. The annual report will be provided to the Commission on a confidential basis.

Analysis of Volume and Open Interest

For all Weekly Expirations and EOM series, the annual report will contain the following volume and open interest data for each broad-based index overlying Weekly Expiration and EOM options:

(1) Monthly volume aggregated for all Weekly Expiration and EOM series,

(2) Volume in Weekly Expiration and EOM series aggregated by expiration date,

(3) Month-end open interest aggregated for all Weekly Expiration and EOM series,

(4) Month-end open interest for EOM series aggregated by expiration date and open interest for Weekly Expiration series aggregated by expiration date,

(5) Ratio of monthly aggregate volume in Weekly Expiration and EOM series to total monthly class volume, and

(6) Ratio of month-end open interest in EOM series to total month-end class open interest and ratio of open interest in each Weekly Expiration series to total class open interest.

In addition, the annual report will contain the information noted above for standard Expiration Friday, AM-settled series, if applicable, for the period covered in the pilot report as well as for the six-month period prior to the initiation of the pilot.

Upon request by the SEC, the Exchange will provide a data file containing: (1) Weekly Expiration and EOM option volume data aggregated by series, and (2) Weekly Expiration open interest for each expiring series and EOM month-end open interest for expiring series.

Monthly Analysis of Weekly Expiration and EOM Trading Patterns

In the annual report, the Exchange also proposes to identify Weekly Expiration and EOM trading patterns by undertaking a time series analysis of open interest in Weekly Expiration and EOM series aggregated by expiration date compared to open interest in near-term standard Expiration Friday A.M.-settled series in order to determine whether users are shifting positions from standard series to Weekly Expiration and EOM series. In addition, to the extent that data on other weekly or monthly P.M. settled products from other exchanges is publicly available, the report will also compare open interest with these options in order to determine whether users are shifting positions from other weekly or monthly P.M. settled products to the Weekly Expiration and EOM series. Declining open interest in standard series or the weekly or monthly P.M.-settled products of other exchanges accompanied by rising open interest in Weekly Expiration and EOM series would suggest that users are shifting positions.

Provisional Analysis of Index Price Volatility and Share Trading Activity

For each Weekly Expiration and EOM expiration that has open interest that exceeds certain minimum thresholds, the annual report will contain the following analysis related to index price changes and, if needed, underlying share trading volume at the close on expiration dates:

(1) A comparison of index price changes at the close of trading on a given expiration date with comparable price changes from a control sample. The data will include a calculation of percentage price changes for various time intervals and compare that information to the respective control sample. Raw percentage price change data as well as percentage price change data normalized for prevailing market volatility, as measured by an appropriate index agreed by the Commission and the Exchange, will be provided; and

(2) if needed, a calculation of share volume for a sample set of the component securities representing an upper limit on share trading that could be attributable to expiring in-the-money Weekly Expiration and EOM expirations. The data, if needed, will include a comparison of the calculated share volume for securities in the sample set to the average daily trading volumes of those securities over a sample period.

The minimum open interest parameters, control sample, time intervals, method for selecting the component securities, and sample periods will be determined by the Exchange and the Commission.

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 expanding the ability of investors to hedge risks against market movements stemming from economic releases or market events that occur during the month and at the end of the month. Accordingly, the Exchange believes that weekly expirations and EOMs should create greater trading and hedging opportunities and flexibility, and provide customers with the ability to more closely tailor their investment objectives.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange does not believe the proposal will impose any burden on intramarket competition as all market participants will be treated in the same manner with respect to Weekly Expirations and EOMs. Additionally, the Exchange does not believe the proposal will impose any burden on intermarket competition as market participants are welcome to become members and trade at ISE if they determine that this proposed rule

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

change has made ISE more attractive or favorable. Finally, all options exchanges are free to compete by listing and trading their own broad-based index options with weekly or end of month expirations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. In particular, the Commission solicits comment on the following:

- Will the pilot data contemplated in this notice allow the Commission to determine whether the weekly and monthly PM-settled options proposed in this filing have adverse effects on market volatility and the operation of fair and orderly markets in the underlying cash market?
- Will the pilot data contemplated in this notice allow the Commission to determine whether the weekly and monthly PM-settled options proposed in this filing have adverse effects on liquidity, volume, open interest, trading patterns, and volatility in other option contracts with standard expirations?
- Will the pilot data contemplated in this notice allow the Commission to determine whether the weekly and monthly PM-settled options proposed in this filing have adverse effects on index price volatility?
- Will the weekly and monthly PM-settled options proposed in this filing affect the market for options contracts with nonstandard expirations offered by CBOE and Phlx? If so, how? In addition, how would this proposal affect the data and information related to nonstandard expirations that are provided by CBOE and Phlx?
- What concerns do market participants have related to the proposed Nonstandard Expirations Pilot Program? If any, please be specific in describing your concerns. If any, will the pilot data contemplated in this notice allow the Commission to examine whether the concerns are valid?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2017–111 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2017–111. 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 website (*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 website 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–ISE–2017–111, and should be submitted on or before February 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00409 Filed 1–11–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82459; File No. SR–CBOE–2017–084]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 6.13, CBOE Hybrid System Automatic Execution Feature

January 8, 2018.

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 December 27, 2017, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ''Exchange proposes to amend its rules related to stop orders.

(Additions are in *Italics;* Deletions are [Bracketed])

* * * * *

Cboe Exchange, Inc.

Rules

* * * * *

Rule 6.13. [CBOE]Cboe Options Hybrid System Automatic Execution Feature

(a) No change.

(b) Automatic Execution: Orders eligible for automatic execution through the Cboe Options Hybrid System may be automatically executed in accordance

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

with the provisions of this Rule, Rule 6.13A or 6.14A, as applicable. This section governs automatic executions and split-price automatic executions. The allocation of orders or quotes that automatically execute through the Cboe Options Hybrid System is governed by Rule 6.45.

(i)–(vi) No change.

(vii) Stop and Stop-Limit Orders. The System cancels a buy (sell) stop or stop-limit order if the Exchange best bid (offer) at the time the System receives the order is equal to or above (below) the stop price.

(c) No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*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

The proposed rule change amends Rule 6.13 to modify the automatic handling of stop and stop-limit orders. As defined in Rule 6.53(c), a stop order is a contingency order to buy or sell when the market for a particular option contract reaches a specified price on the Cboe Options floor. A stop order to buy becomes a market order when the option contract trades or is bid at or above the stop price on the Cboe Options floor. A stop order to sell becomes a market order when the option contract trades or is offered at or below the stop-limit price on the Cboe Options floor. A stop-limit order is a contingency order to buy or sell when the market for a particular option contract reaches a specified price. A stop order to buy becomes a limit order when the option contract trades or is bid at or above the stop-limit price. A stop-limit order to sell becomes a limit order when the option contract trades or is offered at or below the stop-limit price.

The proposed rule change adds Rule 6.13(b)(vii), which states the System cancels a buy (sell) stop or stop-limit order if the Exchange best bid (offer) (''BBO'') at the time the System receives the order is equal to or above (below) the stop price. The purpose of a stop or stop-limit order is for it to become a market or limit order, respectively, after the price in a series reaches the stop price. Therefore, there is an implication the submitting Trading Permit Holder intends for the order to not become a market or limit order, respectively, until after an amount of time passes and the series price changes. If the BBO is above or below, as applicable, the stop price when the System receives a stop or stop-limit order, the order converts immediately to a market or limit order, respectively. This is inconsistent with the purpose of the order and the intentions of the submitting Trading Permit Holder. The Exchange believes if a Trading Permit Holder submitted an order at such a price, there is a strong possibility the order was submitted at that price as an error by the Trading Permit Holder. Pursuant to the proposed rule change, the System will reject a stop or stop-limit order that would otherwise immediately convert to a market or limit order, respectively, based on the BBO, which is consistent with the definitions and purposes of these orders.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will protect investors and the public interest and maintain fair and orderly markets by mitigating potential risks associated with market participants entering stop and stop-limit orders at unintended prices, and risks associated with orders trading at prices that are potentially erroneous, which may likely have resulted from human or operational error. The proposed rule change is consistent with the definitions and purposes of stop and stop-limit orders.

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 will apply in the same manner to all stop and stop-limit orders Trading Permit Holders submit to the Exchange and will help prevent potentially erroneous executions, which benefits all market participants. Because pursuant to the proposed rule change the System will reject stop and stop-limit orders it receives under certain conditions, the proposed rule change will only impact stop and stop-limit orders Trading Permit Holders submit to the Exchange, based on quotes on the Exchange, and thus will have no impact on intermarket competition.

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 Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)[8] of the Act and Rule 19b–4(f)(6)[9] thereunder. 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

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–2017–084 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–2017–084. 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 website (*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 website 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–2017–084 and should be submitted on or before February 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00410 Filed 1–11–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82461; File No. SR–CBOE–2017–083]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

January 8, 2018.

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 December 26, 2017, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 proposes to amend its Fees Schedule. Footnotes 24 and 25 describe the Market-Maker Trading Permit Sliding Scale and Floor Broker Trading Permit Sliding Scale programs, respectively.

The text of the proposed rule change is also available on the Exchange's website (*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

The Exchange proposes to amend its Fees Schedule. Footnotes 24 and 25 describe the Market-Maker Trading Permit Sliding Scale and Floor Broker Trading Permit Sliding Scale programs, respectively.[3] Each program requires a Trading Permit Holder to commit in advance to a specific tier that includes a minimum number of eligible Market-Maker Trading Permits or Floor Broker Trading Permits, as applicable, for each calendar. To do so, a Trading Permit Holder must notify the Registration Services Department by December 25th (or the preceding business day if the 25th is not a business day) of the year prior to each year in which the Trading Permit Holder would like to commit to the sliding scale of the tier of eligible Trading Permits committed to by that Trading Permit Holder for that year.

Generally, the Exchange issues a Regulatory Circular to remind Trading Permit Holders of this notification deadline, including a description of how Trading Permit Holders should notify the Registration Services Department. However, for the 2018 sliding scale program, the Exchange was unable to issue a reminder until December 22, 2017, which is the business day prior to December 25, 2017, and thus the notification deadline. To ensure Trading Permit Holders have sufficient time to provide notification to the Exchange regarding their tier commitments for 2018, the Exchange

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[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] This filing was originally submitted on December 26, 2017 as SR–CBOE–2017–081. SR–CBOE–2017–081 was withdrawn on December 26, 2017 and replaced by SR–CBOE–2017–082. SR–CBOE–2017–082 was withdrawn on December 26, 2017 and replaced by this filing.

proposes to amend the descriptions of these programs in footnotes 24 and 25 to require Trading Permit Holders to notify the Registration Services Department by December 29th (or the preceding business day if the 29th is not a business day).

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.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In particular, the proposed rule change removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, to protects investors and the public interest because it ensures Trading Permit Holders will have sufficient time to notify the Exchange regarding their tier commitments in the Market-Maker and Floor Broker Trading Permit sliding scale programs for 2018, if Trading Permit Holders decide to participate in these programs, and thus take advantage of the benefits of these programs. The change to the commitment deadline is equitable and not unfairly discriminatory because all Trading Permit Holders will be subject to that same deadline. Trading Permit Holder participation in these programs benefits all market participants, because the lower fees encourage more Market-Makers and Floor Brokers, as applicable, to access the Exchange, which gives market participants more trading options and increased trading activity, volume, and liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options 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 will impose no burden on competition, as it only modifies a deadline for participation in fee programs available at the Exchange, which participation is voluntary, and which deadline will apply to all Trading Permit Holders that elect to participate in these programs.

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–CBOE–2017–083 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–CBOE–2017–083. 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 website (*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 website 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–2017–083 and should be submitted on or before February 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00412 Filed 1–11–18; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[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. 34–82457; File No. SR–C2–2017–033]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 6.12, Order and Quote Execution and Priority

January 8, 2018.

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 December 27, 2017, Cboe C2 Exchange, Inc. (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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules related to stop orders.

(additions are in *italics;* deletions are [bracketed])

* * * * *

Cboe C2 Exchange, Inc.

Rules

* * * * *

Rule 6.12. Order and Quote Execution and Priority

System orders and quotes shall be executed consistent with the following provisions:

(a)–(h) No change.

(i) Stop and Stop-Limit Orders. The System cancels a buy (sell) stop or stop-limit order if the Exchange best bid (offer) at the time the System receives the order is equal to or above (below) the stop price.

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*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

The proposed rule change amends Rule 6.12 to modify the automatic handling of stop and stop-limit orders. As defined in Rule 6.10(c), a stop order is a contingency order to buy or sell when the market for a particular option contract reaches a specified price on the Exchange. A stop order to buy becomes a market order when the option contract trades or is bid at or above the stop price on the Exchange. A stop order to sell becomes a market order when the option contract trades or is offered at or below the stop-limit price on the Exchange. A stop-limit order is a contingency order to buy or sell when the market for a particular option contract reaches a specified price on the Exchange. A stop order to buy becomes a limit order when the option contract trades or is bid at or above the stop-limit price on the Exchange. A stop-limit order to sell becomes a limit order when the option contract trades or is offered at or below the stop-limit price on the Exchange.

The proposed rule change adds Rule 6.12(i), which states the System cancels a buy (sell) stop or stop-limit order if the Exchange best bid (offer) (''BBO'') at the time the System receives the order is equal to or above (below) the stop price. The purpose of a stop or stop-limit order is for it to become a market or limit order, respectively, after the price in a series reaches the stop price. Therefore, there is an implication the submitting Trading Permit Holder intends for the order to not become a market or limit order, respectively, until after an amount of time passes and the series price changes. If the BBO is above or below, as applicable, the stop price when the System receives a stop or stop-limit order, the order converts immediately to a market or limit order, respectively. This is inconsistent with the purpose of the order and the intentions of the submitting Trading Permit Holder. The Exchange believes if a Trading Permit Holder submitted an order at such a price, there is a strong possibility the order was submitted at that price as an error by the Trading Permit Holder. Pursuant to the proposed rule change, the System will reject a stop or stop-limit order that would otherwise immediately convert to a market or limit order, respectively, based on the BBO, which is consistent with the definitions and purposes of these orders.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will protect investors and the public interest and maintain fair and orderly markets by mitigating potential risks associated with market participants entering stop and stop-limit orders at unintended prices, and risks associated with orders trading at prices that are potentially erroneous, which may likely have resulted from human or operational error. The proposed rule change is consistent with the definitions and purposes of stop and stop-limit orders.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

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 will apply in the same manner to all stop and stop-limit orders Trading Permit Holders submit to the Exchange and will help prevent potentially erroneous executions, which benefits all market participants. Because pursuant to the proposed rule change the System will reject stop and stop-limit orders it receives under certain conditions, the proposed rule change will only impact stop and stop-limit orders Trading Permit Holders submit to the Exchange, based on quotes on the Exchange, and thus will have no impact on intermarket competition.

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 Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [8] of the Act and Rule 19b–4(f)(6) [9] thereunder. 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, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

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–C2–2017–033 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–C2–2017–033. 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 website (*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 website 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–C2–2017–033 and should be submitted on or before February 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00408 Filed 1–11–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32965; File No. 812–14784]

Harbor Funds and Harbor Capital Advisors, Inc.

January 9, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: Harbor Funds, a Delaware statutory trust registered under the Act as an open-end management series investment company, and Harbor Capital Advisors, Inc. (the ''Adviser''), registered as an investment adviser under the Investment Advisers Act of 1940.

FILING DATES: The application was filed on June 13, 2017 and amended on November 15, 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 February 2, 2018 and should be accompanied by proof of service on the 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 Street NE, Washington, DC 20549–1090; Applicants: 111 South Wacker Drive, 34th Floor, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 551–6817, or David J. Marcinkus, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or trade fails.[1] The Funds will not borrow under the facility for leverage purposes and the loans' duration will be no more than 7 days.[2]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or certain other short-term money market instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Among others, the Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment management agreements with each Fund and would receive no additional fee as compensation for its services in connection with the administration of the facility. The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[3]

4. Applicants assert that the facility does not raise the concerns underlying section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[4] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[5]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of a Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed 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 the other participants.

[1] Applicants request that the order apply to the applicants and to any existing or future registered open-end management investment company or series thereof for which the Adviser or any successor thereto or an investment adviser controlling, controlled by, or under common control with the Adviser or any successor thereto serves as investment adviser (each a ''Fund'' and collectively the ''Funds'' and each such investment adviser an ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization. Certain of the Funds are money market funds that comply with Rule 2a–7 of the 1940 Act (each a ''Money Market Fund'' and they are included in the term ''Funds''). Although Money Market Funds are applying for the requested relief, they will not participate as borrowers because such Funds rarely need to borrow cash to meet redemptions. All Funds that currently intend to rely on the requested order have been named as Applicants and any other Fund that relies on the requested order in the future will comply with the terms and conditions of the Application.

[2] Any Fund, however, will be able to call a loan on one business day's notice.

[3] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

[4] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[5] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00431 Filed 1–11–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82460; File No. SR–GEMX–2017–62]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Market Makers' Regulatory Fees

January 8, 2018.

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 December 26, 2017, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Schedule of Fees, as described further below.

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on January 2, 2018.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Schedule of Fees to (i) eliminate the annual regulatory fee currently assessed to Market Makers (*i.e.,* Primary Market Makers and Competitive Market Makers) at Section III.C and (ii) make a number of non-substantive clean-up changes to update the Table of Contents. Each change is discussed further below.

Eliminate Annual Regulatory Fee

GEMX currently charges its members various non-transaction fees to trade on the Exchange and use its facilities, including a tiered annual regulatory fee. This fee is assessed to all Primary Market Makers (''PMMs'') and Competitive Market Makers (''CMMs'') to help defray the regulatory and administrative costs associated with a member's use of the Exchange's facilities. In particular, the regulatory fee is $1,000 per year for a PMM membership, and, for PMMs that are also CMMs, $250 per year for each CMM membership. For CMMs that are not also PMMs the regulatory fee is $500 per year for the first CMM membership, and $250 per year for each additional CMM membership.[3] The Exchange does not charge a regulatory fee to Electronic Access Members (''EAMs'').

The Exchange proposes to eliminate the annual regulatory fee and all related references from the Schedule of Fees because it has determined that this fee is outdated and no longer reflects the costs associated with supporting and regulating its members today. The annual regulatory fee was adopted in 2013, and has not been amended since that time.[4] And because GEMX charges its members various non-transaction fees outside of the annual regulatory fee to help defray such costs, as noted above, the Exchange believes that the proposed fee change will be a more accurate reflection of the administration and regulatory costs associated with a member's use of the Exchange today.

Update Table of Contents

Currently, the Exchange's Schedule of Fees contains a number of section headings that are not currently reflected in the Table of Contents. The Exchange added, eliminated, or renamed these headings as part of a previously-approved rule change, and inadvertently did not make the corresponding updates to the Table of Contents.[5] Accordingly, the Exchange proposes to update the Table of Contents to make its Schedule of Fees easier to read.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Eliminate Annual Regulatory Fee

The Exchange believes that the proposed elimination of the annual regulatory fee and all related references from the Schedule of Fees is reasonable because the Exchange has determined that the annual regulatory fee is outdated and no longer reflects the costs associated with supporting and regulating its members. This fee has not been amended since its adoption in 2013. Furthermore, GEMX charges its members various non-transaction fees outside of the annual regulatory fee to help defray such costs, as noted above. The Exchange therefore believes that the proposed fee change will be a more accurate reflection of the administration and regulatory costs associated with a member's use of the Exchange today.

The Exchange also believes that the proposed elimination of the annual regulatory fee is equitable and not unfairly discriminatory because the proposed change will apply equally to all similarly situated members.

Update Table of Contents

The Exchange believes that the clean-up changes to update the Table of Contents is reasonable, equitable and not unfairly discriminatory because these are non-substantive changes

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* GEMX Schedule of Fees, Section III.C Regulatory Fees.

[4] *See* Securities Exchange Act Release No. 71149 (December 19, 2013), 78 FR 78447 (December 26, 2013) (SR-Topaz-2013–16).

[5] In particular, the Exchange renamed Section IV, deleted Section IV.C, and added Sections IV.F–IV.I as part of a previous rule change to amend GEMX's connectivity fees. *See* Securities Exchange Release No. 81902 (October 19, 2017), 82 FR 49453 (October 25, 2017) (SR–GEMX–2017–48).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

intended to make the Schedule of Fees more transparent to members and investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, the proposed changes are intended to more accurately reflect the regulatory and administrative costs associated with a member's use of the Exchange, or are clean-ups to make the Schedule of Fees more transparent to members and investors. The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[8] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2017–62 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2017–62. 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 website (*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 website 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–GEMX–2017–62 and should be submitted on or before February 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00411 Filed 1–11–18; 8:45 am]

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[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82462; File No. SR–CboeEDGX–2017–010]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Fees for Certain Market Data Products on the Exchange's Equity Options Platform

January 8, 2018.

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 December 27, 2017, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 proposal to amend the Market Data section of its fee schedule applicable to its equity options platform (''EDGX Options'') to adopt fees for certain of its market data products, which are currently offered free of charge. The Exchange also proposes to amend the names of these market data products in Exchange Rule 21.15(b).

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

[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 Exchange proposes to amend the Market Data section of its fee schedule applicable to EDGX Options to adopt fees for certain of its market data products, which are currently offered free of charge. The Exchange also proposes to amend the names of these market data products in Exchange Rule 21.15(b).

The Exchange proposes to adopt fees for the following market data products: EDGX Options Depth (currently referred to as Multicast PITCH), EDGX Options Top (currently referred to Multicast Top), and EDGX Options Auction Feed. Each of these market data products are currently offered free of charge. The Exchange also proposes to amend Rule 21.15(b) to revise the names of each of these market data products.

Multicast Pitch, to be renamed as EDGX Options Depth, is a data feed that offers depth of book quotations and execution information based on options orders entered into the System.[3] The Exchange offers separate EDGX Options Depth data feeds for the Exchange's Simple Book and the Exchange's Complex Order Book. The Exchange introduced Complex Order Book functionality on October 23, 2017.[4] The Exchange's Complex Book is the EDGX Options electronic book of Complex Orders.[5] The Exchange's Simple Book is its regular electronic book of orders.[6]

Multicast TOP, to be renamed as EDGX Options Top, is a data feed that offers top of book quotations and execution information based on options orders entered into the System.[7] Like the EDGX Options Depth feed, the Exchange offers separate EDGX Options Top data feeds for the Exchange's Simple Book and the Exchange's Complex Order Book.

Finally, the Auction Feed, to be renamed the EDGX Options Auctions Feed, is a data feed that provides information regarding the current status of price and size information related to auctions conducted by the Exchange.[8] Like EDGX Options Depth and EDGX Options Top, the Exchange offers separate EDGX Options Auction data feeds for the Exchange's Simple Book and the Exchange's Complex Order Book.

The Exchange now proposes to amend its fee schedule to incorporate fees for distribution of each of the above market data products to subscribers. The proposed fees include the following, each of which are described in detail below: (i) Distribution Fees for both Internal and External Distributors; [9] and (ii) Usage Fees for both Professional [10] and Non-Professional [11] Users. The Exchange is proposing identical Distribution and Users fees for each market data product described above. Also, Distributors and Users of any one of the market data products subject to this proposal may receive access to any or all of the other market data products at no additional charge.

Distribution Fees. As proposed, each Internal Distributor and External Distributor that receives either the simple or complex versions of EDGX Options Depth, EDGX Options Top, and/or the EDGX Options Auction Feed shall pay a fee of $500 per month.

User Fees. The Exchange proposes to charge Internal Distributors and External Distributors that redistribute either the simple or complex versions of EDGX Options Depth, EDGX Options Top, and/or the EDGX Options Auction Feed different fees for their Professional Users and Non-Professional Users. The Exchange will assess a monthly fee for Professional Users of $10.00 per User. Non-Professional Users will be assessed a monthly fee of $1.00 per User.

Distributors that receive either the simple or complex versions of EDGX Options Depth, EDGX Options Top, and/or the EDGX Options Auction Feed will be required to count every Professional User and Non-Professional User to which they provide the market data product(s), the requirements for which are identical to that currently in place for other market data products offered by the Exchange's equity trading platform.[12] Thus, the Distributor's count will include every person and device that accesses the data regardless of the purpose for which the individual or device uses the data. Distributors must report all Professional and Non-Professional Users in accordance with the following:

- In connection with a Distributor's distribution of the market data product, the Distributor should count as one User each unique User that the Distributor has entitled to have access to the market data product. However, where a device is dedicated specifically to a single individual, the Distributor should count only the individual and need not count the device.
- The Distributor should identify and report each unique User. If a User uses the same unique method to gain access to the market data product, the Distributor should count that as one User. However, if a unique User uses multiple methods to gain access to the market data product (*e.g.,* a single User has multiple passwords and user identifications), the Distributor should report all of those methods as an individual User.
- Distributors should report each unique individual person who receives access through multiple devices as one User so long as each device is dedicated specifically to that individual.
- If a Distributor entitles one or more individuals to use the same device, the Distributor should include only the individuals, and not the device, in the count.

[3] Exchange Rule 21.15(b)(1).

[4] Exchange Rule 21.20. *See also* Securities Exchange Act Release No. 81891 (October 17, 2017), 82 FR 49058 (October 23, 2017) (order approving the Exchange's proposal to adopt a complex order book) (SR–BatsEDGX–2017–29).

[5] Exchange Rule 21.20.(a)(6). A ''Complex Order'' is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ''legs'' or ''components'' of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. Exchange Rule 21.20(a)(5).

[6] Exchange Rule 21.20(a)(10). *See also* Exchange Rule 16.1(a)(9) (defining the EDGX Options Book).

[7] Exchange Rule 21.15(b)(2).

[8] Exchange Rule 21.15(b)(5).

[9] A ''Distributor'' is defined as ''any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.'' *See* the Exchange's fee schedule *available at http://markets.cboe.com/us/options/membership/fee_schedule/edgx/.* An ''Internal Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity.'' *Id.* An ''External Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity.'' *Id.*''

[10] A ''Professional User'' is defined as ''any User other than a Non-Professional User.'' *See* the Exchange's fee schedule *available at http://markets.cboe.com/us/options/membership/fee_schedule/edgx/.*

[11] A ''Non-Professional User'' is defined as ''a natural person who is not: (i) Registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section 202(a)(11) of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt.'' *Id.*

[12] *See* Securities Exchange Act Release Nos. 74282 (February 18, 2015); 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09) (proposing fees for the Bats One Feed); 75397 (July 8, 2015), 80 FR 41104 (July 14, 2015) (SR–EDGX–2015–28) (proposing user fees for the EDGX Top and Last Sale data feeds); *and* 75788 (August 28, 2015), 80 FR 53364 (September 3, 2015) (SR–EDGX–2015–38) (proposing fees for EDGX Book Viewer).

The Exchange intends to implement the proposed changes to its fee schedule on January 2, 2018.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[13] in general, and furthers the objectives of Section 6(b)(4),[14] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data and that the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act [15] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[16] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's customers and market data vendors will be subject to the proposed fees on an equivalent basis. EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed are distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to distribute its similar product than the Exchange charges to distribute EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed, prospective Users likely would not subscribe to, or would cease subscribing to, EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.

Distribution Fee. The Exchange believes that the proposed Distribution Fees are also reasonable, equitably allocated, and not unreasonably discriminatory. The fees for Members and non-Members are uniform except with respect to reasonable distinctions with respect to internal and external distribution, the fee for both are equal for each of the market data products subject to this proposal. The Exchange believes that the Distribution Fees for EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed are reasonable and fair in light of alternatives offered by other market centers. For example, EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed provides investors with alternative market data and competes with similar market data product currently offered by Nasdaq PHLX LLC (''PHLX''). Specifically, PHLX charges a fee of $5,000 per month to External Distributors and $4,000 per month to Internal Distributors for the TOPO Plus Orders feed,[17] which included PHLX's complex order book. PHLX also charges Internal Distributors $2,000 per month and External Distributors $2,500 per month for the Top of PHLX Options, which includes PHLX top of book data.[18] PHLX charges Internal Distributors $4,000 per month and External Distributors $4,500 per month for the PHLX Depth Data, which includes PHLX depth of book quotations.[19] Each of these fees charged by PHLX are higher than that proposed herein.

User Fees. The Exchange believes that implementing the Professional and Non-Professional User fees for EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed are equitable and reasonable because they will result in greater availability to Professional and Non-Professional Users. Moreover, introducing a modest Non-Professional User fee for EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed is reasonable because it provides an additional method for retail investors to access EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed data by providing the same data that is available to Professional Users. The Exchange believes that the proposed fees are equitable and not unfairly discriminatory because they will be charged uniformly to recipient firms and Users. The fee structure of differentiated Professional and Non-Professional fees is utilized by the Exchange for the Cboe One Feed and has long been used by other exchanges for their proprietary data products, and by the Nasdaq UTP and the CTA and CQ Plans in order to reduce the price of data to retail investors and make it more broadly available.[20] Offering EDGX

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78k–1.

[16] 17 CFR 242.603.

[17] *See* a description of TOPO Plus Orders *available at http://www.nasdaqtrader.com/Micro.aspx?id=topoplusorders. See also* Section IV of PHLX Rules outlining the fees for the TOPO Plus Orders feed.

[18] *See* Section IV of PHLX Rules outlining the fees for the Top of PHLX Options feed.

[19] *See* Section IV of PHLX Rules outlining the fees for the PHLX Depth Data feed.

[20] *See* Securities Exchange Act Release Nos. 74285 (February 18, 2015), 80 FR 9828 (February 24, 2015) (SR–BATS–2015–11); 74283 (February 18, 2015), 80 FR 9809 (February 24, 2015) (SR–EDGA–2015–09); 74282 (February 17, 2015), 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09); *and* 74284 (February 18, 2015), 80 FR 9792 (February 24, 2015) (SR–BYX–2015–09). *See also, e.g.,* Securities Exchange Act Release No. 20002, File No. S7–433 (July 22, 1983) (establishing

Continued

Options Depth, EDGX Options Top, and the EDGX Options Auction Feed to Non-Professional Users with the same data available to Professional Users results in greater equity among data recipients. The requirement that Distributors count every Professional User and Non-Professional User to which they provide the market data product(s) is also equitable and reasonable because the requirements are identical to that currently in place for other market data products offered by the Exchange's equity trading platform.[21]

In addition, the proposed fees are reasonable when compared to similar fees for comparable products offered by PHLX. Specifically, PHLX charges a fee of $40 per month to professional users and $1.00 per month to non-professional users of TOPO Plus Orders feed, Top of PHLX Options, and PHLX Depth Data.[22] Each of these fees charged by PHLX are either equal to or higher than that proposed herein.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange's ability to price EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed is constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

In addition, EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed compete with a number of alternative products. For instance, EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed do not provide a complete picture of all trading activity in a security. Rather, the other national securities exchanges, the several TRFs of FINRA, and Electronic Communication Networks (''ECN'') that produce proprietary data all produce trades and trade reports. Each is currently permitted to produce last sale information products, and many currently do, including Nasdaq and NYSE. In addition, market participants can gain access to EDGX Options last sale and depth-of-book quotations, though integrated with the prices of other markets, on feeds made available through the SIPs.

In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all Users. The existence of alternatives to EDGX Options Depth, EDGX Options Top, and the EDGX Options Auction Feed, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[23] and paragraph (f) of Rule 19b–4 thereunder.[24] 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–CboeEDGX–2017–010 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 CboeEDGX–2017–010. 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 website (*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

nonprofessional fees for CTA data); *and* Nasdaq Rules 7023(b), 7047.

[21] *See* Securities Exchange Act Release Nos. 74282 (February 18, 2015); 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09) (proposing fees for the Bats One Feed); 75397 (July 8, 2015), 80 FR 41104 (July 14, 2015) (SR–EDGX–2015–28) (proposing user fees for the EDGX Top and Last Sale data feeds); *and* 75788 (August 28, 2015), 80 FR 53364 (September 3, 2015) (SR–EDGX–2015–38) (proposing fees for EDGX Book Viewer).

[22] *See* Section IV of PHLX Rules outlining the fees for each of these PHLX market data products.

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f).

public in accordance with the provisions of 5 U.S.C. 552, will be available for website 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 CboeEDGX–2017–010 and should be submitted on or before February 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00413 Filed 1–11–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82456; File No. SR–BOX–2017–33]

Self-Regulatory Organizations; BOX Options Exchange LLC; Order Approving a Proposed Rule Change To Amend the Minimum Order Size for the Floor Broker Guarantee Provided in BOX Rule 7600(f)

January 8, 2018.

I. Introduction

On November 6, 2017, BOX Options Exchange LLC (the ''Exchange'' or ''BOX'') 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 amend the minimum eligible order size from 500 contracts to 50 contracts to qualify for the Floor Broker guarantee described in BOX Rule 7600(f). The proposed rule change was published for comment in the **Federal Register** on November 24, 2017.[3] The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposed Rule Change[4]

Currently, BOX Rule 7600(f) provides that a Floor Broker holding an order of the eligible order size or greater is entitled to cross, after all equal or better priced Public Customer bids or offers on the BOX Book and any non-Public Customer bids or offers that are ranked ahead of such Public Customer bids or offers are filled, 40% of the remaining contracts in the order with other orders he is holding.[5] Under the current rule, the Exchange may determine, on an option by option basis, the eligible order size for an order that may be transacted pursuant to BOX Rule 7600(f), but the minimum eligible order size may not be less than 500 contracts.[6] Under the proposed rule change, the Exchange proposes to reduce the minimum eligible order size from 500 contracts to 50 contracts.[7]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[8] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[9] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission notes that the proposed rule change does not modify the size of the Floor Broker guarantee, but rather modifies the size of the order necessary in order to receive the guarantee. Orders submitted by Floor Brokers for execution must execute at a price equal to or better than the NBBO and (1) may not trade through any equal or better priced Public Customer bids or offers on the BOX Book[10] or any non-Public Customer bids or offers on the BOX Book that are ranked ahead of such equal or better priced Public Customer bids or offers, and (2) may not trade through any non-Public Customer bids or offers on the BOX Book that are priced better than the proposed execution price.[11] In addition, the Commission notes that the proposed change is similar to the rules of other options exchanges[12] and therefore, the Commission does not believe that the reduction in the minimum order size requirement raises any new regulatory issues.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[13] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–BOX–2017–33), be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00407 Filed 1–11–18; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2017–0069]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82112 (November 17, 2017), 82 FR 55895 (''Notice'').

[4] For a more detailed description of the proposed rule change, *see* Notice, *supra* note 3.

[5] *See* BOX Rule 7600(f).

[6] *See* BOX Rule 7600(f)(2). Pursuant to BOX Rule 7600(f)(2), the Exchange is required to communicate any changes to the eligible order size to Participants via circular.

[7] *See* proposed BOX Rule 7600(f)(2).

[8] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* BOX Rule 100(a)(10) (defining BOX Book).

[11] *See* BOX Rule 7600(c).

[12] *See* Cboe Options Rule 6.74(d) and NYSE Arca Inc. Rule 6.47–O(b)(1).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202–395–6974, *Email address: OIRA_Submission@omb.eop.gov.*

(SSA), Social Security Administration, OLCA, *Attn:* Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–966–2830, *Email address: OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2017–0069].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than March 13, 2018.

Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Certification by Religious Group—20 CFR 404.1075—0960–0093. SSA is responsible for determining whether religious groups meet the qualifications exempting certain members and sects from payment of Self-Employment Contribution Act taxes under the Internal Revenue Code, Section 1402(g). SSA sends Form SSA–1458, Certification by Religious Group, to a group's authorized spokesperson to complete and verify organizational members meet or continue to meet the criteria for exemption. The respondents are spokespersons for religious groups or sects.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1458	180	1	15	45

2. Claim for Amounts Due in the Case of a Deceased Beneficiary—20 CFR 404.503(b)—0960–0101. Section 204(d) of the Social Security Act (Act) provides that if an individual dies before payment under Title II is complete, SSA will pay the amount due (including the amount of any check not negotiated) to individuals meeting specified qualifications. When a Social Security payment was due to a deceased beneficiary at the time of death, and there is insufficient information in the file to identify the individual(s) entitled to the payment or the individual's address, SSA asks the surviving spouse; next of kin; or legal representative of the estate to complete Form SSA–1724, Claim for Amounts Due in the Case of a Deceased Social Security Recipient. SSA collects the information when a surviving child(ren), parent(s), or spouse is not already entitled to a monthly benefit on the same earnings record, or is not filing for a lump-sum death payment as a former spouse. SSA uses the information Form SSA–1724 provides to ensure proper payment of an underpayment due to a deceased beneficiary. The respondents are applicants for underpayments owed to deceased beneficiaries.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1724	250,000	1	10	41,667

3. Prohibition of Payment of SSI Benefits to Fugitive Felons and Parole/Probation Violators—20 CFR 416.708(o)—0960–0617. Section 1611(e)(4) of the Act precludes eligibility for Supplemental Security Income (SSI) payments for certain fugitives and parole or probation violators. Regulations at 20 CFR 416.708(o) of the Code of Federal Regulations require individuals applying for, or receiving, SSI to report to SSA that: (1) They are fleeing to avoid prosecution for a crime; (2) they are fleeing to avoid custody or confinement after conviction of a crime; or (3) they are violating a condition of probation or parole. SSA uses the information we receive to deny eligibility, or suspend recipients' SSI payments. The respondents are SSI applicants and recipients, or representative payees of SSI applicants and recipients, who are reporting their status as a fugitive felon or probation or parole violator.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSI Claim System Screens	1,000	1	1	17

4. Identifying Information for Possible Direct Payment of Authorized Fees—0960–0730. SSA collects information from claimants' appointed representatives on Form SSA–1695 to: (1) Process and facilitate direct payment of authorized fees; (2) issue a Form 1099–MISC, if applicable; and (3) establish a link between each claim for benefits and the data we collect on the SSA–1699 for our appointed representative database. The respondents are attorneys and other individuals who represent claimants for benefits before SSA.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1695	10,000	40	40,000	10	66,667

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than March 13, 2018. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Letter to Employer Requesting Wage Information—0960–0138. SSA must establish and verify wage information for SSI applicants and recipients when determining SSI eligibility and payment amounts. SSA collects wage data from employers on Form SSA–L4201 to determine eligibility and proper payment amounts for SSI applicants and recipients. The respondents are employers of SSI applicants and recipients.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L4201	133,000	1	30	66,500

2. Request for Review of Hearing Decision/Order—20 CFR 404.967–404.981, 416.1467–416.1481—0960–0277. Claimants have a statutory right under the Act and current regulations to request review of an administrative law judge's (ALJ) hearing decision or dismissal of a hearing request on Title II and Title XVI claims. Claimants may request Appeals Council review by filing a written request using paper Form HA–520, or the internet application, i520. SSA uses the information we collect to establish the claimant filed the request for review within the prescribed time, and to ensure the claimant completed the requisite steps permitting the Appeals Council review. The Appeals Council then uses the information to: (1) Document the claimant's reason(s) for disagreeing with the ALJ's decision or dismissal; (2) determine whether the claimant has additional evidence to submit; and (3) determine whether the claimant has a representative or wants to appoint one. The respondents are claimants requesting review of an ALJ's decision or dismissal of hearing.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–520—Paper	105,000	1	10	17,500
i520—Internet	70,000	1	15	17,500
Totals	175,000			35,000

3. You Can Make Your Payment by Credit Card—0960–0462. Using information from Form SSA–4588 and its electronic application, Form SSA–4589, SSA updates individuals' Social Security records to reflect payments made on their overpayments. In addition, SSA uses this information to process payments through the appropriate credit card company. SSA provides the SSA–4588 when we inform an individual that we detected an overpayment. Individuals may choose to make a one-time payment or recurring monthly payments by completing and submitting the SSA–4588. SSA uses the SSA–4589 electronic Intranet application only when individuals choose to telephone the Program Service Centers to make a one-time payment in lieu of completing Form SSA–4588. An SSA debtor contact representative completes the SSA–4589 electronic Intranet application. Respondents are old age, survivors, and disability insurance (OASDI) beneficiaries and SSI recipients who have outstanding overpayments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–4588 (Paper)	16,500	1	10	2,750
SSA–4589 (Electronic intranet application)	258,500	1	5	21,542

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Totals	275,000			24,292

4. Modified Benefit Formula Questionnaire—Foreign Pension—0960–0561. SSA uses Form SSA–308 to determine exactly how much (if any) of a foreign pension we can use to reduce the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. In addition, SSA agreed to pay the full amount of all reductions or refund the full amount of all sums that SSA made to, or collected from, the Class member's of Social Security OASDI benefits payments (OASDI Benefits), due to the application of the Windfall Elimination Provision to those OASDI Benefits based on the receipt of Old Age Benefits from the National Institute of Israel, per the Greenberg, et al. v. Colvin case settlement. The respondents are applicants for Title II Social Security retirement or disability benefits who have foreign pensions.

Correction Notice: SSA is updating the burden information for this collection, so it differs from the information we published at 82 FR 52088, on 11/9/17.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–308	2,426	1	10	404
Greenberg Cases	283	1	60	283
Totals	2,709			687

5. Request to Show Cause for Failure to Appear—20 CFR 404.938, 20 CFR 416.1438, and 20 CFR 404.957(a)(ii)—0960–0794. When claimants who requested a hearing before an ALJ fail to appear at their scheduled hearing, the ALJ may reschedule the hearing if the claimants establish good cause for missing the hearings. To establish good cause, following: (1) SSA did not properly notify the claimant of the hearing, or (2) an unexpected event occurred without sufficient time for the claimant to request a postponement. The claimants can use paper Form HA–L90 or HA–L90–OP1 to provide their reason for not appearing at their scheduled hearings; or the claimants' representatives can use Electronic Records Express (ERE), OMB Control No. 0960–0753, internet screens to submit the HA–L90 online. SSA uses the HA–L90 for new cases, and the HA–L90–OP1 for redeterminations cases. We need two versions of the paper form, as the ALJ follows different procedures when determining the good cause on redetermination cases (cases that have a prior decision and evidence on file), than they do for new cases (where we have no evidence on file). The ERE modality automatically adjusts for redetermination cases, so we only need one version of the internet screens. If the ALJ determines the claimants established good cause for failure to appear at the hearing, the ALJ will schedule a supplemental hearing; if not, the ALJ will make a claims eligibility determination based on the claimants' evidence of record. Respondents are claimants, or their representatives, seeking to establish good cause for failure to appear at a scheduled hearing before an ALJ.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–L90	39,500	1	10	6,583
HA–L90–OP1	500	1	10	83
Totals	40,000			6,666

* We do not account for the Electronic Records Express internet screens here as we account for them under OMB Control No. 0960–0753.

Dated: January 8, 2018.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2018–00396 Filed 1–11–18; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2017–0066]

Penalty Inflation Adjustments for Civil Monetary Penalties

AGENCY: Social Security Administration.

ACTION: Notice announcing updated penalty inflation adjustments for civil monetary penalties for 2018.

SUMMARY: The Social Security Administration is giving notice of its updated maximum civil monetary penalties. These amounts are effective from January 15, 2018 through January 14, 2019. These figures represent an annual adjustment for inflation. The updated figures and notification are required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: The updated maximum amount of civil money penalties in this notice

are applicable to penalties assessed on or after January 15, 2018.

FOR FURTHER INFORMATION CONTACT: Joseph E. Gangloff, Chief Counsel to the Inspector General, Room 3–ME–1, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–4440, both directly and for IPTTY. For information on eligibility or filing for benefits, call the Social Security Administration's national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit the Social Security Administration's internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: On June 27, 2016, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act),[1] we published an interim final rule to adjust the level of civil monetary penalties (CMP) under sections 1129 and 1140 of the Social Security Act, 42 U.S.C. 1320a–8 and 1320b–10, with an initial ''catch-up'' adjustment effective August 1, 2016.[2] We announced in the interim final rule that for any future adjustments, we will publish a notice in the **Federal Register** to announce the new amounts. The annual inflation adjustment in subsequent years must be a cost-of-living adjustment based on any increases in the October Consumer Price Index for All Urban Consumers (CPI–U) (not seasonally adjusted) each year.[3] Inflation adjustment increases must be rounded to the nearest multiple of $1.[4] We last updated the maximum penalty amounts effective January 15, 2017.[5] Based on Office of Management and Budget (OMB) guidance, the information below serves as public notice of the new maximum penalty amounts for 2018. The adjustment results in the following new maximum penalties, which will be effective as of January 15, 2018.

Section 1129 CMPs (42 U.S.C. 1320a–8)

$7,623.00 (current maximum per violation for fraud facilitators in a position of trust) × 1.02041 (OMB-issued inflationary adjustment multiplier) = $7,778.59. When rounded to the nearest dollar, the new maximum penalty is $7,779.00.

$8,084.00 (current maximum per violation for all other violators) × 1.02041 (OMB-issued inflationary adjustment multiplier) = $8,248.99. When rounded to the nearest dollar, the new maximum penalty is $8,249.00.

Section 1140 CMPs (42 U.S.C. 1320b–10)

$10,055.00 (current maximum per violation for all violations other than broadcasts or telecasts) × 1.02041 (OMB-issued inflationary adjustment multiplier) = $10,260.22. When rounded to the nearest dollar, the new maximum penalty is $10,260.00.

$50,276.00 (current maximum per broadcast or telecast) × 1.02041 (OMB-issued inflationary adjustment multiplier) = $51,302.13. When rounded to the nearest dollar, the new maximum penalty is $51,302.00.

Dated: December 27, 2017.

Gale Stallworth Stone,

Acting Inspector General of Social Security.

[FR Doc. 2018–00487 Filed 1–11–18; 8:45 am]

BILLING CODE 4191–02–P

[1] *See https://www.congress.gov/bill/114th-congress/house-bill/1314/text. See also https://www.federalregister.gov/documents/2016/06/27/2016-13241/penalty-inflation-adjustments-for-civil-money-penalties.*

[2] *https://www.federalregister.gov/documents/2016/06/27/2016-13241/penalty-inflation-adjustments-for-civil-money-penalties.*

[3] *See* OMB Memorandum, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, M–16–06, p. 1 (February 24, 2016), *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2016/m-16-06.pdf. See also https://www.federalregister.gov/documents/2016/06/27/2016-13241/penalty-inflation-adjustments-for-civil-money-penalties.*

[4] OMB Memorandum, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, M–16–06, p. 3 (February 24, 2016), *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2016/m-16-06.pdf. See also https://www.federalregister.gov/documents/2016/06/27/2016-13241/penalty-inflation-adjustments-for-civil-money-penalties.*

[5] *See https://www.federalregister.gov/documents/2016/12/29/2016-31423/notice-on-penalty-inflation-adjustments-for-civil-monetary-penalties.*

DEPARTMENT OF STATE

[Public Notice: 10264]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Romance and Reason: Islamic Transformations of the Classical Past'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Romance and Reason: Islamic Transformations of the Classical Past,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Institute for the Study of the Ancient World, New York, New York, from on or about February 14, 2018, until on or about May 13, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–00402 Filed 1–11–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10267]

Notice of Availability of the Final Environmental Assessment and Finding of No Significant Impact for the Borrego Pipeline Presidential Permit Application, Webb County, Texas

AGENCY: Department of State.

ACTION: Notice of availability.

SUMMARY: The U.S. Department of State (Department) is advising the public that on January 3, 2018, the Department approved a Finding of No Significant Impact (FONSI) based on the Final Environmental Assessment (Final EA) for the Borrego Pipeline Presidential Permit Application.

DATES: The FONSI and Final EA are available as of the publication date of this notice at *https://www.state.gov/e/enr/applicant/applicants/borregopipeline/c73505.htm.*

ADDRESSES: Copies of the FONSI and Final EA are available at the following:

- Main Laredo Public Library, 1120 E. Calton Road, Laredo, Texas 78041
- *https://www.state.gov/e/enr/applicant/applicants/borregopipeline/index.htm*

Copies of the FONSI and Final EA may also be requested by email at

BorregoReview@state.gov from: Borrego Project Manager, Office of Environmental Quality and Transboundary Issues (OES/EQT): Suite 2726, U.S. Department of State, 2201 C Street NW, Washington, DC 20520.

SUPPLEMENTARY INFORMATION: Executive Order (E.O.) 13337 delegates to the Secretary of State the President's authority to receive applications for permits for the construction, connection, operation, or maintenance of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels (except for natural gas), at the borders of the United States, and to issue or deny such Presidential permits upon a national interest determination.

On August 12, 2016, Borrego submitted an application for a new Presidential permit that would authorize the construction, connection, operation, and maintenance of facilities at the U.S.-Mexico border for the export to Mexico of refined petroleum products (including gasoline, premium gasoline, ultra-low sulfur diesel, and jet fuel). The petroleum products would be transported through the new pipeline between a new terminal in Laredo, Texas, and the existing Nuevo Laredo Terminal in Tamaulipas, Mexico.

The Department prepared the Final EA consistent with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. Section 4321, *et seq.*), the regulations of the Council on Environmental Quality (CEQ) (40 CFR parts 1500–1508), and the Department's implementing regulations (22 CFR part 161). The Draft EA and Preliminary FONSI were available for a 30-day public review that ended on November 17, 2017. The Department has determined the proposed action would not result in significant impacts on the environment and therefore the preparation of an Environmental Impact Statement is not required. The FONSI is not a decision on the Presidential permit application. In accordance with E.O. 13337, the Secretary of State or his delegate will make a determination as to whether issuance of a Presidential permit for Borrego Crossing Pipeline, LLC (Borrego), a subsidiary of Howard Midstream Energy Partners, LLC, proposed cross-border pipeline facilities project would serve the national interest.

Robert Wing,

Acting Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2018–00472 Filed 1–11–18; 8:45 am]

BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36163]

Elkhart & Western Railroad Co.—Acquisition and Operation Exemption—Line of CSX Transportation, Inc. Between Monon and Monticello, in White County, Ind.

Elkhart & Western Railroad Co. (EWR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate 9.58 miles of rail line owned by CSX Transportation, Inc. (CSXT) between Monon, Ind., (Milepost 0QA–88.42) and Monticello, Ind., (Milepost 0QA–98.00) in White County, Ind. (the Line).

EWR states that it has reached agreement in principle with CSXT, the current owner and operator of the Line, providing for EWR to acquire, operate, maintain, and perform all common carrier service on the Line. EWR states that it will interchange with CSXT at Monon, Ind. EWR also states that the proposed acquisition and operation of the Line does not involve a provision or agreement that would limit future interchange with a third-party connecting carrier.

EWR certifies that the proposed transaction will not result in EWR becoming a Class II or Class I rail carrier and that the projected annual revenue of EWR will not exceed $5 million.

The transaction may be consummated on or after January 27, 2018, the effective date of the exemption (30 days after the verified notice was filed).

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 January 19, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. 36163, 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 Daniel A. LaKemper, Elkhart & Western Railroad Co., 1318 S. Johanson Road, Peoria, IL 61607.

According to EWR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 105.8(b).

Board decisions and notices are available on our website at *WWW.STB.GOV.*

Decided: January 8, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Rena Laws-Byrum,

Clearance Clerk.

[FR Doc. 2018–00419 Filed 1–11–18; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at December 8, 2017, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on December 8, 2017, in Annapolis, Maryland, the Commission took the following actions: (1) Approved or tabled the applications of certain water resources projects; and (2) took additional actions, as set forth in the Supplementary Information below.

DATES: December 8, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: 717–238–0423, ext. 1312; fax: 717–238–2436; *joyler@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission website at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Adoption of a resolution urging President Trump and the United State Congress to provide full funding for the national Groundwater and Streamflow Information Program, thereby supporting the Susquehanna Flood Forecast & Warning System; (2) adoption of amended Commission's By-laws and Procedures to reflect revisions to officers' duties, clarification of budget and financial procedures, and other changes in accordance with the Susquehanna River Basin Compact; (3) approval of a grant amendment and acceptance of a contribution; (4) adoption of final rules, subject to final member jurisdiction review, pertaining to the amendment of Commission regulations to codify and strengthen the Commission's Access to Records Policy.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Beech Creek Borough Authority, Beech Creek

Borough, Clinton County, Pa. Renewal of groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 2 (Docket No. 19870602).

2. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, Pa. Modification to increase surface water withdrawal by an additional 0.500 mgd (peak day), for a total surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20170302).

3. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Athens Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20131202).

4. Project Sponsor and Facility: Houtzdale Municipal Authority, Gulich Township, Clearfield County, Pa. Groundwater withdrawal of up to 1.008 mgd (30-day average) from Well 14R.

5. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek), Bald Eagle Township, Clinton County, Pa. Surface water withdrawal of up to 0.999 mgd (peak day).

6. Project Sponsor and Facility: Martinsburg Municipal Authority, North Woodbury Township, Blair County, Pa. Renewal of groundwater withdrawal of up to 0.346 mgd (30-day average) from Wineland Well 3 (Docket No. 19870304).

7. Project Sponsor and Facility: Borough of Mifflinburg, West Buffalo Township, Union County, Pa. Modification to request a reduction in the withdrawal rate of Well PW–2 from 0.554 mgd to 0.396 mgd (30-day average), and to eliminate wetlands monitoring condition (Docket No. 20141203).

8. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Choconut Creek), Choconut Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20131211).

9. Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Shavertown Operation, Dallas Township, Luzerne County, Pa. Groundwater withdrawal of up to 0.288 mgd (30-day average) from the Salla Well.

10. Project Sponsor and Facility: SWN Production Company, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20131209).

11. Project Sponsor and Facility: SWN Production Company, LLC (Lycoming Creek), McIntyre Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20131210).

12. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

13. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

14. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Brymac, Inc. dba Mountain View Country Club (Pond 3/4), Harris Township, Centre County, Pa. Application for surface water withdrawal of up to 0.240 mgd (peak day).

2. Project Sponsor and Facility: Cabot Oil & Gas Corporation (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 1.000 mgd (peak day).

3. Project Sponsor and Facility: Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, Pa. Application for renewal of groundwater withdrawal of up to 5.000 mgd (30-day average) from Maple Hill Mine Shaft Well (Docket No. 19870101).

4. Project Sponsor and Facility: Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, Pa. Application for renewal of consumptive use of up to 2.550 mgd (peak day) (Docket No. 19870101).

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: January 9, 2018.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2018–00466 Filed 1–11–18; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Notice of Inflation Adjustments for Civil Money Penalties

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of Monetary Penalties 2018.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is providing notice of its maximum civil money penalties as adjusted for inflation. The inflation adjustments are required to implement the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: The adjusted maximum amount of civil money penalties in this notice are applicable to penalties assessed on or after January 12, 2018, for conduct occurring on or after November 2, 2015.

FOR FURTHER INFORMATION CONTACT: Kevin Korzeniewski, Counsel, Legislative and Regulatory Activities Division, (202) 649–5490, or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Office of the Comptroller of the Currency.

SUPPLEMENTARY INFORMATION: This notice announces changes to the maximum amount of each civil money penalty (CMP) within the OCC's jurisdiction to administer to account for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (the 1990 Adjustment Act),[1] as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Adjustment Act).[2] Under the 1990 Adjustment Act, as amended, federal agencies must make annual adjustments to the maximum amount of each CMP the agency administers. The Office of Management and Budget (OMB) is required to issue guidance to federal agencies no later than December 15 of each year providing an inflation adjustment multiplier (*i.e.* the inflation adjustment factor agencies must use) applicable to CMPs assessed in the following year. The agencies are required to publish their CMPs, adjusted pursuant to the multiplier provided by OMB, by January 15 of the applicable year.

To the extent an agency has codified a CMP amount in its regulations, the agency would need to update that amount by regulation. However, if an agency has codified the formula for making the CMP adjustments, then subsequent adjustments can be made solely by notice.[3] Contemporaneous with this notice, the OCC also submitted for publication a final regulation to remove the now-outdated CMP amounts

[1] Public Law 101–410, Oct. 5, 1990, 104 Stat. 890, *codified at* 28 U.S.C. 2461 note.

[2] Public Law 114–74, Title VII, section 701(b), Nov. 2, 2015, 129 Stat. 599, *codified at* 28 U.S.C. 2461 note.

[3] See OMB Memorandum M–18–03, ''Implementation of the 2018 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,'' at 4, which permits agencies that have codified the formula to adjust CMPs for inflation to update the penalties through a notice rather than a regulation.

from its regulations, while updating those amounts for inflation through this notice.

On December 15, 2017, the OMB issued guidance to affected agencies on implementing the required annual adjustment, which included the relevant inflation multiplier. The OCC has applied that multiplier to the maximum CMPs allowable in 2017 for national banks and federal savings associations in 12 CFR 19.240(c) and 109.103(c), respectively, to calculate the maximum amount of CMPs that may be assessed by the OCC in 2018.[4]

The following charts provide the inflation-adjusted CMPs for use beginning on January 12, 2018, pursuant to 12 CFR 19.240(c) and 109.103(c) for conduct occurring on or after November 2, 2015:

PENALTIES APPLICABLE TO NATIONAL BANKS

U.S. Code citation	Description and tier (if applicable)	Maximum penalty amount (in Dollars) [1]
12 U.S.C. 93(b)	Violation of Various Provisions of the National Bank Act:	
	Tier 1	9,819
	Tier 2	49,096
	Tier 3	[2] 1,963,870
12 U.S.C. 164	Violation of Reporting Requirements:	
	Tier 1	3,928
	Tier 2	39,278
	Tier 3	[2] 1,963,870
12 U.S.C. 481	Refusal of Affiliate to Cooperate in Examination	9,819
12 U.S.C. 504	Violation of Various Provisions of the Federal Reserve Act:	
	Tier 1	9,819
	Tier 2	49,096
	Tier 3	[2] 1,963,870
12 U.S.C. 1817(j)(16)	Violation of Change in Bank Control Act:	
	Tier 1	9,819
	Tier 2	49,096
	Tier 3	[2] 1,963,870
12 U.S.C. 1818(i)(2) [3]	Violation of Law, Unsafe or Unsound Practice, or Breach of Fiduciary Duty:	
	Tier 1	9,819
	Tier 2	49,096
	Tier 3	[2] 1,963,870
12 U.S.C. 1820(k)(6)(A)(ii)	Violation of Post-Employment Restrictions:	
	Per violation	323,027
12 U.S.C. 1832(c)	Violation of Withdrawals by Negotiable or Transferable Instrument for Transfers to Third Parties:	
	Per violation	2,852
12 U.S.C. 1884	Violation of the Bank Protection Act	285
12 U.S.C. 1972(2)(F)	Violation of Anti-Tying Provisions regarding Correspondent Accounts, Unsafe or Unsound Practices, or Breach of Fiduciary Duty:	
	Tier 1	9,819
	Tier 2	49,096
	Tier 3	[2] 1,963,870
12 U.S.C. 3110(a)	Violation of Various Provisions of the International Banking Act (Federal Branches and Agencies)	44,881
12 U.S.C. 3110(c)	Violation of Reporting Requirements of the International Banking Act (Federal Branches and Agencies):	
	Tier 1	3,591
	Tier 2	35,904
	Tier 3	[2] 1,795,216
12 U.S.C. 3909(d)(1)	Violation of International Lending Supervision Act	2,443
15 U.S.C. 78u–2(b)	Violation of Various Provisions of the Securities Act, the Securities Exchange Act, the Investment Company Act, or the Investment Advisers Act:	
	Tier 1 (natural person)—Per violation	9,239
	Tier 1 (other person)—Per violation	92,383
	Tier 2 (natural person)—Per violation	92,383
	Tier 2 (other person)—Per violation	461,916
	Tier 3 (natural person)—Per violation	184,767
	Tier 3 (other person)—Per violation	923,831
15 U.S.C. 1639e(k)	Violation of Appraisal Independence Requirements:	
	First violation	11,279
	Subsequent violations	22,556
42 U.S.C. 4012a(f)(5)	Flood Insurance:	
	Per violation	2,133

[1] The maximum penalty amount is per day, unless otherwise indicated.
[2] The maximum penalty amount for a national bank is the lesser of this amount or 1 percent of total assets.
[3] These amounts also apply to CMPs in statutes that cross-reference 12 U.S.C. 1818, such as 12 U.S.C. 2804, 3108, 3349, 4309, and 4717 and 15 U.S.C. 1607, 1693o, 1681s, 1691c, and 1692*l*.

[4] Penalties assessed for violations occurring prior to November 2, 2015, will be subject to the maximum amounts set forth in the OCC's regulations in effect prior to the enactment of the 2015 Adjustment Act.

PENALTIES APPLICABLE TO FEDERAL SAVINGS ASSOCIATIONS

U.S. Code citation	CMP Description	Maximum penalty amount (in Dollars) [1]
12 U.S.C. 1464(v)	Reports of Condition:	
	1st Tier	3,928
	2nd Tier	39,278
	3rd Tier	[2] 1,963,870
12 U.S.C. 1467(d)	Refusal of Affiliate to Cooperate in Examination	9,819
12 U.S.C. 1467a(r)	Late/Inaccurate Reports:	
	1st Tier	3,928
	2nd Tier	39,278
	3rd Tier	[2] 1,963,870
12 U.S.C. 1817(j)(16)	Violation of Change in Bank Control Act:	
	Tier 1	9,819
	Tier 2	49,096
	Tier 3	[2] 1,963,870
12 U.S.C. 1818(i)(2) [3]	Violation of Law, Unsafe or Unsound Practice, or Breach of Fiduciary Duty:	
	Tier 1	9,819
	Tier 2	49,096
	Tier 3	[2] 1,963,870
12 U.S.C. 1820(k)(6)(A)(ii)	Violation of Post-Employment Restrictions:	
	Per violation	323,027
12 U.S.C. 1832(c)	Violation of Withdrawals by Negotiable or Transferable Instruments for Transfers to Third Parties: Per violation.	2,593
12 U.S.C. 1884	Violation of the Bank Protection Act	285
12 U.S.C. 1972(2)(F)	Violation of Provisions regarding Correspondent Accounts, Unsafe or Unsound Practices, or Breach of Fiduciary Duty:	
	Tier 1	9,819
	Tier 2	49,096
	Tier 3	[2] 1,963,870
15 U.S.C. 78u–2(b)	Violations of Various Provisions of the Securities Act, the Securities Exchange Act, the Investment Company Act, or the Investment Advisers Act:	
	1st Tier (natural person)—Per violation	9,239
	1st Tier (other person)—Per violation	92,383
	2nd Tier (natural person)—Per violation	92,383
	2nd Tier (other person)—Per violation	461,916
	3rd Tier (natural person)—Per violation	184,767
	3rd Tier (other person)—Per violation	923,831
15 U.S.C. 1639e(k)	Violation of Appraisal Independence Requirements:	
	First violation	11,279
	Subsequent violations	22,556
42 U.S.C. 4012a(f)(5)	Flood Insurance:	
	Per violation	2,133

[1] The maximum penalty amount is per day, unless otherwise indicated.
[2] The maximum penalty amount for a federal savings association is the lesser of this amount or 1 percent of total assets.
[3] These amounts also apply to statutes that cross-reference 12 U.S.C. 1818, such as 12 U.S.C. 2804, 3108, 3349, 4309, and 4717 and 15 U.S.C. 1607, 1681s, 1691c, and 1692*l*.

Dated: January 9, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2018–00521 Filed 1–11–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before February 12, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).

OMB Control Number: 1545–1354.

Type of Review: Extension without change of a currently approved collection.

Abstract: Revenue Procedure 2010–19 provides guidance for individuals who emigrate from Canada and wish to make an election for U.S. federal income tax purposes. Form 8833 is used by taxpayers to make the treaty-based return position disclosure required by section 6114. The form must also be used by dual-resident taxpayers to make the treaty-based return position disclosure required by Regulations section 301.7701(b)–7.

Form: 8833.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 25,740.

Title: T.D. 8743, Sale of Residence from Qualified Personal Residence Trust.

OMB Control Number: 1545–1485.

Type of Review: Extension without change of a currently approved collection.

Abstract: This document contains previously approved final regulations permitting the reformation of a personal residence trust or a qualified personal residence trust in order to comply with the applicable requirements for such trusts. The final regulations also provide that the governing instruments of such trusts must prohibit the sale of a residence held in the trust to the grantor of the trust, the grantor's spouse, or an entity controlled by the grantor or the grantor's spouse.

Form: None.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 625.

Title: TD 8684—Treatment of Gain From the Disposition of Interest in Certain Natural Resource Recapture Property by S Corporations and Their Shareholders.

OMB Control Number: 1545–1493.

Type of Review: Extension without change of a currently approved collection.

Abstract: This regulation prescribes rules under Code section 1254 relating to the treatment by S corporations and their shareholders of gain from the disposition of natural resource recapture property and from the sale or exchange of S corporation stock. Section 1.1254(c)(2) of the regulation provides that gain recognized on the sale or exchange of S corporation stock is not treated as ordinary income if the shareholder attaches a statement to his or her return containing information establishing that the gain is not attributable to section 1254 costs.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1,000.

Title: Rev. Proc. 99–21 Disability Suspension.

OMB Control Number: 1545–1649.

Type of Review: Extension without change of a currently approved collection.

Abstract: The information is needed to establish a claim that a taxpayer was financially disabled for purposes of section 6511(h) of the Internal Revenue Code (which was added by section 3203 of the Internal Revenue Service Restructuring and Reform Act of 1998). Under section 6511(h), the statute of limitations on claims for credit or refund is suspended for any period of an individual taxpayer's life during which the taxpayer is unable to manage his or her financial affairs because of a medically determinable mental or physical impairment, if the impairment can be expected to result in death, or has lasted (or can be expected to last) for a continuous period of not less than 12 months. Section 6511(h)(2)(A) requires that proof of the taxpayer's financial disability be furnished to the Internal Revenue Service.

Form: None.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 24,100.

Title: Continuation Sheet for Item # 15 (Additional Information) OF–306, Declaration for Federal Employment.

OMB Control Number: 1545–1921.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 12114 is used by recruitment personnel of the Covington Host Site. This form is provided to applicants when completing OF 306, Declaration for Federal Employment. It is used as a continuation sheet to clearly define additional information that is requested in item 15 of the OF 306. Due to lack of space on the OF 306 this form can be used in lieu of an additional sheet of paper. The authority to request this information is in 5 U.S.C. 3301 and 3304.

Form: 12114.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 6,203.

Title: Form 8879–EX, IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

OMB Control Number: 1545–2081.

Type of Review: Reinstatement without change of a previously approved collection.

Abstract: The Form 8879–EX, IRS e-file Signature Authorization for Forms 720, 2290, and 8849, will be used in the Modernized e-File program. Form 8879–EX authorizes an a taxpayer and an electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign an electronic excise tax return and, if applicable, authorize an electronic funds withdrawal.

Form: 8879–EX.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 46,800.

Title: Election to Expense Certain Refineries.

OMB Control Number: 1545–2103.

Type of Review: Extension without change of a currently approved collection.

Abstract: The regulations provide guidance with respect to section 179C of the Internal Revenue Code, which provides a taxpayer can elect to treat 50% of the cost of ''qualified refinery property'' as a deductible expense not chargeable to capital account. The taxpayer makes an election under section 179C by entering the amount of the deduction at the appropriate place on the taxpayer's timely filed original federal income tax return for the taxable year in which the qualified refinery property is placed in service and by attaching a report specifying (a) the name and address of the refinery and (b) the production capacity requirement under which the refinery qualifies.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 120.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: January 8, 2018.

Spencer Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018–00416 Filed 1–11–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, 10(a)(2), that a meeting will be held at the Hay-Adams Hotel,

16th Street and Pennsylvania Avenue NW, Washington, DC, on January 30, 2018 at 9:30 a.m. of the following debt management advisory committee: Treasury Borrowing Advisory Committee of The Securities Industry and Financial Markets Association.

The agenda for the meeting provides for a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues and conduct a working session. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, 10(d) and Public Law 103–202, 202(c)(1)(B)(31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, 10(d) and vested in me by Treasury Department Order No. 101–05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to Public Law 103–202, 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

Treasury staff will provide a technical briefing to the press on the day before the Committee meeting, following the release of a statement of economic conditions and financing estimates. This briefing will give the press an opportunity to ask questions about financing projections. The day after the Committee meeting, Treasury will release the minutes of the meeting, any charts that were discussed at the meeting, and the Committee's report to the Secretary.

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Fred Pietrangeli, Director for Office of Debt Management (202) 622–1876.

Dated: January 8, 2018.

Fred Pietrangeli,

Director for Office of Debt Management.

[FR Doc. 2018–00384 Filed 1–11–18; 8:45 am]

BILLING CODE 4810–25–M

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC, on January 25, 2018 on ''China's Belt and Road Initiative: Five Years Later.''

DATES: The hearing is scheduled for Thursday, January 25, 2018 from 9:30 a.m. to 3:15 p.m.

ADDRESSES: TBD, Washington, DC. A detailed agenda for the hearing will be posted on the Commission's website at *www.uscc.gov.* Also, please check the Commission's website for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *ltisdale@uscc.gov. Reservations are not required to attend the hearing.*

SUPPLEMENTARY INFORMATION:

Background: This is the first public hearing the Commission will hold during its 2018 report cycle. This hearing will assess the status of China's Belt and Road initiative five years on, focusing on its economic, military, and geostrategic drivers and implications, as well as regional reactions and competing visions. The hearing will also explore how China's Belt and Road initiative impacts U.S. economic and national security interests. The hearing will be co-chaired by Commissioners Dennis Shea and Katherine Tobin. Any interested party may file a written statement by January 25, 2018, by mailing to the contact above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Date: January 9, 2018.

Kathleen Wilson,

Finance and Operations Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2018–00464 Filed 1–11–18; 8:45 am]

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Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2017

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2017

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: Publication of the Unified Agenda of Regulatory and Deregulatory Actions and the Regulatory Plan represent key components of the regulatory planning mechanism prescribed in Executive Order 12866, ''Regulatory Planning and Review,'' Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' January 30, 2017, and Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' February 24, 2017. The fall editions of the Unified Agenda include the agency regulatory plans required by E.O. 12866, which identify regulatory priorities and provide additional detail about the most important significant regulatory actions that agencies expect to take in the coming year.

In addition, the Regulatory Flexibility Act requires that agencies publish semiannual ''regulatory flexibility agendas'' describing regulatory actions they are developing that will have significant effects on small businesses and other small entities (5 U.S.C. 602).

The Unified Agenda of Regulatory and Deregulatory Actions (Unified Agenda), published in the fall and spring, helps agencies fulfill all of these requirements. All federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The complete Unified Agenda and Regulatory Plan can be found online at *http://www.reginfo.gov* and a reduced print version can be found in the **Federal Register**. Information regarding obtaining printed copies can also be found on the *Reginfo.gov* website (or below, VI. How Can Users Get Copies of the Plan and the Agenda?).

The fall 2017 Unified Agenda publication appearing in the **Federal Register** includes the Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

The complete fall 2017 Unified Agenda contains the Regulatory Plans of 30 Federal agencies and 60 Federal agency regulatory agendas.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW, 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), U.S. General Services Administration, 1800 F Street NW, 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *risc@gsa.gov*.

SUPPLEMENTARY INFORMATION:

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Introduction to the Fall 2017 Regulatory Plan

AGENCY REGULATORY PLANS

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury
Department of Veterans Affairs

Other Executive Agencies

Architectural and Transportation Barriers Compliance Board
Environmental Protection Agency
Equal Employment Opportunity Commission
General Services Administration
National Aeronautics and Space Administration
National Archives and Records Administration
Office of Personnel Management
Pension Benefit Guaranty Corporation
Small Business Administration
Social Security Administration

Independent Regulatory Agencies

Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Trade Commission
National Indian Gaming Commission
Nuclear Regulatory Commission

AGENCY REGULATORY FLEXIBILITY AGENDAS

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury

Other Executive Agencies

Architectural and Transportation Barriers Compliance Board
Environmental Protection Agency
General Services Administration
Small Business Administration

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

Independent Regulatory Agencies

Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Communications Commission
Federal Reserve System
Nuclear Regulatory Commission
Securities and Exchange Commission
Surface Transportation Board

INTRODUCTION TO THE REGULATORY PLAN AND THE UNIFIED AGENDA OF FEDERAL REGULATORY AND DEREGULATORY ACTIONS

I. What are the Regulatory Plan and the Unified Agenda?

The Regulatory Plan serves as a defining statement of the Administration's regulatory and deregulatory policies and priorities. The Plan is part of the fall edition of the Unified Agenda. Each participating agency's regulatory plan contains: (1) A narrative statement of the agency's regulatory and deregulatory priorities, and, for the most part, (2) a description of the most important significant regulatory and deregulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year. This edition includes the regulatory plans of 30 agencies.

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at *http://www.reginfo.gov*. The online Unified Agenda offers flexible search tools and access to the historic Unified Agenda database to1995. The complete online edition of the Unified Agenda includes regulatory agendas from 67 Federal agencies. Agencies of the United States Congress are not included.

The fall 2017 Unified Agenda publication appearing in the **Federal Register** consists of The Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://www.reginfo.gov*.

The following agencies have no entries for inclusion in the printed regulatory flexibility agenda. An asterisk (*) indicates agencies that appear in The Regulatory Plan. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov*.

Cabinet Departments

Department of State
Department of Veterans Affairs *

Other Executive Agencies

Agency for International Development
American Battle Monuments Commission
Commission on Civil Rights
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service
Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission *
Institute of Museum and Library Services
National Aeronautics and Space Administration *
National Archives and Records Administration *
National Endowment for the Arts
National Endowment for the Humanities
National Mediation Board
National Science Foundation
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management *
Office of the United States Trade Representative
Peace Corps
Pension Benefit Guaranty Corporation
Presidio Trust
Privacy and Civil Liberties Oversight Board
Railroad Retirement Board
Social Security Administration *
Tennessee Valley Authority

Independent Agencies

Council of the Inspectors General on Integrity and Efficiency
Defense Nuclear Facilities Safety Board
Farm Credit Administration
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission *
National Credit Union Administration
National Indian Gaming Commission *
National Labor Relations Board
National Transportation Safety Board
Postal Regulatory Commission
Special Inspector General for Afghanistan Reconstruction

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Regulatory Plan and Unified Agenda do not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why Are the Regulatory Plan and the Unified Agenda Published?

The Regulatory Plan and the Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866, ''Regulatory Planning and Review,'' September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13771

Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' January 30, 2017 (82 FR 9339) requires each agency to identify for elimination two prior regulations for every one new regulation issued, and the cost of planned regulations be

prudently managed and controlled through a budgeting process.

Executive Order 13777

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' February 24, 2017 (82 FR 12285) requires each agency to designate an agency official as its Regulatory Reform Officer (RRO). Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. The Executive Order also directs that each agency designate a regulatory Reform Task Force.

Executive Order 13563

Executive Order 13563, ''Improving Regulation and Regulatory Review,'' January 18, 2011 (76 FR 3821) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles of regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis of existing regulations.

Executive Order 13132

Executive Order 13132, ''Federalism,'' August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any 1 year.'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How Are the Regulatory Plan and the Unified Agenda Organized?

The Regulatory Plan appears in part II in a daily edition of the **Federal Register**. The Plan is a single document beginning with an introduction, followed by a table of contents, followed by each agency's section of the Plan. Following the Plan in the **Federal Register**, as separate parts, are the regulatory flexibility agendas for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The sections of the Plan and the parts of the Unified Agenda are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority (Agenda only); and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each printed agency agenda has a table of contents listing the agency's printed entries that follow. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

Each agency's section of the Plan contains a narrative statement of regulatory priorities and, for most agencies, a description of the agency's most important significant regulatory and deregulatory actions. Each agency's part of the Agenda contains a preamble providing information specific to that agency plus descriptions of the agency's regulatory and deregulatory actions.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies' agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—Actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed

Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—Actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—Actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—Items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—Actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on *http://reginfo.gov* to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the **Federal Register** Thesaurus of Indexing Terms. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—A brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—An indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts, but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—Whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—The section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—The section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—Whether the action is subject to a statutory or judicial deadline, the date of that deadline, and

whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—A brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—Whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—The types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—Whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—Whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—Whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—Whether the rulemaking was included in the agency's current regulatory plan published in fall 2015.

Agency Contact—The name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—The internet address of a site that provides more information about the entry.

Public Comment URL—The internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the Governmentwide e-rulemaking site, *http://www.regulations.gov*.

Additional Information—Any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—The estimated gross compliance cost of the action.

Affected Sectors—The industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—An indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—One or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Statement of Need—A description of the need for the regulatory action.

Summary of the Legal Basis—A description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—A description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—A description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—A description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

E.O.—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

☐ *NPRM*—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum: A statement of the time, place, and nature of the public rulemaking proceeding;

☐ A reference to the legal authority under which the rule is proposed; and either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated.

Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Public Law 112–4 is the fourth public law of the 112th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Regulatory Plan and the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Regulatory Plan and the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the Plan and the Agenda?

Copies of the **Federal Register** issue containing the printed edition of The Regulatory Plan and the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at *http://reginfo.gov,* along with flexible search tools.

The Government Printing Office's GPO FDsys website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.fdsys.gov*.

Dated: November 29, 2017.

John C. Thomas,

Executive Director.

Introduction to the Fall 2017 Regulatory Plan

Following statutory directions, the Executive Branch implements many federal policies through regulatory action in areas as diverse as homeland security, environmental protection, energy policy, transportation, federal land management, education, and commerce. Over many decades, federal agencies have imposed countless regulatory requirements on individuals, businesses, landowners, and state and local governments. Some of these regulations serve important public purposes. Other regulations, however, are outdated, duplicative, or unnecessary, yet they continue to impose costly burdens. President Trump has committed to reducing the regulatory burden on the American public in order to promote economic growth, job creation, and innovation.

This Fall 2017 Regulatory Plan reflects a fundamental shift. The Trump Administration recognizes that excessive and unnecessary federal regulations limit individual freedom and suppress the innovation and entrepreneurship that make America great. Starting with confidence in private markets and individual choices, this Administration is reassessing existing regulatory burdens. In the 2017 Plan, Agencies have identified regulatory actions ripe for reform and are working to eliminate or modify them. This Administration also approaches the imposition of new regulatory requirements with caution to ensure that regulations are consistent with law, necessary to correct a substantial market failure, and net beneficial to the public. Furthermore, the Plan, along with the Unified Agenda of Regulatory and Deregulatory Actions (''Agenda''), identifies the Administration's priorities in manner that is transparent and accessible to the public.

Our regulatory philosophy and approach emphasize the connection between limited government intervention and individual liberty. Regulatory policy should serve the American people by staying within legal limits and administering the law with respect for due process and fair notice. The 2017 Plan sets forth the Administration's roadmap for a more limited, effective, and accountable regulatory policy.

Federal Regulatory Policy

The 2017 Plan both sets a new direction in regulatory policy and preserves many longstanding regulatory best practices. Stressing that ''it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations,'' President Trump directed all federal agencies to eliminate two regulations for each new one implemented and to reduce new regulatory costs to zero in Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs,'' January 30, 2017). He also created regulatory reform officers and regulatory reform taskforces in each agency in Executive Order 13777 (''Enforcing the Regulatory Reform Agenda,'' February 24, 2017). Within the Office of Management and Budget, the Office of Information and Regulatory Affairs (''OIRA'') implements federal regulatory policy and has led efforts to implement these presidential directives, working with agencies to identify deregulatory actions and eliminate regulatory burdens.

OIRA also continues to respect and pursue longstanding principles and practices of centralized regulatory review. These principles, set out in President Clinton's Executive Order 12866, emphasize that agencies should regulate only when necessary, when consistent with law, and in a manner that produces real net benefits for the American people. The Administration also takes seriously retrospective review and the imperative to evaluate the actual costs and benefits of existing regulations. The President's two-for-one directive and the creation of a regulatory cap requires that agencies eliminate unnecessary or excessively burdensome rules as part of their regulatory planning.

OIRA works with agencies to promote sound science and economic analysis. Agencies should develop improved regulatory impact analyses of the costs and benefits of their actions, relying on reasonable assumptions and public input. In some instances, analysis will require revisiting previous regulatory impact assessments to ensure that they

reflect the best possible estimate of costs and benefits. Moving forward, it requires rigor and fairness in assessing the actual impacts of new regulatory and deregulatory policies.

This Administration's regulatory philosophy also emphasizes the rule of law, including constitutional, statutory, and procedural limits on administrative action. For instance, OIRA requires agencies to indicate the legal authority for regulatory actions, whether from a statute or judicial order. We look closely at planned regulatory and deregulatory actions to ensure that they follow the law and the correct administrative procedures.

Moreover, the Administration has reinforced the importance of fair notice and due process. In particular, this means agencies should closely examine their use of sub-regulatory actions, such as guidance documents, enforcement manuals, interpretive rules, ''FAQs,'' and the like. Such documents can serve an important role in explaining existing statutory or regulatory requirements; however, they should not be used to impose new or additional legal obligations or requirements. Accordingly, this Administration has encouraged agencies to take a close look at existing guidance documents to assess whether some of them should be withdrawn or modified, or whether their requirements should go through a process of notice and comment rulemaking. Limiting guidance to its intended purpose of clarifying existing law rather than making new law will provide greater transparency about the regulatory process and ensure that regulated entities and the public have notice and an opportunity to comment on significant changes in regulatory requirements.

These specific policies rest on foundational principles of the proper role of the Executive Branch in our constitutional system of separation of powers. Agencies should administer the law found in statutes, not make new law, and they should respect the judicial role in enforcing limits on administrative power. Moreover, faithful execution of the laws requires the Administration be directly accountable for its regulatory policies and ensure that regulations and their enforcement benefit the American people.

2018 Regulatory Priorities

Reducing regulatory burdens. One of the primary priorities reflected in the 2017 Regulatory Plan is the reduction of regulatory burdens. Accordingly, in 2018, across the Administration agencies anticipate eliminating and streamlining approximately three regulations for each new one imposed. Moreover, agencies are set to substantially reduce overall regulatory costs. This Regulatory Plan reflects a new direction that recognizes the costs of accumulated regulatory burdens and looks for ways to reduce those burdens by modifying or eliminating regulations; revising or eliminating guidance documents; and streamlining information collections.

Agencies have taken several approaches to identifying burdens that can be minimized or eliminated. Regulatory reform task forces have brought together political leadership and career staff to review and revise existing regulations. Agencies have sought extensive public comments, both through written submissions and public listening sessions. Other agencies have studied specific problems of overregulation and drafted comprehensive reports evaluating existing regulations. Based on extensive experience across administrations, OIRA has also worked with the agencies to identify potential areas for reform. These efforts by the agencies, in consultation with the public and OIRA, have yielded notable progress, as reflected in the agency Regulatory Plans that follow.

Efficacious new regulations. Agencies have also planned new regulatory initiatives required by law or by a compelling public need. These actions should be guided by good regulatory practices, which include regulating only when necessary, carefully studying lawful alternatives, and engaging with the public and affected parties. Moreover, when proceeding with regulations, agencies should rely on sound science and thorough cost-benefit analysis. Unless specifically required by law, agencies should regulate only when the benefits substantially outweigh the costs, and OIRA will carefully examine each proposed regulation to ensure that it is the least burdensome regulatory approach that meets the relevant statutory standards.

Transparency and public access. This Administration remains committed to transparency in the regulatory process, public access to information about regulatory policy, and public participation in proposed rules. OIRA is working with agencies to ensure that items listed on the Plan and Agenda reflect carefully considered and current policy priorities. In addition, with this Regulatory Plan and Fall Agenda, OIRA has taken a number of steps to improve transparency. For instance, we have published the ''Inactive List,'' a list of regulations agencies might pursue in the future. Although maintained for many years, the Inactive list was not previously available to the public. Publishing the Inactive List online allows the public a more complete picture of anticipated agency actions.

OIRA has also implemented enhanced categorization and online search capabilities for the Agenda, so the public can identify actions anticipated to be regulatory or deregulatory and other detailed information. We hope these enhancements will further public understanding of proposed regulatory actions and encourage participation in the regulatory process.

Conclusion

The agency plans that follow push against the inertia of steadily expanding regulatory burdens and represent this Administration's commitment to reducing regulations that no longer benefit our society. The plans also send a clear message that the public can invest and plan for the future without the looming threat of burdensome and unnecessary new regulations. OIRA looks forward to working with the agencies and all interested stakeholders to deliver meaningful regulatory reform to the American people.

Neomi Rao,
Administrator, Office of Information and Regulatory Affairs.

DEPARTMENT OF AGRICULTURE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
1	National Bioengineered Food Disclosure Standard	0581–AD54	Proposed Rule Stage.
2	NOP: Organic Livestock and Poultry Practices	0581–AD75	Proposed Rule Stage.
3	Lacey Act Implementation Plan: De Minimis Exception and Composite Articles	0579–AD44	Proposed Rule Stage.
4	National Environmental Policy Act Implementing Procedures	0579–AC60	Final Rule Stage.
5	Animal Welfare; Establishing De Minimis Exemptions From Licensing	0579–AD99	Final Rule Stage.

DEPARTMENT OF AGRICULTURE—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
6	Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements.	0584–AE53	Final Rule Stage.
7	Modernization of Swine Slaughter Inspection	0583–AD62	Proposed Rule Stage.
8	Administrative Issuances; Involving the Public in the Formulation of Forest Service Directives (Rule).	0596–AC65	Final Rule Stage.

DEPARTMENT OF COMMERCE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
9	Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys in the Gulf of Mexico.	0648–BB38	Proposed Rule Stage.
10	Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act.	0648–BG11	Proposed Rule Stage.
11	Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals.	0648–BG26	Proposed Rule Stage.
12	Commerce Trusted Trader Program	0648–BG51	Proposed Rule Stage.

DEPARTMENT OF DEFENSE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
13	Earned Value Management Applicability (DFARS Case 2015–D038)	0750–AJ10	Proposed Rule Stage.
14	Contractor Purchasing System Review Threshold (DFARS Case 2017–D038)	0750–AJ48	Proposed Rule Stage.
15	Brand Name or Equal (DFARS Case 2017–D040)	0750–AJ50	Proposed Rule Stage.
16	Amendment to Mentor-Protégé Program (DFARS Case 2016–D011)	0750–AJ05	Final Rule Stage.
17	Use of the Government Property Clause (DFARS Case 2015–D035)	0750–AJ11	Final Rule Stage.
18	Repeal of Independent Research and Development Technical Interchange (DFARS Case 2017–D041).	0750–AJ51	Final Rule Stage.
19	Establishment of TRICARE Select and Other TRICARE Reforms	0720–AB70	Final Rule Stage.

DEPARTMENT OF EDUCATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
20	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.	1870–AA14	Proposed Rule Stage.
21	Borrower Defense and Related Issues	1840–AD26	Proposed Rule Stage.
22	Program Integrity; Gainful Employment	1840–AD31	Proposed Rule Stage.

DEPARTMENT OF ENERGY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
23	Energy Conservation Standards and Definition for General Service Lamps	1904–AD09	Proposed Rule Stage.
24	Energy Conservation Standards for Residential Conventional Cooking Products	1904–AD15	Proposed Rule Stage.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage .
25	HIPAA Privacy Rule: Presumption of Good Faith of HealthCare Providers	0945–AA09	Proposed Rule Stage.
26	Health Information Technology: Interoperability and Certification Enhancements	0955–AA01	Proposed Rule Stage.
27	Certification of Opioid Treatment Programs	0930–AA27	Proposed Rule Stage.
28	Confidentiality of Substance Use Disorder Patient Records	0930–AA26	Final Rule Stage.
29	Mammography Quality Standards Act; Regulatory Amendments	0910–AH04	Proposed Rule Stage.
30	Medical Device De Novo Classification Process	0910–AH53	Proposed Rule Stage.
31	Requirement for Access or Safe Use of Certain Nonprescription Drug Products	0910–AH62	Proposed Rule Stage.
32	Medication Guides; Patient Medication Information	0910–AH68	Proposed Rule Stage.
33	Format and Content of Reports Intended to Demonstrate Substantial Equivalence	0910–AH89	Proposed Rule Stage.
34	340B Drug Pricing Program Ceiling Price and Manufacturer Civil Monetary Penalties Regulation.	0906–AB12	Proposed Rule Stage.

DEPARTMENT OF HEALTH AND HUMAN SERVICES—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage .
35	National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table.	0906–AB14	Proposed Rule Stage.
36	Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2019 (CMS–4182–P).	0938–AT08	Proposed Rule Stage.
37	Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3346–P).	0938–AT23	Proposed Rule Stage.
38	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates (CMS–1694–P).	0938–AT27	Proposed Rule Stage.
39	Requirements for Long-Term Care Facilities: Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3347–P).	0938–AT36	Proposed Rule Stage.
40	Medicaid and CHIP Managed Care (CMS–2408–P)	0938–AT40	Proposed Rule Stage.
41	Adoption and Foster Care Analysis and Reporting System	0970–AC72	Prerule Stage.
42	Head Start Service Duration Requirements	0970–AC73	Proposed Rule Stage.

DEPARTMENT OF HOMELAND SECURITY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
43	Inadmissibility and Deportability on Public Charge Grounds	1615–AA22	Proposed Rule Stage.
44	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations.	1615–AB71	Proposed Rule Stage.
45	Rescission of International Entrepreneur Rule	1615–AC04	Proposed Rule Stage.
46	EB–5 Immigrant Investor Regional Center Program	1615–AC11	Proposed Rule Stage.
47	Strengthening the H–1B Nonimmigrant Visa Classification Program	1615–AC13	Proposed Rule Stage.
48	Removing H–4 Dependent Spouses from the Class of Aliens Eligible for Employment Authorization.	1615–AC15	Proposed Rule Stage.
49	EB–5 Immigrant Investor Program Modernization	1615–AC07	Final Rule Stage.
50	Air Cargo Advance Screening (ACAS)	1651–AB04	Final Rule Stage.
51	Collection of Biometric Data Upon Entry to and Exit From the United States	1651–AB12	Final Rule Stage.
52	Implementation of the Electronic System for Travel Authorization (ESTA) at U.S. Land Borders—Automation of CBP Form I–94W.	1651–AB14	Final Rule Stage.
53	Vetting of Certain Surface Transportation Employees	1652–AA69	Proposed Rule Stage.
54	Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA).	1652–AA70	Proposed Rule Stage.
55	Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees.	1652–AA35	Final Rule Stage.
56	Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations.	1652–AA49	Final Rule Stage.
57	Security Training for Surface Transportation Employees	1652–AA55	Final Rule Stage.
58	Adjusting Program Fees for the Student and Exchange Visitor Program	1653–AA74	Proposed Rule Stage.
59	Apprehension, Processing, Care and Custody of Alien Minors	1653–AA75	Proposed Rule Stage.
60	Practical Training Reform	1653–AA76	Proposed Rule Stage.
61	Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster.	1660–AA83	Final Rule Stage.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
62	Project Approval for Single Family Condominium (FR–5715)	2502–AJ30	Final Rule Stage.
63	Housing Opportunity Through Modernization Act of 2016 (FR–6057)	2577–AD03	Proposed Rule Stage.

DEPARTMENT OF THE INTERIOR

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
64	Rescission of the 2015 BLM Hydraulic Fracturing Rule	1004–AE52	Final Rule Stage.

DEPARTMENT OF JUSTICE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
65	Public Safety Officers' Benefits Program Regulations	1121–AA85	Final Rule Stage.

DEPARTMENT OF LABOR

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
66	Request for Information Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees.	1235–AA20	Proposed Rule Stage.
67	Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations.	1205–AB85	Proposed Rule Stage.
68	Tracking of Workplace Injuries and Illnesses	1218–AD17	Proposed Rule Stage.
69	Occupational Exposure to Beryllium	1218–AB76	Final Rule Stage.
70	Standards Improvement Project IV	1218–AC67	Final Rule Stage.

DEPARTMENT OF TRANSPORTATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
71	Pilot Records Database (HR 5900)	2120–AK31	Proposed Rule Stage.
72	Orbital Debris Mitigation Methods for Launch Vehicle Upper Stages (Orbital Debris).	2120–AK81	Proposed Rule Stage.
73	Operations of Small Unmanned Aircraft Over People	2120–AK85	Proposed Rule Stage.
74	Pilot Professional Development	2120–AJ87	Final Rule Stage.
75	Transport Airplane Fuel Tank and System Lightning Protection	2120–AK24	Final Rule Stage.
76	Registration and Marking Requirements for Small Unmanned Aircraft	2120–AK82	Final Rule Stage.
77	Rear Seat Belt Reminder System	2127–AL37	Proposed Rule Stage.
78	Passenger Car and Light Truck Corporate Average Fuel Economy Standards MYs 2022–2025.	2127–AL76	Proposed Rule Stage.
79	Passenger Equipment Safety Standards Amendments	2130–AC46	Final Rule Stage.
80	Private Investment Project Procedures	2132–AB27	Proposed Rule Stage.
81	Public Transportation Agency Safety Plans	2132–AB23	Final Rule Stage.
82	Pipeline Safety: Class Location Requirements	2137–AF29	Prerule Stage.
83	Pipeline Safety: Safety of Hazardous Liquid Pipelines	2137–AE66	Final Rule Stage.
84	Pipeline Safety: Gas Transmission	2137–AE72	Final Rule Stage.
85	Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains.	2137–AF08	Final Rule Stage.
86	Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft.	2137–AF20	Final Rule Stage.

DEPARTMENT OF VETERANS AFFAIRS

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
87	Prosthetic and Rehabilitative Items and Services	2900–AP46	Proposed Rule Stage.
88	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V005, Parts 812 and 813).	2900–AP58	Proposed Rule Stage.
89	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V004, Parts 811 and 832).	2900–AP81	Proposed Rule Stage.
90	Beneficiary Travel	2900–AP89	Proposed Rule Stage.
91	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2015–V010).	2900–AQ02	Proposed Rule Stage.
92	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principle (VAAR Case 2016–V002, Parts 829, 846 and 847).	2900–AQ04	Proposed Rule Stage.
93	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principle (VAAR Case 2016–V003, Parts 844 and 845).	2900–AQ05	Proposed Rule Stage.
94	Authority of Health Care Providers to Practice Telehealth	2900–AQ06	Proposed Rule Stage.
95	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V008).	2900–AQ18	Proposed Rule Stage.
96	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V006).	2900–AQ19	Proposed Rule Stage.
97	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2015–V011).	2900–AQ20	Proposed Rule Stage.
98	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2015–V012).	2900–AQ21	Proposed Rule Stage.
99	Per Diem Paid to States for Care of Eligible Veterans in State Homes	2900–AO88	Final Rule Stage.

DEPARTMENT OF VETERANS AFFAIRS—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
100	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V001, Parts 803, 814 and 822).	2900–AP50	Final Rule Stage.
101	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V002, Parts 816 and 828).	2900–AP82	Final Rule Stage.
102	Reimbursement for Emergency Treatment	2900–AQ08	Final Rule Stage.

ENVIRONMENTAL PROTECTION AGENCY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
103	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units.	2060–AT67	Prerule Stage.
104	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration.	2060–AT54	Proposed Rule Stage.
105	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements.	2070–AK37	Proposed Rule Stage.
106	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements.	2070–AK43	Proposed Rule Stage.
107	Clean Water Act Hazardous Substances Spill Prevention	2050–AG87	Proposed Rule Stage.
108	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Remand Rule.	2050–AG88	Proposed Rule Stage.
109	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments.	2050–AG95	Proposed Rule Stage.
110	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions.	2040–AF15	Proposed Rule Stage.
111	Second Action: Definition of 'Waters of the United States'	2040–AF75	Proposed Rule Stage.
112	Renewable Fuel Volume Standards for 2018 and Biomass Based Diesel Volume (BBD) for 2019.	2060–AT04	Final Rule Stage.
113	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units.	2060–AT55	Final Rule Stage.
114	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry.	2050–AG61	Final Rule Stage.
115	Definition of "Waters of the United States"—Recodification of Pre-existing Rule	2040–AF74	Final Rule Stage.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
116	Federal Sector Equal Employment Opportunity Process	3046–AB00	Proposed Rule Stage.
117	Amendments to Regulations Under the Americans With Disabilities Act	3046–AB10	Proposed Rule Stage.
118	Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008.	3046–AB11	Proposed Rule Stage.

SMALL BUSINESS ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
119	SBA Express Loan Program; Export Express Program	3245–AG74	Proposed Rule Stage.
120	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification.	3245–AG75	Proposed Rule Stage.
121	Office of Women's Business Ownership: Women's Business Center Program	3245–AG02	Final Rule Stage.

SOCIAL SECURITY ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
122	Investigative Policies for Organizational Representative Payees	0960–AH79	Prerule Stage.
123	Revised Medical Criteria for Evaluating Musculoskeletal Disorders (3318P)	0960–AG38	Proposed Rule Stage.
124	Update to the Comprehensive Medical Listings—Revised Medical Criteria for Evaluating Digestive Disorders, Cardiovascular Disorders, and Skin Disorders.	0960–AG65	Proposed Rule Stage.
125	Minimum Monthly Withholding Amount for Recovery of Title II Benefit Overpayments (3752P).	0960–AH42	Proposed Rule Stage.
126	Removing Ability to Communicate in English as a Vocational Factor	0960–AH86	Proposed Rule Stage.
127	Use of Electronic Payroll Data To Improve Program Administration	0960–AH88	Proposed Rule Stage.

SOCIAL SECURITY ADMINISTRATION—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
128	Newer and Stronger Penalties (Conforming Changes)	0960–AH91	Proposed Rule Stage.
129	Privacy Act Exemption: Personnel Security and Suitability Program Files	0960–AH97	Proposed Rule Stage.
130	References to Social Security and Medicare in Electronic Communications	0960–AI04	Proposed Rule Stage.
131	Availability of Information and Records to the Public	0960–AI07	Proposed Rule Stage.
132	Privacy Act Exemption: Social Security Administration Violence and Reporting System (SSAvers).	0960–AI08	Proposed Rule Stage.
133	Redeterminations When There is a Reason To Believe Fraud or Similar Fault Was Involved in an Individual's Application for Benefits.	0960–AI10	Proposed Rule Stage.
134	Changes to the Requirements for Claimant Representation	0960–AI22	Proposed Rule Stage.
135	Making Permanent the Attorney Advisor Program	0960–AI23	Final Rule Stage.

DOD/GSA/NASA (FAR)

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
136	Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance.	9000–AN62	Proposed Rule Stage.

NATIONAL INDIAN GAMING COMMISSION

Sequence no.	Title	Regulation identifier no.	Rulemaking stage
137	Class II Minimum Internal Control Standards	3141–AA60	Proposed Rule Stage.
138	Minimum Internal Control Standards	3141–AA55	Final Rule Stage.

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DEPARTMENT OF AGRICULTURE

Fall 2017 Statement of Regulatory Priorities

Regulatory reform is one of the cornerstones of the Department of Agriculture's (USDA) strategy for creating a culture of consistent, efficient service to our customers, while reducing burdens and improving efficiency. USDA's regulatory reform efforts, combined with other reform efforts, will make it easier to invest, produce, and build in rural America, which will lead to the creation of jobs and enhanced economic prosperity. To achieve results, USDA is guided by the following comprehensive set of priorities through which the Department, its employees, and external partners will work to identify and eliminate regulatory and administrative barriers and improve business processes to enhance program delivery and reduce burdens on program participants. These priorities include:

➢ *Agricultural and Rural Prosperity Task Force:* Executive Order 13790—Promoting Agriculture and Rural Prosperity in America established the inter-Departmental Task Force chaired by Secretary Perdue to identify opportunities for the Federal government to work more effectively together for the benefit of rural Americans. The Task Force is examining barriers to economic prosperity in rural America and how innovation, infrastructure, and technology can assist agriculture and help rural communities thrive. The Task Force is examining regulations across the Federal government to identify obsolete, inefficient, or unnecessary regulations that impede economic growth.

➢ *Regulatory Reform Task Force (RRTF):* In response to Executive Order 13777—Enforcing the Regulatory Reform Agenda and Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs, which set forth expectations for reducing the regulatory burden on the public, the Department has established an internal RRTF to identify outdated regulations for elimination and administrative processes for streamlining. The USDA RRTF is comprised of senior agency managers representing all the major missions of the Department. USDA is also soliciting public comments on recommended reforms through July 2018.

➢ *Farm Bill Reform:* As the 2014 Farm Bill will soon expire, the Department is evaluating past practices to identify opportunities for policy and technical improvements, and to make research available so Congress can make facts-based, data-driven decisions to ensure a robust agricultural economy and increased opportunities in rural areas. Reauthorization of the Farm Bill provides an opportunity to introduce program reforms to eliminate obsolete and underperforming programs, simplify the administration of programs, and improve program outcomes.

➢ *Organizational Reform:* To ensure that USDA's programs, agencies, and offices best serve the Department's customers, USDA is implementing organizational changes that are targeted at improving customer service. Through these reforms, USDA is breaking down organizational barriers that have impeded the Department's ability to most effectively and efficiently support its customers across the Nation and around the world. Examples of the organizational reforms include the establishment of an Under Secretary for Trade and Foreign Agricultural Affairs to ensure that American agriculture benefits from new and expanded trade opportunities and the consolidation of administrative functions at the mission area level to eliminate inefficiencies.

These reforms and strategies allow the Department to best support the needs of its customers. Through the implementation of these improvements, USDA will be better positioned to remove obstacles, and give agricultural

producers every opportunity to prosper and feed a growing world population. These improvements support the accomplishment of USDA's mission to provide leadership on agriculture, food, natural resources, rural prosperity, nutrition, and related issues through fact-based, data-driven, and customer-focused decisions.

The Department's fall 2017 Statement of Regulatory Priorities reflects the Administration's commitment to regulatory reform and USDA's rigorous implementation of Executive Orders 13777 and 13771.

Executive Order 13777

Executive Order 13777 establishes a Federal policy to lower regulatory burdens on the American people by implementing and enforcing regulatory reform. The RRTF reviewed proposed, pending and existing regulations to determine the deregulatory and regulatory actions to include in the 2017 fall Regulatory Agenda. The RRTF identified over 270 reform initiatives, including 101 deregulatory actions that will save the public from unnecessary regulatory burdens. These actions were further evaluated to determine which ones should be made a priority based on the impact of the proposals and the ability to complete the action in FY 2018.

Executive Order 13777 also directed the Department to seek input from entities significantly affected by Federal regulations. To satisfy this requirement, the Department published a Request for Information (RFI) in the **Federal Register** on July 17, 2017, seeking public input on identifying regulatory reform initiatives (82 FR 32649). The RFI asked the public to identify regulations, guidance documents, or any other policy documents or administrative processes that need reform, as well as ideas on how to modify, streamline, expand, or repeal such items. While comments to the notice do not bind USDA to any further actions, all submissions will be reviewed and will significantly inform actions to repeal, replace, or modify existing regulations.

Executive Order 13771

Executive Order 13771 directs agencies to eliminate two existing regulations for every new regulation while limiting the total costs associated with an agency's regulations. Specifically, it requires a regulatory two-for-one wherein an agency must propose the elimination of two existing regulations for every new regulation it publishes. Moreover, the costs associated with the new regulation must be completely offset by cost savings brought about by deregulation.

The Department's 2017 fall Regulatory Agenda reflects the Department's commitment to regulatory reform and continues USDA's rigorous implementation of Executive Order 13771. The regulatory agenda identifies 76 rules, of which 44 rules are deregulatory. The remaining 32 rules are not subject to the offsetting or deregulatory requirements of Executive Order 13771. Of the total number of deregulatory actions, USDA has identified 29 final rules that will be completed in FY 2018 and will result in a cost savings. Although we have not estimated the savings for 26 of these actions, they are considered deregulatory actions that USDA will implement to meet the direction that an agency issues twice as many Executive Order 13771 deregulatory actions as new Executive Order 13771 regulatory actions.

USDA's 2017 fall Statement of Regulatory Priorities was developed to lower regulatory burdens on the American people by implementing and enforcing regulatory reform. These regulatory priorities will contribute to the mission of the Department, the achievement of the long-term goals the Department aims to accomplish. Highlights of how the Department's regulatory reform efforts contribute to the accomplishment of the Department's strategic goals include the following:

A primary goal of the Department is to ensure that programs are delivered efficiently, effectively, with integrity, and a focus on customer service: To achieve this, USDA is working to leverage the strength and talent of USDA employees with continued dedication to data-driven enterprise solutions through collaborative governance and human capital management strategies centered on accountability and professional development. USDA will reduce regulatory and administrative burdens hindering agencies from reaching the greatest number of stakeholders. Improved customer service and employee engagement within USDA will create a more effective and accessible organization for all stakeholders.

➢ *Streamline and expand public engagement in the development and modification of national forest management policies:* This final rule will provide greater opportunity for public participation in the formulation of standards, criteria and guidelines applicable to Forest Service programs by: (1) Expanding the scope of documents subject to such review; (2) utilizing technologies that were not available when these regulations were last amended in 1984 to ensure a broader swath of the interested public is notified of opportunities to review and comment on policy changes; and (3) increasing the efficiency of the directive revision process to reduce administrative costs and permit more frequent and timely updates. For more information about this rule, see RIN 0596–AC65.

➢ *Streamline National Environmental Policy Act (NEPA) implementing procedures:* The Animal and Plant Health Inspection Service (APHIS) and the Forest Service are adjusting procedures that set out the NEPA implementing procedures for each agency based on accumulated experience of the agencies. APHIS will issue a proposed rule to incorporate scientific data accumulated since 1995 on the environmental impact of covered actions, clarify categories of action for which APHIS would normally complete an environmental impact statement or an environmental assessment for an action, expand the list of actions subject to categorical exclusion from further environmental documentation, and set out an environmental documentation process for use in emergencies. For more information about this rule, see RIN 0579–AC60. The Forest Service will publish a proposed rule to eliminate outdated requirements and revise aspects of the analysis framework, scoping and public engagement, and determining significance. For more information about this rule, see RIN 0596–AD31.

➢ *Establish de minimis exemptions for applying for animal licenses and renewals under the Animal Welfare Act (AWA):* The Animal and Plant Health Inspection Service will issue a final rule to exempt entities with a small number of animals from the requirement to obtain an AWA license. This action will reduce regulatory burden on small entities while also allowing APHIS to target enforcement efforts where they are most needed. For more information about this rule, see RIN 0579–AD99. Coupled with this *de minimis* rule, APHIS is considering a proposed rule that would promote compliance with the AWA by (1) reducing licensing fees and (2) strengthening existing safeguards that prevent an individual whose license has been suspended or revoked, or who has a history of noncompliance, from obtaining a license or working with regulated animals. For more information about this rule, see RIN 0579–AE35

➢ *Establish de minimis levels for enforcing Lacey Act requirements:* The

Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. The declaration requirements of the Lacey Act became effective on December 15, 2008, and enforcement of those requirements is being phased in. APHIS will propose an exception to the declaration requirements for products containing composite plant materials, and establish an exception to the declaration requirement for products containing a minimal amount of plant materials. Both actions would relieve the burden on importers, while continuing to ensure that the declaration requirement fulfills the purposes of the Lacey Act. For more information about this rule, see RIN 0579–AD44.

➢ *Reduce the time it takes to issue housing loans.* The Housing Opportunity through Modernization Act of 2016 permits the Secretary to delegate authority to approve and execute single family housing loan guarantees directly to preferred lenders, those lenders whose loans have performed well and who have demonstrated strong underwriting capability. To take advantage of this authority, the Rural Housing Service (RHS) will propose to delegate loan approval authority to preferred lenders participating in the Single Family Housing Guaranteed Loan Program. Preferred lenders would be responsible for certifying that both the applicant and property meet all program requirements and eligible for the guarantee. The revisions are expected to shorten the loan approval and processing time by up to 12 days. For more information about this rule, see RIN 0575–AD08

The Department is making it a priority to maximize the ability of American agricultural producers to prosper by feeding and clothing the world: A strong and prosperous agricultural sector is essential to the well-being of the overall U.S. economy. America's farmers and ranchers ensure a safe and reliable food and fuel supply and support job growth and economic development. To maintain a strong agricultural economy, USDA will support farmers in starting and maintaining profitable farm and ranch businesses, as well as offer support to producers affected by natural disasters. The Department will continue to work to create new markets and support a competitive agricultural system by reducing barriers that inhibit agricultural opportunities and economic growth.

➢ *Withdrawal of Proposed Rule Regarding the Introduction of Certain Genetically Engineered Organisms:* APHIS withdrew its proposed rule to revise the Department's biotechnology regulations and will re-engage with stakeholders to determine the most effective, science-based approach for regulating the products of modern biotechnology while protecting plant health. APHIS issued the proposed rule on January 19, 2017, and received 208 public comments. APHIS will maintain and follow current biotechnology regulations for safely handling the importation, interstate movement, and environmental release of genetically engineered organisms as we re-engage with stakeholders to determine the most effective approach for regulating these products. For more information about this rule, see RIN 0579–AE15.

➢ *Implement the National Bioengineered Food Disclosure Standard:* This action is mandated by the National Bioengineered Food Disclosure Standard (Law), which requires USDA to develop a national standard and the procedures for its implementation within two years of the Law's enactment. Pursuant to the law, AMS will propose requirements that, if finalized, will serve as a national mandatory bioengineered food disclosure standard for bioengineered food and food that may be bioengineered. For more information about this rule, see RIN 0581–AD54.

➢ *Withdrawal of the Scope of Sections 202(a) and (b) of the Packers and Stockyards Act (Act) interim final rule:* On December 20, 2016, the Grain Inspection, Packers and Stockyards Administration (GIPSA) published an interim rule addressing the scope of sections 202(a) and (b) of the Act, which enumerate unlawful practices under the Act. The interim final rule was originally scheduled to become effective on February 21, 2017. The effective date of the final rule was delayed twice until October 19, 2017. On April 12, 2017, GIPSA published a proposed rule requesting comments whether the final rule should be allowed to go into effect. On October 18, 2017, GIPSA published a final rule withdrawing the December 20, 2016, interim final rule, ending the regulatory action. The interim final rule was found to conflict with case law in several U.S. Court of Appeals Circuits, which Congress has declined to overturn through legislation. Additionally, the interim final rule was improperly issued without adequate notice and opportunity for comment. For more information about this rule, see RIN 0580–AB28.

➢ *Re-evaluate the Organic Livestock and Poultry Program final rule:* Because of significant policy and legal issues within the final rule (0581–AD44), the public was asked to comment on which of the following four actions they believed would be best for USDA to take with regard to the disposition of the final rule (0581–AD44). The options were: Let the rule become effective on November 14, 2017; Suspend the rule indefinitely; Delay the effective date of the rule further, beyond the effective date of November 14, 2017; Withdraw the rule so that USDA would not pursue implementation of the rule. Comments were received on all four options. Based on the content of the comments received and the evaluation those comments generated, the option to delay the effective date further was chosen. For more information about this rule, see RIN 0581–AD74. USDA plans to propose the final disposition of 0581–AD44 in December 2017. For more information about this rule, see RIN 0581–AD75.

➢ *Updating plant pest regulations:* APHIS is planning to update regulations regarding the movement of plant pests to establish criteria governing the movement and environmental release of biological control organisms, and to establish regulations allowing the importation and movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. These updates would include the movement of soil. This action would clarify the factors that would be considered when assessing the risks associated with the movement of certain organisms and facilitates the movement of regulated organisms and articles in a manner that also protects U.S. agriculture. For more information about this rule, see RIN 0579–AC98.

➢ *Establishing a performance standard for authorizing the importation and interstate movement of fruits and vegetables:* APHIS would broaden the existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process rather than through proposed and final rules. Likewise, APHIS would propose an equivalent revision of the performance standard governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This action will allow for the consideration of requests to authorize the importation or interstate movement of new fruits and vegetables

in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It will not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated. For more information about this rule, see RIN 0579–AD71.

Providing all Americans access to a safe, nutritious, and secure food supply is USDA's most important responsibility, and it is one undertaken with great seriousness. USDA has critical roles in preventing foodborne illness and protecting public health, while ensuring Americans have access to food and healthful diet. The Department will continue to prevent contamination and limit foodborne illness by expanding its modernization of food inspection systems, and USDA's research, education, and extension programs will continue to provide information, tools, and technologies about the causes of foodborne illness and its prevention. USDA will continue to develop partnerships that support best practices in implementing effective nutrition assistance programs that ensure eligible populations have access to programs that support their food needs.

➢ *Increase flexibilities provided to school lunch program operators in meeting nutrition requirements:* The Food and Nutrition Service (FNS) plans to issue an interim final rule that provides flexibilities consistent with those currently available to Program operators participating in the Child Nutrition Programs beginning in School Year 2018–2019. These flexibilities include: (1) Providing operators the option to offer flavored, low-fat (1 percent fat) milk in the Child Nutrition Programs; (2) extending the State agencies' option to allow individual school food authorities to include grains that are not whole grain-rich in the weekly menu offered under the National School Lunch Program (NSLP) and School Breakfast Program (SBP); and (3) revising the sodium reduction timeline for the NSLP and SBP. For more information about this rule, see RIN 0584–AE53.

➢ *Improve effectiveness and efficiency of moving individuals into work:* The Food and Nutrition Act of 2008 (FNA) establishes a time limit for participation in SNAP of three months in three years for able-bodied adults without children who are not working. FNA allows states to waive the time limit under certain circumstances. FNS would request public input on a proposed framework for modifying ABAWD time-limit waivers with the goal of moving individuals to work as the best solution for poverty, and to advance this goal consistent with the structure and the intent of the act. For more information about this rule, see RIN 0584–AE57.

➢ *Provide regulatory flexibility for retailers in the Supplemental Nutrition Assistance Program (SNAP):* FNS will issue a proposed rule to modify the definition of the term ''variety'' as it pertains to the stocking requirements for certain SNAP authorized retail food stores to increase the number of items that qualify as acceptable varieties in the four staple food categories, meat, poultry, fish, and dairy products. This proposed change will provide retailers with more flexibility in meeting the enhanced SNAP eligibility requirements of the 2016 final rule and meet the requirements expressed in the Consolidated Appropriation Act of 2017. For more information about this rule, see RIN 0584–AE61.

➢ *Reduce the reporting burden for nutrition program operators:* FNS will withdraw the interim final rule provisions of the SNAP: Certification, Eligibility, and Employment and Training Provisions of the Food, Energy and Conservation Act of 2008 rule published on January 6, 2017. The interim final rule portion increased requirements for Group Living Arrangements and Drug and Alcohol Treatment Centers. Comments received on these changes indicated that the regulatory change presented significant technical and administrative challenges. For more information about this rule, see RIN 0584–AE54.

➢ *Modernize swine slaughter inspection:* The Food Safety and Inspection Service (FSIS) is proposing to establish a voluntary New Swine Inspection System (NSIS) for market-hog slaughter establishments, and mandatory provisions for all swine slaughtering establishments (*i.e.,* including those that also slaughter roaster swine, sows, and boars). NSIS will provide for increased offline inspection activities that are more directly related to food safety resulting in greater compliance with sanitation and Hazard Analysis and Critical Control Point (HACCP) regulations and reduce the risk of foodborne illness. NSIS would also provide incentives to establishments to improve their processing methods and to develop more efficient slaughter and dressing technologies. Additionally, FSIS is considering requiring establishments to implement written sanitary dressing plans to prevent contamination of carcasses throughout the slaughter and dressing operation; modernizing process control sampling programs; and sampling the slaughter environment for microbiological contamination. For more information about this rule, see RIN 0583–AD62.

➢ *Modernize egg products inspection:* FSIS is proposing to replace current regulations with HACCP Systems and Sanitation Standard Operating Procedures (SOPs), consistent with HACCP and Sanitation SOP requirements in the meat and poultry products inspection regulations. In addition, FSIS is proposing to remove the current requirements for prior approval by FSIS of egg products plant drawings, specifications, and equipment prior to their use in official plants, provide for the generic labeling of egg products, and require safe handling labels on shell eggs and egg products. The agency is also proposing to move from continuous inspection to daily inspection of establishments. For more information about this rule, see RIN 0583–AC58.

USDA—AGRICULTURAL MARKETING SERVICE (AMS)

Proposed Rule Stage

1. National Bioengineered Food Disclosure Standard

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–216; 7 U.S.C. 1621 to 1627

CFR Citation: 7 CFR 1285.

Legal Deadline: None.

Abstract: On July 29, 2016, the Agricultural Marketing Act of 1946 was amended to establish a National Bioengineered Food Disclosure Standard (Law) (Pub. L. 114–216). Pursuant to the law, this NPRM will propose requirements that, if finalized, will serve as a national mandatory bioengineered food disclosure standard for bioengineered food and food that may be bioengineered.

Statement of Need: This action is mandated by Public Law 114–216.

Summary of Legal Basis: The authority for this action is provided by the Agricultural Marketing Act of 1946 as amended by Public Law 114–216.

Alternatives: The alternatives will be identified during the drafting stage and the public will be given the opportunity to comment on alternatives.

Anticipated Cost and Benefits: This rule will fulfill the mandate of Public

Law 114–216. The specific costs and benefits will be determined during the drafting of the proposed rule. AMS is striving to fulfill the mandate while minimizing the burden on the regulated community.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	
Final Action	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Agency Contact: Arthur Neal, Deputy Administrator, Transportation and Marketing, Department of Agriculture, Agricultural Marketing Service, *Phone:* 202 692–1300.

RIN: 0581–AD54

USDA—AMS

2. • NOP: Organic Livestock and Poultry Practices

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 6501 to 6522

CFR Citation: 7 CFR 205.

Legal Deadline: None.

Abstract: The Organic Livestock and Poultry Practices final rule, published on January 19, 2017, adds provisions to the USDA organic regulations to address livestock and poultry living conditions, health care practices, and animal handling and transport, and during slaughter. The final rule was originally scheduled to become effective on March 20, 2017; the effective date was subsequently delayed to May 19, 2017. AMS published a notice further delaying the effective date to November 14, 2017. Per a document published on November 14, 2017, the January 2017 rule was further delayed to May 14, 2018. As stated within the November 2017 publication, this proposed rule requests public comments on: (1) The scope of the Secretary's authority under of the Organic Foods Production Act including 7 U.S.C. 6509; (2) whether the requirements in the final rule are the most innovative and least burdensome tool for meeting regulatory objectives; and, (3) whether the revised benefits calculations, which corrected a mathematical error in the final rule, justify the estimated costs.

Statement of Need: This action is needed to ensure only regulations that are properly supported by legislative authority and requirements of executive orders are met.

Summary of Legal Basis: AMS National Organic Program is authorized by the Organic Foods Production Act of 1990 (OFPA) to establish national standards governing the marketing of organically produced agricultural products (7 U.S.C. 6501–6522). The USDA organic regulations set the requirements for the organic certification of agricultural products (7 CFR part 205).

Alternatives: As AMS evaluates the concerns outlined in the abstract, the possible outcomes of the evaluation range from allowing the January 2017 final rule to become effective to withdrawing the January 2017 final rule.

Anticipated Cost and Benefits: AMS estimated that the discounted costs, transfers, and benefits of the January 2017 final rule, for three different producer response scenarios, would range from $8.2 to $31 million annually due to increased compliance and regulatory burdens. In addition, there is also an estimated $3.9 million undiscounted annual paperwork burden. AMS also estimated transfers ranging from $80 to $86 million annually caused by producers exiting the organic market. AMS estimates the benefits would range from $3.3 to $31.6 million for all producer response scenarios when the mathematical error is corrected.

Risks: This action is likely to be contentious.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Jennifer Tucker, Associate Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 720–3252.

Related RIN: Related to 0581–AD44, Related to 0581–AD74

RIN: 0581–AD75

USDA—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)

Proposed Rule Stage

3. Lacey Act Implementation Plan: De Minimis Exception and Composite Articles

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 3371 *et seq.*

CFR Citation: 7 CFR 357.

Legal Deadline: None.

Abstract: The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. The declaration requirements of the Lacey Act became effective on December 15, 2008, and enforcement of those requirements is being phased in. We are proposing an exception to the declaration requirements for products containing composite plant materials. We are also proposing to establish an exception to the declaration requirement for products containing a minimal amount of plant materials. Both of these actions would relieve the burden on importers while continuing to ensure that the declaration requirement fulfills the purposes of the Lacey Act.

Statement of Need: Will update.

Summary of Legal Basis: Will update.

Alternatives: Will update.

Anticipated Cost and Benefits: Will update.

Risks: Will update.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/11	76 FR 38330
ANPRM Comment Period End.	08/29/11	
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Additional information about APHIS and its programs is available on the internet at *http://www.aphis.usda.gov.*

Agency Contact: Parul Patel, Senior Agriculturalist, Permitting and Compliance Coordination, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 60, Riverdale, MD 20737–1231, *Phone:* 301 851–2351.

RIN: 0579–AD44

USDA—APHIS

Final Rule Stage

4. National Environmental Policy Act Implementing Procedures

Priority: Other Significant.
E.O. 13771 Designation: Deregulatory.
Legal Authority: 42 U.S.C. 4321 *et seq.*
CFR Citation: 7 CFR 372.
Legal Deadline: None.

Abstract: We are amending the regulations that set out our National Environmental Policy Act (NEPA) implementing procedures. The amendments will clarify when we will complete an environmental impact statement or an environmental analysis for an action, provide additional categories of actions for which we will prepare such documents, expand the list of actions subject to categorical exclusion from further environmental documentation, and set out an environmental documentation process that could be used in emergencies. The changes are intended to update the regulations and improve their clarity and effectiveness.

Statement of Need: APHIS' NEPA regulations were last amended in 1995. The Council on Environmental Quality's regulations for implementing NEPA at 40 CFR 1507.3(a) indicate that agencies ''shall continue to review their policies and procedures and in consultation with the Council to revise them as necessary to ensure full compliance with the purposes and provisions of the Act.'' Accordingly, we have evaluated our regulations and identified changes that would clarify the regulations, make them more consistent with NEPA, and allow us greater flexibility in fulfilling the requirements of NEPA and CEQ's NEPA implementing regulations while responding to immediate disease and pest threats or damage to the environment.

Summary of Legal Basis: The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), is the United States' basic charter for protection of the environment. Consistent with NEPA and with the requirements of CEQ's NEPA implementing regulations, APHIS' NEPA regulations provide guidance, sources of information and assistance, definitions, classifications of action, identification of major planning and decision points, opportunities for public involvement, and methods of processing different types of environmental documents.

Alternatives: Leaving the regulations unchanged would be unsatisfactory because it would perpetuate the current situation; *i.e.,* one in which the current regulations, last amended in 1995, are outdated and in need of clarification. Another alternative would be to establish criteria for categorical exclusion that are less (or more) restrictive, thus increasing (or decreasing) the number of actions eligible for categorical exclusion.

Anticipated Cost and Benefits: APHIS has determined that the proposed rule would not have a significant economic impact on a substantial number of small entities. Some entities will experience time and money savings, but the savings should benefit only a few entities each year. The proposal would also serve to clarify the regulations and make the NEPA process more transparent, which, although beneficial, should not have a significant economic impact on affected entities.

Risks: Not Applicable.
Timetable:

Action	Date	FR Cite
NPRM	07/20/16	81 FR 47051
NPRM Comment Period End.	09/19/16	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: No.
Government Levels Affected: None.
Additional Information: Additional information about APHIS and its programs is available on the internet at *http://www.aphis.usda.gov.*
Agency Contact: Eileen Sutker, APHIS Federal NEPA Contact, Environmental and Risk Analysis Services, PPD, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 149, Riverdale, MD 20737–1238, *Phone:* 301 851–3043.
RIN: 0579–AC60

USDA—APHIS

5. Animal Welfare; Establishing De Minimis Exemptions From Licensing

Priority: Other Significant.
E.O. 13771 Designation: Deregulatory.
Legal Authority: 7 U.S.C. 2131 to 2159
CFR Citation: 9 CFR 1 to 3.
Legal Deadline: None.

Abstract: In the 2014 Farm Bill, Congress amended the Animal Welfare Act (AWA) to provide the Secretary of Agriculture with the authority to determine what facilities and activities involving AWA regulated animals are de minimis and therefore exempt from licensure and oversight. We are amending the AWA regulations to enact this new provision. This change provides APHIS with the flexibility to exempt from licensing those dealers and exhibitors who provide adequate levels of humane care to their animals, allowing us to target our enforcement resources where they are most needed. Dealers and exhibitors operating at or below the threshold will be exempted from APHIS licensing and oversight under the AWA.

Statement of Need: A 2014 Farm Bill amendment to the Animal Welfare Act provides the Secretary of Agriculture with the authority to determine when animal dealers and exhibitors are not required to obtain a license under the Act, if the size of the business conducting AWA-related activities is determined by the Secretary to be de minimis. This rule is necessary to establish the thresholds for what constitutes a de minimis level of activity.

Summary of Legal Basis: The Agricultural Act of 2014 Farm Bill (Pub. L. 113–79), section 12308, which amended section 3 of the Animal Welfare Act (7 U.S.C. 2133).

Alternatives:

Anticipated Cost and Benefits: By the very nature of this proposal, all entities that would be affected are considered small. The entities most likely to be affected by this proposal are businesses engaged in AWA-related exhibition activities that have small numbers of regulated animals. This proposed rule would relieve regulatory responsibilities for some currently licensed entities and reduce the cost of business for those entities. Those currently licensed exhibitors, breeders, and dealers who are under the proposed de minimis thresholds would no longer be subject to licensing, animal identification and recordkeeping requirements.

Risks: Establishing de minimis thresholds in this proposal would allow APHIS to direct inspection and enforcement efforts on higher risk entities.

Timetable:

Action	Date	FR Cite
NPRM	08/04/16	81 FR 51386
NPRM Comment Period End.	11/02/16	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.
Government Levels Affected: Federal.
Additional Information: Additional information about APHIS and its programs is available on the internet at *http://www.aphis.usda.gov.*
Agency Contact: Kay Carter-Corker, Director, National Policy Staff, Animal

Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737, *Phone:* 301 851–3748.

RIN: 0579–AD99

USDA—FOOD AND NUTRITION SERVICE (FNS)

Final Rule Stage

6. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1758; 42 U.S.C. 1766; 42 U.S.C. 1772; 42 U.S.C. 1773; 42 U.S.C. 1779

CFR Citation: 7 CFR 210.10; 7 CFR 210.11; 7 CFR 215.7a; 7 CFR 220.8; 7 CFR 226.20.

Legal Deadline: None.

Abstract: This interim final rule provides flexibilities consistent with those currently available by Congressional directive to program operators participating in the Child Nutrition Programs for School Year 2018–2019. These flexibilities include: (1) Providing operators the option to offer flavored, low-fat (one percent fat) milk in the Child Nutrition Programs; (2) extending the State agencies' option to allow individual school food authorities to include grains that are not whole grain-rich in the weekly menu offered under the National School Lunch Program (NSLP) and School Breakfast Program (SBP); and (3) revising the sodium reduction timeline for the NSLP and SBP.

Statement of Need: Will update.

Summary of Legal Basis: Will update.

Alternatives: Will update.

Anticipated Cost and Benefits: Will update.

Risks: Will update.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/30/17	82 FR 56703
Interim Final Rule Comment Period End.	01/29/18	
Interim Final Rule Effective.	07/01/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Additional Information: School Lunch—NSLA Section 9(a)(1)—42 U.S.C. 1758(a)(1). Child and Adult Care Food Program—NSLA Section 17(g)—42 U.S.C. 1766(g) Special Milk Program—Child Nutrition Act Section 3(a)(1)—42 U.S.C. 1772(a)(1). School Breakfast Program—Child Nutrition Act Section 4(e)(1)(A)—42 U.S.C. 1773(e)(1)(A). Smart Snacks in Schools—Child Nutrition Act Section 10(b)—42 U.S.C. 1779(b).

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov.*

RIN: 0584–AE53

USDA—FOOD SAFETY AND INSPECTION SERVICE (FSIS)

Proposed Rule Stage

7. Modernization of Swine Slaughter Inspection

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 601 *et seq.*

CFR Citation: 9 CFR 301, 309, 310, and 314.

Legal Deadline: None.

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat inspection regulations to establish a new inspection system for swine slaughter establishments demonstrated to provide greater public health protection than the existing inspection system. The Agency is also proposing several changes to the regulations that would affect all establishments that slaughter swine, regardless of the inspection system under which they operate.

Statement of Need: The proposed action is necessary to improve food safety, improve compliance with the Humane Methods of Slaughter Act, improve the effectiveness of market hog slaughter inspection, make better use of the Agency's resources, and remove unnecessary regulatory obstacles to innovation.

Summary of Legal Basis:

Alternatives: The Agency is considering alternatives such as: (1) A mandatory New Swine Slaughter Inspection System (NSIS) for market hog slaughter establishments and (2) a voluntary NSIS for market hog establishments, under which FSIS would conduct the same offline inspection activities as traditional inspection.

Anticipated Cost and Benefits: The proposed regulations are expected to benefit establishments by removing unnecessary regulatory obstacles to innovation and allowing establishments more flexibility in line configuration. The proposed changes are also expected to reduce establishments' sampling costs. Additionally, the proposed regulations are expected to improve the effectiveness of market hog slaughter inspection, leading to a reduction in the number of human illnesses attributed to products derived from market hogs. The proposed actions make better use of the Agency's resources, which is expected to reduce the Agency's personnel and training budgetary requirements. Establishments are expected to incur increased labor and recordkeeping costs.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Matthew Michael, Director, Issuances Staff, Department of Agriculture, Food Safety and Inspection Service, Office of Policy and Program Development, 1400 Independence Avenue SW, Washington, DC 20250–3700, *Phone:* 202 720–0345, *Fax:* 202 690–0486, *Email: matthew.michael@fsis.usda.gov.*

RIN: 0583–AD62

USDA—FOREST SERVICE (FS)

Final Rule Stage

8. Administrative Issuances; Involving the Public in the Formulation of Forest Service Directives (Rule)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1612(a)

CFR Citation: 7 CFR 2.7; 36 CFR 200.4; 36 CFR 216.

Legal Deadline: None.

Abstract: This procedural final rule will provide greater opportunity for public participation in the formulation of standards, criteria and guidelines applicable to Forest Service programs by: (1) Expanding the scope of documents subject to such review; (2) utilizing technologies that were not available when these regulations were last amended in 1984 to ensure a broader swath of the interested public is notified of opportunities to review and comment on policy changes; and (3) increasing the efficiency of the directive revision process to reduce administrative costs and permit more frequent and timely updates. Consistent with 5 U.S.C. 553(d)(1), this rule is issued as a final rule as it imposes no additional burdens on any governmental

entity or the public but expands the ability of such parties to comment upon the issuance of Agency policies set forth in Forest Service rules and guidance.

Statement of Need: Will update.

Summary of Legal Basis: Will update.

Alternatives: Will update.

Anticipated Cost and Benefits: Will update.

Risks: Will update.

Timetable:

Action	Date	FR Cite
Final Rule	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Michael Migliori, Department of Agriculture, Forest Service, Washington, DC 20250, *Phone:* 202 205–2496, *Email: mmigliori@fs.fed.us.*

RIN: 0596–AC65

BILLING CODE: 3410–90–P

DEPARTMENT OF COMMERCE (DOC)

Statement of Regulatory and Deregulatory Priorities

Established in 1903, the Department of Commerce (Commerce) is one of the oldest Cabinet-level agencies in the Federal Government. Commerce's mission is to create the conditions for economic growth and opportunity by promoting innovation, entrepreneurship, competitiveness, and environmental stewardship. Commerce has 12 operating units, which are responsible for managing a diverse portfolio of programs and services, ranging from trade promotion and economic development assistance to broadband and the National Weather Service.

Commerce touches Americans daily, in many ways—making possible the daily weather reports and survey research; facilitating technology that all of us use in the workplace and in the home each day; supporting the development, gathering, and transmission of information essential to competitive business; enabling the diversity of companies and goods found in America's and the world's marketplace; and supporting environmental and economic health for the communities in which Americans live.

Commerce has a clear and compelling vision for itself, for its role in the Federal Government, and for its roles supporting the American people, now and in the future. To achieve this vision, Commerce works in partnership with businesses, universities, communities, and workers to:

1. Innovate by creating new ideas through cutting-edge science and technology from advances in nanotechnology, to ocean exploration, to broadband deployment, and by protecting American innovations through the patent and trademark system;
2. Support entrepreneurship and commercialization by enabling community development and strengthening minority businesses and small manufacturers;
3. Maintain U.S. economic competitiveness in the global marketplace by promoting exports, ensuring a level playing field for U.S. businesses, advancing free, fair, and reciprocal trade, and ensuring that technology transfer is consistent with our nation's economic and security interests;
4. Provide effective management and stewardship of our nation's resources and assets to ensure sustainable economic opportunities; and
5. Make informed policy decisions and enable better understanding of the economy by providing accurate economic and demographic data.

Commerce is a vital resource base, tireless advocate, and Cabinet-level voice for job creation. This Regulatory Plan tracks the most important regulations that implement these policy and program priorities, as well as new efforts by the Department to remove unnecessary regulatory burdens on external stakeholders.

Responding to the Administration's Regulatory Philosophy and Principles

The vast majority of the Commerce's programs and activities do not involve regulation. Of Commerce's 12 primary operating units, only the National Oceanic and Atmospheric Administration (NOAA) will be planning actions that are considered the ''most important'' significant pre-regulatory or regulatory actions for FY 2018. During the next year, NOAA plans to publish five rulemaking actions that are designated as Regulatory Plan actions. The Bureau of Industry and Security (BIS) may also publish rulemaking actions designated as Regulatory Plan actions. Further information on these actions is provided below.

Commerce has a long-standing policy to prohibit the issuance of any regulation that discriminates on the basis of race, religion, gender, or any other suspect category and requires that all regulations be written so as to be understandable to those affected by them. The Secretary also requires that Commerce afford the public the maximum possible opportunity to participate in Departmental rulemakings, even where public participation is not required by law.

Commerce has implemented Executive Order 13771 working through its Regulatory Reform Task Force established under Executive Order 13777 to identify and prioritize deregulatory actions that each bureau within the Department can take to reduce and remove regulatory burdens on stakeholders.

In Fiscal Year 2018, Commerce expects to publish approximately 2 regulatory actions and over 30 deregulatory actions, far exceeding the requirement under Executive Order 13771 to publish two deregulatory actions for every one regulatory action. Additionally, Commerce's Regulatory Reform Task Force will continue working to execute directives under Executive Orders 13783 and 13807 to streamline regulatory process and permitting reviews for new energy and infrastructure projects. To that end, Commerce may have other deregulatory actions to implement that do not currently appear in the agenda.

Regulatory reform and agency streamlining are key elements to Commerce's agenda for the next year. Senior policy analysis, performance measurements, and employee evaluations will incorporate these priorities as the Department continues to regulate private industry through multiple bureaus within the agency.

National Oceanic and Atmospheric Administration

NOAA establishes and administers Federal policy for the conservation and management of the Nation's oceanic, coastal, and atmospheric resources. It provides a variety of essential environmental and climate services vital to public safety and to the Nation's economy, such as weather forecasts, drought forecasts, and storm warnings. It is a source of objective information on the state of the environment. NOAA plays the lead role in achieving Commerce's goal of promoting stewardship by providing assessments of the global environment.

Recognizing that economic growth must go hand-in-hand with environmental stewardship, Commerce, through NOAA, conducts programs designed to provide a better understanding of the connections between environmental health, economics, and national security.

Commerce's emphasis on ''sustainable fisheries'' is designed to boost long-term economic growth in a vital sector of the U.S. economy while conserving the resources in the public trust and minimizing any economic dislocation necessary to ensure long-term economic growth. Commerce is where business and environmental interests intersect, and the classic debate on the use of natural resources is transformed into a ''win-win'' situation for the environment and the economy.

Three of NOAA's major components, the National Marine Fisheries Services (NMFS), the National Ocean Service (NOS), and the National Environmental Satellite, Data, and Information Service (NESDIS), exercise regulatory authority.

NMFS oversees the management and conservation of the Nation's marine fisheries, protects threatened and endangered marine and anadromous species and marine mammals, and promotes economic development of the U.S. fishing industry. NOS assists the coastal States in their management of land and ocean resources in their coastal zones, including estuarine research reserves; manages the national marine sanctuaries; monitors marine pollution; and directs the national program for deep-seabed minerals and ocean thermal energy. NESDIS administers the civilian weather satellite program and licenses private organizations to operate commercial land-remote sensing satellite systems.

Commerce, through NOAA, has a unique role in promoting stewardship of the global environment through effective management of the Nation's marine and coastal resources and in monitoring and predicting changes in the Earth's environment, thus linking trade, development, and technology with environmental issues. NOAA has the primary Federal responsibility for providing sound scientific observations, assessments, and forecasts of environmental phenomena on which resource management, adaptation, and other societal decisions can be made.

In the environmental stewardship area, NOAA's goals include: Rebuilding and maintaining strong U.S. fisheries by using market-based tools and ecosystem approaches to management; conserving, protecting, and recovering threatened and endangered marine and anadromous species and marine mammals while still allowing for economic and recreational opportunities; promoting healthy coastal ecosystems by ensuring that economic development is managed in ways that maintain biodiversity and long-term productivity for sustained use; and modernizing navigation and positioning services. In the environmental assessment and prediction area, goals include: Understanding the impacts of a changing climate and communicating that understanding to government and private sector stakeholders enabling them to adapt; continually improving the National Weather Service; implementing reliable seasonal and interannual climate forecasts to guide economic planning; providing science-based policy advice on options to deal with very long-term (decadal to centennial) changes in the environment; and advancing and improving short-term warning and forecast services for the entire environment.

Magnuson-Stevens Fishery Conservation and Management Act

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) rulemakings concern the conservation and management of fishery resources in the U.S. Exclusive Economic Zone (generally 3–200 nautical miles). Among the several hundred rulemakings that NOAA plans to issue in FY 2018, a number of the regulatory and deregulatory actions will be significant. The exact number of such rulemakings is unknown, since they are usually initiated by the actions of eight regional Fishery Management Councils (FMCs) that are responsible for preparing fishery management plans (FMPs) and FMP amendments, and for drafting implementing regulations for each managed fishery. NOAA issues regulations to implement FMPs and FMP amendments. Once a rulemaking is triggered by an FMC, the Magnuson-Stevens Act places stringent deadlines upon NOAA by which it must exercise its rulemaking responsibilities. FMPs and FMP amendments for Atlantic highly migratory species, such as bluefin tuna, swordfish, and sharks, are developed directly by NOAA, not by FMCs.

FMPs address a variety of issues including maximizing fishing opportunities on healthy stocks, rebuilding overfished stocks, and addressing gear conflicts. One of the problems that FMPs may address is preventing overcapitalization (preventing excess fishing capacity) of fisheries. This may be resolved by market-based systems such as catch shares, which permit shareholders to harvest a quantity of fish and which can be traded on the open market. Harvest limits based on the best available scientific information, whether as a total fishing limit for a species in a fishery or as a share assigned to each vessel participant, enable stressed stocks to rebuild. Other measures include staggering fishing seasons or limiting gear types to avoid gear conflicts on the fishing grounds and establishing seasonal and area closures to protect fishery stocks.

The FMCs provide a forum for public debate and, using the best scientific information available, make the judgments needed to determine optimum yield on a fishery-by-fishery basis. Optional management measures are examined and selected in accordance with the national standards set forth in the Magnuson-Stevens Act. This process, including the selection of the preferred management measures, constitutes the development, in simplified form, of an FMP. The FMP, together with draft implementing regulations and supporting documentation, is submitted to NMFS for review against the national standards set forth in the Magnuson-Stevens Act, in other provisions of the Act, and other applicable laws. The same process applies to amending an existing approved FMP.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) provides the authority for the conservation and management of marine mammals under U.S. jurisdiction. It expressly prohibits, with certain exceptions, the take of marine mammals. The MMPA allows, upon request, the incidental take of marine mammals by U.S. citizens who engage in a specified activity (*e.g.,* oil and gas development, pile driving) within a specified geographic region. NMFS authorizes incidental take under the MMPA if we find that the taking would be of small numbers, have no more than a ''negligible impact'' on those marine mammal species or stock, and would not have an ''unmitigable adverse impact'' on the availability of the species or stock for ''subsistence'' uses. NMFS also initiates rulemakings under the MMPA to establish a management regime to reduce marine mammal mortalities and injuries as a result of interactions with fisheries. In addition, the MMPA allows NMFS to permit the collection of wild animals for scientific research or public display or to enhance the survival of a species or stock, and established the Marine Mammal Commission, which makes recommendations to the Secretaries of the Departments of Commerce and the Interior and other Federal officials on protecting and conserving marine mammals. The Act underwent significant changes in 1994 to allow for takings incidental to commercial fishing

operations, to provide certain exemptions for subsistence and scientific uses, and to require the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction.

Endangered Species Act

The Endangered Species Act of 1973 (ESA) provides for the conservation of species that are determined to be ''endangered'' or ''threatened,'' and the conservation of the ecosystems on which these species depend. The ESA authorizes both NMFS and the Fish and Wildlife Service (FWS) to jointly administer the provisions of the ESA. NMFS manages marine and ''anadromous'' species, and FWS manages land and freshwater species. Together, NMFS and FWS work to protect critically imperiled species from extinction. Of the approximately 1,300 listed species found in part or entirely in the United States and its waters, NMFS has jurisdiction over approximately 60 species. NMFS' rulemaking actions are focused on determining whether any species under its responsibility is an endangered or threatened species and whether those species must be added to the list of protected species. NMFS is also responsible for designating, reviewing, and revising critical habitat for any listed species. In addition, under the ESA, Federal agencies consult with NMFS on any proposed action authorized, funded, or carried out by that agency that may affect listed species or designated critical habitat, or that may affect proposed species or critical habitat. These interagency consultations are designed to assist Federal agencies in fulfilling their duty to ensure Federal actions do not jeopardize the continued existence of a species or destroy or adversely modify critical habitat, while still allowing Federal agencies to fulfill their respective missions (*e.g.,* permitting infrastructure projects or oil and gas exploration, conducting military readiness activities).

NOAA's Regulatory Plan Actions

While most of the rulemakings undertaken by NOAA do not rise to the level necessary to be included in Commerce's regulatory plan, NMFS is undertaking four actions that rise to the level of ''most important'' of Commerce's significant regulatory actions and thus are included in this year's regulatory plan. A description of the four regulatory plan actions is provided below.

Additionally, NMFS is undertaking a series of rulemakings that are considered deregulatory, as defined by Executive Order 13771. Such actions directly benefit the regulated community by increasing access, providing more economic opportunity, reducing costs, and/or increasing flexibility. A specific example of such an action is the Commerce Trusted Trader Program, as described below. Other examples include actions implementing FMPs that alleviate or reduce previous requirements.

1. Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act (0648–BG11): The U.S. is a signatory to the Port State Measures Agreement (PSMA). The agreement is aimed at combatting illegal, unreported and unregulated (IUU) fishing activities by increased port inspection for foreign fishing vessels and closing seafood markets to the products of illegal fishing. Benefits of the rule will accrue when IUU vessels are denied entry to the U.S., and illegal seafood products are precluded from the U.S. supply chain, thereby maintaining higher prices and market share for legitimate producers of fishery products.

2. Commerce Trusted Trader Program (0648–BG51): Under the Magnuson-Stevens Fishery Conservation and Management Act, importation of fish products taken in violation of foreign law and regulation is prohibited. To enforce this prohibition, NMFS has implemented the Seafood Import Monitoring Program (81 FR 88975, December 9, 2016) which requires U.S. importers to report on the origin of fish products and to keep supply chain records. The Commerce Trusted Trader Program will establish a voluntary program for certified seafood importers that provides benefits such as reduced targeting and inspections, and enhanced streamlined entry into the United States. The program will require that a Commerce Trusted Trader establish a secure supply chain and maintain the records necessary to verify the legality of all designated product entering into U.S. commerce, but it will excuse the Commerce Trusted Trader from entering that data into the International Trade Data System prior to entry, as required by Seafood Import Monitoring Program. This program is deregulatory in nature because it reduces reporting costs at entry and reduces recordkeeping costs due to flexibility in archiving.

3. Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys in the Gulf of Mexico (0648–BB38): The Marine Mammal Protection Act (MMPA) prohibits the ''take'' (*e.g.,* behavioral harassment, injury, or mortality) of marine mammals with certain exceptions, including through the issuance of incidental take authorizations. Where there is a reasonable likelihood of an activity resulting in the take of marine mammals—as is the case for certain methods of geophysical exploration, including the use of airgun arrays (*i.e.,* ''seismic surveys'')—action proponents must ensure that take occurs in a lawful manner. However, there has not previously been any analysis of industry survey activities in the Gulf of Mexico conducted pursuant to requirements of MMPA, and industry operators have been, and currently are, conducting their work without MMPA incidental take authorizations. In support of the oil and gas industry, the Bureau of Ocean Energy Management has requested 5-year incidental take regulations, which would provide a regulatory framework under which individual companies could apply for project-specific Letters of Authorization. Providing for industry compliance with the MMPA through the requested regulatory framework, versus companies pursuing individual authorizations, would be the most efficient way to achieve such compliance for both industry and for NMFS, and would provide regulatory certainty for industry operators.

4. Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-building Corals (0648–BG26): Caribbean and Indo-Pacific reef building corals were listed under the Endangered Species Act (ESA) in September 2014. Section 4 of the ESA requires that critical habitat be specified to the maximum extent prudent and determinable at the time a species is listed (16 U.S.C. 1533(b)(6)(C)). The ESA also requires that we publish final critical habitat rules within one year of proposed rules. At the time these corals were listed, we were unable to determine what areas met the statutory definition of critical habitat. We subsequently published a proposed rule to designate critical habitat. This action would designate new critical habitat for twelve corals (Dendrogyra cylindrus, Orbicella annularis, Orbicella faveolata, Orbicella franksi, Mycetophyllia ferox, Acropora globiceps, Acropora jacquelineae, Acropora retusa, Acropora speciosa, Euphyllia paradivisa, Isopora crateriformis, and Seriatopora aculeata) and revise the 2008 critical habitat designation for two corals (Acropora palmata and Acropora cervicornis).

BIS

The Bureau of Industry and Security (BIS) advances U.S. national security,

foreign policy, and economic objectives by maintaining and strengthening adaptable, efficient, and effective export control and treaty compliance systems as well as by administering programs to prioritize certain contracts to promote the national defense and to protect and enhance the defense industrial base.

Major Programs and Activities

BIS administers four sets of regulations. The Export Administration Regulations (EAR) regulate exports and reexports to protect national security, foreign policy, and short supply interests. The EAR also regulates U.S. persons' participation in certain boycotts administered by foreign governments. The National Security Industrial Base Regulations provide for prioritization of certain contracts and allocations of resources to promote the national defense, require reporting of foreign Government-imposed offsets in defense sales, provide for surveys to assess the capabilities of the industrial base to support the national defense and address the effect of imports on the defense industrial base. The Chemical Weapons Convention Regulations implement declaration, reporting, and on-site inspection requirements in the private sector necessary to meet United States treaty obligations under the Chemical Weapons Convention treaty. The Additional Protocol Regulations implement similar requirements with respect to an agreement between the United States and the International Atomic Energy Agency.

BIS also has an enforcement component with nine offices covering the United States. BIS export control officers are also stationed at several U.S. embassies and consulates abroad. BIS works with other U.S. Government agencies to promote coordinated U.S. Government efforts in export controls and other programs. BIS participates in U.S. Government efforts to strengthen multilateral export control regimes and to promote effective export controls through cooperation with other Governments

BIS's Regulatory Plan Action

BIS maintains the EAR, including the Commerce Control List (CCL). The CCL describes commodities, software, and technology that are subject to licensing requirements for specific reasons for control. The Department of State, Directorate of Defense Trade Controls (DDTC), maintains the International Traffic in Arms Regulations (ITAR), including the United States Munitions List (USML), which describes defense articles subject to State's licensing jurisdiction.

In Fiscal Year 2018, BIS plans to publish a proposed rule describing how articles the President has determined no longer warrant control under USML Category I (Firearms, Close Assault Weapons and Combat Shotguns), Category II (Guns and Armament), and Category III (Ammunition/Ordnance) would be controlled on the CCL and by the EAR. This proposed rule will be published in conjunction with a DDTC proposed rule that would amend the list of articles controlled by those USML Categories to describe more precisely items warranting continued control on that list.

The changes that will be described in these proposed rules are based on a review of those categories by the Department of Defense, which worked with the Departments of State and Commerce in preparing the amendments. The review was focused on identifying the types of articles that are now controlled on the USML that are either (i) inherently military and otherwise warrant control on the USML or (ii) if of a type common to non-military firearms applications, possess parameters or characteristics that provide a critical military or intelligence advantage to the United States, and are almost exclusively available from the United States. If an article satisfies one or both of those criteria, the article will remain on the USML. If an article does not satisfy either criterion, it will be identified in the new Export Control Classification Numbers (ECCNs) included in the BIS proposed rule. Thus, the scope of the items that will be described in the proposed rule is essentially commercial items widely available in retail outlets and less sensitive military items.

Although the firearms and other items described in the proposed rule are widely used for sporting applications, BIS will not propose to ''de-control'' these items. BIS would require licenses to export or reexport to any country a firearm or other weapon that would be added to the CCL by the proposed rule. Rather than decontrolling firearms and other items, in publishing the proposed rule, BIS, working with the Departments of Defense and State, is trying to reduce the procedural burdens and costs of export compliance on the U.S. firearms industry while allowing the U.S. Government to control firearms appropriately and to make better use of its export control resources.

United States Patent Trademark Office

The United States Patent and Trademark Office's (USPTO) mission is to foster innovation, competitiveness and economic growth, domestically and abroad by delivering high quality and timely examination of patent and trademark applications, guiding domestic and international intellectual property policy, and delivering intellectual property information and education worldwide.

Major Programs and Activities

USPTO is the Federal agency for granting U.S. patents and registering trademarks. In doing this, the USPTO fulfills the mandate of Article I, Section 8, Clause 8, of the Constitution that the legislative branch ''promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.'' The USPTO registers trademarks based on the commerce clause of the Constitution (Article I, Section 8, Clause 3). Under this system of protection, American industry has flourished. New products have been invented, new uses for old ones discovered, and employment opportunities created for millions of Americans. The strength and vitality of the U.S. economy depends directly on effective mechanisms that protect new ideas and investments in innovation and creativity. The continued demand for patents and trademarks underscores the ingenuity of American inventors and entrepreneurs. The USPTO is at the cutting edge of the nation's technological progress and achievement.

The USPTO advises the President of the United States, the Secretary of Commerce, and U.S. government agencies on intellectual property (IP) policy, protection, and enforcement; and promotes the stronger and more effective IP protection around the world. The USPTO furthers effective IP protection for U.S. innovators and entrepreneurs worldwide by working with other agencies to secure strong IP provisions in free trade and other international agreements. It also provides training, education, and capacity building programs designed to foster respect for IP and encourage the development of strong IP enforcement regimes by U.S. trading partners. USPTO administers regulations located at title 37 of the Code of Federal Regulations concerning its patent and trademark services, and the other functions it performs.

USPTO's Regulatory Plan Action

Final Rule: Setting and Adjusting Patent Fees during Fiscal Year 2017 (RIN 0651–AD02): The Leahy-Smith America Invents Act (AIA), enacted in 2011, provided USPTO with the authority to set and adjust its fees for

patent and trademark services. In early 2013, USPTO issued a final rule, ''Setting and Adjusting Patent Fees'' (RIN 0651–AC54, 78 FR 4212, Jan. 18, 2013), in which USPTO for the first time set a new fee structure for patent services using the authority provided by Section 10 of the AIA. Since then, USPTO has conducted an internal biennial fee review, in which it undertook internal consideration of the current fee structure, and considering ways that the structure might be improved, including rulemaking pursuant to the USPTO's fee setting authority. This fee review process involved public outreach, including, as required by the Act, public hearings held by the USPTO's Public Advisory Committees (which were held in late 2015), as well as public comment and other outreach to the user community and public in general. In October 2016, USPTO published an NPRM proposing the setting and adjusting of patent fees. The comment period for that propose rule closed on December 2, 2016. Per E.O. 12866, this NPRM was determined to be economically significant. USPTO has reviewed all public comments received and considered made revisions to its proposed fee adjustments based on those comments. USPTO is now in the process of preparing a final rule that will set and adjust patent fees. In this final rule, the USPTO will set and adjust Patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of operations while helping the Office maintain a sustainable funding model, reduce the current patent application backlog, decrease patent pendency, improve quality, and upgrade the Office's business information technology capability and infrastructure. USPTO anticipates publishing this rule in the fall of 2017, with new fees to be effective 60 days after the rule publishes.

The Economic Development Administration

The Economic Development Administration (EDA) provides assistance to economically distressed communities in order to stimulate commercial growth, improve infrastructure, and generate employment opportunities. Over the next year, EDA will continue to implement grants and assistance programs that achieve the agency's mission, in line with statutory authority, and also support the President's agenda. Accordingly, EDA's regulatory activities target new efforts to streamline and simplify agency process.

EDA's Regulatory Action Plan

EDA published a final rule that focused on improving and modernizing EDA's oversight of its Revolving Loan Fund (RLF) Program under the Public Works and Economic Development Act of 1965, as amended (PWEDA). The RLF Program provides grants to eligible recipients, such as local governments and non-profit organizations, to operate lending programs that offer low-interest loans and flexible repayment terms, primarily to small businesses in distressed communities that are unable to obtain traditional bank financing. The final rule implemented a risk-based oversight approach that has improved EDA oversight of the RLF Program, consistent with recommendations from the Department's Office of Inspector General. In particular, EDA's shift to a modern risk analysis system concentrates EDA's limited oversight resources on those RLFs at greatest risk and simultaneously reduced compliance burdens on successful RLFs.

EDA's transition to risk-based monitoring of the RLF Program is expected to result in more efficient and effective oversight of the RLF Program through reduced reporting, compliance, and monitoring costs of approximately $960,000 each year. For this reason, the final rule was a ''deregulatory action'' under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' These regulatory changes were necessary regardless of whether EDA continues to operate or if EDA were to be eliminated by Congress as requested in the President's Fiscal Year 2018 Budget because the Department is under an obligation to administer and monitor RLF grants in perpetuity under current statutory authorities. The regulatory changes made by the Final Rule would enable EDA or the Department to more efficiently manage the residual RLF portfolio going forward.

The final rule also effectuated important, but less comprehensive, updates to other parts of EDA's regulations implementing PWEDA that enable EDA or the Department to more effectively oversee the non-RLF grant portfolio, even in the event of EDA's elimination by Congress. These non-RLF PWEDA regulations ensure that grantees continue to use projects for the purpose originally funded and to eventually execute releases of the Federal interest in the property at the expiration of the useful life, often 20 years after the date of the grant award.

DOC—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

Proposed Rule Stage

9. Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys in the Gulf of Mexico

Priority: Other Significant.
E.O. 13771 Designation: Regulatory.
Legal Authority: 16 U.S.C. 1361 *et seq.*
CFR Citation: 50 CFR 217.
Legal Deadline: None.

Abstract: The National Marine Fisheries Service is taking this action in response to an October 17, 2016, application from the U.S. Department of the Interior (DOI) and the Bureau of Ocean Energy Management (BOEM) to promulgate regulations and issue Letters of Authorization to take marine mammals incidental to oil and gas industry sponsored seismic surveys for purposes of geophysical exploration on the Outer Continental Shelf in the Gulf of Mexico from approximately 2018 through 2023. BOEM states that underwater activities associated with sound sources (*i.e.,* airguns, boomers, sparkers, and chirpers) may expose marine mammals in the area to noise and pressure.

Statement of Need: The Marine Mammal Protection Act (MMPA) prohibits the ''take'' (*e.g.,* behavioral harassment, injury, or mortality) of marine mammals with certain exceptions, including through the issuance of incidental take authorizations. Where there is a reasonable likelihood of an activity resulting in the take of marine mammals—as is the case for certain methods of geophysical exploration, including the use of airgun arrays (*i.e.,* ''seismic surveys'')—action proponents must ensure that take occurs in a lawful manner. However, there has not previously been any analysis of industry survey activities in the Gulf of Mexico conducted pursuant to requirements of MMPA, and industry operators have been, and currently are, conducting their work without MMPA incidental take authorizations. In support of the oil and gas industry, the Bureau of Ocean Energy Management (BOEM) has requested five-year incidental take regulations, which would provide a regulatory framework under which individual companies could apply for project-specific letters of authorization. Providing for industry compliance with the MMPA through the requested regulatory framework, versus companies pursuing individual authorizations would be the most efficient way to

achieve such compliance for both industry and for NMFS, and would provide regulatory certainty for industry operators.

Summary of Legal Basis: Marine Mammal Protection Act.

Alternatives: While the MMPA does not require consideration of alternatives in rulemaking, the regulatory impact analysis considers a more stringent and less stringent regulatory alternative. The more stringent alternative would require more mitigation of industry authorization-holders. The less stringent alternative is the basis for the proposed rule. As an alternative to regulation, individual companies could request specific permits known as incidental harassment authorizations (IHA). However, these permits require approximately six to nine months to obtain (compared with an anticipated less than three months to obtain letters of authorization under a rule), are information-intensive in terms of the required application, and require a public comment period. They also must be renewed on a yearly basis, whereas a Letter of Authorization lasts for five years.

Anticipated Cost and Benefits: The proposed rule would include mitigation, monitoring, and reporting requirements, as required by the MMPA. However, as the proposed rule would alleviate other current regulatory requirements that would otherwise be expected to cost 37.8 to 230 million dollars per year, it is estimated to result in a net annualized savings of 8 to 123 million dollars (the range of values reflects ranges of projected future activity levels). The proposed rule would result in additional indirect (non-monetized) costs as a result of the imposition of time-area restrictions on survey effort. However, these costs are expected to be minimal, as two of three proposed restrictions are in areas with low to no levels of activity and a third, which has been in place under current baseline conditions, is seasonal and therefore may be planned around. The proposed rule would also result in certain non-monetized benefits. The protection of marine mammals afforded by this rule (pursuant to the requirements of the MMPA) would benefit the regional economic value of marine mammals via tourism and recreation to some extent, as mitigation measures applied to geophysical survey activities in the GOM region are expected to benefit the marine mammal populations that support this economic activity in the GOM. The proposed rule would also afford significant benefit to the regulated industry by providing an efficient framework within which compliance with the MMPA, and the attendant regulatory certainty, may be achieved. Cost savings may be generated in particular by the reduced administrative effort required to obtain an LOA under the framework established by a rule compared to what would be required to obtain an incidental harassment authorization (IHA) under section 101(a)(5)(D) of the MMPA. Absent the rule, survey operators in the GOM would likely be required to apply for an IHA. Although not monetized, NMFS' analysis indicates that the upfront work associated with the rule (*e.g.,* analyses, modeling, process for obtaining LOA) would likely save significant time and money for operators.

Risks: Absent the rule, oil and gas industry operators would face a highly uncertain regulatory environment due to the imminent threat of litigation. BOEM currently issues permits under a stay of ongoing litigation, in the absence of the proposed rule the litigation would continue and NMFS would be added as a defendant. The IHA application process that would be available to companies would be more expensive and time-consuming.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BB38

DOC—NOAA

10. Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 114–81

CFR Citation: 50 CFR 300.

Legal Deadline: None.

Abstract: This proposed rule will make conforming amendments to regulations implementing the various statutes amended by the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2015 (Pub. L. 114–81). The Act amends several regional fishery management organization implementing statutes as well as the High Seas Driftnet Fishing Moratorium Protection Act. It also provides authority to implement two new international agreements the Antigua Convention, which amends the Convention for the establishment of an Inter-American Tropical Tuna Commission, and the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement), which restricts the entry into U.S. ports by foreign fishing vessels that are known to be or are suspected of engaging in illegal, unreported, and unregulated fishing. This proposed rule will also implement the Port State Measures Agreement. To that end, this proposed rule will require the collection of certain information from foreign fishing vessels requesting permission to use U.S. ports. It also includes procedures to designate and publicize the ports to which foreign fishing vessels may seek entry and procedures for conducting inspections of these foreign vessels accessing U.S. ports. Further, the rule establishes procedures for notification of: The denial of port entry or port services for a foreign vessel, the withdrawal of the denial of port services if applicable, the taking of enforcement action with respect to a foreign vessel, or the results of any inspection of a foreign vessel to the flag nation of the vessel and other competent authorities as appropriate.

Statement of Need: The United States is a signatory to the Port State Measures Agreement (PSMA). The agreement is aimed at combatting illegal, unreported and unregulated (IUU) fishing activities by increased port inspection for foreign fishing vessels and closing seafood markets to the products of illegal fishing.

Summary of Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act.

Alternatives: Alternatives to taking action at the port would include taking action at sea against IUU fishing vessels and in the supply chain against IUU fishing products. At-sea monitoring and inspection is part of an overall strategy to combat IUU fishing, but it is extremely expensive and resources are limited. Likewise, tracing and removing illegal products already released into the market would be difficult and resource intensive. Preventing entry of IUU fishing vessels into ports or

investigating fishing vessels at the port is an efficient and effective approach to combatting illegal activity.

Anticipated Cost and Benefits: The anticipated costs will be minimal in that foreign vessels requesting permission to visit U.S. ports will have to include more information about the vessel and its cargo when they submit an electronic notice of arrival to the U.S. Coast Guard. Based on the information submitted, NMFS may deny port privileges for vessels known to have engaged in illegal fishing or to meet the vessel to conduct an inspection. The minimal additional data elements required of foreign fishing vessels will be submitted electronically through the existing U.S. Coast Guard system for notices of Arrival and Departure, thus reporting costs are not anticipated to affect shipping patterns, port usage, or international commerce. In addition, vessel inspections will be coordinated and planned based on the notice of arrival submitted prior to entry into port, thus delays for inspection will be minimal and not result in significant costs to legitimate vessels. Benefits of the rule will accrue when IUU vessels are denied entry, and illegal seafood products are precluded from the U.S. supply chain, thereby maintaining higher prices and market share for legitimate producers of fishery products.

Risks: If the port entry reporting and inspection provisions of this rule were not implemented, there is an increased risk of IUU fishing vessels entering U.S. ports and/or the products of IUU fishing infiltrating the U.S. supply chain. In addition, the U.S. would be out of compliance with its international obligation under the PSMA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov.*

RIN: 0648–BG11

DOC—NOAA

11. Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

CFR Citation: 50 CFR 226.

Legal Deadline: Final, Statutory, September 10, 2016, Statutory deadline for final critical habitat designation of listed Indo–Pacific corals.

Abstract: On September 10, 2014, the National Marine Fisheries Service listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (Acropora globiceps, Acropora jacquelineae, Acropora retusa, Acropora speciosa, Euphyllia paradivisa, Isopora crateriformis, and Seriatopora aculeata). The proposed designation would cover coral reef habitat around 17 island or atoll units in the Pacific Islands Region, including four in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and five in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. This rule also proposes to designate critical habitat for the five Caribbean corals and proposed to revise critical habitat for two, previously-listed corals, Acropora palmata and Acropora cervicornis.

Statement of Need: Caribbean and Indo-Pacific reef building corals were listed under the Endangered Species Act (ESA) in September 2014. Section 4 of the ESA requires that critical habitat be specified to the maximum extent prudent and determinable at the time a species is listed (16 U.S.C. 1533(b)(6)(C)). The ESA also requires that we publish final critical habitat rules within one year of proposed rules. At the time these corals were listed, we were unable to determine what areas met the statutory definition of critical habitat. We subsequently published a proposed rule to designate critical habitat. This action would designate new critical habitat for twelve corals (Dendrogyra cylindrus, Orbicella annularis, Orbicella faveolata, Orbicella franksi, Mycetophyllia ferox, Acropora globiceps, Acropora jacquelineae, Acropora retusa, Acropora speciosa, Euphyllia paradivisa, Isopora crateriformis, and Seriatopora aculeata) and revise the 2008 critical habitat designation for two corals (Acropora palmata and Acropora cervicornis).

Summary of Legal Basis: Endangered Species Act.

Alternatives: During the formulation of the final rule, pursuant to section 4(b)(2) of the ESA, we will evaluate the impacts of designating all and any parts of the proposed critical habitat. We are required to analyze the economic, national security, and other relevant impacts of designating critical habitat. Through this process, we have discretion to exclude areas from the final designation as long as such exclusions do not result in the extinction these coral species. Based on our draft impacts analysis supporting the proposed rule, we excluded one area in Florida, one area in Guam, and two areas in the Commonwealth of the Northern Mariana Islands for national security impacts. We also completed an Initial Regulatory Flexibility Analysis and analyzed a ''no action'' alternative, an alternative in which some of the identified critical habitat areas are designated, and an alternative in which all critical habitat areas identified.

Anticipated Cost and Benefits: The primary benefit of designation is the protection afforded under section 7 of the Endangered Species Act, requiring all Federal agencies to insure their actions are not likely to destroy or adversely modify designated critical habitat. In addition to these protections, the designation may also result in other forms of benefits including, but not limited to: Educational awareness and outreach benefits, benefits to tourism and recreation, and improved or sustained habitat quality. Costs specifically associated with the designation of critical habitat stem mainly from Federal agencies' requirement to consult with NMFS, under section 7 of the ESA, to insure that any action they carry out, permit (authorize), or fund will not result in the destruction or adverse modification of critical habitat of a listed species.

Risks: If critical habitat is not designated, listed corals will not be protected to the extent provided for in the ESA, posing a legal risk to the agency and a risk to the species' continued existence and recovery.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

Related RIN: Merged with 0648–BG20

RIN: 0648–BG26

DOC—NOAA

12. Commerce Trusted Trader Program

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

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

CFR Citation: 50 CFR 300.

Legal Deadline: None.

Abstract: This rule will establish a voluntary Commerce Trusted Trader Program for importers, aiming to provide benefits such as reduced targeting and inspections and enhanced streamlined entry into the United States for certified importers. Specifically, this rule would establish the criteria required of a Commerce Trusted Trader, and identify specifically how the program will be monitored and by whom. It will require that a Commerce Trusted Trader establish a secure supply chain and maintain the records necessary to verify the legality of all designated product entering into U.S. commerce, but will excuse the Commerce Trusted Trader from entering that data into the International Trade Data System prior to entry, as required by Seafood Import Monitoring Program (finalized on December 9, 2016). The rule will identify the benefits available to a Commerce Trusted Trader, detail the application process, and specify how the Commerce Trusted Trader will be audited by third-party entities while the overall program will be monitored by the National Marine Fisheries Service.

Statement of Need: Under the Magnuson-Stevens Fishery Conservation and Management Act, importation of fish products taken in violation of foreign law and regulation is prohibited. To enforce this prohibition, NMFS has implemented the Seafood Import Monitoring Program (81 FR 88975, December 9, 2016) which requires U.S. importers to report on the origin of fish products and to keep supply chain records. The Commerce Trusted Trader Program would reduce the burden on importers by reducing the reporting requirements and allowing more flexible approaches to keep supply chain records.

Summary of Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act.

Alternatives: The Seafood Import Monitoring Program is aimed at preventing the infiltration of illegal fish products into the U.S. market. Alternatives to reduce the reporting and recordkeeping burden for U.S. importers were considered during the course of that rulemaking. Collecting less information at import about the origin of products would increase the likelihood of illegal products entering the supply chain. However, working with individual traders to secure the supply chain will be an economical approach to ensure that illegal products are precluded and records will be kept as needed for post-entry audits.

Anticipated Cost and Benefits: The costs of the Commerce Trusted Trader Program will be minimal in that applicants to the program will have a small application fee and will incur the costs for an independent audit of several entries on an annual basis. Benefits of Trusted Trader status will include reduced reporting costs at entry and reduced recordkeeping costs due to flexibility in archiving.

Risks: Risks of not implementing a Commerce Trusted Trader Program would include increased compliance costs to industry and potential increased incidence of illegal seafood infiltrating the U.S. market.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov*.

Related RIN: Related to 0648–BF09

RIN: 0648–BG51

BILLING CODE 3510–12–P

DEPARTMENT OF DEFENSE

Statement of Regulatory Priorities

Background

The mission of the Department of Defense (DoD) is to provide the military forces needed to deter war and to protect the security of our country.

The Department is America's oldest and largest government agency. Today, DoD is not only in charge of the military, but it also employs a civilian force of thousands. With over 1.3 million men and women on active duty and 742,000 civilian personnel, the Department is the nation's largest employer. Another 826 thousand serve in the National Guard and Reserve forces and more than 2 million military retirees and their family members receive benefits. Our military service members and civilians operate in every time zone and in every climate with more than 450,000 employees overseas, both afloat and ashore.

To accomplish this mission, DoD's physical plant consists of more than several hundred thousand individual buildings and structures located at more than 5,000 different locations or sites. These sites range from the very small in size such as unoccupied sites supporting a single navigational aid that sits on less than one-half acre, to the Army's vast White Sands Missile Range in New Mexico with over 3.6 million acres, or the Navy's large complex of installations at Norfolk, Virginia with more than 78,000 employees.

DoD trains and equips the armed forces through our three military departments: The Army, Navy and Air Force. The Marine Corps, mainly an amphibious force, is part of the Department of the Navy. The primary job of the military departments is to train and equip their personnel to perform warfighting, peacekeeping and humanitarian/disaster assistance tasks.

- The Army defends the land mass of the United States, its territories, commonwealths, and possessions; it operates in more than 50 countries.
- The Navy maintains, trains, and equips combat-ready maritime forces capable of winning wars, deterring aggression, and maintaining freedom of the seas.
- The Air Force provides a rapid, flexible, and when necessary, air and space capability that routinely participates in peacekeeping, humanitarian, and aeromedical evacuation missions.
- The U.S. Marine Corps maintains ready expeditionary forces, sea-based and integrated air-ground units for contingency and combat operations, and

the means to stabilize or contain international disturbance.

• National Guard and Reserve forces are taking on new and more important roles, at home and abroad, as we transform our national military strategy.

An all-service or ''joint'' service office supports the Chairman of the Joint Chiefs of Staff in his capacity as the principal military advisor to the President, the National Security Council, and the Secretary of Defense. The unified commanders are the direct link from the military forces to the President and the Secretary of Defense.

The Secretary of Defense exercises his authority over how the military is trained and equipped through the Service secretaries; but uses a totally different method to exercise his authority to deploy troops and exercise military power. This latter authority is directed, with the advice of the Chairman of the Joint Chiefs of Staff, to the nine unified commands.

The Department of Defense contributes to homeland security through its military missions overseas, homeland defense, and support to civil authorities. The Department is also responsible for homeland defense which is the protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President.

Homeland Defense includes missions such as domestic air defense, maritime intercept operations, and land-based defense of critical infrastructure and assets Defense support of civil authorities, often referred to as civil support, can include Federal military forces, the Department's career civilian and contractor personnel, and DoD agency and component assets, for domestic emergencies and for designated law enforcement and other activities. The Department of Defense provides defense support of civil authorities when directed to do so by the President or Secretary of Defense.

The Office of the Secretary of Defense helps the Secretary plan, advise, and carry out the nation's security policies as directed by both the Secretary of Defense and the President. The rulemakings discussed in this regulatory statement comes out of the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD(AT&L)) and the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)). These Offices are described below:

• OUSD(AT&L)—procurement of goods and services; research and development; developmental testing; contract administration; logistics, maintenance, and sustainment support; and maintenance of the defense industrial base of the United States.

• OUSD(P&R)—readiness; National Guard and Reserve component affairs; health affairs; training; and personnel requirements and management, including equal opportunity, morale, welfare, recreation, and quality of life matters.

This Regulatory Plan tracks the most important regulations implementing the Department's policy and program priorities, as well as new efforts by the Department to remove unnecessary regulatory burdens on external stakeholders.

DoD's Regulatory Philosophy and Principles

The Department's rulemaking program strives to be responsive, efficient, and transparent. As noted in Executive Order 13609, ''Promoting International Regulatory Cooperation'' (May 1, 2012), international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation.

DoD, along with the Departments of State and Commerce, engages with other countries in the Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group, and Missile Technology Control Regime through which the international community develops a common list of items that should be subject to export controls. DoD has been a key participant in the Administration's Export Control Reform effort that resulted in a complete overhaul of the U.S. Munitions List and fundamental changes to the Commerce Control List. New controls have facilitated transfers of goods and technologies to allies and partners while helping prevent transfers to countries of national security and proliferation concern. DOD will continue to assess new and emerging technologies to ensure items that provide critical military and intelligence capabilities are properly controlled on international export control regime lists.

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' (February 24, 2017), required DoD to appoint a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies and establish a Regulatory Reform Task Force (Task Force) to review and evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.

Those reform initiatives and policies include Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (January 30, 2017), section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), and Executive Order 12866. DoD is implementing a three phase effort to review, implement, and sustain its regulations:

• Phase I: Utilizing the DoD Task Force, assess all 716 existing, codified DoD regulations to include 350 solicitation provisions and contract clauses. The Task Force will present recommendations for the repeal, replacement, or modification to the Secretary of Defense on a quarterly basis through the end of December 2018.

• Phase II: Upon Secretary of Defense approval, DoD will begin implementing the elimination of regulations. Implementation requires drafting, internal coordination, review by the Office of Management and Budget, and providing for notice and comment, as required by law.

• Phase III: DoD will incorporate into its policies a requirement for component's to sustain review of both new regulatory actions and existing regulations.

As a result of the ongoing review, evaluation, and recommendations of its Task Force, DoD has identified priority regulatory and deregulatory actions that reduce costs to the public by eliminating unnecessary, ineffective, and duplicative regulations.

Acquisition, Technology, and Logistics/Defense Procurement and Acquisition Policy, Personnel and Readiness/Health Affairs, and the Army Corps of Engineers will be planning actions that are considered the ''most important'' significant pre-regulatory or regulatory actions for FY 2018. During the next year, these DoD Components plan to publish eight rulemaking actions that are designated as significant actions. Further information on these actions is provided below.

DoD has implemented Executive Order 13771 through its Regulatory Reform Task Force established under Executive Order 13777 to identify and prioritize deregulatory actions that each component or Service can take to reduce and remove regulatory burdens on stakeholders.

In Fiscal Year 2018, DoD expects to publish more deregulatory actions than regulatory actions. Exact figures are not yet available as the regulations reported in this edition of the Unified Agenda are still under evaluation for classification

under Executive Order 13771. Additionally, the Department Regulatory Reform Task Force will continue working to execute directives under Executive Orders 13783 and 13807 to streamline regulatory process and permitting reviews. To that end, DoD may have other actions which do not currently appear in the Agenda. DoD focuses its regulatory resources on the most serious acquisition, health, and personnel and readiness risks as discussed below.

Acquisition, Technology, and Logistics/ Defense Procurement and Acquisition Policy (DPAP)

DPAP is responsible for all contracting and procurement policy matters in the Department and uses the Defense Acquisition Regulation System (DARS) to develop and maintain acquisition rules and to facilitate the acquisition workforce as they acquire the goods and services. Significant rules are highlighted below.

Rulemakings that are expected to have high net benefits well in excess of costs.

Use of the Government Property Clause (DFARS Case 2015–D035).

This rule will amend the DFARS to expand the use of Federal Acquisition Regulation (FAR) clause 52.245–1, Government Property, in certain purchase orders for repair. This FAR clause is used in contracts to require contractors comply with basic property receipt and record keeping requirements. This ensures the Government is able to track, report, and manage Government-furnished property. ''Government-furnished property'' is property in the possession of, or directly acquired by, the Government and subsequently furnished to the contractor for performance of a contract. It includes, but is not limited to, spares and property furnished for repair, maintenance, overhaul, or modification. Currently, the FAR clause is not required for use in purchase orders for repair, when the unit acquisition cost of the Government-furnished property to be repaired is less than the simplified acquisition threshold (currently $150,000). However, the unit cost of the item to be repaired alone is not an indicator of the criticality or sensitivity of the item. For example, firearms, body armor, night vision equipment, computers, or cryptological devices may individually be valued at less than $150,000, but accountability of these items is of vital importance to the Department. Not using the FAR clause in purchase orders for repair, significantly increases the risk of misuse or loss of Government-furnished property items. In order to strengthen the management and accountability of Government-furnished property provided to contractors, this rule will amend the DFARS to require use of the FAR clause 52.245–1 in all DoD purchase orders for repair, regardless of the unit acquisition cost of the individual items to be repaired.

Rulemakings that promote Open Government and use disclosure as a regulatory tool.

Brand Name or Equal (DFARS Case 2015–D041).

This rule proposes to amend the DFARS to implement section 888 of the NDAA for FY 2017. Section 888 requires that competition not be limited through the use of specifying brand name, brand name or equivalent descriptions, or proprietary specifications and standards, unless a justification for such specifications is provided and approved in accordance with 10 U.S.C. 2304(f). Currently, if the Government intends to procure specific ''brand name'' products, the contracting officer must prepare a brand name justification and obtain the appropriate approvals based on the estimated dollar value of the contracts (see FAR 6.302–1(c) and 6.304). However, a justification is not required to use ''brand name or equal'' descriptions in a solicitation. Rather, contracting officers are required to include in their solicitation a description of the salient physical, functional, or performance characteristics of the brand name item that an ''equal'' item must meet. The contracting officer will also include FAR provision 52.211–6, Brand Name or Equal, in solicitations, which informs potential offerors that offers of ''equal'' products must meet the salient characteristic specified in this solicitation. To implement section 888, this rule proposes to amend the DFARS to require contracting officers to take the additional step of preparing and obtaining an approval of a justification for use of ''brand name or equal'' descriptions, prior to including those descriptions in a solicitation. Contracting officers will include the justification with the posting of the solicitation, which will promote transparency with industry and presents an opportunity to increase competition.

Amendment to Mentor-Protégé Program (DFARS Case 2016–D011).

This rule amends Appendix I of the DFARS I to implement changes to the Pilot Mentor-Protégé Program provided by section 861 of the NDAA for FY 2016. This Program was originally established under section 831 of the NDAA for FY 1991. Under this program, eligible companies approved as ''mentor firms'' will enter into agreements with eligible ''protégé firms.'' The mentor firms provide developmental assistance to protégé firms to perform as subcontractors or suppliers on Government contracts. In return, the mentor firms may receive credit against applicable subcontracting goals under contracts with DoD or other Federal agencies. This rule amends Appendix I of the DFARS to implement the amendments to the Program provided by section 861. Specifically, the rule will require mentor firms to report additional information on the assistance they have provided to their protégé firms. DoD's Office of Small Business Programs will use this information to support decisions regarding whether to continue particular mentor-protégé agreements. In addition, this rule adds new eligibility criteria for both mentor and protégé firms and will limit the period of time a protégé firm can participate in the Program, as well as the number of mentor-protégé agreements to which a protégé can be a party. Finally, this rule also extends the Program for three years.

Rulemakings that streamline regulations and reduce unjustified burdens.

Earned Value Management Applicability (DFARS Case 2015–D038).

This rule proposes to amend the DFARS to clarify DoD's policy for Earned Value Management System (EVMS) application on DoD contracts. ''Earned value management system'' means a project management tool that effectively integrates the project scope of work with cost, schedule, and performance elements for optimum project planning and control. Implemented properly, an EVMS will measure progress against a baseline and provide an early warning of cost overruns and schedule delays for major acquisitions. Currently, an EVMS is required for major acquisitions for development, in accordance with OMB Circular A–11 (see FAR 34.201(a)). However, individual agencies may require an EVMS on other acquisitions, as specified in their agency procedures. DoD applies the EVMS requirement to cost or incentive contracts and subcontracts valued at $20 million or more, and requires the EVMS comply with the guidelines in the American National Standards Institute/Electronic Industries Alliance Standard 748, Earned Value Management Systems (ANSI/EIA–748). In addition, for DoD cost or incentive contracts and subcontracts valued at $50 million or more, the EVMS must be determined by the cognizant Federal agency to be compliant with ANSI/EIA–748. This

DFARS rule proposes the clarify that EVMS requirements are applicable to DoD cost reimbursement or incentive fee contracts that have a dollar value of $20 million or more (inclusive of all options) and a period of performance of 18 months or longer. In addition, the rule raises the threshold for a formal EVMS system compliance determination by the Defense Contract Management Agency from $50 million to $100 million. It is expected that this rule will reduce the number of contracts subject to EVMS requirements, as well as the number of contractor EVMS reviews to determine compliance.

Contractor Purchasing System Review Threshold (DFARS Case 2017–D038).

This rule proposes to amend the DFARS to raise the threshold for determining when a contractor purchasing system review (CPSR) is required. Per FAR subpart 44.3, the Government will conduct a CPRS in order to evaluate the efficiency and effectiveness with which a prime contractor spends Government funds and complies with Government policy when subcontracting. During a CPSR, the Government will pay special attention to certain aspects of a prime contractor's subcontracting program. For example, the Government will review the degree of price competition obtained by a prime contractor on subcontracts, whether the prime contractor is complying with Government Cost Accounting Standards, and whether the appropriate contract types are being used on subcontracts (see FAR 44.303). Currently, if a contractor's sales to the Government are expected to exceed $25 million during the next 12 months, then the administrative contracting officer (ACO) will determine whether there is a need for a CPSR (see FAR 44.302(a)). This rule proposes to amend the DFARS to raise the ACO determination dollar threshold to $50 million for DoD contracts. It is expected that this rule may reduce the number of CPSRs conducted by DoD and, in turn, alleviate the burden on contractors associated with participating in the CPSR.

Rules modifying, streamlining, expanding, or repealing making DOD's regulatory program more effective or less burdensome in achieving the regulatory objectives.

Repeal of Independent Research and Development Technical Interchange (DFARS Case 2017–D041).

This final rule will amend the DFARS to remove a requirement for major contractors to have a technical interchange with the Government prior to generating independent research and development (IR&D) costs. DoD published a final rule, effective November 4, 2016, that revised DFARS 231.205–18(c)(iii)(C)(4) to require major contractors to engage in and document a technical interchange with a DoD employee, prior to generating IR&D costs for IR&D projects initiated in fiscal year 2017 and later, in order for those costs to be allowable. This requirement causes the contractor to expend time preparing for a discussion, contacting appropriate Government personnel, discussing the IR&D project, and documenting the conversation. Since contractors commonly pool all of their IR&D project costs to develop a single billing rate, this requirement would necessitate contractors having to discuss all of the IR&D projects contained in their billing rate. While some contractors may have a single project, many have close to 100 or more, which could be significantly burdensome. This regulation is being repealed pursuant to action taken by the DoD Regulatory Reform Task Force in accordance with E.O. 13777. Repealing the technical interchange prerequisite from the DFARS, will not only reduce the burden imposed on major contractors, but also free these contractors to pursue IR&D projects without including the Government in those preliminary decisions.

Personnel and Readiness/Health Affairs

The mission of DoD's health program is to enhance the Department of Defense and our nation's security by providing health support for the full range of military operations and sustaining the health of all those entrusted to our care by creating a world-class health care system that supports the military mission by fostering, protecting, sustaining and restoring health.

TRICARE is the health care program for uniformed service members including active duty and retired members of the: U.S. Army, U.S. Air Force, U.S. Navy, U.S. Marine Corps, U.S. Coast Guard, the Commissioned Corps of the U.S. Public Health Service and the Commissioned Corps of the National Oceanic and Atmospheric Association and their families around the world. It serves 9.5 million individuals worldwide. It continues to offer an increasingly integrated and comprehensive health care plan, refining and enhancing both benefits and programs in a manner consistent with the law, industry standard of care, and best practices, to meet the changing needs of its beneficiaries. The program's goal is to increase access to health care services, improve health care quality, and control health care costs.

For this component, DoD is highlighting the following rule.

Establishment of TRICARE Select and Other TRICARE Reforms, RIN 0720–AB70. This final rule implements the primary features of section 701 and partially implements several other sections of the National Defense Authorization Act for Fiscal Year 2017 (NDAA–17). This final rule advances all four components of the Military Health System's quadruple aim of improved readiness, better care, better health, and lower cost. The aim of improved readiness is served by reinforcing the vital role of the TRICARE Prime health plan to refer patients, particularly those needing specialty care, to military medical treatment facilities (MTFs) in order to ensure that military health care providers maintain clinical currency and proficiency in their professional fields. The objective of better care is enhanced by a number of improvements in beneficiary access to health care services, including increased geographical coverage for the TRICARE Select provider network, reduced administrative hurdles for TRICARE Prime enrollees to obtain urgent care services and specialty care referrals, and promotion of high value services and medications. The goal of better health is advanced by expanding TRICARE coverage of preventive care services, treatment of obesity, high-value care, and telehealth. And the aim of lower cost is furthered by refining cost-benefit assessments for TRICARE plan specifications that remain under DoD's discretion and adding flexibilities to incentivize high-value health care services.

Army Corps of Engineers

The United States Army Corps of Engineers (USACE), is a major Army command made up of some 37,000 civilian and military personnel, making it one of the world's largest public engineering, design, and construction management agencies. Although generally associated with dams, canals and flood protection in the United States, USACE is involved in a wide range of public works throughout the world. The Corps of Engineers provides outdoor recreation opportunities to the public, and provides 24% of U.S. hydropower capacity.

The corps' mission is to ''Deliver vital public and military engineering services; partnering in peace and war to strengthen our Nation's security, energize the economy and reduce risks from disasters.'' The most visible missions include:

- Planning, designing, building, and operating locks and dams. Other civil engineering projects include flood

control, beach nourishment, and dredging for waterway navigation.

• Design and construction of flood protection systems through various federal mandates.

• Design and construction management of military facilities for the Army, Air Force, Army Reserve and Air Force Reserve and other Defense and Federal agencies.

• Environmental regulation and ecosystem restoration.

In 2015, the Environmental Protection Agency and the Department of the Army (''the agencies'') published the ''Clean Water Rule: Definition of 'Waters of the United States' '' (80 FR 37054, June 29, 2015). On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action of the court. On February 28, 2017, the President signed the ''Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule'' which instructed the agencies to review the 2015 rule and rescind or replace it as appropriate and consistent with law. On July 27, 2017, the agencies published a **Federal Register** notice proposing to withdraw (STEP 1 of a comprehensive 2-STEP process) the 2015 Clean Water Rule (CWR) and reinstate pre-existing regulations and guidance (1986 regulations plus 2003 *SWANCC* and 2008 *Rapanos* Guidance); the initial 30-day comment period was extended an additional 30 days to September 28, 2017.

The Executive Order further directs that EPA and the Army ''shall consider interpreting the term 'navigable waters' ''in a manner consistent with Supreme Court Justice Scalia's opinion'' in Rapanos indicating that Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters. Later this fiscal year, after considering the comments received in response to the STEP 1 FRN, the agencies plan to propose a new definition to replace the definition and regulatory approach codified in the 2015 CWR. Over the past few months the agencies have been having meetings and holding webinars with Tribes, States, and organizations that request them to explain the 2-STEP process, what the Scalia Opinion means, and some of the options for developing a new definition of Waters of the United States. These briefing and listening sessions will continue through November 2017. Until the new rule is finalized, the agencies will continue to implement the regulatory definition in place prior to the 2015 CWR consistent with the SWANCC and Rapanos Guidance, while the 6th Circuit Court stay of the 2015 CWR is still in effect or the EPA and Army complete rulemaking to amend the effective date of the 2015 CWR.

DOD—DEFENSE ACQUISITION REGULATIONS COUNCIL (DARC)

Proposed Rule Stage

13. Earned Value Management Applicability (DFARS Case 2015–D038)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 41 U.S.C. 1303

CFR Citation: 48 CFR 234; 48 CFR 252.

Legal Deadline: None.

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify DoD's policy for Earned Value Management System (EVMS) application on DoD contracts, beyond the basic triggers of contract types and dollar values. Specifically, the rule:

• Clarifies that EVMS requirements are applicable to all DoD contracts, task orders, and delivery orders, that are cost reimbursement or incentive fee; have a value of $20 million or more (inclusive of all options); and have a period of performance of 18 months or longer;

• Clarifies that, with the exception of a contractor EVMS under the cognizance of the Naval Sea Systems Command, where system approval is not delegated to the Defense Contract Management Agency (DCMA), DCMA is responsible for approving a contractor's EVMS;

• Removes the reference to American National Standards Institute (ANSI) guidelines and states that EVMS must comply with guidelines in Electronic Industries Alliance (EIA) Standard 748 (EIA–748);

• Raises the threshold for a formal earned value management system compliance determination by the Defense Contract Management Agency from $50 million to $100 million; and

• Clarifies that EVMS requirements apply unless the requirements package includes a determination of earned value management nonapplicability or a waiver signed by the component acquisition executive.

This rule will not increase costs for contractors. DoD expects that this rule will decreases costs for contractors by increasing the dollar threshold for formal EVMS compliance determinations from $50 million to $100 million, and providing for earned value management non-applicability determinations and waivers. DoD estimates that this rule will reduce the number of contractor reviews by nearly 20 percent with very little risk to the Government, since over 97 percent of the contract dollars will still be covered by the increased threshold.

Statement of Need: This rule is necessary to ensure proper application of EVMS requirements in DoD contracts, task orders, and delivery orders based on contract type and period of performance, and increase the contractual threshold for an approved earned value management system from $50 million to $100 million.

Summary of Legal Basis: This rule is proposed under the authority at 41 U.S.C. 1303, functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations.

Alternatives: No alternatives were considered.

Anticipated Cost and Benefits: Based on the DoD Performance Assessments and Root Cause Analyses (PARCA) Earned Value Management Division's assessment of DoD application of earned value management, the reduction in DoD EVMS compliance surveillance will allow for the valuable repurposing of an estimated 50 personnel to support other essential priorities and missions, resulting in direct savings to the Department in excess of $3 million. Furthermore, corresponding savings in reduced DoD contractor overhead costs are conservatively estimated at two to three times the DoD savings (One contractor alone in PARCA's study estimated approximately $6 million company-wide savings annually). Since the actual cost impact is difficult to quantify, DoD is conservatively estimating annualized savings of $10 million.

Risks: Failure to implement this rule will perpetuate the unproductive regulatory earned value management compliance requirements on industry for certain types of contracts where such oversight is unnecessary.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	
NPRM Comment Period End.	03/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941,

Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ10

DOD—DARC

14. • Contractor Purchasing System Review Threshold (DFARS CASE 2017–D038)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 41 U.S.C. 1303

CFR Citation: 48 CFR 244.

Legal Deadline: None.

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement to establish a higher dollar threshold for conducting contractor purchasing system reviews. This rule proposes, in lieu of the threshold at Federal Acquisition Regulation 44.302(a), the administrative contracting officer shall determine the need for a contractors purchasing system review if a contractor's sales to the Government are expected to exceed $50 million during the next 12 months. This rule is not expected to increase costs for contractors; rather, the rule may reduce the number of contractor purchasing system reviews conducted by the Government, thus alleviating burden on contractors.

Statement of Need: There is a need to increase the threshold for a contractor purchasing system review from $25 to $50 million to reduce the administrative burden on contractors and the Government for maintaining and reviewing an approved contractor purchasing system.

Summary of Legal Basis: This rule is proposed under the authority at 41 U.S.C. 1303, Functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations.

Alternatives: No alternatives to this action are being considered at this time.

Anticipated Cost and Benefits: Implementing this rule provides a net annualized savings of approximately $12 million. This estimate is based on data available in the Federal Procurement Data System (FPDS) data for fiscal year 2016, which indicates that 958 unique vendors received awards valued at $25 million or more, but less than $50 million, that were subject to the purchasing system review. Removing this requirement would relieve these contractors from the time and cost burden required to establish, maintain, audit, document, and train for an approved purchasing system.

Risks: If this rule is not finalized, the public will continue to experience additional costs to comply with this rule at the current threshold.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	
NPRM Comment Period End.	02/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ48

DOD—DARC

15. • Brand Name or Equal (DFARS Case 2017–D040)

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 41 U.S.C. 1303; Pub. L. 113–291, sec. 888; 10 U.S.C. 2304(f)

CFR Citation: 48 CFR 206; 48 CFR 211.

Legal Deadline: Final, Statutory, December 23, 2016, Effective upon enactment.

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement to implement section 888 of the National Defense Authorization Act for FY 2017, which requires that competition not be limited through the use of specifying brand names or brand name or equivalent descriptions, or proprietary specifications and standards, unless a justification for such specifications is provided and approved in accordance with 10 U.S.C. 2304(f). This rule affects the internal operating procedures of the Government, and is not expected to increase costs for contractors or offerors.

Statement of Need: This case is necessary to ensure contracting officers comply with section 888 of the NDAA for FY 2015 (Pub. L. 113–291). Specifically, it will ensure contracting officers properly justify for the use of brand name and brand name or equivalent descriptions, or proprietary specifications or standards.

Summary of Legal Basis: This rule is proposed under the authority at 41 U.S.C. 1303, Functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations. In addition, this rule is necessary to implement the statutory amendments made by section 888 of the NDAA for FY 2017.

Alternatives: There are no viable alternatives that are consistent with the stated objectives of the statute.

Anticipated Cost and Benefits: The Department does not expect this proposed rule to have any cost impact on contractors or offerors. Rather, preparing a justification for the use of brand name descriptions or specifications provides increased transparency into the acquisition planning and source selection strategy process for department goods and services.

Risks: If this rule is not finalized, the department will not be in compliance with section 888 of the NDAA for FY 2017, therefore losing an opportunity to increase competition, expand the defense industrial base and secure reduced pricing.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	
NPRM Comment Period End.	05/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ50

DOD—DARC

Final Rule Stage

16. Amendment to Mentor-Protégé Program (DFARS Case 2016–D011)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–92, sec. 861

CFR Citation: 48 CFR 219; 48 CFR, ch. 2, app I.

Legal Deadline: None.

Abstract: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement to implement section 861 of the National Defense Authorization Act for FY 2016, which provides the following amendments to the DoD Pilot Mentor-Protégé Program (''the Program''):

• Requires mentor firms to report assistance provided to or obtained for

protégé firms; new subcontracts awarded to protégé firms; any extensions, increases in the scope of work, or additional, unreported payments to protégé firms; all Federal contracts awarded to the mentor and protégé firms as a joint venture; whether the terms of the mentor-protégé agreement have changed; and a narrative describing the success assistance provided under the Program has had in addressing the protégé firm's developmental needs, the impact on DoD contracts, and addressing any problems encountered.

- Requires mentor firms and protégé firms to meet new eligibility criteria.
- Limits the number of mentor-protégé agreements to which a protégé firm may be a party to one at a time.
- Limits the period of time during which a protégé firm may participate in mentor-protégé agreements under the Program to five years.
- Requires mentor-protégé agreements to address the benefits of the agreement to DoD and goals for additional awards for which the protégé firm can compete outside the Program.
- Removes business development assistance using mentor firm personnel and cash in exchange for an ownership interest in the protégé firm from the types of assistance that a mentor firm may provide to a protégé firm.
- Prohibits reimbursement of any fee assessed by the mentor firm for certain services provided to the protégé firm while participating in a joint venture with the protégé firm.

One respondent submitted a public comment on the proposed rule. This rule will slightly increase the costs for contractors participating in the program by introducing new reporting requirements, as required by the statute; however, these costs are offset by benefits offered by the Program. For example, the Program provides incentives to both mentor and protégé firms. Mentor firms may receive credit toward the goals in their small business subcontracting plan for the funds they spend on developmental assistance for their protégé firms. The Program offers protégé firms the opportunity to learn about contracting with DoD and to receive subcontracts from an established, successful DoD contractor.

Statement of Need: This final rule amends the DFARS to implement section 861 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016, which provides amendments to the DoD Pilot Mentor-Protégé Program (the Program). These amendments include new reporting requirements that will provide information to DoD's Office of Small Business Programs to support decisions regarding continuation of particular mentor-protégé agreements; a three-year extension of the Program; and changes to the requirements for business development assistance provided by a mentor firm and for the reimbursement of fees assessed by the mentor firm. This rule is needed to implement these statutory requirements.

Summary of Legal Basis: This rule is proposed under the authority at 41 U.S.C. 1303, Functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations. In addition, this rule is necessary to implement the statutory amendments made to the mentor protege program by section 861 of the NDAA for FY 2016.

Alternatives: There are no viable alternatives that are consistent with the stated objectives of the statute.

Anticipated Cost and Benefits: The annualized cost to the public is anticipated to be approximately $20,000 over the next four years, after which the Program is scheduled to end. Nearly all of these costs are borne by mentor firms. The anticipated cost is based on the number of firms currently participating in the Program, the number of new mentor applications DoD receives each year, and the number of new mentor-protégé agreements submitted for DoD approval each year under the Program. The Government estimated the cost of various activities mentor and protégé firms must perform to comply with the rule, including submission of reports.

The anticipated costs are offset by benefits offered by the Program. For mentor firms, these benefits include credit toward the goals in their small business subcontracting plans for the developmental assistance they provide to their protégé firms. Participation in the Program as a mentor is one way for mentors to demonstrate a good-faith effort to comply with their subcontracting plans. For protégé firms, the benefits of the Program include an opportunity to gain assistance from a successful mentor that will enable them to grow and develop as a business. Such assistance will help them obtain subcontracts with DoD contractors and eventually contracts with DoD.

Risks: If this rule is not finalized, all developmental assistance provided under the Program will end on September 30, 2018. As of that date, mentor firms will no longer be able to receive credit toward the goals in their small business subcontracting plans for developmental assistance provided to protégé firms. Protégé firms will no longer have the opportunity to learn about contracting with DoD from a mentor who is a successful DoD contractor. In addition, the Government will lose access to a pool of potential new contractors and subcontractors, therefore losing an opportunity to strengthen and diversify the defense industrial base.

Timetable:

Action	Date	FR Cite
NPRM	09/23/16	81 FR 65610
NPRM Comment Period End.	11/22/16	
Final Action	03/00/18	
Final Action Effective.	03/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email:* *jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ05

DOD—DARC

17. Use of the Government Property Clause (DFARS Case 2015–D035)

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 41 U.S.C. 1303

CFR Citation: 48 CFR 245.

Legal Deadline: None.

Abstract: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement to expand the prescription for use of Federal Acquisition Regulation (FAR) clause 52.245–1, Government Property, to apply to all purchase orders for repair, maintenance, overhaul, or modification to Government property regardless of the acquisition cost of the items to be repaired. Currently, the FAR clause is optional for use in purchase orders for repair when the acquisition cost of the item to be repaired is less than the simplified acquisition threshold; however, acquisition cost alone is not an indicator of the criticality or sensitivity of the property. The acquisition cost of individual items of firearms, body armor, night-vision equipment, computers, or cryptologic devices may be below the simplified acquisition threshold, but the accountability requirements for these items are fairly stringent. Requiring the clause in all purchase orders for repair, regardless of the acquisition cost of the item to be repaired, will ensure DoD has

better accountability and insight into military reparable assets.

One respondent submitted comments on the proposed rule. This rule will increase costs for contractors, including small entities, who receive purchase orders for repair of Government property, because these contractors will be required to comply with the reporting requirements associated with Government property clause. However, the rule also provides the contractors with the protections of the Government Property clause (where the Government self-insures the property provided to the contractor), and provides DoD better accountability of its property.

Statement of Need: The rule is required to achieve greater accountability of Government furnished property (GFP) and decrease the risk of misuse or loss of Government property. Accountability of assets is an important part of audit readiness. This rule facilitates DoD's goal of achieving full accountability and visibility of equipment provided to contractors as GFP, including critical and sensitive equipment items. This rule closes an existing accountability gap by treating purchase orders for repair, maintenance, overhaul, or modification of GFP no different from other contractual instruments involving repair of GFP, such as delivery orders awarded under Basic Ordering Agreements or issued under Indefinite Delivery Contracts.

The rule also enables compliance with DoD Instruction 4161.02 entitled Accountability and Management of Government Contract Property, which requires DoD components to use electronic transactions when transferring GFP to a contractor and upon the return of the property to DoD. Use of FAR clause 52.245–1, Government Property, in conjunction with associated DFARS clauses, creates an electronic end-to-end process for GFP management.

Summary of Legal Basis: This rule is proposed under the authority at 41 U.S.C. 1303, Functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations.

Alternatives: There are no viable alternatives that would provide tracking and accountability of GFP provided to contractors for repair that would provide full visibility of Government assets and integrate with existing GFP procedures and electronic systems. The rule reflects marketplace practices, which limits the consideration of alternatives. Many of the requirements contained in FAR 52.245–1, *e.g.,* receiving reports, discrepancy reports and property records, are typical commercial practices, and so not unduly burdensome. For example, customary commercial practice is to create receiving reports and keep records for incoming assets regardless of the source of such assets. In addition, the policy at FAR 45.103(b) permits contractors to use their own existing property management procedures, practices, and systems to account for and manage Government property.

Anticipated Cost and Benefits: The annual estimated cost to the public is based on Federal Procurement Data System transaction data for fiscal year 2015 for purchase orders for repairs of Government equipment. Using this baseline, costs were calculated for contractor reporting, record keeping, and compliance costs. Some contractors may be required to setup a property management system; however, this impact is minimal since contractors may use their own existing practices and systems. The annualized cost is estimated to be approximately $350,000.

Benefits of this rule accrue to both contractors and the Government resulting from improved accountability of GFP, which should reduce losses and mitigate potential property ownership issues. This will serve to minimize contract disputes, claims, and litigation; thereby reducing administrative costs for both contractors and the Government. Accountability of GFP facilitates proper disposition and adjudication of all property during contract closeout and should result in prompt contract payment.

Risks: This rule addresses an accountability gap in managing and accounting for Government assets and should mitigate the risk of loss of Government property. Some equipment requiring repairs that would now be covered by this rule are deemed critical and sensitive, *e.g.,* firearms, body armor, night-vision equipment, computers, and cryptologic devices. Loss or theft of such devices could have far reaching consequences.

Timetable:

Action	Date	FR Cite
NPRM	10/21/16	81 FR 73002
NPRM Comment Period End.	12/20/16	
Final Action	02/00/18	
Final Action Effective.	02/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email:* *jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ11

DOD—DARC

18. • Repeal of Independent Research and Development Technical Interchange (DFARS Case 2017–D041)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 41 U.S.C. 1303

CFR Citation: 48 CFR 231.

Legal Deadline: None.

Abstract: DoD is issuing a final rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to remove the requirement at DFARS 231.205–18(c)(iii)(C)(4) for contractors to conduct a technical interchange with a DoD Government employee before independent research and development (IR&D) costs are generated for IR&D projects initiated in FY 2017 or later, as a prerequisite for those costs to be determined allowable. This rule is expected to decrease costs for contractors and offerors.

Statement of Need: This action is necessary relieve excess burden experienced by industry when deciding to invest in innovative technologies that may benefit the Department.

Summary of Legal Basis: This rule is proposed under the authority at 41 U.S.C. 1303, Functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations.

Alternatives: No alternatives to this action are being considered at this time.

Anticipated Cost and Benefits: Implementing this rule provides a net annualized savings of approximately $2 million. This estimate is based on data available in the Federal Procurement Data System (FPDS) data for FY 2016, which indicates that 307 unique vendors were awarded a non-commercial, cost-type contract subject to cost accounting standards and certified cost and pricing data. IR&D costs are most commonly included in non-commercial, cost-type contracts that are subject to certified cost and pricing data and cost accounting standards. Public comments on the case implementing this requirement in the Defense Federal Acquisition Regulation Supplement indicate that a contractor may invest in numerous IR&D projects that would be incorporated into their proposed IR&D rate. Removing this requirement would relieve contractors

from the time burden of preparing for a discussion, locating the appropriate Government contact, discussing with the Government, and documenting a technical interchange for an IR&D project.

Risks: If this rule is not finalized, the public will experience additional costs to comply with this rule, as well as the possibility of not being reimbursed for IR&D costs under a Government contract.

Timetable:

Action	Date	FR Cite
Final Action	01/00/18	
Final Action Effective.	01/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal./

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ51

DOD—OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS (DODOASHA)

Final Rule Stage

19. Establishment of Tricare Select and Other Tricare Reforms

Priority: Other Significant.

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 10 U.S.C. ch. 55; NDAA–17 sec. 701; NDAA–17 sec. 706; NDAA–17 sec. 715; NDAA–17 sec. 718; NDAA–17 sec. 729

CFR Citation: 32 CFR 199.

Legal Deadline: Other, Statutory, June 23, 2017, NDAA 17 section 718. Other, Statutory, January 1, 2018, NDAA 17 section 729.

Abstract: This interim final rule implements the primary features of section 701 and partially implements several other sections of the National Defense Authorization Act for Fiscal Year 2017 (NDAA–17). The law makes significant changes to the TRICARE program, especially to the health maintenance organization (HMO)-like health plan, known as TRICARE Prime; to the preferred provider organization health plan, previously called TRICARE Extra and now to be called TRICARE Select; and to the third health care option, known as TRICARE Standard, which will be terminated as of December 31, 2017, and replaced by TRICARE Select. The statute also adopts a new health plan enrollment system under TRICARE and new provisions for access to care, high value services, preventive care, and healthy lifestyles. In implementing the statutory changes, this interim final rule makes a number of improvements to TRICARE. Specifically, this rule will enhance beneficiary access to health care services, including increased geographic coverage for the TRICARE Select provider network, reduced administrative hurdles for TRICARE Prime enrollees to obtain urgent care services and specialty care referrals, and promotion of high value services and medications and telehealth services. It will also expand TRICARE coverage of preventive care services and prevention and treatment of obesity and refining cost-benefit assessments for TRICARE plan specifications that remain under DoD's discretion.

Statement of Need: This interim final rule implements the primary features of section 701 and partially implements several other sections of the National Defense Authorization Act for Fiscal Year 2017 (NDAA–17). The law makes significant changes to the TRICARE program, especially to the health maintenance organization (HMO)-like health plan, known as TRICARE Prime; to the preferred provider organization health plan, previously called TRICARE Extra and now to be called TRICARE Select; and to the third health care option, known as TRICARE Standard, which will be terminated as of December 31, 2017, and replaced by TRICARE Select. The statute also adopts a new health plan enrollment system under TRICARE and new provisions for access to care, high-value services, preventive care, and healthy lifestyles. In implementing the statutory changes, this interim final rule makes a number of improvements to TRICARE.

In implementing section 701 and partially implementing several other sections of NDAA–17, this interim final rule advances all four components of the Military Health System's quadruple aim of stronger readiness, better care, healthier people, and smarter spending. The aim of stronger readiness is served by reinforcing the vital role of the TRICARE Prime health plan to refer patients, particularly those needing specialty care, to military medical treatment facilities in order to ensure that military health care providers maintain clinical currency and proficiency in their professional fields. The objective of better care is enhanced by a number of improvements in beneficiary access to health care services, including geographical coverage for the TRICARE Select provider network, reduced administrative hurdles for TRICARE Prime enrollees to obtain urgent care services and specialty care referrals, and promotion of high-value services and medications and telehealth services. The goal of healthier people is advanced by expanding TRICARE coverage of preventive care services and prevention and treatment of obesity. And the aim of smarter spending is furthered by sharpening cost-benefit assessments for TRICARE plan specifications that remain under the DoD's discretion.

Summary of Legal Basis: This interim final rule is required to implement or partially implement several sections of NDAA–17, including 701, 706, 715, 718, and 729. The legal authority for this rule also includes chapter 55 of title 10, United States Code.

Alternatives: None.

Anticipated Cost and Benefits: This rule is not anticipated to have an annual effect on the economy of $100M or more, thus it is not an economically significant rule under the Executive Order and the Congressional Review Act. The rule includes estimated program costs associated with implementation that include administrative startup costs ($11M) information systems changes ($10M). Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, seeks to control costs associated with the government imposition of private expenditures required to comply with Federal regulations and to reduce regulations that impose such costs. Consistent with the analysis of transfer payments under OMB Circular A–4, this interim final rule does not involve regulatory costs subject to E.O. 13771.

Risks: The rule does not impose any risks. The risks lie in not implementing statutorily required changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/29/17	82 FR 45438
Interim Final Rule Comment Period End.	11/28/17	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Mark Ellis, Department of Defense, Office of Assistant Secretary for Health Affairs, 5111 Leesburg Pike, Suite 810A, Falls Church, VA 22041, *Phone:* 703 681–0039.

RIN: 0720–AB70

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Statement of Regulatory Priorities

I. Introduction

The U.S. Department of Education (Department) supports States, local communities, institutions of higher education, and families in improving education and other services nationwide in order to ensure that all Americans, including those with disabilities, receive a high-quality education and are prepared for high-quality employment. We provide leadership and financial assistance pertaining to education and related services at all levels to a wide range of stakeholders and individuals, including State educational and other agencies, local school districts, providers of early learning programs, elementary and secondary schools, institutions of higher education, career and technical schools, nonprofit organizations, postsecondary students, members of the public, families, and many others. These efforts are helping to ensure that all children and students from pre-kindergarten through grade 12 will be ready for, and succeed in, postsecondary education or employment, and that students attending postsecondary institutions are prepared for a profession or career.

We also vigorously monitor and enforce the implementation of Federal civil rights laws in educational programs and activities that receive Federal financial assistance, and support innovative programs, research and evaluation activities, technical assistance, and the dissemination of data, research, and evaluation findings to improve the quality of education.

Overall, the laws, regulations, and programs that the Department administers will affect nearly every American during his or her life. Indeed, in the 2017–18 school year, about 56 million students will attend an estimated 133,000 elementary and secondary schools in approximately 13,600 districts, and about 20 million students will enroll in degree-granting postsecondary schools. All of these students may benefit from some degree of financial assistance or support from the Department.

In developing and implementing regulations, guidance, technical assistance, evaluations, data gathering and reporting, and monitoring related to our programs, we are committed to working closely with affected persons and groups. We know that improving education starts with allowing greater decision-making authority at the State and local levels while also recognizing that the ultimate form of local control occurs when parents and students are empowered to choose their own educational paths forward. Our core mission includes this empowerment of local education, serving the most vulnerable, and facilitating equal access for all, to ensure all students receive a high-quality education, and complete it with a well-considered and attainable path to a sustainable career.

Toward these ends, we work with a broad range of interested parties and the general public, including families, students, and educators; State, local, and tribal governments; other Federal agencies; and neighborhood groups, community-based early learning programs, elementary and secondary schools, colleges, rehabilitation service providers, adult education providers, professional associations, advocacy organizations, businesses, and labor organizations.

If we determine that it is necessary to develop regulations, we seek public participation at the key stages in the rulemaking process. We invite the public to submit comments on all proposed regulations through the internet or by regular mail. We also continue to seek greater public participation in our rulemaking activities through the use of transparent and interactive rulemaking procedures and new technologies.

To facilitate the public's involvement, we participate in the Federal Docketing Management System (FDMS), an electronic single Government-wide access point (*www.regulations.gov*) that enables the public to submit comments on different types of Federal regulatory documents and read and respond to comments submitted by other members of the public during the public comment period. This system provides the public with the opportunity to submit comments electronically on any notice of proposed rulemaking or interim final regulations open for comment, as well as read and print any supporting regulatory documents.

We are committed to reducing burden with regard to regulations, guidance, and information collections, reducing the burden on information providers involved in our programs, and making information easily accessible to the public. To that end and consistent with Executive Order 13777 (''Enforcing the Regulatory Reform Agenda''), we are in the process of reviewing all of our regulations and guidance to modify and rescind items that: (1) Eliminate jobs, or inhibit job creation; (2) are outdated, unnecessary, or ineffective; (3) impose costs that exceed benefits; (4) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (5) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or (6) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. Regulatory and Deregulatory Priorities

Proposed Rulemakings

The following actions are the significant new rulemaking actions the Department is planning for the coming year. Because we are just now beginning the rulemaking process for these regulations, we have limited information about the potential costs and benefits and therefore whether these would be considered regulatory or deregulatory actions under Executive Order 13771.

Postsecondary Education/Federal Student Aid

The Secretary is planning two new rulemakings in the area of higher education and Federal Student Aid under the Higher Education Act of 1965, as amended (HEA). In 2014, we completed a rulemaking to establish regulations governing certain postsecondary educational programs that prepare students for gainful employment in a recognized occupation, and in 2016, we completed a rulemaking to establish regulations governing, among other issues, borrower defenses to repayment of student loans. In the two new rulemakings, described below, we are planning to revisit these regulations with the goals of alleviating unnecessary regulatory burdens and ensuring appropriate protections for students, institutions, the taxpayers, and the Federal government. Through the use of the negotiated rulemaking process, we will receive input from a diverse range of interests and affected parties and will have the opportunity to reach consensus on a set of regulations that best meets those parties' needs and our overall goals.

More specifically, the Secretary plans to establish new regulations governing

the William D. Ford Federal Direct Loan (Direct Loan) Program regarding the standard and the process for determining whether a borrower has a defense to repayment on a loan based on an act or omission of a school. We also may amend other sections of the Direct Loan Program regulations, including those that codify our current policy regarding the impact that discharges have on the 150 percent Direct Subsidized Loan Limit; and the Student Assistance General Provisions regulations providing the financial responsibility standards and disclosure requirements for schools. In addition, we may amend the discharge provisions in the Federal Perkins Loan, Direct Loan, Federal Family Education Loan, and Teacher Education Assistance for College and Higher Education Grant programs.

The Secretary is also commencing rulemaking to amend the gainful employment regulations, including those provisions relating to institutional eligibility, reporting, and disclosures.

Civil Rights/Title IX

The Secretary is planning a new rulemaking to address significant issues under Title IX of the Education Amendments of 1972, as amended. In this action, we seek to clarify schools' obligations in redressing sex discrimination, including complaints of sexual misconduct, and the procedures by which they must do so.

Deregulatory Actions

The Department anticipates issuing a number of deregulatory actions in the upcoming fiscal year. We have thus far been focusing our deregulatory efforts on eliminating outdated regulations. In many instances, our deregulatory actions are being taken because legislation has superseded our regulations. For example, we are planning to rescind a number of sections from our Office of Elementary and Secondary Education regulations to clarify which regulations were superseded by the recently enacted Every Student Succeeds Act. These deregulatory actions, such as rescinding the Adequate Yearly Progress regulations at 34 CFR 200.13–22, will clarify for our stakeholders and the general public which of our regulations are still in effect, and which have been rescinded. Similarly, we are planning to rescind a number of the Office of Special Education and Rehabilitative Services regulations issued by the Department's former National Institute on Disability and Rehabilitation Research (NIDRR). Congress transferred NIDRR to the Department of Health and Human Services, and this deregulatory action will rescind regulations that the Department no longer administers, thereby avoiding confusion. The unified agenda identifies other deregulatory actions that provide cost savings and clarity.

III. Regulatory Review

As stated previously, the Department is undertaking a comprehensive regulatory reform effort pursuant to Executive Order 13777, focusing on rescinding and modifying all outdated, unnecessary, or ineffective regulations, guidance, and information collections. Section 3(e) of the Executive Order requires the Department, as part of this effort, to ''seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations'' on regulations that meet some or all of the criteria above.

Consistent with section 3(e), on June 22, 2017, the Department published a **Federal Register** notice soliciting such input from the public to inform its evaluation of existing regulations and guidance. We specified in the notice that we are particularly interested in regulatory provisions that are unduly costly or unnecessarily burdensome. The public's comments will be closely reviewed and considered as part of our overall regulatory reform initiative.

IV. Principles for Regulating

Over the next year, we may need to issue other regulations because of new legislation or programmatic changes. In doing so, we will follow the Principles for Regulating, which determine when and how we will regulate. Through consistent application of those principles, we have eliminated unnecessary regulations and identified situations in which major programs could be implemented without regulations or with limited regulatory action.

In deciding when to regulate, we consider the following:

- Whether regulations are essential to promote quality and equality of opportunity in education.
- Whether a demonstrated problem cannot be resolved without regulation.
- Whether regulations are necessary to provide a legally binding interpretation to resolve ambiguity.
- Whether entities or situations subject to regulation are similar enough that a uniform approach through regulation would be meaningful and do more good than harm.
- Whether regulations are needed to protect the Federal interest, that is, to ensure that Federal funds are used for their intended purpose and to eliminate fraud, waste, and abuse.

In deciding how to regulate, we are mindful of the following principles:

- Regulate no more than necessary.
- Minimize burden to the extent possible, and promote multiple approaches to meeting statutory requirements if possible.
- Encourage coordination of federally funded activities with State and local reform activities.
- Ensure that the benefits justify the costs of regulating.
- To the extent possible, establish performance objectives rather than specify the behavior or manner of compliance a regulated entity must adopt.
- Encourage flexibility, to the extent possible and as needed to enable institutional forces to achieve desired results.

ED—OFFICE FOR CIVIL RIGHTS (OCR)

Proposed Rule Stage

20. • Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 1681 *et seq.*

CFR Citation: 34 CFR 106.

Legal Deadline: None.

Abstract: The Secretary plans to issue a notice of proposed rulemaking to clarify schools' obligations in redressing sex discrimination, including complaints of sexual misconduct, and the procedures by which they must do so.

Statement of Need: This regulatory action will address issues regarding schools' obligations under Title IX of the Education Amendments of 1972, as amended, to redress sex discrimination.

Summary of Legal Basis: 20 U.S.C. 1681, *et seq.*

Alternatives: These will be presented in a Notice of Proposed Rulemaking and discussed in the Final Regulations.

Anticipated Cost and Benefits: These will be presented in a Notice of Proposed Rulemaking and discussed in the Final Regulations.

Risks: These will be presented in a Notice of Proposed Rulemaking and discussed in the Final Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Alejandro Reyes, Department of Education, Office for Civil Rights, 400 Maryland Avenue SW, Room 4E213, Washington, DC 20202, *Phone:* 202 453–7100, *Email:* *t9ocrcomments@ed.gov*.

RIN: 1870–AA14

ED—OFFICE OF POSTSECONDARY EDUCATION (OPE)

Proposed Rule Stage

21. Borrower Defense and Related Issues

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 1082(a)(5), (a)(6); 20 U.S.C.1087(a); 20 U.S.C. 1087e(h); 20 U.S.C. 1221e–3; 20 U.S.C. 1226a–1; 20 U.S.C. 1234(a); 31 U.S.C. 3711

CFR Citation: 34 CFR 30; 34 CFR 668; 34 CFR 674; 34 CFR 682; 34 CFR 685; 34 CFR 686; and other sections as applicable.

Legal Deadline: None.

Abstract: The Secretary plans to establish new regulations governing the William D. Ford Federal Direct Loan (Direct Loan) Program regarding the standard and the process for determining whether a borrower has a defense to repayment on a loan based on an act or omission of a school. We also may amend other sections of the Direct Loan Program regulations, including those that codify our current policy regarding the impact that discharges have on the 150 percent Direct Subsidized Loan Limit; and the Student Assistance General Provisions regulations providing the financial responsibility standards and disclosure requirements for schools. In addition, we may amend the discharge provisions in the Federal Perkins Loan (Perkins Loan), Direct Loan and Federal Family Education Loan (FFEL) program regulations.

Statement of Need: The Secretary is initiating negotiated rulemaking to revise current regulations governing borrower defenses to loan repayment.

Summary of Legal Basis: Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs authorized under title IV of the HEA, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations from the public, the Secretary conducts negotiated rulemaking to develop the proposed regulations. Section 455(h) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1087e(h), authorizes the Secretary to specify in regulation which acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a Direct Loan.

Alternatives: These will be identified through the negotiated rulemaking process, presented in a Notice of Proposed Rulemaking, and discussed in the Final Regulations.

Anticipated Cost and Benefits: These will be identified through the negotiated rulemaking process, in a Notice of Proposed Rulemaking and discussed in the Final Regulations.

Risks: These will be identified through the negotiated rulemaking process, in a Notice of Proposed Rulemaking and discussed in the Final Regulations.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	06/16/17	82 FR 27640
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.

Federalism: Undetermined.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Annmarie Weisman, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 6W245, Washington, DC 20202, *Phone:* 202 453–6712, *Email:* *annmarie.weisman@ed.gov*.

RIN: 1840–AD26

ED—OPE

22. • Program Integrity; Gainful Employment

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 1001; 20 U.S.C. 1002; 20 U.S.C. 1003; 20 U.S.C. 1088; 20 U.S.C. 1091; 20 U.S.C. 1094; 20 U.S.C. 1099(b); 20 U.S.C. 1099(c)

CFR Citation: 34 CFR 668.

Legal Deadline: None.

Abstract: The Secretary plans to amend regulations on institutional eligibility under the Higher Education Act of 1965, as amended (HEA), and the Student Assistance General Provisions, including the regulations governing whether certain postsecondary educational programs prepare students for gainful employment in a recognized occupation, and the conditions under which these educational programs remain eligible under the Federal Student Aid programs authorized under title IV of the HEA.

Statement of Need: The Secretary is initiating negotiated rulemaking to revise the gainful employment regulations published by the Department on October 31, 2014 (79 FR 64889).

Summary of Legal Basis: Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs authorized under title IV of the HEA, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations from the public, the Secretary conducts negotiated rulemaking to develop the proposed regulations. Section 431 of the Department of Education Organization Act provides authority to the Secretary, in relevant part, to inform the public regarding federally supported education programs; and collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs. 20 U.S.C. 1231a.

Alternatives: These will be identified through the negotiated rulemaking process, presented in a Notice of Proposed Rulemaking, and discussed in the Final Regulations.

Anticipated Cost and Benefits: These will be identified through the negotiated rulemaking process, presented in a Notice of Proposed Rulemaking, and discussed in the Final Regulations.

Risks: These will be identified through the negotiated rulemaking process, presented in a Notice of Proposed Rulemaking, and discussed in the Final Regulations.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	06/16/17	82 FR 27640

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.

URL For Public Comments: www.regulations.gov.

Agency Contact: Annmarie Weisman, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 6W245, Washington, DC 20202, *Phone:* 202 453–6712, *Email: annmarie.weisman@ed.gov.*

RIN: 1840–AD31

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Statement of Regulatory and Deregulatory Priorities

The Department of Energy (DOE or The Department) makes vital contributions to the Nation's welfare through its activities focused on improving national security, energy supply, energy efficiency, environmental remediation, and energy research. The Department's mission is to ensure America's security and prosperity by addressing its energy, environmental, and nuclear challenges through transformative science and technology solutions.

Through its regulatory and deregulatory activities, the Department works to ensure it both achieves its critical mission, and implements the administration's initiative to reduce regulation and control regulatory costs as outlined in Executive Order (E.O.) 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' As such, the Department strives to act in a prudent and financially responsible manner in the expenditure of funds, from both public and private sources, and manages appropriately the costs associated with private expenditures required for compliance with DOE regulations. Ultimately, DOE aims to promote meaningful regulatory burden reduction, while at the same time achieve its regulatory objectives and statutory obligations.

Regulatory and Deregulatory Priorities

DOE's regulatory and deregulatory priorities reflect the Department's efforts to achieve meaningful burden reduction while continuing to achieve the Department's statutory obligations.

DOE's regulatory priorities reflect the Department's statutory obligations. The Energy Policy and Conservation Act (EPCA) requires DOE to review its appliance efficiency standards at least once every six years to determine whether a new standard can be implemented at a level that achieves the maximum improvement in energy efficiency that is technologically feasible and economically justified. The Department continues to work to meet these obligations.

DOE is also engaging in a number of deregulatory activities aimed at reducing regulatory costs and burdens. These activities include expediting the approval process for applicants proposing to export small volumes of natural gas and taking a number of actions to right-size the safety requirements for persons conducting activities that affect, or may affect, the safety of DOE nuclear facilities.

Aggregate Number of Anticipated Regulatory and Deregulatory Actions

For fiscal year 2017 and 2018 DOE plans to implement 7 regulatory actions and 16 deregulatory actions. DOE is largely focusing its resources on pursuing the deregulatory actions listed in the Regulatory Agenda. While none of the rulemakings listed as regulatory actions in DOE's regulatory agenda meet the Regulatory Plan criterion of ''most important significant regulatory actions'' of the agency, DOE is placing one action in its Regulatory Plan, for the purpose of transparency and due to the non-trivial costs of the proposed action: Energy Conservation Standards for Residential Conventional Cooking Products. At the 7% and 3% discount rate the primary annualized cost for this rule is expected to be 42.6 million and 42.3 million dollars respectively. The primary annualized benefits at the 7% and 3% discount rate are expected to be 126 million and 178 million respectively.

In all its rulemakings, as required by E.O. 12866, ''Regulatory Planning and Review,'' DOE ensures that the net benefits of any rule it publishes outweigh the costs of the rulemaking. Further, DOE will not issue a rule if that rule contains unjustified burdens.

Retrospective Analyses of Existing Rules

As part of its efforts to comply with Section 6 of E.O. 13563, ''Improving Regulation and Regulatory Review,'' which requires agencies to conduct a retrospective review of existing rules to identify rules that are ''outmoded, ineffective, insufficient, or excessively burdensome,'' and to determine whether such regulations should be ''modified, streamlined, expanded, or repealed'' DOE issued a request for information (RFI) on May 30, 2017, 82 FR 24582. Among other issues, this RFI requested insight from the public as to what regulations may meet the definition of E.O. 13563. DOE is reviewing all 132 comments received to gain a better insight into possible regulations that can be modified, streamlined, expanded or repealed. As required by Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'', DOE also has established a regulatory reform task force, tasked with the mission of identifying regulations in need of reform, as specified in the order. The task force's activities are intended to assist DOE in meeting the objectives of E.O. 13563.

DOE—ENERGY EFFICIENCY AND RENEWABLE ENERGY (EE)

Proposed Rule Stage

23. Energy Conservation Standards and Definition for General Service Lamps

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Public Law 104–4.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6295(i)(6)(A)

CFR Citation: 10 CFR 430.

Legal Deadline: Final, Judicial, Date will be determined based on prior actions required by the settlement agreement.

Abstract: The Department will issue a supplemental notice of proposed rulemaking that includes a proposed determination with respect to whether to amend or adopt standards for general service light-emitting diode (LED) lamps and that may include a proposed determination with respect to whether to amend or adopt standard for compact fluorescent lamps. According to the Settlement agreement between NEMA vs DOE, DOE will use its best efforts to issue GSL SNOPR within five months of publishing the final rule on vibration service and rough service lamps.

Statement of Need: DOE is directed under EPCA to determine when to establish standards for GSL's, and that DOE complete the rulemaking by January 1, 2017.

Summary of Legal Basis: Amendments to EPCA in the Energy Independence and Security Act of 2007 (EISA) directed DOE to conduct two rulemaking cycles to evaluate energy conservation standards for GSL's (42 U.S.C. 6295(i)(6)(A)–(B)). Furthermore, pursuant to EPCA, any new or amended energy conservation standard that the

Department of Energy (DOE) prescribes for certain products, such as general service lamps, shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified (42 U.S.C. 6295(o)(2)(A)) and result in a significant conservation of energy (42 U.S.C. 6295(o)(3)(B)).

Alternatives: The statute requires DOE to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, DOE conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified in the statute.

Anticipated Cost and Benefits: DOE finds that the benefits to the Nation of the proposed energy standards for General Service Lamps outweigh the burdens. DOE estimates that energy savings will be .85 quads over 30 years and the net benefit to the Nation will be between $4.4 billion and $9.1 billion.

Risks:

Timetable:

Action	Date	FR Cite
Framework Document Availability; Notice of Public Meeting.	12/09/13	78 FR 73737
Framework Document Comment Period End.	01/23/14	
Framework Document Comment Period Extended.	01/23/14	79 FR 3742
Framework Document Comment Period Extended End.	02/07/14	
Preliminary Analysis; Notice of Public Meeting.	12/11/14	79 FR 73503
Preliminary Analysis Comment Period End.	02/09/15	
Preliminary Analysis Comment Period Extended.	01/30/15	80 FR 5052
Preliminary Analysis Comment Period Extended End.	02/23/15	
Notice of Public Meeting; Webinar.	03/15/16	81 FR 13763
NPRM	03/17/16	81 FR 14528
NPRM Comment Period End.	05/16/16	
Notice of Public Meeting; Webinar.	10/05/16	81 FR 69009
Proposed Definition and Data Availability.	10/18/16	81 FR 71794
Proposed Definition and Data Availability Comment Period End.	11/08/16	
Final Rule Adopting a Definition for GSL.	01/19/17	82 FR 7276
Final Rule Adopting a Definition for GSL Effective.	01/01/20	
Final Rule Adopting a Definition for GSL Including IRL.	01/19/17	82 FR 7322
Final Rule Adopting a Definition for GSL Including IRL Effective.	01/01/20	
GSL Supplemental NPRM.	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=83.

URL For Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2013-BT-STD-0051.

Agency Contact: Lucy DeButts, Buildings Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov.*

RIN: 1904–AD09

DOE—EE

24. Energy Conservation Standards For Residential Conventional Cooking Products

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Public Law 104–4.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6295(m)(1); 42 U.S.C. 6292 (a)(10); 42 U.S.C. 6295(h)

CFR Citation: 10 CFR 429; 10 CFR 430.

Legal Deadline: Other, Statutory, Subject to 6-year-look-back at 6295(m).

Abstract: EPCA, as amended by EISA 2007, requires the Secretary to determine whether updating the statutory energy conservation standards for residential conventional cooking products would yield a significant savings in energy use and is technically feasible and economically justified. DOE is reviewing to make such determination.

Statement of Need: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential conventional cooking products. EPCA also requires the U.S. Department of Energy (DOE) to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would save a significant amount of energy. DOE is proposing new and amended energy conservation standards for residential conventional cooking products, specifically conventional cooking tops and conventional ovens.

Summary of Legal Basis: EPCA provides that not later than 6 years after issuance of any final rule establishing or amending a standard, DOE must publish either a notice of determination that standards for the product do not need to be amended, or a notice of proposed rulemaking including new proposed energy conservation standards (42 U.S.C. 6295(m)(1)). In accordance with this statutory provision, DOE proposes new and amended energy conservation standards for residential conventional cooking products.

Alternatives: Additional compliance flexibilities may be available through other means. EPCA provides that a manufacturer whose annual gross revenue from all of its operations does not exceed $8 million may apply for an exemption from all or part of an energy conservation standard for a period not longer than 24 months after the effective date of a final rule establishing the standard (42 U.S.C. 6295(t)). Additionally, section 504 of the Department of Energy Organization Act, 42 U.S.C. 7194, provides authority for the Secretary to adjust a rule issued under EPCA in order to prevent special hardship, inequity, or unfair distribution of burdens that may be imposed on that manufacturer as a result of such rule.

Anticipated Cost and Benefits: Using a 7-percent discount rate for benefits and costs, the estimated cost of the proposed standards for consumer

conventional cooking products is $42.6 million per year in increased equipment costs, while the estimated annual benefits are $120.3 million in reduced equipment operating costs.

Using a 3-percent discount rate for all benefits and costs, the estimated cost of the proposed standards for consumer conventional cooking products is $42.3 million per year in increased equipment costs, while the estimated annual benefits are $163.3 million in reduced operating costs.

The industry net present value (INPV) is the sum of the discounted cash flows to the industry from the reference year through the end of the analysis period (2017 to 2049). Using a real discount rate of 9.1 percent, DOE estimates that the INPV for manufacturers of consumer conventional cooking products is $1,241.6 million in 2016 dollars. Under the proposed standards, DOE expects that manufacturers may experience a reduction of up to 4.7 percent of their INPV, which is approximately $58.4 million in 2016.

The cumulative net present value (NPV) of total consumer benefits of the standards for consumer conventional cooking products ranges from $1.08 billion (at a 7-percent discount rate) to $2.63 billion (at a 3-percent discount rate). This NPV expresses the estimated total value of future operating-cost savings minus the estimated increased product costs for consumer conventional cooking products purchased in 2020–2049.

Risks:

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	02/12/14	79 FR 8337
RFI Comment Period End.	03/14/14	
RFI Comment Period Extended.	03/03/14	79 FR 11714
RFI Comment Period Extended End.	04/14/14	
NPRM and Public Meeting.	06/10/15	80 FR 33030
NPRM Comment Period Extended.	07/30/15	80 FR 45452
NPRM Comment Period Extended End.	09/09/15	
Supplemental NPRM.	09/02/16	81 FR 60784
SNPRM Comment Period End.	10/03/16	
SNPRM Comment Period Extended.	09/30/16	81 FR 67219
SNPRM Comment Period Extended End.	11/02/16	
Supplemental NPRM.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

URL For More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=85.

URL For Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2014-BT-STD-0005.

Agency Contact: Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE5B, Washington, DC 20002, *Phone:* 202 287–1943, *Email: stephanie.johnson@ee.doe.gov.*

RIN: 1904–AD15

BILLING CODE 6450–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Regulatory Priorities for Fiscal Year 2018

The Department of Health and Human Services (HHS) carries out a wide array of activities in order to fulfill its mission of protecting and promoting the health and well-being of the American people. From supporting cutting-edge research and disease surveillance to regulating products and facilities to administering programs that help our citizens most in need of access to health care and social services, HHS's work has a clear impact on the daily life of all Americans.

In order to successfully carry out its mission, HHS is committed to a regulatory agenda that is focused on better meeting the needs of the individuals served by its programs, empowering individuals and communities by reducing the burden of compliance, and maximizing the impact of federal investments. Through its rulemakings in the coming fiscal year, HHS will take concrete steps towards streamlining its regulations and improving the transparency, flexibility, and accountability of its regulatory processes in order to realize a future where science, health care, and human services are fundamentally person-centered.

I. More Effectively Meeting the Needs of Individuals

In order to better serve the American people through its programs, HHS will propose a number of regulatory actions aimed at improving service delivery through meaningful information sharing, supporting consumer autonomy and decision-making, and better aligning programs with the most current science.

Improving Service Delivery Through Meaningful and Appropriate Information Sharing

In order to deliver quality health care and human services, stronger and clearer regulatory systems that promote the judicious sharing of personally identifiable information among care teams, individuals, and families are necessary, while protecting the confidentiality and security of that information. The Office of Civil Rights (OCR), the Office of the National Coordinator for Health Information Technology (ONC), and the Substance Abuse and Mental Health Services Administration (SAMHSA) intend to promulgate rules related to the sharing of electronic data and records. In particular, OCR plans to propose a rule clarifying information sharing with family members when patients are incapacitated.

Supporting Consumer Autonomy

Integral to a person-centered approach to health care is the concept of autonomy and personal responsibility: Providing consumers with the information they need and choices so they can take responsibility for their health and better direct their own care. In order to provide patients with information that is useful, actionable, and comprehensible, the Food and Drug Administration (FDA) plans to amend its regulations regarding the information patients receive for outpatient-administered prescription drugs. To encourage more consumer-directed care, FDA also plans to propose regulations to facilitate access to more treatments for common conditions by using new approaches, including new technologies, to assist consumers in self-selection and use of products that have previously been available only by prescription.

Aligning Programs With Scientific Advancements

In order to best respond to the needs of patients, it is crucial that HHS regulations and programs reflect current science. HHS is fulfilling this need by updating regulations so that the Department can utilize the full spectrum

of current scientific thinking when carrying out program activities. Specifically, the Health Resources and Services Administration (HRSA) plans to revise the Vaccine Injury Table to include vaccines that the Centers for Disease Control and Prevention (CDC) recommends for administration to pregnant women. This revision will allow injuries related to these vaccines to be eligible for the National Vaccine Injury Compensation Program. Additionally, FDA intends to propose a new rule that will modernize mammography quality by recognizing new technologies, making improvements in facility processes, and the reporting of breast density, which is now widely recognized as a risk factor for breast cancer.

II. Empowering Individuals and Communities Through Reducing Regulatory Burden

In order to make HHS programs more person-centered, the rulemakings described above must be accompanied by serious efforts to decrease the burden of complying with Federal regulations. Regulatory burden can result from a variety of sources, including reporting requirements, outdated restrictions, requirements and/or conditions not required by the authorizing statutes, and a lack of clear regulatory guidelines. HHS is committed to streamlining and clarifying its regulations to reduce unnecessary burden while continuing to protect the public health and to meet the human services needs of the American people.

Minimizing Duplication and Burdensome Requirements

The Department recognizes the burden that requirements for many of its programs place on States, territories, tribes, local governments, industry, providers and facilities, caseworkers, grant recipients, and individuals. HHS plans to actively engage stakeholders in transparent, deliberative processes to ensure that the Department strikes an appropriate balance between reducing burden and continuing to administer high-quality programs. For example, The Administration for Children and Families (ACF) plans to issue an Advanced Notice of Proposed Rulemaking seeking public comment on its 2016 Final Rule on the Adoption and Foster Care Analysis and Reporting System (AFCARS), which doubled reporting requirements for States and tribes. Through careful consideration of all comments submitted by the public during this process, ACF believes it can streamline the 2016 Rule so that States and tribes are able to devote less time and fewer resources to administrative work and redirect those efforts to the children they serve.

The Centers for Medicare & Medicaid Services (CMS) plans to propose changes to the current Conditions of Participation (CoPs) or Conditions for Coverage (CfCs) that health care organizations must meet in order to begin and continue participating in the Medicare and Medicaid programs. These changes will simplify and streamline the current regulations by reducing the frequency of certain required activities and, where appropriate, revising timelines for certain requirements for providers and suppliers. These changes will also increase provider flexibility and reduce excessively burdensome regulations, while allowing providers to focus on providing high-quality health care to their patients. Ultimately, these proposals balance patient safety and quality, while also providing broad regulatory relief for providers and suppliers.

Through initiatives to eliminate regulatory burdens that negatively impact the doctor-patient relationship, the Department will take steps to remove duplicative requirements, streamline data collection and reporting requirements, and make meaningful reforms to programs that limit access to care. For example, CMS plans to finalize the physician fee schedule, which will eliminate the redundant reporting of the modifier in the professional claim to reduce burden for eligible practitioners. The Inpatient Prospective Payment System (IPPS), which HHS has finalized for fiscal year 2018, also reduces the electronic quality reporting measures from eight to four measures, to reduce burden for eligible practitioners and ensure they are spending more time caring for the patient rather than in front of a computer screen. HHS intends to continue building on this progress in the next fiscal year rule.

Eliminating Outdated Restrictions and Obsolete Regulations

In addition to minimizing regulatory burden, HHS realizes that many of its regulations may contain provisions that are outdated, obsolete, or otherwise not applicable to the current environment. HHS has resolved to reform its processes so that those providing care and other services to Americans are able to thrive within the State and federal regulatory environment. As an early step in this broader effort, CMS plans to issue a proposed rule that will remove unnecessary and outdated requirements from the conditions of participation for the Medicare and Medicaid programs for Long-Term Care facilities. Currently, these requirements often impede the delivery of quality care and divert resources away from facility residents.

Providing Necessary Regulatory Clarity to Industry Stakeholders

While the above rulemakings seek to correct overregulation, in some cases, HHS programs lack the necessary regulations in order to make their processes transparent and predictable. For example, in the context of FDA's tobacco program, rulemaking is needed to clarify for industry what is required to be included in premarket applications and the procedures that will be followed in submitting and reviewing these submissions as part of a comprehensive framework to regulate nicotine and tobacco and advance the public health. In addition, FDA is updating important rules for medical device applications so the rules reflect risk-based and least burdensome pathways to market for devices, including new and innovative devices. These rules will fill gaps to ensure that manufacturers in these sectors know how to bring innovative products to market that may save lives or reduce health risks. FDA intends to begin rulemaking this fiscal year to fill these regulatory gaps so that these processes become more fair, efficient, and predictable.

In response to extensive outreach to physician stakeholders, HHS anticipates a number of changes associated with private practice physicians and their arrangements with Medicare Advantage Organizations (MAOs). Of the nearly 200 regulatory burdens reported by more than 30 trade associations, 12 percent of the groups requested clarity with regards to the ways MAOs audit physicians and their practices. CMS plans on issuing a Part C and D rule for Contract Year 2019, that responds to these concerns. The rule will also seek comment on ways to improve MAO audits of solo practitioners and their practices.

III. Maximizing the Impact of Every Federal Dollar Spent

In order to truly protect and promote the health and wellbeing of the American people, HHS must ensure that each and every taxpayer dollar it spends is used wisely and managed responsibly. HHS's efforts to reduce burden and move toward more person-centered programs must be coupled with a department-wide determination to do more with the resources that it has. By doing so, HHS hopes to use taxpayer funds responsibly to reach as many Americans in need as possible

directly through its programs and to empower its community partners to do the same.

Protecting the Integrity of HHS Programs

A key component of maximizing the impact of HHS's investments—and protecting taxpayer dollars—is program integrity. Without consistent efforts to identify fraud, waste, and abuse and respond accordingly, the Department cannot be certain that its funds are going toward their intended use nor can it maintain the public's confidence in its programs. As such, the Department is committed to keeping program integrity a priority in the coming years. This year, CMS plans to finalize a rule that will implement crucial authorities provided by Congress to deny or revoke a provider or supplier's Medicare enrollment in certain circumstances specified in the rule. Additionally, HRSA plans to publish an NPRM imposing civil monetary penalties on drug manufacturers who knowingly and intentionally charge 340B program participants a price higher than the program ceiling price.

Promoting Flexibility for States, Grantees, and Regulated Entities

Alongside program integrity activities, HHS intends to enhance regulatory flexibility so that its State and community partners are able to better tailor their programs to fit the needs of the people they serve. Particularly in the context of the Secretary's three clinical priorities—combatting the opioid crisis, childhood obesity, and serious mental illness—the Department has begun looking seriously at its programs to see how it can maximize the number of people reached through amending its regulations to remove or change regulatory limitations on grantees and regulated entities. Specifically, SAMHSA plans to publish an NPRM exploring ways that it could better facilitate the ability of individuals with an Opioid Use Disorder to access interim maintenance treatment while they are waiting to begin a comprehensive treatment plan. In addition, ACF plans to consider revising minimum service duration requirements for Head Start center-based programs. Rulemaking carried out in 2016 nearly doubled the current minimum. If revised again, center-based Head Start programs would likely be able to serve more children and choose a duration that better reflects the needs and daily schedules of the families they serve.

As a way of promoting flexibility for States, CMS also plans to propose a rule related to Medicaid and CHIP Managed Care. This rule would streamline the regulatory framework and provide burden reductions to ensure state Medicaid agencies are able to work effectively with CMS to design, develop, and deploy managed care programs that meet the state population's needs. These changes support state flexibility, local leadership, and innovation in the delivery of care.

In the coming fiscal year, HHS plans to consider a number of regulatory and deregulatory actions intended to make its processes more flexible, efficient, and transparent. In order to fully realize the potential of these efforts, HHS recognizes the need for a collaborative rulemaking process where the concerns of stakeholders are appropriately considered. By working with its community partners to understand the challenges that they face under HHS's current regulatory structures and where there are opportunities for improvement, the Department hopes to modernize and streamline its regulations to better serve the needs of the American people.

HHS—OFFICE FOR CIVIL RIGHTS (OCR)

Proposed Rule Stage

25. • HIPAA Privacy Rule: Presumption of Good Faith of Healthcare Providers

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Health Insurance Portability and Accountability (HIPAA) Act of 1996, Pub. L. 104–191

CFR Citation: 45 CFR 164.510.

Legal Deadline: None.

Abstract: The proposed rule would modify the HIPAA Privacy Rule to clarify that healthcare providers are presumed to be acting in the individual's best interests when they share information with an incapacitated patient's family members unless there is evidence that a provider was acted in bad faith.

Statement of Need: HIPAA allows medical professionals to share protected health information with an individual's loved ones in emergency or dangerous situations but misunderstandings to the contrary persist and create obstacles to family support that is crucial to the proper care, treatment, and recovery of people experiencing a crisis situation. Therefore, the Department, through the Office for Civil Rights (OCR) intends to propose regulatory changes to the HIPAA Privacy Rule to clarify that healthcare providers are presumed to be acting in the individual's best interests when they share information with an incapacitated patient's family members, unless there is evidence that a provider acted in bad faith. OCR by delegation from the Secretary, has broad authority under HIPAA to make modifications to the Privacy Rule, as provided by section 264 of HIPAA (codified at 42 U.S.C. and 1320d–2(note)).

Summary of Legal Basis: OCR has broad authority under the HIPAA statute to make modifications to the Privacy Rule, within the statutory constraints of the HITECH Act and other applicable law (*e.g.,* the Administrative Procedures Act).

Alternatives: The alternative is to not issue a proposed rule.

Anticipated Cost and Benefits: The proposed rule will not create any new requirements or costs for regulated entities or the public. It will provide assurances to health care providers about their ability to make disclosures that are in the best interests of patients.

Risks: OCR has not identified any risks associated with this proposal. OCR currently defers to a healthcare provider's professional judgment in these circumstances and has never taken enforcement action against a healthcare provider who shared information in good faith, thus, the proposed regulatory change will not decrease the privacy protections for individuals' protected health information, or significantly alter HIPAA enforcement policy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Andra Wicks, Health Information Privacy Specialist, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 202 774–3081, *TDD Phone:* 800 537–7697, *Email: andra.wicks@hhs.gov.*

RIN: 0945–AA09

HHS—OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY (ONC)

Proposed Rule Stage

26. • Health Information Technology: Interoperability and Certification Enhancements

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 114–255

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The proposed rule would update certain provisions of the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act) and implement certain provisions of the 21st Century Cures Act (Cures Act) including provisions related to conditions of certification and maintenance of certification for a health information technology (IT) developer or entity, the voluntary certification of health IT for use by pediatric health providers, health information network voluntary attestation to their adoption of a trusted exchange framework and common agreement in support of network-to-network exchange, and provisions related to reasonable and necessary activities that do not constitute information blocking.

Statement of Need: In part, Title IV of the 21st Century Cures Act requires the Secretary to engage in notice and comment rulemaking that would help advance interoperability and the exchange of health information, including by addressing information blocking. The interoperability of health information is central to the efforts of the Department of Health and Human Services to enhance and protect the health and well-being of all Americans.

Summary of Legal Basis: The proposed provision would be implemented under the authority of the Public Health Service Act, as amended by the HITECH Act and the Cures Act.

Alternatives: ONC will consider different options to improve interoperability and access to electronic health information so that the benefits to providers, patients, and payers are maximized and the economic burden to health IT developers, providers, and other stakeholders is minimized.

Anticipated Cost and Benefits: The majority of costs for this proposed rule will be incurred by health IT developers in terms of meeting new requirements and continual compliance with the regulations. We expect, however, that through implementation and compliance with the regulations the market particularly providers, patients, and payers will benefit greatly from increased interoperability and access to electronic heath information (*e.g.,* the need for less interfaces or making health information more accessible at lower costs). Other proposed changes are aimed at relieving some administrative burdens for health IT developers.

Risks: None identified at this time.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Michael Lipinski, JD, Director, Division of Federal Policy and Regulatory Affairs, Department of Health and Human Services, Office of the National Coordinator for Health Information Technology, Mary E. Switzer Building, 330 C Street SW, Washington, DC 20201, *Phone:* 202 690–7151.

RIN: 0955–AA01

HHS—SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)

Proposed Rule Stage

27. • Certification of Opioid Treatment Programs

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Sec. 303(g) of the Controlled Substances Act (CSA); (21 U.S.C. 823(g)) establishes procedures for determining whether a health care practitioner can dispense opioid drugs for the purpose of treating opioid use disorders

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: This proposed rule would delete outmoded requirements for transitional certification and add new language permitting private, for-profit entities to serve as opioid treatment programs.

Statement of Need: SAMHSA plans to promulgate a rule to remove the transitional certification provisions that are now outdated. Additionally, updating language to permit private, for-profit entities to serve as opioid treatment programs could improve patient access to this treatment.

Summary of Legal Basis: Section 303(g) of the Controlled Substances Act (CSA) (21 U.S.C. 823(g) establishes procedures for determining whether a healthcare practitioner can dispense opioid drugs for the purpose of treating opioid use disorders. HHS has adopted regulations at 42 CFR part 8 to provide additional details. These regulations were most recently substantively revised in July 2016 (81 FR 44712).

Alternatives: The alternatives include not making these changes or making only one of the above changes rather than both (*i.e.,* either updating the regulatory language to permit private, for-profit entities to serve as OTPs or removing the transitional certification provisions but not both of these changes).

Anticipated Cost and Benefits: Eliminating outmoded transition regulations will make the regulations less confusing. In addition, permitting private, for-profit entities to qualify for certification potentially will broaden access to opioid treatment programs. SAMHSA is unsure how to quantify costs and benefits for these changes.

Risks: Some advocates may argue that controversies about patient brokering raise questions about whether private, for-profit entities would best uphold the interests of patients but SAMHSA has no specific information that permitting private, for-profit entities to manage OTPs will increase risks to patients.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Chris Carroll, Director of Health Care Financing and Systems Integration, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 02857, *Phone:* 240 276–1765, *Email: christopher.carroll@samhsa.hhs.gov.*

RIN: 0930–AA27

HHS—SAMHSA

Final Rule Stage

28. Confidentiality of Substance Use Disorder Patient Records

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 290dd–2

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The action would finalize the proposed additional clarifications to the part 2 regulations which were included in the Supplemental NPRM published on January 18, 2017, (82 FR 5485). This proposed to permit lawful holders and their contractors and subcontractors' to, under certain

circumstances, use and disclose part 2-covered data for purposes of carrying out payment, healthcare operations, and other healthcare related activities.

Statement of Need: This action should improve information sharing for purposes of carrying out payment, healthcare operations, and other healthcare related activities.

Summary of Legal Basis: The governing statute, 42 U.S.C. 290dd–2, establishes that records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e) of this section, be confidential. The statute requires that HHS issue regulations, which are codified at 42 CFR part 2. SAMHSA. This final rule will adopt changes proposed in the SNPRM.

Alternatives: Based on public comments, SAMHSA anticipates that these modifications will enhance efficiency of such payment and health care operations as claims processing, business management, training and customer service. The alternative would be not to finalize these changes in which case it would remain unclear in some cases as to when and whether part 2 programs could work with contractors or subcontractors on payment and health care operations activities.

Anticipated Cost and Benefits: The changes proposed will make it easier for part 2 programs to work with contractors, subcontractors, and legal representatives on payment and healthcare operations activities. SAMHSA also will develop an abbreviated notice of redisclosure that may make it easier for some entities to use electronic health records.

Risks: None known.

This rule, if finalized, would permit lawful holders of part 2 information to work with contractors, subcontractors and legal representatives to make additional disclosures of part 2 information for certain payment and health care operations purposes when initial patient consent is obtained. The rule includes language which provides that the contractor and any subcontractor or legal representative are or will be fully bound by the provisions of part 2 upon receipt of the patient identifying data, and, as such that each disclosure shall be accompanied by a required redisclosure notice. SAMHSA does not believe the additional disclosures permitted will increase risks of data breaches or other risks to patients.

Timetable:

Action	Date	FR Cite
Final Action	01/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Chris Carroll, Director of Health Care Financing and Systems Integration, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 02857, *Phone:* 240 276–1765, *Email: christopher.carroll@samhsa.hhs.gov.*

RIN: 0930–AA26

HHS—Food and Drug Administration (FDA)

Proposed Rule Stage

29. Mammography Quality Standards Act; Regulatory Amendments

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

CFR Citation: 21 CFR 900.

Legal Deadline: None.

Abstract: FDA is proposing to amend its regulations governing mammography. The amendments would update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA). FDA is taking this action to address changes in mammography technology and mammography processes that have occurred since the regulations were published in 1997 and to address breast density reporting to patient and healthcare providers.

Statement of Need: FDA is proposing to update the mammography regulations that were issued under the Mammography Quality Standards Act of 1992 (MQSA) and the Federal Food, Drug, and Cosmetic Act (FD&C Act). FDA is taking this action to address changes in mammography technology and mammography processes.

FDA is also proposing updates to modernize the regulations by incorporating current science and mammography best practices, including addressing breast density reporting to patients and health care providers.

These updates are intended to improve the delivery of mammography services.

Summary of Legal Basis: Mammography is an X-ray imaging examination device that is regulated under the authority of the FD&C Act. FDA is proposing these amendments to the mammography regulations (set forth in 21 CFR part 900) under section 354 of the Public Health Service Act (42 U.S.C. 263b), and sections 519, 537, and 704(e) of the FD&C Act (21 U.S.C. 360i, 360nn, and 374(e)).

Alternatives: The Agency will consider different options so that the health benefits to patients are maximized and the economic burdens to mammography facilities are minimized.

Anticipated Cost and Benefits: The primary public health benefits of the rule will come from the potential for earlier breast cancer detection, improved morbidity and mortality, resulting in reductions in cancer treatment costs. The primary costs of the rule will come from industry labor costs and costs associated with supplemental testing and biopsies.

Risks: If a final regulation does not publish, the potential reduction in fatalities and earlier breast cancer detection, resulting in reduction in cancer treatment costs, will not materialize to the detriment of public health.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: State.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Agency Contact: Erica Blake-Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 5522, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov.*

RIN: 0910–AH04

HHS—FDA

30. Medical Device De Novo Classification Process

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.
Legal Authority: 21 U.S.C. 513; 21 U.S.C. 701
CFR Citation: 21 CFR 860.
Legal Deadline: None.
Abstract: De novo classification decreases regulatory burdens because manufacturers can use a less burdensome application pathway under the FD&C Act to market their devices. The proposed rule would establish procedures and criteria for the de novo process and would make it more transparent and predictable for manufacturers.
Statement of Need: FDA is taking this action to implement amendments to the De Novo classification process in the FD&C Act that were enacted by the Food and Drug Administration Modernization Act of 1997 (FDAMA), and the Food and Drug Administration Safety and Innovation Act of 2012 (FDASIA), and the 21st Century Cures Act of 2016 (Cures).
Summary of Legal Basis: The FD&C Act (21 U.S.C. 301 *et seq.*), as amended, establishes a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act established three categories (classes) of medical devices based on the regulatory controls sufficient to provide reasonable assurance of safety and effectiveness of the device. In 1997, Congress enacted section 513()(2) to include a De Novo classification process for some devices for which reasonable assurance of safety and effectiveness could be established through the De Novo process. FDASIA and cures expanded and modified this process.
Alternatives: The De Novo classification process is based on authority from the FD&C Act. The De Novo classification program must continue because it is required by statute. If the proposed rule is not finalized, then procedures and details about the application process and handling of De Novo applications might be unclear to potential applicants, and the program may not be as efficient as it might be.
Anticipated Cost and Benefits: By classifying the requirements for the De Novo classification process. FDA expects that the rule would reduce the time and costs associated with preparing and reviewing De Novo requests, and would generate net benefits in the form of cost savings for both private and government sectors.
Risks: If the proposed rule is not finalized, then some aspects of the De novo classification process may not be clear, and potential applicants may miss the opportunity for using this less burdensome process when seeking premarket clearance. This could potentially delay getting new medical devices to the market and to patients.
Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.
Government Levels Affected: None.
Agency Contact: Jean M. Olson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Health and Human Services, 10903 New Hampshire Avenue, Building 66, Room 5508, Silver Spring, MD 20993, *Phone:* 301 796–6579.
RIN: 0910–AH53

HHS—FDA

31. • Requirement for Access or Safe use of Certain Nonprescription Drug Products

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.
Unfunded Mandates: Undetermined.
E.O. 13771 Designation: Deregulatory.
Legal Authority: 21 U.S.C. 321; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; 42 U.S.C. 264; . . .
CFR Citation: 21 CFR 314.56; 21 CFR 201.67.
Legal Deadline: None.
Abstract: The proposed rule is intended to increase access to a wider variety of nonprescription drug products. Under the proposed rule, an applicant could submit an application to FDA for approval of a nonprescription drug product with a requirement that ensures consumers' appropriate self-selection, appropriate actual use, or both in order to obtain the drug without a prescription.
Statement of Need: Nonprescription products have traditionally been limited to drugs that can be labeled with information for consumers to safely and appropriately self-select and use the drug product without supervision of a health care provider. There are certain prescription medications that may have comparable risk-benefit profiles to over-the-counter medications in selected populations. However, appropriate consumer selection and use may be difficult to achieve in the nonprescription setting based solely on information that may be included in labeling. FDA is proposing regulations that would allow for approval of a nonprescription drug product that would have additional requirements that could be met by consumers to obtain the drug without a prescription. The proposed rule outlines a framework for the use of innovative approaches to assist consumers with nonprescription drug product self-selection or use. This pathway should lead to approval of a wider range of nonprescription drug products.
Summary of Legal Basis: FDA's proposed revisions to the regulations regarding labeling and applications for nonprescription drug products labeling are authorized by the FD&C Act (21 U.S.C. 321 *et seq.*) and by the Public Health Service Act (42 U.S.C. 262 and 264).
Alternatives: FDA evaluated various requirements for new drug applications to assess flexibility of nonprescription drug product design through drug labeling for appropriate self-selection and appropriate use.
Anticipated Cost and Benefits: The benefits of the proposed rule would include increased consumer access to drug products which could translate to a reduction in under treatment of certain diseases and conditions. Benefits to industry would arise from the flexibility in drug product approval. The proposed rule would impose costs arising from the development of an innovative approach to assist consumers with nonprescription drug product self-selection or use.
Risks: None.
Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: Businesses.
Government Levels Affected: None.
Agency Contact: Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, *Phone:* 301 796–0151, *Email: chris.wheeler@fda.hhs.gov.*
RIN: 0910–AH62

HHS—FDA

32. • Medication Guides; Patient Medication Information

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.
E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C 321 *et seq.*; 42 U.S.C. 262; 42 U.S.C. 264; 21 U.S.C. 371

CFR Citation: 21 CFR 208; 21 CFR 606.123 (new); 21 CFR 310.501 and 310.515 (removal); 21 CFR 201.57 (a)(18) (revision); 21 CFR 201.809(f)(2) (revision); 21 CFR 314.70(b)(2)(v)(B) (revision); 21 CFR 610.60(a)(7) (removal); . . .

Legal Deadline: None.

Abstract: The proposed rule would amend FDA medication guide regulations to require a new form of patient labeling, Patient Medication Information, for submission to and review by the FDA for human prescription drug products used, dispensed, or administered on an outpatient basis. The proposed rule would include requirements for Patient Medication Information development, consumer testing, and distribution. The proposed rule would require clear and concise written prescription drug product information presented in a consistent and easily understood format to help patients use their prescription drug products safely and effectively.

Statement of Need: Patients may currently receive one or more types of written patient information regarding prescription drug products. Research has shown that frequently the information received is duplicative, incomplete, conflicting, or difficult to read and understand and such information is not sufficient to meet the needs of patients. Patient Medication Information is a new type of one-page Medication Guide that FDA is proposing to require for certain prescription drug products. Patient Medication Information is intended to improve public health by providing clear, concise, accessible, and useful written prescription drug product information, delivered in a consistent and easily understood format, to help patients use prescription drug products safely and effectively and potentially reduce adverse drug reactions due to incorrect use and improve health outcomes.

Summary of Legal Basis: FDA's proposed revisions to the regulations regarding format and content requirements for prescription drug labeling are authorized by the FD&C Act (21 U.S.C. 321 *et seq.*) and by the Public Health Service Act (42 U.S.C. 262 and 264).

Alternatives: FDA evaluated providing additional guidance to entities that supply patients information about prescription drugs and various formats for patient medication information.

Anticipated Cost and Benefits: The monetary benefit of the proposed rule stems from an increase in medication adherence due to patients having more complete and understandable information about their prescription drug products. The proposed rule would impose costs that stem from developing and approving Patient Medication Information.

Risks: The current system does not consistently provide patients with useful written information to help them use their prescription drug products safely and effectively. The proposed rule would require FDA- approved Patient Medication Information for certain prescription drug products used, dispensed, or administered on an outpatient basis.

Timetable:

Action	Date	FR Cite
NPRM	05/ 00/ 0;18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, *Phone:* 301 796–0151, *Email: chris.wheeler@fda.hhs.gov.*

RIN: 0910–AH68

HHS—FDA

33. • Format and Content of Reports Intended To Demonstrate Substantial Equivalence

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 387; 42 U.S.C. 4332

CFR Citation: 21 CFR 1107.

Legal Deadline: None.

Abstract: This proposed rule would establish the format and content of reports intended to demonstrate substantial equivalence (SE) in tobacco products and would provide information as to how the Agency will review and act on these submissions.

Statement of Need: The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), requires premarket submissions for new tobacco products. Substantial equivalence reports are one type of premarket submission that manufacturers of new tobacco products may use to obtain marketing authorization for a new tobacco product. This regulation is necessary to provide information to manufacturers to aid them in preparing and submitting substantial equivalence reports.

Summary of Legal Basis: Section 905(j) of the FD&C Act, as amended by the Tobacco Control Act, provides for the submission of substantial equivalence reports and authorizes FDA to prescribe the form and manner of these reports. Section 910 of the FD&C Act mandates the premarket review of new tobacco products, establishes definitions of substantial equivalence and characteristics, and requires health information as part of a submission under section 905(j) of the FD&C Act. Section 909 establishes record and report requirements for tobacco products. Sections 701 and 704 of the FD&C Act authorize the promulgation of regulations to implement the FD&C Act and inspections.

Alternatives: In addition to the benefits and costs of the proposed rule, FDA assessed the benefits and costs of several alternatives to the proposed rule: (1) Extending the effective date of the rule, (2) allowing for more deficiency letters and review cycles, and (3) allowing for only one review cycle.

Anticipated Cost and Benefits: The costs of the rule are compliance costs on affected entities, *e.g.,* to read and understand the rule, to revise internal procedures, and fill out a form for substantial equivalence reports. The quantified benefits of the proposed rule are cost-savings resulting from shorter FDA review times and fewer staff to review substantial equivalence reports. The cost savings to the government is expected to be larger than the compliance cost for industry and the net result is an overall net positive benefit from this proposed rule. The qualitative benefits of the rule include additional clarity to industry about the requirements for the content and format of substantial equivalence reports, as well as the establishment of procedures for substantial equivalence report review and communication with applicants. These changes make the substantial equivalence marketing pathway clearer for both FDA and applicants.

Risks: Premarket submissions for new tobacco products are required by the FD&C Act. But to prepare premarket submissions such as substantial equivalence reports intended to meet those requirements, manufacturers need more information about content and

format requirements. This rule provides more information on content and format requirements and describes possible FDA actions on the substantial equivalence report.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Annette L. Marthaler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 877 287–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AH89

HHS—HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA)

Proposed Rule Stage

34. • 340B Drug Pricing Program Ceiling Price and Manufacturer Civil Monetary Penalties Regulation

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 102–585: Veterans HealthCare Act of 1992

CFR Citation: 42 CFR 10.

Legal Deadline: None.

Abstract: This proposed rule would amend the definition of 'knowingly and intentionally' at section 10.3 and amend section 10.10(b) regarding 340B ceiling price. The sections being amended were included in a final rule that published on January 5, 2017 (82 FR 1210; RIN 0906–AA89). The January 5, 2017, final rule set forth the calculation of the ceiling price and application of civil monetary penalties.

Statement of Need: This statutorily required rule defines the standards and methodology for the calculation of ceiling prices within the 340B Program and imposes civil monetary penalties on drug manufacturers who knowingly and intentionally charge a covered entity a price above the 340B ceiling price.

Summary of Legal Basis: This rule would implement provisions of section 340B of the Public Health Service Act (PHSA), referred to as the 340B Drug Pricing Program or the 340B Program.

Alternatives: None. This rule implements statutory requirements.

Anticipated Cost and Benefits: This proposed rule will not have economic impacts of $100 million or more in any 1 year, and, therefore, has not been designated an economically significant rule under section 3(f)(1) of Executive Order 12866. This proposed rule proposes to modify current policy regarding calculation of the 340B ceiling price.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: CAPT Krista Pedley, Department of Health and Human Services, Health Resources and Services Administration, Health Services and Resources Administration, 5600 Fishers Lane, 10C–03, Rockville, MD 20857, *Phone:* 301 443–5294, *Email: krista.pedley@hrsa.hhs.gov.*

Related RIN: Related to 0906–AA89

RIN: 0906–AB12

HHS—HRSA

35. • National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 21st Century Cures Act; FR 114–255

CFR Citation: 42 CFR 100.

Legal Deadline: None.

Abstract: This proposed rule would revise the Vaccine Injury Table to include vaccines recommended by the Centers for Disease Control and Prevention for routine administration in pregnant women. The addition of this category of vaccines to the Vaccine Injury Table is necessary to allow related injury claims to be eligible for adjudication through the Vaccine Injury Compensation Program.

Statement of Need: This statutorily required regulation revises the Vaccine Injury Table to include vaccines recommended by the Centers for Disease Control and Prevention for routine administration in pregnant women. This category of vaccines must be added to the Table for such injury claims to be eligible for adjudication through the Vaccine Injury Compensation Program.

Summary of Legal Basis: This rule would implement provisions of the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended.

Alternatives: None. This rule implements statutory requirements.

Anticipated Cost and Benefits: An estimate of costs of this regulation is not available at this time. There are no anticipated costs to this regulation.

Risks: This category of vaccines must be added to the Table for such injury claims to be eligible for adjudication through the Vaccine Injury Compensation Program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Undetermined.

Agency Contact: Tamara Overby, Deputy Director, Division of Injury Compensation Programs, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, 08N142, Rockville, MD 20857, *Phone:* 301 443–3766, *Email: toverby@hrsa.gov.*

RIN: 0906–AB14

HHS—CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS)

Proposed Rule Stage

36. Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2019 (CMS–4182–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Pub. L. 114–198, sec. 702; Pub. L. 114–255, secs. 17005 & 17006; 42 U.S.C. 1302; 42 U.S.C. 1395hh

CFR Citation: 42 CFR 417; 42 CFR 422; 42 CFR 423; 42 CFR 483; . . .

Legal Deadline: None.

Abstract: This proposed rule would set forth programmatic and operational changes to the Medicare Advantage (MA) and prescription drug benefit programs for contract year 2019.

Statement of Need: This rule is necessary to make revisions to the MA program (Part C) and Prescription Drug Benefit Program (Part D), and other changes to the regulations based on our continued experience in the administration of the Part C and Part D programs.

Summary of Legal Basis: This rule addresses multiple sections of the Social Security Act (including secs. 1102 and 1871) and the Public Health Service Act. It also implements section 704 of the Comprehensive Addiction and Recovery Act (CARA) and sections 17005 and 17006 of the 21 st Century Cures Act.

Alternatives: This rule proposes approaches to improve the quality, accessibility and affordability of the Medicare Part C and Part D programs and to improve the CMS customer experience. The Agency will consider options that support these improvements.

Anticipated Cost and Benefits: The rule includes changes that support innovative approaches by Medicare Advantage (MA) organizations and Part D sponsors in administering the benefit and that prevent improper provision of services, implementing changes in line with the Comprehensive Addiction and Recovery Act of 2016 and the 21st Century Cures Act. We believe the proposed changes will result in a reduction of burden to MA Organizations and Part D Sponsors and generate program savings. As we move toward publication, estimates of the cost and benefits of these provisions will be included in the rule.

Risks: If this regulation is not published timely, changes will not be in place for contract year 2019.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal.

Agency Contact: Christian Bauer, Director, Division of Part D Policy, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C1–26–16, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6043, *Email: christian.bauer@cms.hhs.gov*.

RIN: 0938–AT08

HHS—CMS

37. • Regulatory Provisions To Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3346–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 263a, 273, 1302, 1320a–7, 1320b–8,1395, 1395eee(f),1395hh, 1395i, 1395rr, 1396r, 1396u–4(f)); 42 U.S.C. 273; 42 U.S.C. 1302; 42 U.S.C. 1320a–7; 42 U.S.C. 1320b–8; 42 U.S.C. 1395; 42 U.S.C. 1395eee(f); 42 U.S.C. 1395hh; 42 U.S.C. 1395i; 42 U.S.C. 1395rr; 42 U.S.C. 1396r; 42 U.S.C. 1396u–4(r)

CFR Citation: 42 CFR 403; 42 CFR 405; 42 CFR 416; 42 CFR 418; . . .

Legal Deadline: None.

Abstract: This proposed rule would reform Medicare regulations that CMS has identified as unnecessary, obsolete, or excessively burdensome on healthcare providers and suppliers. This rule would increase the ability of healthcare professionals to devote resources to improving patient care by eliminating or reducing requirements that impede quality patient care or that divert resources away from providing high quality patient care.

Statement of Need: CMS is committed to transforming the healthcare delivery system, and the Medicare program, by putting an additional focus on patient-centered care and working with providers, physicians, and patients to improve outcomes. We seek to reduce burdens for hospitals, physicians, and patients, improve the quality of care, decrease costs, and ensure that patients and their providers and physicians are making the best healthcare choices possible.

We are therefore proposing changes to the current Conditions of Participation (CoPs) or Conditions for Coverage (CfCs) that would simplify and streamline the current regulations and thereby increase provider flexibility and reduce excessively burdensome regulations, while also allowing providers to focus on providing high-quality healthcare to their patients.

Summary of Legal Basis: Sections 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

Alternatives: From within the entire body of CoPs and CfCs, the most viable candidates for reform were those identified by stakeholders, by recent research, or by experts as unusually burdensome if not changed. This subset of the universe of standards is the focus of this proposed rule. For all of the proposed provisions, we considered not making these changes or changing them in other manners.

Anticipated Cost and Benefits: This rule would create ongoing cost savings to providers and suppliers in many areas and significant additional health benefits. Other changes we have proposed would clarify existing policy and relieve some administrative burdens.

Risks: Our estimates of the effects of this regulation are subject to significant uncertainty. While we are confident that these reforms will provide flexibilities to facilities that will yield major cost savings, there are uncertainties about the magnitude of these effects.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

Agency Contact: Alpha-Banu Huq, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–8687, *Email: alpha-banu.huq@cms.hhs.gov*.

RIN: 0938–AT23

HHS—CMS

38. • Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates (CMS–1694–P) (Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

CFR Citation: 42 CFR 412; 42 CFR 413.

Legal Deadline: NPRM, Statutory, April 1, 2018. Final, Statutory, August 1, 2018.

Abstract: This annual proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This proposed rule would implement changes arising from our continuing experience with these systems.

Statement of Need: CMS annually revises the Medicare hospital inpatient prospective payment systems (IPPS) for operating and capital-related costs to implement changes arising from our continuing experience with these systems. In addition, we describe the proposed changes to the amounts and factors used to determine the rates for Medicare hospital inpatient services for operating costs and capital-related costs. Also, CMS annually updates the

payment rates for the Medicare prospective payment system (PPS) for inpatient hospital services provided by long-term care hospitals (LTCHs). The rule solicits comments on the proposed IPPS and LTCH payment rates and new policies. CMS will issue a final rule containing the payment rates for the FY 2019 IPPS and LTCHs at least 60 days before October 1, 2018.

Summary of Legal Basis: The Social Security Act (the Act) sets forth a system of payment for the operating costs of acute care hospital inpatient stays under Medicare Part A (Hospital Insurance) based on prospectively set rates. The Act requires the Secretary to pay for the capital-related costs of hospital inpatient and Long Term Care stays under a PPS. Under these systems, Medicare payment for hospital inpatient and Long Term Care operating and capital-related costs is made at predetermined, specific rates for each hospital discharge. These changes would be applicable to services furnished on or after October 1, 2018.

Alternatives: This proposed rule will provide descriptions of the statutory provisions that are addressed, identify the proposed policies, and present rationales for our decisions and alternatives that were considered.

Anticipated Cost and Benefits: Total expenditures will be adjusted for FY 2019; however, at this time, the impact is expected to affect transfers only and not contain costs/benefits outside of Medicare spending.

Risks: If this regulation is not published timely, inpatient hospital and LTCH services will not be paid appropriately beginning October 1, 2018.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, *MS:* C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov*.

RIN: 0938–AT27

HHS—CMS

39. • Requirements for Long-Term Care Facilities: Regulatory Provisions To Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3347–P)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Sec. 1819 and 1919 of the Social Security Act; sec. 1819(d)(4)(B) and 1919(d)(4)(B) of the Social Security Act; sec. 1819(b)(1)(A) and 1919(b)(1)(A) of the Social Security Act

CFR Citation: 42 CFR 483; 42 CFR 488.

Legal Deadline: None.

Abstract: This proposed rule would reform the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs, that CMS has identified as unnecessary, obsolete, or excessively burdensome on facilities. This rule would increase the ability of healthcare professionals to devote resources to improving resident care by eliminating or reducing requirements that impede quality care or that divert resources away from providing high quality care.

Statement of Need: CMS is committed to transforming the healthcare delivery system, and the Medicare program, by putting an additional focus on patient-centered care and working with providers, physicians, and patients to improve outcomes. We seek to reduce burdens for long-term care facilities; healthcare professionals and residents; improve the quality of care; decrease costs; and, ensure that residents and their providers are making the best healthcare choices possible.

We are therefore proposing revisions to the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs that would increase the ability of healthcare professionals to devote resources to improving resident care by eliminating or reducing requirements that impede quality care or that divert resources away from providing high quality care.

Summary of Legal Basis: This proposed rule is in accordance with the January 30, 2017 Executive Order Reducing Regulation and Controlling Regulatory Costs (E.O. 13771).

Alternatives: For all of the proposed provisions, we considered not making these changes. Specifically, we considered the impact that any revisions would have on the health and safety of residents in long-term care facilities and if such revisions would realistically be burden reducing for facilities. Ultimately, we believe that the proposed revisions will be burden reducing and do not impede on the health and safety of residents.

Anticipated Cost and Benefits: This proposed rule would create ongoing cost savings to long-term care facilities in many areas. In addition, various proposals would clarify existing policy and relieve some administrative burdens.

Risks: Our estimates of the effects of this regulation are subject to significant uncertainty. While we are confident that these reforms would provide flexibilities to facilities that will yield major cost savings, there are uncertainties about the magnitude of these effects.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Ronisha Blackstone, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, *MS:* S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6882, *Email: ronisha.blackstone@cms.hhs.gov*.

RIN: 0938–AT36

HHS—CMS

40. • Medicaid and CHIP Managed Care (CMS–2408–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302

CFR Citation: 42 CFR 430; 42 CFR 431; 42 CFR 438.

Legal Deadline: None.

Abstract: This proposed rule would streamline the regulatory framework and provide burden reductions to ensure state Medicaid agencies are able to work effectively with CMS to design, develop, and deploy managed care programs that meet the state population's needs.

Statement of Need: This proposed rule would advance CMS' efforts to streamline Medicaid and CHIP managed care and reflects a broader strategy to relieve regulatory burdens; support state flexibility and local leadership; empower the patient-doctor relationship

in health care; and promote transparency, flexibility, and innovation in the delivery of care.

Summary of Legal Basis: Section 1102 of the Social Security Act (42 U.S.C. 1302).

Alternatives: The HHS letter to the nation's governors on March 14, 2017, committed to a review of the managed care regulations in order to prioritize beneficiary outcomes and State priorities. We are reviewing the managed care regulations in accordance with this commitment and recommending appropriate rulemaking.

Anticipated Cost and Benefits: This proposed rule is intended to streamline the federal requirements for Medicaid and CHIP managed care. We anticipate that these changes will likely be economically significant.

Risks: The current revisions of the regulations are intended to ensure that the regulatory framework is efficient and feasible for States to implement in a cost effective manner and address the risks identified in previous rulemaking. This would ensure that States operating State Medicaid and CHIP managed care programs can implement program and fiscal integrities without undue administrative burdens.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.

Agency Contact: James Golden, Director, Division of Managed Care Plans, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicaid and CHIP Services, *MS:* S2–14–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–7111, *Email: james.golden@cms.hhs.gov.*

RIN: 0938–AT40

HHS—ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)

Prerule Stage

41. • Adoption and Foster Care Analysis and Reporting System

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Sections 474(f), 479 and 1102 of the Social Security Act

CFR Citation: 45 CFR 1355.

Legal Deadline: None.

Abstract: This advanced notice of proposed rulemaking seeks public suggestions in particular from state and tribal title IV–E agencies and Indian tribes, tribal organizations and consortiums, for streamlining the Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements and removing any undue burden related to reporting AFCARS.

Statement of Need: The reporting requirements for the Adoption and Foster Care Analysis and Reporting System (AFCARS) have doubled in the past year. In an effort to ensure that an appropriate balance is achieved between reporting burden and administering high-quality programs that provide services to children and families. By engaging in this rulemaking process, the public and stakeholders will be afforded an opportunity to provide input on what data collections are most useful to the administration of child welfare programs.

Summary of Legal Basis: Section 479 of the Social Security Act requires HHS regulate a national data collection system which provides comprehensive information on adopted and foster children and their parents.

Alternatives: None. This rule implements statutory requirements.

Anticipated Cost and Benefits: An estimate of costs to states to modify their existing data systems is not available at this time.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Kathleen McHugh, ACYF/Children's Bureau, Department of Health and Human Services, Administration for Children and Families, Washington, DC 20013, *Phone:* 202 401–5789, *Email: kmchugh@acf.dhhs.gov.*

RIN: 0970–AC72

HHS—ACF

Proposed Rule Stage

42. • Head Start Service Duration Requirements

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Section 641A of the Head Start Act

CFR Citation: 45 CFR 1302.

Legal Deadline: None.

Abstract: This rule would address the requirement in the Head Start Program Performance Standards (HSPPS) that increases service duration for all Head Start center-based programs to a minimum of 1,020 hours.

Statement of Need: The Head Start Program Performance Standards (HSPPS) regulation includes two requirements that increase service duration for all Head Start center-based programs. The first requirement, effective on August 1, 2019, requires center-based programs to operate 50 percent of their slots for 1,020 annual hours. The second requirement, effective August 1, 2021, requires center-based programs to operate 100 percent of their slots for 1,020 annual hours. Each requirement will go into effect unless the Secretary acts to lower each percentage 18 months prior to its respective effective date. The Secretary, through the HSPPS regulation, has the authority to lower the 50 percent requirement through a public notice. Elimination of the 1,020 annual hour requirements allows maximum flexibility for Head Start grantees. Programs could choose to operate for longer than the 448-hour minimum based on demonstrated need in their communities, but it would not be a requirement. The Head Start Act allows programs to convert part-day slot to full-day or full-working-day slots.

Summary of Legal Basis: HHS believes that the Secretary could not yet make a defensible determination to reduce the second requirement of 100 percent, based on an assessment of the availability of sufficient funding to mitigate a substantial reduction in funded enrollment, because the effective date of the 100 percent requirement is several budget cycles away. With several years before the 100 percent requirement would go into effect, there is sufficient time to complete the regulatory notice and comment process and to issue a final rule eliminating these duration requirements.

Alternatives: None. The service duration requirements were codified in regulation and in order to remove the 100 percent requirement a regulation must be issued.

Anticipated Cost and Benefits: The estimated cost of the 100 percent Head Start center-based duration requirement (effective August 1, 2021) is approximately $1.2 billion.

Risks: Without additional funding, this requirement would likely result in a loss of between 130,000 and 140,000 Head Start slots.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Colleen Rathgeb, Division Director, Department of Health and Human Services, Administration for Children and Families, 330 C Street SW, Washington, DC 20447, *Phone:* 202 358–3263, *Email: collen.rathgeb@acf.hhs.gov*.

RIN: 0970–AC73

BILLING CODE 4150–03–P

DEPARTMENT OF HOMELAND SECURITY (DHS)

Fall 2017 Statement of Regulatory Priorities

The Department of Homeland Security (DHS or Department) was created in 2003 pursuant to the Homeland Security Act of 2002, Public Law 107–296. The DHS mission statement provides the following: ''With honor and integrity, we will safeguard the American people, our homeland, and our values.''

Fulfilling this mission requires the dedication of more than 225,000 employees in jobs that range from aviation and border security to emergency response, from cybersecurity analyst to chemical facility inspector. Our duties are wide-ranging, but our goal is clear—keeping America safe.

Leading a unified national effort, DHS has five core missions: (1) Prevent terrorism and enhance security, (2) secure and manage our borders, (3) enforce *and administer our immigration laws,* (4) safeguard and secure cyberspace, and (5) ensure resilience to disasters. In addition, we must specifically focus on maturing and strengthening the homeland security enterprise itself.

In achieving these goals, we are continually strengthening our partnerships with communities, first responders, law enforcement, and Government agencies—at the State, local, tribal, Federal, and international levels. We are accelerating the deployment of science, technology, and innovation in order to make America more secure, and we are becoming leaner, smarter, and more efficient, ensuring that every security resource is used as effectively as possible. For a further discussion of our mission, see the DHS website at *http://www.dhs.gov/our-mission*.

The regulations we have summarized below in the Department's fall 2017 regulatory plan and agenda support the Department's responsibility areas. These regulations will improve the Department's ability to accomplish its mission. Also, the regulations we have identified in this year's regulatory plan continue to address legislative initiatives such as the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Public Law 110–53 (Aug. 3, 2007).

DHS strives for organizational excellence and uses a centralized and unified approach in managing its regulatory resources. The Office of the General Counsel manages the Department's regulatory program, including the agenda and regulatory plan. In addition, DHS senior leadership reviews each significant regulatory project to ensure that the project fosters and supports the Department's mission.

The Department is committed to ensuring that all of its regulatory initiatives are aligned with its guiding principles to protect civil rights and civil liberties, integrate our actions, build coalitions and partnerships, develop human resources, innovate, and be accountable to the American public.

Executive Order 13771 Requirements

In fiscal year 2018, DHS plans to finalize the following actions:

- 0 Executive Order 13771 regulatory actions;
- 15 Executive Order 13771 deregulatory actions (including information collections);
- 5 Executive Order 13771-exempt regulations; and
- 9 regulations for which we are unsure of their Executive Order 13771 designation. (*Note:* These are regulations that we designated as ''other'' in the newly-created Executive Order 13771 designation data field in the Unified Agenda entries).

We provide further information about these actions in the DHS Regulatory Plan and Unified Agenda.

DHS is also committed to the principles described in Executive Orders 13563 and 12866 (as amended). Both Executive orders direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Finally, the Department values public involvement in the development of its regulatory plan, agenda, and regulations, and takes particular concern with the impact its regulations have on small businesses. DHS and its components continue to emphasize the use of plain language in our regulatory documents to promote a better understanding of regulations and to promote increased public participation in the Department's regulations.

The fall 2017 regulatory plan for DHS includes regulations from several DHS components, including U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard (Coast Guard), U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), the Federal Emergency Management Agency (FEMA), and the Transportation Security Administration (TSA). Below is a discussion of the regulations that comprise the DHS fall 2017 regulatory plan.

United States Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (USCIS) is the government agency that oversees lawful immigration to the United States. USCIS's role is to efficiently adjudicate and manage petitions, applications, and requests for immigration benefits for foreign nationals seeking lawful immigration status in the United States and for individuals seeking to become citizens of the United States, and other matters within the jurisdiction of the agency, in a manner that detects, deters, and prevents fraud, protects the jobs and working conditions of American workers as appropriate, and ensures the national security, public safety, and welfare of the American people. In the coming year, USCIS will promulgate several regulatory and deregulatory actions to directly support these commitments and goals.

Rescission of International Entrepreneur Rule. USCIS will propose to rescind the final rule published in the **Federal Register** on January 17, 2017. The final rule established a program that would allow for consideration of parole into the United States, on case-by-case basis, of certain inventors, researchers, and entrepreneurs who had established a U.S. start-up entity, and who had been awarded substantial U.S. investor financing or otherwise hold the promise of innovation and job creation through the development of new technologies or the pursuit of cutting edge research.

Removing H–4 Dependent Spouses from the Class of Aliens Eligible for Employment Authorization. USCIS will

also propose to rescind the final rule published in the **Federal Register** on February 25, 2015. The 2015 final rule amended DHS regulations by extending eligibility for employment authorization to certain H–4 dependent spouses of H–1B nonimmigrants who are seeking employment-based lawful permanent resident status.

H–1B Nonimmigrant Program and Petitioning Process Regulations. In order to improve U.S. worker protections as well as to address the requirements of Executive Order 13788, *Buy American and Hire American,* USCIS proposes to issue regulations with the focus of improving the H–1B nonimmigrant program and petitioning process. Such initiatives include a proposed rule that would establish an electronic registration program for H–1B petitions subject to annual numerical limitations and would improve the H–1B numerical limitation allocation process (*Registration Requirement for Petitioners Seeking to File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations);* and a proposed rule that would revise the definition of specialty occupation to increase focus on truly obtaining the best and brightest foreign nationals via the H–1B program and would revise the definition of employment and employer-employee relationship to help better protect U.S. workers and wages. (*Strengthening the H–1B Nonimmigrant Visa Classification Program.*)

Heightened Screening and Vetting of Immigration Programs Regulations. USCIS will propose regulations guiding the inadmissibility determination whether an alien is likely at any time to become a public charge under section 212(a)(4) of the Immigration and Nationality Act. (*Inadmissibility and Deportability on Public Charge Grounds.*)

Employment Creation Immigrant Regulations. USCIS will amend its regulations modernizing the employment-based, fifth preference (EB–5) immigrant investor category based on current economic realities and to reflect statutory changes made to the program. (*EB–5 Immigrant Investor Program Modernization*). In addition, USCIS will propose to update its regulations for the EB–5 Immigrant Investor Regional Center Program to better reflect realities for regional centers and EB–5 immigrant investors, to increase predictability and transparency in the adjudication process, to improve operational efficiency, and to enhance program integrity. (*EB–5 Immigrant Investor Regional Center Program.*)

United States Coast Guard

The U.S. Coast Guard (Coast Guard) is a military, multi-mission, maritime service of the United States and the only military organization within DHS. It is the principal Federal agency responsible for the $4.5 trillion maritime transportation system, including maritime safety, security, and stewardship. The Coast Guard delivers daily value to the nation through multi-mission resources, authorities, and capabilities.

Effective governance in the maritime domain hinges upon an integrated approach to safety, security, and stewardship. The Coast Guard's policies and capabilities are integrated and interdependent, delivering results through a network of enduring partnerships with maritime stakeholders. Consistent standards of universal application and enforcement, which encourage safe, efficient, and responsible maritime commerce, are vital to the success of the maritime industry. The Coast Guard's ability to field versatile capabilities and highly-trained personnel is one of the U.S. Government's most significant and important strengths in the maritime environment.

America is a maritime nation, and our security, resilience, and economic prosperity are intrinsically linked to the oceans. Safety, efficient waterways, and freedom of transit on the high seas are essential to our well-being. The Coast Guard is leaning forward, poised to meet the demands of the modern maritime environment. The Coast Guard creates value for the public through solid prevention and response efforts. Activities involving oversight and regulation, enforcement, maritime presence, and public and private partnership foster increased maritime safety, security, and stewardship.

The statutory responsibilities of the Coast Guard include ensuring marine safety and security, preserving maritime mobility, protecting the marine environment, enforcing U.S. laws and international treaties, and performing search and rescue. The Coast Guard supports the Department's overarching goals of mobilizing and organizing our Nation to secure the homeland from terrorist attacks, natural disasters, and other emergencies.

The Coast Guard does not have significant regulatory actions planned for the coming fiscal year; however, the Coast Guard is highlighting the following Executive Order 13771 deregulatory action.

Marine Casualty Reporting Property Damage Thresholds. This rule would raise the monetary property damage threshold for reporting a marine casualty, and for reporting a type of marine casualty called a ''serious marine incident.'' Currently, whether and how a marine casualty must be reported to the Coast Guard depends in part on the dollar value of the property damage resulting from the casualty. The dollar threshold amounts date to the 1980s and have not been updated to keep pace with inflation; consequently, relatively minor casualties must be reported and may require mandatory drug and alcohol testing. Updating the thresholds would reduce a reporting burden on vessel owner and operators, and reduce the Coast Guard resources expended to investigate minor incidents. (*Note:* There is no associated Regulatory Plan entry for this rule, because this rule is non-significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

United States Customs and Border Protection

U.S. Customs and Border Protection (CBP) is the Federal agency principally responsible for the security of our Nation's borders, both at and between the ports of entry and at official crossings into the United States. CBP must accomplish its border security and enforcement mission without stifling the flow of legitimate trade and travel. The primary mission of CBP is its homeland security mission, that is, to prevent terrorists and terrorist weapons from entering the United States. An important aspect of this priority mission involves improving security at our borders and ports of entry, but it also means extending our zone of security beyond our physical borders.

CBP is also responsible for administering laws concerning the importation into the United States of goods, and enforcing the laws concerning the entry of persons into the United States. This includes regulating and facilitating international trade; collecting import duties; enforcing U.S. trade, immigration and other laws of the United States at our borders; inspecting imports, overseeing the activities of persons and businesses engaged in importing; enforcing the laws concerning smuggling and trafficking in contraband; apprehending individuals attempting to enter the United States illegally; protecting our agriculture and economic interests from harmful pests and diseases; servicing all people, vehicles, and cargo entering the United States; maintaining export controls; and protecting U.S. businesses from theft of their intellectual property.

In carrying out its mission, CBP's goal is to facilitate the processing of legitimate trade and people efficiently without compromising security. Consistent with its primary mission of homeland security, CBP intends to issue several regulations during the next fiscal year that are intended to improve security at our borders and ports of entry. During the upcoming year, CBP will also be working on various projects to streamline CBP processing, reduce duplicative processes, reduce various burdens on the public, and automate various paper forms. Below are descriptions of CBP's planned actions for fiscal year 2018.

Air Cargo Advance Screening (ACAS). To address ongoing aviation security threats, CBP intends to amend its regulations pertaining to the submission of advance air cargo data to implement a mandatory Air Cargo Advance Screening (ACAS) program for any inbound aircraft required to make entry under the CBP regulations that will have commercial cargo aboard. The ACAS program will require the inbound carrier or other eligible party to electronically transmit specified advance cargo data (ACAS data) to CBP for air cargo transported onboard U.S.-bound aircraft as early as practicable, but no later than prior to loading of the cargo onto the aircraft. The ACAS program will enhance the security of the aircraft and passengers on U.S.-bound flights by enabling CBP to perform targeted risk assessments on the air cargo prior to the aircraft's departure for the United States. These risk assessments will identify and prevent high-risk air cargo from being loaded on the aircraft that could pose a risk to the aircraft during flight. CBP, in cooperation with TSA, has been operating ACAS as a voluntary pilot program since 2010 and intends to publish an interim final rule in the next fiscal year to implement ACAS as a regulatory program.

Collection of Biometric Data Upon Entry to and Departure from the United States. DHS is required by statute to develop and implement an integrated, automated entry and exit data system to match records, including biographic data and biometric identifiers, of aliens entering and departing the United States. In addition, Executive Order 13780, *Protecting the Nation from Foreign Terrorist Entry into the United* States, states that DHS is to expedite the completion and implementation of a biometric entry-exit tracking system. Although the current regulations provide that DHS may require certain aliens to provide biometrics when entering and departing the United States, they only authorize DHS to collect biometrics from certain aliens upon departure under pilot programs at land ports and at up to 15 airports and seaports. To provide the legal framework for DHS to begin a comprehensive biometric entry-exit system, DHS intends to issue an interim final rule in the next fiscal year to amend the regulations to remove the references to pilot programs and the port limitation. In addition, to facilitate the implementation of a seamless biometric entry-exit system that uses facial recognition, this rule would also provide that all travelers may be required to provide photographs upon entry or departure.

In addition to the regulations that CBP issues to promote DHS's mission, CBP also issues regulations related to the mission of the Department of the Treasury. Under section 403(1) of the Homeland Security Act of 2002, the former-U.S. Customs Service, including functions of the Secretary of the Treasury relating thereto, transferred to the Secretary of Homeland Security. As part of the initial organization of DHS, the Customs Service inspection and trade functions were combined with the immigration and agricultural inspection functions and the Border Patrol and transferred into CBP. The Department of the Treasury retained certain regulatory authority of the U.S. Customs Service relating to customs revenue function. In addition to its plans to continue issuing regulations to enhance border security, CBP, in the coming year, expects to continue to issue regulatory documents that will facilitate legitimate trade and implement trade benefit programs. For a discussion of CBP regulations regarding the customs revenue function, see the regulatory plan of the Department of the Treasury.

Implementation of the Electronic System for Travel Authorization (ESTA) at U.S. Land Borders—Automation of CBP Form I–94W. During the next fiscal year, CBP intends to amend DHS regulations to implement the ESTA requirements under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, for aliens who intend to enter the United States under the Visa Waiver Program (VWP) at land ports of entry. Currently, aliens from VWP countries must provide certain biographic information to U.S. CBP officers at land ports of entry on a paper I–94W Nonimmigrant Visa Waiver Arrival/Departure Record (Form I–94W). Under this rule, these VWP travelers will instead provide this information to CBP electronically through ESTA prior to application for admission to the United States. Travelers will bear opportunity costs and CBP will bear information technology costs as a result of this rule. Both travelers and CBP, however, will enjoy opportunity cost savings as a result of this rule, resulting in an overall net savings. In addition, the public will benefit from improved security.

Modernization of the Customs Brokers Regulations. CBP will issue a proposed rule to amend the requirements for customs brokers. Specifically, CBP will propose to simplify the broker permitting framework by eliminating district permits and the corresponding district permit requirements. Additionally, CBP will propose to update the responsible supervision and control oversight framework to better reflect the modern business environment. (*Note:* There is no associated Regulatory Plan entry for this rule, because this rule is non-significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

Automation of CBP Form I–418 for Vessels. CBP intends to issue this rule amending the regulations regarding the submission of Form I–418, *Passenger List—Crew List.* Currently, the master or agent of every commercial vessel arriving in the United States, with limited exceptions, must submit a paper Form I–418, along with certain information regarding longshore work, to CBP at the port where immigration inspection is performed. Most commercial vessel operators are also required to submit a paper Form I–418 to CBP at the final U.S. port prior to departing for a foreign port. Under this rule, most vessel operators would be required to electronically submit the data elements on Form I–418 to CBP through the National Vessel Movement Center in lieu of submitting a paper form. This rule would eliminate the need to file the paper Form I–418 in most cases. This will result in an opportunity cost savings for vessel operators as well as a reduction in their printing and storage costs. (*Note:* There is no associated Regulatory Plan entry for this rule, because this rule is not significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

Federal Emergency Management Agency

The Federal Emergency Management Agency's (FEMA's) mission is to support our citizens and first responders to ensure that as a Nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards. FEMA's ethos is to serve the Nation by helping its people

and first responders, especially when they are most in need.

FEMA is working on various deregulatory actions in the coming fiscal year. FEMA will propose to remove outdated regulations that require publication of community loss of eligibility notices in the **Federal Register**. (*Removal of* **Federal Register** *Publication Requirement for Community Loss of Eligibility Notices under the National Flood Insurance Program. Note:* There is no associated Regulatory Plan entry for this rule, because this rule is non-significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.) FEMA will also issue other deregulatory actions, such as removing regulations with sunset programs, which will result in general cleanup of the Code of Federal Regulations.

Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster. In addition, FEMA plans to promulgate this significant regulation during the fiscal year. The Sandy Recovery Improvement Act of 2013 requires the FEMA Administrator to review, update, and revise through rulemaking the individual assistance factors FEMA uses to measure the severity, magnitude, and impact of a disaster. FEMA published a proposed rule on November 12, 2015, and now plans to issue a final rule.

Federal Law Enforcement Training Center

The Federal Law Enforcement Training Center (FLETC) does not have any significant regulations planned for fiscal year 2018.

United States Immigration and Customs Enforcement

Immigration and Customs Enforcement (ICE) is the principal criminal investigative arm of DHS and one of the three Department components charged with the civil enforcement of the Nation's immigration laws. Its primary mission is to protect national security, public safety, and the integrity of our borders through the criminal and civil enforcement of Federal law governing border control, customs, trade, and immigration. During fiscal year 2018, ICE will focus rulemaking efforts on three priority regulations: Increasing the fees paid to the Student and Exchange Visitor Program (SEVP) to recover costs for services; *Flores* Settlement Agreement provisions; and comprehensive reform of practical training for foreign students with an F or M visa.

Below are ICE's significant regulatory actions for the coming fiscal year:

Adjusting Program Fees for the Student and Exchange Visitor Program. ICE will propose to adjust the fees that the Student and Exchange Visitor Program (SEVP) charges individuals and organizations. In 2016, SEVP conducted a comprehensive fee study and determined that current fees do not recover the full costs of the services provided. ICE has determined that adjusting fees is necessary to fully recover the increased costs of SEVP operations, program requirements, and to provide the necessary funding to sustain initiatives critical to supporting national security. DHS will propose to adjust its fees for individuals and organizations to establish a more equitable distribution of costs and to establish a sustainable revenue level. The SEVP fee schedule was last adjusted in a rule published on September 26, 2008.

Apprehension, Processing, Care, and Custody of Alien Minors. ICE will issue a proposed rule related to the detention, processing, and release of alien children. In 1985, a class-action suit challenged the policies of the former Immigration and Naturalization Service (INS) relating to the detention, processing, and release of alien children; the case eventually reached the U.S. Supreme Court. The Court upheld the constitutionality of the challenged INS regulations on their face and remanded the case for further proceedings consistent with its opinion. In January 1997, the parties reached a comprehensive settlement agreement, referred to as the *Flores* Settlement Agreement (FSA). The FSA was to terminate five years after the date of final court approval; however, the termination provisions were modified in 2001, such that the FSA does not terminate until forty-five days after publication of regulations implementing the agreement. Since 1997, intervening statutory changes, including passage of the Homeland Security Act (HSA) and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), have significantly changed the applicability of certain provisions of the FSA. The proposed rule will codify the substantive terms of the FSA and enable the U.S. Government to seek termination of the FSA and litigation concerning its enforcement. Through this rule, DHS will create a pathway to ensure the humane detention of family units while satisfying the goals of the FSA. The rule will also implement related provisions of the TVPRA.

Practical Training Reform. ICE will issue a proposed rule that improves protections of U.S. workers who may be negatively impacted by employment of nonimmigrant students on F and M visas. The rule will be a comprehensive reform of practical training options; it is intended to reduce fraud and abuse.

National Protection and Programs Directorate

The National Protection and Programs Directorate's (NPPD) vision is a safe, secure, and resilient infrastructure where the American way of life can thrive. NPPD leads the national effort to protect and enhance the resilience of the Nation's physical and cyber infrastructure. Although NPPD does not plan to finalize any significant regulations within the next fiscal year, NPPD will undertake reviews of its existing regulations in accordance with Executive Order 13771. NPPD is also working on several future rulemaking projects, as reflected in the Unified Agenda.

Transportation Security Administration

The Transportation Security Administration (TSA) protects the Nation's transportation systems to ensure freedom of movement for people and commerce. TSA applies an intelligence-driven, risk-based approach to all aspects of TSA's mission. This approach results in layers of security to mitigate risks effectively and efficiently. TSA uses established processes, working with stakeholders, to review programs, requirements, and procedures for appropriate modifications based upon changes in the environment, whether those changes result from an evolving threat or enhancements available through new technologies.

For the coming fiscal year, TSA is prioritizing deregulatory actions and regulatory actions that are required to meet statutory mandates and that are necessary for national security. Below are the planned TSA actions for fiscal year 2018.

Security Training for Surface Transportation Employees. TSA will finalize a rule requiring higher-risk public transportation agencies (including rail mass transit and bus systems), railroad carriers (freight and passenger), and over-the-road bus (OTRB) owner/operators to conduct security training for frontline employees. This regulation will implement mandates of the *Implementing Regulations of the 9/11 Commission Act of 2007,* (9/11 Act), which addressed recommendations of the 9/11 Commission for enhancing the nation's security based upon vulnerabilities identified in the aftermath of September 11, 2001. In compliance with the definition of

frontline employees in pertinent provisions of the 9/11 Act, the rule will include identification of which employees are required to receive security training and the content of that training. The final rule will also propose definitions for transportation security-sensitive materials, as required by section 1501 of the 9/11 Act.

Vetting of Certain Surface Transportation Employees. TSA will propose a rule requiring security threat assessments for security coordinators and other frontline employees of certain public transportation agencies (including rail mass transit and bus systems), railroads (freight and passenger), and OTRB owner/operators. The NPRM will also propose provisions to implement TSA's statutory requirement to recover its cost of vetting through user fees. TSA is in the process of determining the costs and benefits of this rulemaking. While many stakeholders conduct background checks on their employees, their actions are limited based upon the data they can access. Through this rule, TSA will be able to conduct a more thorough check against terrorist watch-lists of individuals in security-sensitive positions.

Amending Vetting Requirements for Employees with Access to a Security Identification Display Area. The Aviation Security Act of 2016 mandates that TSA consider modifications to the list of disqualifying criminal offenses and criteria, develop a waiver process for approving the issuance of credentials for unescorted access, and propose an extension of the look back period for disqualifying crimes. Based on these requirements, and current intelligence pertaining to the ''insider threat'', TSA will propose revisions that enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any Security Identification Display Area of an airport.

Protection of Sensitive Security Information. Through a joint rulemaking with the Department of Transportation (DOT), TSA will streamline existing requirements to protect sensitive security information (SSI). This action finalizes an Interim Final Rule for a statutorily-required regulation related to national security. The rule amends TSA's and DOT's regulations to provide three options for the SSI distribution statement, one significantly abbreviated, to address concerns that the current marking requirements are unduly burdensome. TSA is considering further deregulatory action to align the requirement for the handling of Federal Flight Deck Officer (FFDO) names consistent with the handling of Federal Air Marshal names (two names listed together qualify as SSI). The modification to TSA's SSI regulations would protect lists of FFDO names, rather than a single FFDO name. (*Note:* There is no associated Regulatory Plan entry for this rule, because this rule is non-significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations. This IFR reopened Ronald Reagan Washington National Airport (DCA) to general aviation (GA) aircraft operations after an approximately four-year closure (from September 2001 to August 2005) with measures in place to minimize the security risk to vital government assets in the Washington, DC metropolitan area. While prohibiting GA access to DCA imposes an economic hardship on these operations, access without appropriate security measures increases the risk of an airborne strike originating from DCA. Under the requirements of this regulation, aircraft operations into and out of DCA must have and implement a DCA Access Standard Security Program (DASSP) approved by TSA.

In response to recommendations from industry submitted through the Aviation Security Advisory Committee (ASAC), TSA is assessing the risks associated with eliminating a requirement to have an armed security officer on flights accessing DCA. The DASSP requires each aircraft operating into or out of DCA with passengers to have onboard at least one armed security officer. The only exception to this requirement is for flights with a Federal Air Marshal on board. After this requirement was put in place, TSA implemented the Secure Flight program, which provides for vetting of passengers against the Terrorist Screening Database. The requirement for an armed security officer could be modified, and TSA could accept other alternative procedures, including Secure Flight vetting, that provide commensurate levels of security at lower costs. These procedures could include a requirement to limit passengers and crewmembers to those with a Known Traveler Number (KTN). A critical dependency for this proposed repeal of the armed security officer requirement would be the ability of DHS/TSA to quickly process requests for KTNs and the willingness of the regulated parties to bear the cost of obtaining a KTN.

This rule would streamline TSA's regulations to eliminate a burden no longer necessary under the current operating environment, and result in a net benefit, most likely to small businesses providing GA services. Finalizing this rule will ensure the continued balance between providing access and ensuring vital government assets in the Washington, DC metropolitan area. The security requirements in the final rule are necessary to defeat the threat posed by members of terrorist groups to vital U.S. assets and security in a manner that protects the nation's transportation systems to ensure freedom of movement for people and commerce.

Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees. This rule would streamline regulations and reduce burden for the alien flight student program (AFSP). This action finalizes an IFR for a national security rule that is required to implement a statutory requirement. The AFSP program requires security threat assessments for aliens seeking flight training in the United States and imposes additional security measures on the flight schools training these individuals. In response to recommendations from industry through the ASAC, TSA is considering revising these requirements to reduce costs and industry burden. For example, reporting and recordkeeping requirements for the program are estimated at an annual cost of $7.4 million, discounted at 7 percent. These costs include maintaining paper records on alien flight students. TSA is considering an electronic recordkeeping platform where all flight providers would upload required student information to a TSA-managed website. Also at industry's request, TSA is considering changing the interval for security threat assessments of alien flight students, eliminating the requirement for a new security threat assessment for each ''training event.'' A related change to the current information collection request pertaining to the AFSP program will be part of this deregulatory action.

United States Secret Service

The United States Secret Service does not have any significant regulations planned for fiscal year 2018.

DHS Regulatory Plan for Fiscal Year 2018

A more detailed description of the priority regulations that comprise the DHS fall regulatory plan follows.

DHS—U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

Proposed Rule Stage

43. Inadmissibility and Deportability on Public Charge Grounds

Priority: Other Significant.
E.O. 13771 Designation: Fully or Partially Exempt.
Legal Authority: 8 U.S.C. 1101 to 1103; 8 U.S.C. 1182 and 1183; . . .
CFR Citation: 8 CFR 212; 8 CFR 237; 8 CFR 245a.18.
Legal Deadline: None.
Abstract: The Department of Homeland Security (DHS) will propose regulatory provisions guiding the inadmissibility determination on whether an alien is likely at any time to become a public charge under section 212(a)(4) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a)(4). DHS proposes to add a regulatory provision, which would define the term public charge and would outline DHS's public charge considerations.
Statement of Need: To ensure that foreign nationals coming to the United States or adjusting status to permanent residence, either temporarily or permanently, have adequate means of support while in the United States, and that foreign nationals do not become dependent on public benefits for support.
Summary of Legal Basis: INA 212(a)(4).
Alternatives:
Anticipated Cost and Benefits: DHS is currently considering the specific cost and benefit impacts of the proposed provisions. In general, DHS anticipates that by clarifying the meaning of public charge some stakeholders would incur costs. The anticipated costs to individuals requesting immigration benefits are associated with the opportunity cost of time to complete and file required forms and documentation, and possible costs associated with any additional background checks. DHS anticipates there will be benefits associated with ensuring that foreign nationals coming to the United States have adequate means of support and do not become dependent on public assistance.
Risks:
Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28676
NPRM Comment Period End.	07/26/99	
NPRM	07/00/18	

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.
Government Levels Affected: Federal.
Additional Information: CIS No. 1989–99. Transferred from RIN 1115–AF45.
Agency Contact: Mark Phillips, Chief, Residence and Naturalization Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Email: mark.phillips@uscis.dhs.gov.*
RIN: 1615–AA22

DHS—USCIS

44. Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations

Priority: Other Significant.
E.O. 13771 Designation: Other.
Legal Authority: 8 U.S.C. 1184(g)
CFR Citation: 8 CFR 214.
Legal Deadline: None.
Abstract: The Department of Homeland Security proposes to amend its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes to establish an electronic registration program for petitions subject to numerical limitations for the H–1B nonimmigrant classification. This action is being considered because the demand for H–1B specialty occupation workers by U.S. companies has often exceeded the numerical limitation. This rule is intended to allow USCIS to more efficiently manage the intake and lottery process for these H–1B petitions. The Department published a proposed rule on this topic in 2011. The Department intends to publish an additional proposed rule in 2018. The proposal may include a modified selection process, as outlined in section 5(b) of Executive Order 13788, Buy American and Hire American.
Statement of Need: This regulation would help to streamline the process for administering the H–1B cap process and to ensure that H–1B visas are awarded to the most skilled or highest-paid petition beneficiaries.
Summary of Legal Basis:
Alternatives: DHS is currently in the process of considering policies that align with our overarching goals of ensuring the allocation of H–1B cap numbers are provided to the best and brightest foreign national beneficiaries, and ensuring that the operational process is as efficient as possible.
Anticipated Cost and Benefits: While DHS is currently in the process of assessing the costs and benefits of the policy changes under consideration, DHS believes that in aggregate the proposed changes would result in better resource management and predictability for both USCIS and petitioning employers. DHS anticipates that implementing a pre-registration process could benefit the regulated public by potentially reducing the cost and time involved in petitioning for H–1B nonimmigrants, through an up-front cap selection process where only those employers who have obtained a cap number would be required to submit the entire Petition for a Nonimmigrant Worker, Form I–129.
Risks:
Timetable:

Action	Date	FR Cite
NPRM	03/03/11	76 FR 11686
NPRM Comment Period End.	05/02/11	
NPRM	02/00/18	

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.
Government Levels Affected: None.
Additional Information: USCIS 2443–08. Includes Retrospective Review under E.O. 13563.
URL For More Information: www.regulations.gov.
URL For Public Comments: www.regulations.gov.
Agency Contact: Kevin Cummings, Division Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov.*
RIN: 1615–AB71

DHS—USCIS

45. Rescission of International Entrepreneur Rule

Priority: Other Significant.
E.O. 13771 Designation: Other.
Legal Authority: 8 U.S.C. 1182(d)(5)(A)
CFR Citation: 8 CFR 212.5.
Legal Deadline: None.
Abstract: On January 17, 2017, DHS published the International Entrepreneur Final Rule (the IE final rule) in the **Federal Register** at 82 FR 5238, with an original effective date of July 17, 2017. On July 11, 2017, DHS published a final rule at 82 FR 31887 delaying the effective date of the IE final

rule until March 14, 2018, to allow for a full review of the rule. This notice of proposed rulemaking (NPRM) will propose to rescind the IE final rule. The NPRM will solicit public comments on the proposal to rescind the IE final rule.

Statement of Need: DHS is reviewing the IE final rule in light of issuance of Executive Order 13767, Border Security and Immigration Enforcement.

Summary of Legal Basis: The Secretary's authority for this proposed regulatory amendment can be found in the Homeland Security Act of 2002, Public Law 107–296, section 102, 116 Stat. 2135, 6 U.S.C. 112, and INA section 103, 8 U.S.C. 1103, which give the Secretary the authority to administer and enforce the immigration and nationality laws, as well as INA section 212(d)(5), 8 U.S.C. 1182(d)(5), which refers to the Secretary's discretionary authority to grant parole and provides DHS with regulatory authority to establish terms and conditions for parole once authorized.

Alternatives:

Anticipated Cost and Benefits: The economic costs of the IE final rule would have resulted from the filing costs of principal applicants applying for parole and from the associated filing costs of dependents of principal applicants. Therefore, this proposal to withdraw the IE final rule would result in those costs not being realized. This withdrawal of the IE final rule would also result in time saved by DHS adjudicators, as they would not be required to process the relevant parole applications. Furthermore, DHS would also save from expending any additional costs in technology and related systems updates that would otherwise be necessary.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	08/31/16	81 FR 60129
NPRM Comment Period End.	10/17/16	
Final Rule	01/17/17	82 FR 5238
Final Rule Effective.	07/17/17	
Final Rule Delay of Effective Date.	07/11/17	82 FR 31887
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Kevin Cummings, Division Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov.*

RIN: 1615–AC04

DHS—USCIS

46. EB–5 Immigrant Investor Regional Center Program

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5); Pub. L. 102–395, secs. 610 and 601(a); Pub. L. 107–273, sec. 11037; Pub. L. 101–649, sec. 121(a); Pub. L. 105–119, sec. 116; Pub. L. 106–396, sec. 402; Pub. L. 108–156, sec. 4; Pub. L. 112–176, sec. 1; Pub. L. 114–113, sec. 575; Pub. L. 114–53, sec. 131; Pub. L. 107–273

CFR Citation: 8 CFR 204; 8 CFR 216.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is considering making regulatory changes to the EB–5 Immigrant Investor Regional Center Program. DHS issued an Advance Notice of Proposed Rulemaking (ANPRM) to seek comment from all interested stakeholders on several topics, including: (1) The process for initially designating entities as regional centers, (2) a potential requirement for regional centers to utilize an exemplar filing process, (3) continued participation requirements for maintaining regional center designation, and (4) the process for terminating regional center designation. While DHS has gathered some information related to these topics, the ANPRM sought additional information that can help the Department make operational and security updates to the Regional Center Program while minimizing the impact of such changes on regional center operations and EB–5 investors.

Statement of Need: Based on decades of experience operating the program, DHS has determined that program changes are needed to better reflect business realities for regional centers and EB–5 immigrant investors, to increase predictability and transparency in the adjudication process for stakeholders, to improve operational efficiency for the agency, and to enhance program integrity.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: DHS is still in the process of reviewing potential changes it would propose to the regional center process. DHS may propose to implement an exemplar filing requirement for all designated regional centers that would require regional centers to file exemplar project requests. An exemplar filing requirement could cause some projects to not go forward, but DHS is still in the process of assessing the impacts on the number of projects that may be affected. DHS anticipates that any proposed changes to the regional center program would increase overall program efficiency and predictability for both USCIS and EB–5 stakeholders.

Risks:

Timetable:

Action	Date	FR Cite
ANPRM	01/11/17	82 FR 3211
ANPRM Comment Period End.	04/11/17	
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Lori S. MacKenzie, Division Chief, Operations Policy & Stakeholder Communications, Immigrant Investor Program, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE, Washington, DC 20529–2200, *Phone:* 202 357–9214, *Email: lori.s.mackenzie@uscis.dhs.gov.*

RIN: 1615–AC11

DHS—USCIS

47. • Strengthening the H–1B Nonimmigrant Visa Classification Program

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1184

CFR Citation: 8 CFR 214.2(h)(4).

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) will propose to revise the definition of specialty occupation to increase focus on obtaining the best and the brightest foreign nationals via the H–1B program,

and revise the definition of employment and employer-employee relationship to better protect U.S. workers and wages. In addition, DHS will propose additional requirements designed to ensure employers pay appropriate wages to H–1B visa holders.

Statement of Need: The purpose of these changes is to ensure that H–1B visas are awarded only to individuals who will be working in a job which meets the statutory definition of specialty occupation. In addition, these changes are intended to ensure that the H–1B program supplements the U.S. workforce and strengthens U.S. worker protections.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: DHS is still considering the cost and benefit impacts of the proposed provisions. In general, DHS anticipates that there may be some filing fees and opportunity costs of time in preparing and filing forms for the eligible population. DHS also anticipates benefits in the form of reduced fraud and abuses of the current H–1B program.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Kevin Cummings, Division Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov*.

RIN: 1615–AC13

DHS—USCIS

48. • Removing H–4 Dependent Spouses From the Class of Aliens Eligible for Employment Authorization

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 112; 8 U.S.C. 1103(a); 8 U.S.C. 1184(a)(1); 8 U.S.C. 1324a(H)(3)(B)

CFR Citation: 8 CFR 214; 8 CFR 274a.

Legal Deadline: None.

Abstract: On February 25, 2015, DHS published a final rule extending eligibility for employment authorization to certain H–4 dependent spouses of H–1B nonimmigrants who are seeking employment-based lawful permanent resident (LPR) status. DHS is publishing this notice of proposed rulemaking to amend that 2015 final rule. DHS is proposing to remove from its regulations certain H–4 spouses of H–1B nonimmigrants as a class of aliens eligible for employment authorization.

Statement of Need: DHS is reviewing the 2015 final rule in light of issuance of Executive Order 13788, Buy American and Hire American.

Summary of Legal Basis: The Secretary of Homeland Security (Secretary) has the authority to amend this regulation under section 102 of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, 6 U.S.C. 112, and section 103(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1103(a), which authorize the Secretary to administer and enforce the immigration and nationality laws. In addition, section 214(a)(1) of the INA, 8 U.S.C. 1184(a)(1), provides the Secretary with authority to prescribe the time and conditions of nonimmigrants' admissions to the United States. Also, section 274A(h)(3)(B) of the INA, 8 U.S.C. 1324a(h)(3)(B), recognizes the Secretary's discretionary authority to extend employment authorization.

Alternatives:

Anticipated Cost and Benefits: DHS anticipates that there would be two primary impacts that DHS can estimate: The cost-savings accruing to forgone future filings by H–4 spouses, and labor turnover costs that employers of H–4 workers could incur.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Kevin Cummings, Division Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov*.

Related RIN: Related to 1615–AB92

RIN: 1615–AC15

DHS—USCIS

Final Rule Stage

49. EB–5 Immigrant Investor Program Modernization

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5)

CFR Citation: 8 CFR 204.6; 8 CFR 216.6.

Legal Deadline: None.

Abstract: In January 2017, the Department of Homeland Security (DHS) proposed to amend its regulations governing the employment-based, fifth preference (EB–5) immigrant investor classification. In general, under the EB–5 program, individuals are eligible to apply for lawful permanent residence in the United States if they make the necessary investment in a commercial enterprise in the United States and create or, in certain circumstances, preserve 10 permanent full-time jobs for qualified U.S. workers. This rule sought public comment on a number of proposed changes to the EB–5 program regulations. Such proposed changes included: Raising the minimum investment amount; allowing certain EB–5 petitioners to retain their original priority date; changing the designation process for targeted employment areas; and other miscellaneous changes to filing and interview processes.

Statement of Need: The proposed regulatory changes are necessary to reflect statutory changes and codify existing policies, more accurately reflect existing and future economic realities, improve operational efficiencies to provide stakeholders with a higher level of predictability and transparency in the adjudication process, and enhance program integrity by clarifying key eligibility requirements for program participation and further detailing the processes required. Given the complexities involved in adjudicating benefit requests in the EB–5 program, along with continued program integrity concerns and increasing adjudication processing times, DHS has decided to revise the existing regulations to modernize key areas of the program.

Summary of Legal Basis: The Immigration Act (INA) authorizes the Secretary of Homeland Security (Secretary) to administer and enforce the immigration and nationality laws including establishing regulations

deemed necessary to carry out his authority, and section 102 of the Homeland Security Act, 6 U.S.C. 112, authorizes the Secretary to issue regulations. 8 U.S.C. 1103(a), INA section 103(a). INA section 203(b)(5), 8 U.S.C. 1153(b)(5), also provides the Secretary with authority to make visas available to immigrants seeking to engage in a new commercial enterprise in which the immigrant has invested and which will benefit the United States economy and create full-time employment for not fewer than 10 U.S. workers. Further, section 610 of Public Law 102–395 (8 U.S.C. 1153 note) created the Immigrant Investor Pilot Program and authorized the Secretary to set aside visas for individuals who invest in regional centers created for the purpose of concentrating pooled investment in defined economic zones, and was last amended by Public Law 107–273.

Alternatives:

Anticipated Cost and Benefits: Due to data limitations and the complexity of EB–5 investment structures, it is difficult to quantify and monetize the costs and benefits of the proposed provisions, with the exception of application costs for dependents who would file the Petition by Entrepreneur to Remove Conditions on Permanent Resident Status (Form I–829) separately from principal investors, and familiarization costs to review the rule.

The proposal to raise the investment amounts and reform the targeted employment area (TEA) geography could deter some investors from participating in the EB–5 program. The increase in investment could reduce the number of investors as they may be unable or unwilling to invest at the higher proposed levels of investment. On the other hand, raising the investment amounts increases the amount invested by each investor and thereby potentially increases the total economic benefits of U.S. investment under this program. The proposed TEA provision would rule out TEA configurations that rely on a large number of census tracts indirectly linked to the actual project tract by numerous degrees of separation, and may better target investment capital to areas where unemployment rates are the highest.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/13/17	82 FR 4738
NPRM Comment Period End.	04/11/17	
Final Action	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Lori S. MacKenzie, Division Chief, Operations Policy & Stakeholder Communications, Immigrant Investor Program, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE, Washington, DC 20529–2200, *Phone:* 202 357–9214, *Email: lori.s.mackenzie@uscis.dhs.gov*.

Related RIN: Related to 1205–AB69

RIN: 1615–AC07

DHS—U.S. CUSTOMS AND BORDER PROTECTION (USCBP)

Final Rule Stage

50. Air Cargo Advance Screening (ACAS)

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 19 U.S.C. 2071 note

CFR Citation: 19 CFR 122.

Legal Deadline: None.

Abstract: To address ongoing aviation security threats, CBP intends to amend its regulations pertaining to the submission of advance air cargo data to implement a mandatory Air Cargo Advance Screening (ACAS) program for any inbound aircraft required to make entry under the CBP regulations that will have commercial cargo aboard. The ACAS program will require the inbound carrier or other eligible party to electronically transmit specified advance cargo data (ACAS data) to CBP for air cargo transported onboard U.S.-bound aircraft as early as practicable, but no later than prior to loading of the cargo onto the aircraft. The ACAS program will enhance the security of the aircraft and passengers on U.S.-bound flights by enabling CBP to perform targeted risk assessments on the air cargo prior to the aircraft's departure for the United States. These risk assessments will identify and prevent high-risk air cargo from being loaded on the aircraft that could pose a risk to the aircraft during flight.

Statement of Need: DHS has identified an elevated risk associated with cargo being transported to the United States by air. This rule will help address this risk by giving DHS the data it needs to improve targeting of the cargo prior to departure.

Summary of Legal Basis: The Trade Act of 2002 authorizes CBP to promulgate regulations providing for the mandatory transmission of electronic cargo information by way of a CBP-approved electronic data interchange (EDI) system before the cargo is brought into or departs the United States by any mode of commercial transportation. Under the Trade Act, the required cargo information is that which is reasonably necessary to ensure cargo safety and security pursuant to the laws enforced and administered by CBP.

Alternatives: In addition to the proposed rule, CBP analyzed two alternatives—Requiring the data elements to be transmitted to CBP further in advance than the proposed rule requires; and requiring fewer data elements. CBP concluded that the proposal rule provides the most favorable balance between security outcomes and impacts to air transportation.

Anticipated Cost and Benefits: To improve CBP's risk assessment and targeting capabilities and to enable CBP to target and identify risk cargo prior to departure of the aircraft to the United States, ACAS would require the submission of certain of the advance electronic information for air cargo earlier in the process. In most cases, the information would have to be submitted as early as practicable, but no later than prior to the loading of cargo onto an U.S.-bound aircraft. CBP, in conjunction with TSA, has been operating ACAS as a voluntary pilot program since 2010. CBP believes this pilot program has proven successful by not only mitigating risks to the United States, but also minimizing costs to the private sector. To address ongoing aviation security threats, CBP is transitioning the ACAS pilot program into an ongoing mandatory regulatory program. Costs of this program to carriers include one-time costs to upgrade systems to facilitate transmission of these data to CBP and recurring per transmission costs. Benefits of the program include improved security that will result from receiving the data earlier.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment

effects, or otherwise be of international interest.

Agency Contact: Craig Clark, Branch Chief, Advance Data Programs and Cargo Initiatives, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AB04

DHS—USCBP

51. Collection of Biometric Data Upon Entry to and Exit From the United States

Priority: Other Significant.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1365a; 8 U.S.C. 1365b

CFR Citation: 19 CFR 215.8; 19 CFR 235.1.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is required by statute to develop and implement an integrated, automated entry and exit data system to match records, including biographic data and biometric identifiers, of aliens entering and departing the United States. In addition, Executive Order 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, published in the **Federal Register** at 82 FR 13209, states that DHS is to expedite the completion and implementation of a biometric entry-exit tracking system. Although the current regulations provide that DHS may require certain aliens to provide biometrics when entering and departing the United States, they only authorize DHS to collect biometrics from certain aliens upon departure under pilot programs at land ports and at up to 15 airports and seaports. To provide the legal framework for CBP to begin a comprehensive biometric entry-exit system, DHS is amending the regulations to remove the references to pilot programs and the port limitation. In addition, to facilitate the implementation of a seamless biometric entry-exit system that uses facial recognition, DHS is amending the regulations as they pertain to the provision of photographs upon entry and exit.

Statement of Need: This rule is necessary to provide the legal framework for DHS to begin implementing a comprehensive biometric entry-exit system. Collecting biometrics at departure will allow CBP and DHS to know with better accuracy whether aliens are departing the country when they are required to depart, reduce visa fraud, and improve CBP's ability to identify criminals and known or suspected terrorists before they depart the United States.

Summary of Legal Basis: Numerous Federal statutes require DHS to create an integrated, automated biometric entry and exit system that records the arrival and departure of aliens, compares the biometric data of aliens to verify their identity, and authenticates travel documents presented by such aliens through the comparison of biometric identifiers. *See, e.g.,* Immigration and Naturalization Service Data Management Improvement Act of 2002, the Intelligence Reform and Terrorism Prevention Act of 2004, and the 2016 Consolidated Appropriations Act. In addition, Executive Order 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, states that DHS is to expedite the completion and implementation of a biometric entry-exit tracking system.

Alternatives:

Anticipated Cost and Benefits: This rule will allow CBP to know with greater certainty whether foreign visa holders depart the country when required. It will also prevent visa fraud and allow CBP to more easily identify criminals or terrorists when they attempt to leave the country. The technology used to implement this rule could also eventually be used to modify entry and exit procedures to reduce processing and wait times. This rule imposes opportunity and technology acquisition and maintenance costs on CBP and opportunity costs on the traveling public.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Michael Hardin, Deputy Director, Department of Homeland Security, U.S. Customs and Border Protection, Customs and Border Protection, Entry/Exit Policy and Planning, 1300 Pennsylvania Avenue NW, Office of Field Operations, 5th Floor, Washington, DC 20229, *Phone:* 202 325–1053, *Email: michael.hardin@cbp.dhs.gov.*

RIN: 1651–AB12

DHS—USCBP

52. Implementation of the Electronic System for Travel Authorization (ESTA) at U.S. Land Borders—Automation of CBP Form I–94W

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 110–53

CFR Citation: 8 CFR 212.1; 8 CFR 217.2; 8 CFR 217.3; 8 CFR 217.5; 8 CFR 286.9.

Legal Deadline: None.

Abstract: This rule amends Department of Homeland Security (DHS) regulations to implement the Electronic System for Travel Authorization (ESTA) requirements under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, for aliens who intend to enter the United States under the Visa Waiver Program (VWP) at land ports of entry. Currently, aliens from VWP countries must provide certain biographic information to U.S. Customs and Border Protection (CBP) officers at land ports of entry on a paper I–94W Nonimmigrant Visa Waiver Arrival/Departure Record (Form I–94W). Under this rule, these VWP travelers will instead provide this information to CBP electronically through ESTA prior to application for admission to the United States. DHS has already implemented the ESTA requirements for aliens who intend to enter the United States under the VWP at air or sea ports of entry.

Statement of Need: This rule is necessary to implement the Electronic System for Travel Authorization (ESTA) under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 for aliens who intend to enter the United States under the Visa Waiver Program at land ports of entry. ESTA was implemented at air and sea ports of entry in 2008. At that time, however, CBP did not have the ability to implement the program at land ports of entry. This rule will ensure that ESTA is now implemented at all ports of entry.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: In addition to fulfilling a statutory mandate, the ESTA Land rule will strengthen national security through enhanced traveler vetting, streamline entry processing through Form I–94W automation, reduce inadmissible traveler arrivals, and produce a consistent, modern VWP admission policy in all U.S. travel environments, which will benefit VWP travelers, CBP, and the public. The rule will also introduce time and fee costs to VWP

travelers required to complete an ESTA application.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Suzanne Shepherd, Director, Electronic System for Travel Authorization, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 344–2073, *Email: suzanne.m.shepherd@cbp.dhs.gov.*

RIN: 1651–AB14

DHS—TRANSPORTATION SECURITY ADMINISTRATION (TSA)

Proposed Rule Stage

53. Vetting of Certain Surface Transportation Employees

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs. 1411, 1414, 1512, 1520, 1522, and 1531

CFR Citation: Not Yet Determined.

Legal Deadline: Other, Statutory, August 3, 2008, Background and immigration status check for all public transportation frontline employees is due no later than 12 months after date of enactment.

Other, Statutory, August 3, 2008, Background and immigration status check for all railroad frontline employees is due no later than 12 months after date of enactment.

Sections 1411 and 1520 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), (121 Stat. 266, Aug. 3, 2007), require background checks of frontline public transportation and railroad employees not later than one year from the date of enactment. Requirement will be met through regulatory action.

Abstract: The 9/11 Act requires vetting of certain railroad, public transportation, and over-the-road bus employees. Through this rulemaking, the Transportation Security Administration (TSA) intends to propose the mechanisms and procedures to conduct the required vetting. This regulation is related to 1652–AA55, Security Training for Surface Transportation Employees.

Statement of Need: Employee vetting is an important and effective tool for averting or mitigating potential attacks by those with malicious intent who may target surface transportation and plan or perpetrate actions that may cause significant injuries, loss of life, or economic disruption.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: TSA is in the process of determining the costs and benefits of this rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Email: surfacefrontoffice@tsa.dhs.gov.*

Alex Moscoso, Chief Economist, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

Laura Gaudreau, Attorney–Advisor, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–1088, *Email: laura.gaudreau@tsa.dhs.gov.*

Related RIN: Related to 1652–AA55

RIN: 1652–AA69

DHS—TSA

54. Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–190, sec. 3405

CFR Citation: 49 CFR 1524.209.

Legal Deadline: Final, Statutory, January 11, 2017, Rule for individuals with unescorted access to any Security Identification Display Area (SIDA) due 180 days after date of enactment.

According to sec, 3405 of Title III of the FAA Extension, Safety, and Security Act, 2016 (Aviation Security Act of 2016), Public Law 114–190 (130 Stat. 615, July 15, 2016), a final rule revising the regulations under 49 U.S.C. 44936 is due 180 days after the date of enactment.

Abstract: As required by the Aviation Security Act of 2016, the Transportation Security Administration (TSA) will propose a rule to revise its regulations, with current knowledge of insider threat and intelligence, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport. Consistent with the statutory mandate, TSA will consider adding to the list of disqualifying criminal offenses and criteria, develop a waiver process for approving the issuance of credentials for unescorted access, and propose an extension of the look back period for disqualifying crimes.

Statement of Need: Employee vetting is an important and effective tool for averting or mitigating potential attacks by those with malicious intent who wish to target aviation and plan or perpetrate actions that may cause significant injuries, loss of life, or economic disruption. Enhancing eligibility standards for airport workers will improve transportation and national security.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: TSA is in the process of determining the costs and benefits of this rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Alex Moscoso, Chief Economist, Economic Analysis Branch—Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry

Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

John Vergelli, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–4416, *Email: john.vergelli@tsa.dhs.gov.*

Related RIN: Related to 1652–AA11

RIN: 1652–AA70

DHS—TSA

Final Rule Stage

55. Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 6 U.S.C. 469(b); 49 U.S.C. 114; 49 U.S.C. 44939; 49 U.S.C. 46105

CFR Citation: 49 CFR 1552.

Legal Deadline: Final, Statutory, February 10, 2004, sec. 612(a) of Vision 100 requires TSA to issue an interim final rule within 60 days of enactment of Vision 100.

Requires the Transportation Security Administration (TSA) to establish a process to implement the requirements of sec. 612(a) of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108–176, Dec. 12, 2003; 117 Stat. 2490), including the fee provisions, not later than 60 days after the enactment of the Act.

Abstract: The interim final rule (IFR) was published and effective on September 20, 2004. The IFR created a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). This IFR applies to flight schools and to individuals who apply for or receive flight training. TSA subsequently issued exemptions and interpretations in response to comments on the IFR and questions raised during operation of the program since 2004. TSA also issued a fee notice on April 13, 2009. This regulation requires flight schools to notify TSA when aliens, and other individuals designated by TSA, apply for flight training or recurrent training. TSA is considering a final rule that would change the frequency of security threat assessments from a high-frequency event-based interval to a time-based interval, clarify the definitions and other provisions of the rule, and enable industry to use TSA-provided electronic recordkeeping systems for all documents required to demonstrate compliance with the rule.

Statement of Need: In the years since TSA published the IFR, members of the aviation industry, the public, and Federal oversight organizations have identified areas where the Alien Flight Student Program (AFSP) could be improved. TSA's internal procedures and processes for vetting applicants also have improved and advanced. Publishing a final rule that addresses external recommendations and aligns with modern TSA vetting practices would streamline the AFSP application, vetting, and recordkeeping process for all parties involved.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: TSA is considering revising the requirements of the AFSP to reduce costs and industry burden. For example, reporting and recordkeeping requirements for the program are estimated at an annual cost of $7.4 million, discounted at seven percent. This cost includes maintaining paper records on alien flight students. TSA is considering an electronic recordkeeping platform where all flight providers would upload certain information to a TSA-managed website. Also at industry's request, TSA is considering changing the interval for a security threat assessment of each alien flight student, eliminating the requirement for a security threat assessment for each separate training event. This change would result in an annual savings, although there may be additional start-up and record retention costs for the agency as a result of these revisions. The benefits of these deregulatory actions would be immediate cost savings to flight schools and alien students without compromising the security profile.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments.	09/20/04	69 FR 56324
Interim Final Rule Effective.	09/20/04	
Interim Final Rule; Comment Period End.	10/20/04	
Notice—Information Collection; 60-Day Renewal.	11/26/04	69 FR 68952
Notice—Information Collection; 30-Day Renewal.	03/30/05	70 FR 16298
Notice—Information Collection; 60-Day Renewal.	06/06/08	73 FR 32346
Notice—Information Collection; 30-Day Renewal.	08/13/08	73 FR 47203
Notice—Alien Flight Student Program Recurrent Training Fees.	04/13/09	74 FR 16880
Notice—Information Collection; 60-Day Renewal.	09/21/11	76 FR 58531
Notice—Information Collection; 30-Day Renewal.	01/31/12	77 FR 4822
Notice—Information Collection; 60-Day Renewal.	03/10/15	80 FR 12647
Notice—Information Collection; 30-Day Renewal.	06/18/15	80 FR 34927
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

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Related RIN: Related to 1652–AA61

RIN: 1652–AA35

DHS—TSA

56. Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 114; 49 U.S.C. 40113; 49 U.S.C. 41718 note; 49 U.S.C. 44901 to 44905; 49 U.S.C. 44916 to 44918; 49 U.S.C. 46105

CFR Citation: 49 CFR 1520; 49 CFR 1540; 49 CFR 1562.

Legal Deadline: None.

Abstract: The interim final rule (IFR), published by the Transportation Security Administration (TSA) on July 19, 2005, created a new part 1562, subpart B, for General Aviation (GA), in title 49 of the Code of Federal Regulations (CFR). The IFR restored access to Ronald Reagan Washington National Airport (DCA) for passenger aircraft operations not otherwise regulated under 49 CFR 1546.101(a) or (b) (foreign air carriers) or 49 CFR part 1544 (U.S. air carriers operating under a full security program). From September 11, 2001, until the IFR became effective on August 18, 2005, GA aircraft operations had been prohibited at DCA. The IFR reopened access to the extent requirements are met to maintain the security of critical Federal Government and other assets in the Washington, DC metropolitan area. In general, this rule requires GA aircraft operators to adopt and carry out security measures that are comparable to the security measures required of regularly scheduled, commercial aircraft. This rule also established security procedures for GA aircraft operators and gateway airport operators, and security requirements relating to crewmembers, passengers, and armed security officers onboard aircraft operating to or from DCA. TSA plans to take final action on the IFR to respond to the public comments and close out this rulemaking. TSA is also considering a recommendation from the Aviation Security Advisory Committee to remove the armed security officer requirement for flights operating under the DCA Access Standard Security Program to the extent other security safeguards are in effect, such as all passengers onboard the flight having a Department of Homeland Security Known Traveler Number (KTN).

Statement of Need: The purpose of this regulation is to allow GA aircraft operations access to DCA without decreasing the security of vital government assets in the Washington, DC metropolitan area. Prohibiting GA access to DCA imposes an economic hardship on these operations. But access, without appropriate security measures, increases the risk that an airborne strike initiated from DCA, located moments away from vital national assets, could occur. While TSA recognizes that such an impact may not cause substantial damage to property or a large structure, it could potentially result in an undetermined number of fatalities and injuries, as well as reduced tourism. The resulting tragedies would adversely impact the regional economies. Finalizing the IFR will ensure the continued balance between these interests; providing access without decreasing security of the vital government assets in the Washington, DC metropolitan area. The security requirements in the final rule are necessary to defeat the threat posed by members of terrorist groups to vital U.S. assets and security, in a manner that protects the nation's transportation systems to ensure freedom of movement.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: If TSA repeals the requirement for an ASO, with acceptance of alternative procedures in its place, this modification is likely to provide commensurate levels of security at lower costs. To the extent these alternative procedures include a requirement for all passengers and crewmembers to have a KTN, there is a dependency linked to the ability of DHS/TSA to quickly process requests for KTNs and the willingness of the regulated parties (or their passengers) to bear the cost of obtaining a KTN. The benefits of the repeal of the ASO requirement would be cost savings to DASSP operators from no longer having to hire an ASO. DASSP operators would receive a cost savings from no longer hiring an ASO for each departure from or arrival into DCA.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments.	07/19/05	70 FR 41586
Interim Final Rule Effective.	08/18/05	
Interim Final Rule; Comment Period End.	09/19/05	
Notice—Information Collection; Approval and 60-Day Renewal.	08/26/05	70 FR 50391
Notice—Information Collection; 30-Day Renewal.	10/26/05	70 FR 61831
Notice—Information Collection; 60-Day Renewal.	10/20/08	73 FR 62304
Notice—Information Collection; 30-Day Renewal.	12/29/08	73 FR 79499
Notice—Information Collection; 60-Day Renewal.	02/29/12	77 FR 12321
Notice—Information Collection; 30-Day Renewal.	04/27/12	77 FR 25188
Notice—Information Collection; 60-Day Renewal.	01/03/16	81 FR 943
Notice—Information Collection; 30-Day Renewal.	03/17/16	81 FR 14470
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Kevin Knott, Branch Manager, Industry Engagement Branch—Aviation Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–4370, *Email: kevin.knott@tsa.dhs.gov.*

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Related RIN: Related to 1652–AA08

RIN: 1652–AA49

DHS—TSA

57. Security Training for Surface Transportation Employees

Priority: Other Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs. 1405, 1408, 1501, 1512, 1517, 1531, and 1534

CFR Citation: 49 CFR 1500; 49 CFR 1520; 49 CFR 1570; 49 CFR 1580; 49 CFR 1582 (new); 49 CFR 1584 (new).

Legal Deadline: Final, Statutory, November 1, 2007, Interim Rule for public transportation agencies is due 90 days after date of enactment.

Final, Statutory, August 3, 2008, Rule for public transportation agencies is due one year after date of enactment.

Final, Statutory, February 3, 2008, Rule for railroads and over-the-road buses is due six months after date of enactment.

According to sec. 1408 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), (121 Stat. 266, Aug. 3, 2007), interim final regulations for public transportation agencies are due 90 days after the date of enactment (Nov. 1, 2007), and final regulations are due one year after the date of enactment. According to sec. 1517 of the 9/11 Act, final regulations for railroads and over-the-road buses are due no later than six months after the date of enactment.

Abstract: The 9/11 Act requires security training for employees of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus (OTRB) companies. This final rule implements the regulatory mandate. Owner/operators of these higher-risk railroads, systems, and companies will be required to train employees performing security-sensitive functions, using a curriculum addressing preparedness and how to observe, assess, and respond to terrorist-related threats and/or incidents. As part of this rulemaking, the Transportation Security Administration (TSA) is expanding its current requirements for rail security coordinators and reporting of significant security concerns (currently limited to freight railroads, passenger railroads, and the rail operations of public transportation systems) to include the bus components of higher-risk public transportation systems and higher-risk OTRB companies. TSA is also adding a definition for Transportation Security-Sensitive Materials (TSSM). Other provisions are being amended or added, as necessary, to implement these additional requirements.

Statement of Need: Employee training is an important and effective tool for averting or mitigating potential attacks by those with malicious intent who may target surface transportation and plan or perpetrate actions that may cause significant injuries, loss of life, or economic disruption.

Summary of Legal Basis: 49 U.S.C. 114; sections 1402, 1408, 1501, 1517, 1531, and 1534 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives: TSA is required by statute to publish regulations requiring security training programs for these owner/operators. As part of its notice of proposed rulemaking, TSA sought public comment on alternatives in which the final rule could carry out the requirements of the statute.

Anticipated Cost and Benefits: Owner/operators will incur costs for training their employees, developing a training plan, maintaining training records, and participating in inspections for compliance. Some owner/operators will also incur additional costs associated with assigning security coordinators and reporting significant security incidents to TSA. TSA will incur costs associated with reviewing owner/operators' training plans, registering owner/operators' security coordinators, responding to owner/operators' reported significant security incidents, and conducting inspections for compliance with this rule. In the NPRM, TSA estimated the annual cost from this regulation to be approximately $22 million, discounted at 7 percent. As part of TSA's risk-based security, benefits include mitigating potential attacks by heightening awareness of employees on the frontline. In addition, by designating security coordinators and reporting significant security concerns to TSA, TSA has a direct line for communicating threats and receiving information necessary to analyze trends and potential threats across all modes of transportation.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By providing for security training for personnel, TSA intends in this rulemaking to reduce the risk of a terrorist attack on this transportation sector.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91336
NPRM Comment Period End.	03/16/17	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Local.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Email: surfacefrontoffice@tsa.dhs.gov.*

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Related RIN: Related to 1652–AA56, Merged with 1652–AA57, Merged with 1652–AA59

RIN: 1652–AA55

DHS—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (USICE)

Proposed Rule Stage

58. • Adjusting Program Fees for the Student and Exchange Visitor Program

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1372; 8 U.S.C. 1762; 8 U.S.C. 1101; 8 U.S.C. 1356; 31 U.S.C 901–903; 31 U.S.C. 902; . . .

CFR Citation: 8 CFR 214.

Legal Deadline: None.

Abstract: ICE will propose to adjust fees that the Student and Exchange Visitor Program (SEVP) charges individuals and organizations. In 2017,

SEVP conducted a comprehensive fee study and determined that current fees do not recover the full costs of the services provided. ICE has determined that adjusting fees is necessary to fully recover the increased costs of SEVP operations, program requirements, and to provide the necessary funding to sustain initiatives critical to supporting national security. ICE will propose to adjust its fees for individuals and organizations to establish a more equitable distribution of costs and to establish a sustainable revenue level. The SEVP fee schedule was last adjusted in a rule published on September 26, 2008.

Statement of Need: The Student and Exchange Visitor Program (SEVP) conducted a comprehensive fee study in 2017 and determined that current fees, most recently adjusted in 2008, do not recover the full costs of the services provided. ICE has determined that adjusting fees is necessary to fully recover the increased costs of SEVP operations, program requirements, and to provide the necessary funding to implement and sustain initiatives critical to supporting national security. ICE will propose to adjust its fees for individuals and organizations to establish a more equitable distribution and sustainable level of costs relevant to services.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: ICE is in the process of assessing the costs, benefits, and transfers of this rule. In order to recover the full cost of its budget for the services it provides, SEVP proposes to increase the amounts of its fees for SEVP certified schools and for those schools that will seek SEVP certification, for F and M nonimmigrant students, and for J nonimmigrant exchange visitors. The fee adjustment would allow to continue to maintain and improve SEVIS in order to uphold the integrity of the U.S. immigration laws regarding student and exchange visitors.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Federalism: Undetermined.

Agency Contact: Sharon Snyder, Unit Chief, Policy and Response Unit, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Potomac Center North STOP 5600, 500 12th Street SW, Washington, DC 20536–5600, *Phone:* 703 603–5600.

RIN: 1653–AA74

DHS—USICE

59. • Apprehension, Processing, Care and Custody of Alien Minors

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1182; 8 U.S.C. 1225 to 1227; 8 U.S.C. 1362

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: In 1985, a class-action suit challenged the policies of the former Immigration and Naturalization Service (INS) relating to the detention, processing, and release of alien children; the case eventually reached the U.S. Supreme Court. The Court upheld the constitutionality of the challenged INS regulations on their face and remanded the case for further proceedings consistent with its opinion. In January 1997, the parties reached a comprehensive settlement agreement, referred to as the Flores Settlement Agreement (FSA). The FSA was to terminate five years after the date of final court approval; however, the termination provisions were modified in 2001, such that the FSA does not terminate until forty-five days after publication of regulations implementing the agreement.

Since 1997, intervening statutory changes, including passage of the Homeland Security Act (HSA) and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), have significantly changed the applicability of certain provisions of the FSA. The proposed rule will codify the substantive terms of the FSA and enable the U.S. Government to seek termination of the FSA and litigation concerning its enforcement. Through this rule, ICE will create a pathway to ensure the humane detention of family units while satisfying the goals of the FSA. The rule will also implement related provisions of the TVPRA.

Statement of Need: In 1985, a class-action suit challenged the policies of the former INS relating to the detention, processing, and release of alien children; the case eventually reached the U.S. Supreme Court. The Court upheld the constitutionality of the challenged INS regulations on their face and remanded the case for further proceedings consistent with its opinion. In January 1997, the parties reached a comprehensive settlement agreement, referred to as the FSA. The FSA was to terminate five years after the date of final court approval; however, the termination provisions were modified in 2001, such that the FSA does not terminate until forty-five days after publication of regulations implementing the agreement.

Since 1997, intervening legal changes including passage of the HSA and TVPRA have significantly changed the applicability of certain provisions of the FSA. The proposed rule will codify the substantive terms of the FSA and enable the U.S. Government to seek termination of the FSA and litigation concerning its enforcement. Through this rule, ICE will create a pathway to ensure the humane detention of family units while satisfying the goals of the FSA. The rule will also implement related provisions of the TVPRA.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: ICE is in the process of determining the costs and benefits which would be incurred by regulated entities and individuals, as well as the costs and benefits to ICE for ensuring compliance with the requirements of this rule.

ICE expects to incur costs related to new or additional procedures for immigration proceedings for alien minors. Benefits include enhancing the process and protections for alien minors. This regulation will also strengthen DHS efforts to combat human trafficking of minors. Other benefits are enabling the U.S. Government to seek termination of the FSA and litigation concerning its enforcement, as well as bringing clarity and certainty to the process of addressing alien minors.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Sara Shaw, Deputy Assistant Director, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536, *Phone:* 202 732–3994, *Email: sara.shaw@ice.dhs.gov.*

RIN: 1653–AA75

DHS—USICE

60. • Practical Training Reform

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: ICE will propose this rule to improve protections of U.S. workers who may be negatively impacted by employment of nonimmigrant students on F and M visas. The rule is a comprehensive reform of practical training options intended to reduce fraud and abuse.

Statement of Need: ICE will prepare this rule to improve protections of U.S. workers who may be negatively impacted by employment of nonimmigrant students on F and M visas. The rule would implement new requirements that would reduce fraud and abuse in the practical training programs. The proposed provisions include increased oversight of the schools and students participating in the program to ensure compliance with requirements of the program.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: ICE is in the process of assessing the costs and benefits that would be incurred by regulated entities and individuals, as well as the costs and benefits to the public at large. ICE, SEVP certified schools, nonimmigrant students who participate in practical training, and their employers for practical training would incur costs for increased oversight requirements. This rule is intended to decrease the incidence of immigrant employment fraud and improve the integrity of nonimmigrant student employment opportunities.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Sharon Snyder, Unit Chief, Policy and Response Unit, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Potomac Center North STOP 5600, 500 12th Street SW, Washington, DC 20536–5600, *Phone:* 703 603–5600.

RIN: 1653–AA76

DHS—FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Final Rule Stage

61. Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 5121 to 5207

CFR Citation: 44 CFR 206.48(b).

Legal Deadline: Final, Statutory, January 29, 2014, Section 1109 of the Sandy Recovery Improvement Act of 2013, Public Law 113–2.

The Sandy Recovery Improvement Act of 2013 (SRIA) requires the Administrator of the Federal Emergency Management Agency (FEMA), in cooperation with representatives of State, tribal, and local emergency management agencies, to review, update, and revise through rulemaking the individual assistance factors FEMA uses to measure the severity, magnitude, and impact of a disaster (not later than 1 year after enactment).

Abstract: FEMA is issuing a final rule to revise its regulations to comply with Section 1109 of SRIA. SRIA requires FEMA, in cooperation with State, local, and Tribal emergency management agencies, to review, update, and revise through rulemaking the Individual Assistance factors FEMA uses to measure the severity, magnitude, and impact of a disaster. FEMA published a Notice of Proposed Rulemaking on the matter on November 12, 2015.

Statement of Need: On January 29, 2013, SRIA was enacted into law (Pub. L. 113–2). Section 1109 of SRIA requires FEMA, in cooperation with State, local, and Tribal emergency management agencies, to review, update, and revise through rulemaking the factors found at 44 CFR 206.48 that FEMA uses to determine whether to recommend provision of Individual Assistance (IA) during a major disaster. These factors help FEMA measure the severity, magnitude, and impact of a disaster, as well as the capabilities of the affected jurisdictions.

FEMA is issuing this final rule to comply with SRIA and to provide clarity on the IA factors that FEMA currently considers in support of its recommendation to the President on whether a major disaster declaration authorizing IA is warranted. The additional clarity may reduce delays in the declaration process by decreasing the back and forth between States and FEMA during the declaration process.

Summary of Legal Basis: FEMA has authority for this final rule pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). 42 U.S.C. 5121 *et seq.* Section 401 of the Stafford Act lays out the procedures for a declaration for FEMA's major disaster assistance programs when a catastrophe occurs in a State. The specific changes in this final rule comply with section 1109 of SRIA, Public Law 113–2.

Alternatives:

Anticipated Cost and Benefits: The 2015 NPRM proposed to codify current declaration considerations and introduced new factors that FEMA would use when reviewing and recommending a major disaster declaration request that includes IA. Codifying the factors that capture FEMA's current declaration practice and considerations would not result in additional costs. However, the new factors would have small burden increases associated with obtaining the additional information. FEMA does not anticipate the rule would impact the number of major disaster declaration requests received that include IA or the amount of IA assistance provided, and therefore there would be no impact to transfer payments.

FEMA estimated the 10-year present value total cost of the proposed rule would be $15,806 and $13,302 if discounted at 3 and 7 percent, respectively. The annualized cost of the proposed rule would be $1,853 at 3 percent and $1,894 at 7 percent. (All amounts in the NPRM are presented in 2013 dollars.) Benefits of the proposed rule include clarifying FEMA's existing practices, reducing processing time for requests due to clarifications, and providing States with notice of the new information FEMA is proposing to consider as part of the IA declarations process.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/12/15	80 FR 70116
NPRM Comment Period End.	01/11/16	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.

Additional Information: Docket ID FEMA–2014–0005.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Mark Millican, Individual Assistance Division, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472–3100, *Phone:* 202 212–3221, *Email: fema-ia-regulations@fema.dhs.gov.*

RIN: 1660–AA83

BILLING CODE 9110–9B–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Fall 2017 Statement of Regulatory Priorities for Fiscal Year 2018

Introduction

The Regulatory Plan for the Department of Housing and Urban Development (HUD) for Fiscal Year (FY) 2018 highlights the most significant regulations and policy initiatives that HUD seeks to complete during the upcoming fiscal year. As the federal agency that serves as the nation's housing agency, committed to addressing the housing needs of Americans, promoting economic and community development, and enforcing the nation's fair housing laws, HUD plays a significant role in the lives of families and in communities throughout America. The Department's programs help to provide decent, safe, and sanitary housing, and create suitable living environments for all Americans. HUD also provides housing and other essential support to a wide range of individuals and families with special needs, including homeless individuals, the elderly, and persons with disabilities.

HUD's regulatory plan for FY2018 reflects the leadership and vision of Secretary Carson who has directed HUD, consistent with Executive Order 13771, entitled ''Reducing Regulation and Controlling Regulatory Costs,'' to identify and eliminate or streamline regulation that are wasteful, inefficient or unnecessary. Executive Order 13771 directs that agencies manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. Toward this end, Executive Order 13771 directs that for every one new regulation issued, at least two prior regulations be identified for elimination and requires that the cost of planned regulations be prudently managed and controlled. Consistent with this policy goal, the Secretary has also led HUD's implementation of Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda.'' The Executive Order 13777 supplements and reaffirms the rulemaking principles of Executive Order 13771 by directing each agency to establish a Regulatory Reform Task Force to evaluate existing regulations to identify those that merit repeal, replacement, modification, are outdated, unnecessary, or are ineffective, eliminate or inhibit job creation, impose costs that exceed benefits, or derive from or implement Executive Orders that have been rescinded or significantly modified. HUD's Regulatory Reform Task Force has been hard at work to provide recommendations on which regulations to repeal, modify or keep to ensure those that remain effectively manage scarce federal resources, adequately protect low-income families and facilitate the development of affordable housing and provide the provide the opportunity for families to become self-sufficient. As a result, HUD's Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions lists two anticipated regulatory actions and eleven deregulatory actions.

The rules highlighted in HUD's regulatory plan for FY2018 reflect HUD's efforts to fulfill its mission and improve performance, including by removing regulations that HUD has determined are outdated, unnecessary, or are ineffective.

Implementing the Housing Opportunity Through Modernization Act of 2016

Regulatory Priority: Deregulation

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) (Pub. L. 114–201, approved July 29, 2016) amended the United States Housing Act of 1937 (1937 Act) and other housing laws to modify multiple HUD programs, along with the Department of Agriculture's Single Family Housing Guaranteed Loan Program. Significant amendments included setting a maximum income level for continued occupancy in public housing, expanding the availability of Family Unification Program vouchers for children aging out of foster care, changes to the housing quality standards for Section 8 Voucher units, multiple changes to the Project-Based Voucher (PBV) program, modifying requirements for mortgage insurance for condominiums under the Federal Housing Administration, creating a Special Assistant for Veterans Affairs in HUD, and changing the allocation formula for the Housing Opportunities for Persons With AIDS (HOPWA) program.

On October 24, 2016, at 81 FR 73030, HUD issued a notice in the **Federal Register** announcing which provisions of the statute were self-implementing and which would require further action by HUD. This was followed up by a notice for comment on November 29, 2016 (81 FR 85996) seeking public input on the best way to determine the income limit for public housing residents.

HUD published another notice in the **Federal Register** on January 18, 2017 (82 FR 5458), utilizing authority granted by HOTMA to implement certain provisions by notice, but also soliciting public comment on HUD's implementation methods. That notice implemented new statutory provisions regarding certain inspection requirements for both housing choice voucher (HCV) tenant-based and PBV assistance (found in § 101(a)(1) of HOTMA), the definition of public housing agency (PHA)-owned housing (§ 105 of HOTMA), and changes to the PBV program at large (§ 106 of HOTMA) by providing the additional information needed for PHAs and owners to use those provisions. The notice also implemented and provided guidance on the statutory change to the HCV housing assistance payment (HAP) calculation for families who own manufactured housing and are renting the manufactured home space (§ 112 of HOTMA).

Many of the statutory provisions in HOTMA are intended to streamline administrative processes and reduce burdens on PHAs and private owners. The January 18, 2017, notice implemented provisions that reduced the number and frequency of inspections required before allowing a family to move into a unit, limited the definition of PHA-owned housing and therefore reduced requirements for getting third parties involved in inspections, and reduced some of the requirements for submission to HUD for PHAs looking to project-base voucher assistance in projects currently under contract or previously assisted under a different form of assistance. Other provisions in HOTMA not yet implemented increase a PHA's ability to access databases to ease the burden of verifying income and also allow a family to self-certify as to the value of their assets when their assets are valued at less than $50,000.

HUD further intends to implement the new HOTMA provisions in such a way as to align policies and procedures across program offices, to include multifamily programs and programs that are administered by the Office of Community Planning and Development. Alignment will reduce disparities between the programs and better enable PHAs and owners to use multiple forms

of assistance to best serve their communities.

HUD intends to complete this rulemaking in Fiscal Year 2018.

Aggregate Costs and Benefits

Executive Order 12866, as amended, requires the agency to provide its best estimate of the combined aggregate costs and benefits of all regulations included in the agency's Regulatory Plan that will be pursued in FY 2018. HUD expects that the neither the total economic costs nor the total efficiency gains will exceed $100 million.

HUD Office: Offices of the Assistant Secretary for Public and Indian Housing, Assistant Secretary for Housing, and Assistant Secretary for Community Planning and Development, HUD.

Rulemaking Stage: Proposed Rule.

Priority: Significant.

Legal Authority: 42 U.S.C. 1437a; 42 U.S.C. 1437f; 42 U.S.C. 3535(d); Pub. L. 114–201, 130 Stat. 782

CFR Citation: 24 CFR parts 5, 92, 574, 576, 583, 850, 880, 882, 884, 886, 891, 960,982, 983.

Legal Deadline: None.

Abstract: Through this rule, HUD proposes to codify the changes the Housing Opportunity Act of 2016 (HOTMA) made to the U.S. Housing Act of 1937 that affect the Section 8 Project-Based Rental Assistance (PBRA), Housing Choice Voucher (HCV) and Public Housing programs. The areas most impacted by HOTMA include unit inspections in the HCV program, project-based voucher assistance in the HCV program; income and rent calculations for Public Housing, HCV, and multifamily housing programs, and operating fund and capital fund flexibility in public housing.

Many of the statutory provisions in HOTMA are intended to streamline administrative processes and reduce burdens on PHAs and private owners. The January 18, 2017, notice implemented provisions that reduced the number and frequency of inspections required before allowing a family to move into a unit, limited the definition of PHA-owned housing and therefore reduced requirements for getting third parties involved in inspections, and reduced some of the requirements for submission to HUD for PHAs looking to project-base voucher assistance in projects currently under contract or previously assisted under a different form of assistance. Other provisions in HOTMA not yet implemented increase a PHA's ability to access databases to ease the burden of verifying income and also allow a family to self-certify as to the value of their assets when their assets are valued at less than $50,000, which reduces the work required to determine the family's annual income.

HUD CPD programs that have mimicked provisions in the U.S. Housing Act of 1937 that were changed by HOTMA will also be affected. Alignment will reduce disparities between the programs and better enable PHAs and owners to use multiple forms of assistance to best serve their communities.

Statement of Need

HOTMA provided HUD the authority to implement some statutory changes by notice, but not all of the changes included that authority. For those changes that were implemented by notice, HUD must make conforming changes to the regulations.

Alternatives: None.

Anticipated Costs and Benefits

Many of the changes included additional flexibilities for public housing agencies (PHAs) and private owners, such as allowing for alternative inspection methods to reduce duplicative inspections, reducing paperwork requirements for project-basing vouchers in PHA-owned properties, and allowing for longer-term housing assistance payments contracts. The rule will also provide for more timely reviews of significant changes in family income to ensure the effective provision of assistance.

Compliance costs are expected to be minimal and one-time as PHAs and owners shift their practices to meet the new requirements.

Risks: Reduced oversight of unit quality could increase the amount of poor housing quality, but the increased flexibilities will allow HUD, PHAs, and private owners to better direct resources to entities that pose higher risks, improving the overall quality and effectiveness of the programs.

Timetable:

Action	Date	FR Cite
Federal Register Notice.	10/24/2016	81 FR 73030
Federal Register Notice.	01/18/2017	82 FR 5458
Next Action	06/00/2018	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: State, Local.

Federalism Affected: No.

Energy Affected: No.

International Impacts: No.

Agency Contact: Danielle Bastarache, Deputy Assistant Secretary, Office of Policy, Programs and Legislative Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 451 Seventh Street SW, Room 3178, Washington, DC 20410, *Phone:* 202 402–5264.

RIN: 2577–AD03

HUD—OFFICE OF HOUSING (OH)

Final Rule Stage

62. Project Approval for Single Family Condominium (FR–5715)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 12 U.S.C. 1707, 1709, 1710; 12 U.S.C. 1715b; 12 U.S.C. 1715y; 12 U.S.C. 1715z–16; 12 U.S.C. 1715u; 42 U.S.C. 3535(d)

CFR Citation: 24 CFR 203.

Legal Deadline: None.

Abstract: Through this rule, HUD will amend its policies and procedures for projects to be approved as condominiums in which individual units would be eligible for mortgage insurance. Insurance of condominiums in approved projects was first authorized by the Housing and Economic Recovery Act (HERA) of 2008. HERA moved the insurance of a single unit condominium unit in a project without a blanket mortgage from Section 234 of the National Housing Act. There are no existing regulations under section 203. While HERA permitted the program to be operated via guidance pending the issuance of regulations, more recently, the Housing Opportunity Through Modernization Act of 2016, Public Law 114–201 (HOTMA) contains specific provisions regarding condominiums under section 203. Relevant to this rule, HOTMA requires: changes in requirements for project recertification; requests for exceptions to the commercial space percentage requirement to be made either through the HUD review process or through the lender review and approval process; and for HUD to issue guidance, by rule, notice, or mortgagee letter, regarding the percentage of units that must be owner-occupied, including as a secondary residence. The rule also includes a savings provision preserving section 234 insurance where the project has a blanket mortgage.

Statement of Need: The Housing Opportunities through Modernization Act of 2016 requires HUD to issue regulations on the commercial space requirements for condominium projects; these regulations would be codified in HUD's Code of Federal Regulations

(CFR) volume. Having one portion of the basic program rules codified in the CFR and others not codified would be confusing and unfriendly to the public. Additionally, the current program rules are overly rigid. The rule will add needed flexibility and logically codify the basic rules of the program, similar to HUD's other single-family programs.

Summary of Legal Basis: The legal basis (in addition to HUD's general rulemaking authority under 42 U.S.C. 3535(d)) is the definition of mortgage in section 201 of the Act (12 U.S.C. 1707), which definition also applies to section 203 of the Act (12 U.S.C. 1709). The definition was revised by the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, approved July 30, 2008) to include a mortgages on a one-family unit in a multifamily project, and an undivided interest in the common areas and facilities which serve the project (this is the arrangement that characterizes the large majority of condo projects). More recently, the Housing Opportunity Through Modernization Act (Pub. L. 114–201, approved July 29, 2016), requires HUD to: Streamline the condominium recertification process; issue regulations to amend the limitations on commercial space to allow such requests to be processed under either HUD or lender review and to consider factors relating to the economy for the locality in which such project is located or specific to project, including the total number of family units in the project. HUD will be addressing these issues through the regulation.

Alternatives: None.

Anticipated Cost and Benefits: The rule will produce cost savings of $1 million per year by reducing the paperwork required for recertification of an approved project. There are some costs associated with qualifying to participate in the Direct Endorsement Lender Review and Approval Process (DELRAP). However, HUD anticipates that many provisions of the rule, such as single-unit approvals, flexible standards, and a longer interval for condominium approvals would reduce or eliminate the compliance costs of the rule.

Risks: The DELRAP process (which gives underwriting responsibility to qualified lenders) and single unit approvals (which allow HUD to insure mortgages in unapproved condominium projects) could increase the risk of defaults. However, the rule would add safeguards to fully mitigate these risks. The participating DELRAP lenders would have to meet qualification standards, and HUD would monitor their performance on an ongoing basis, and would have authority to take corrective actions if a lender's performance is deficient. In addition, single unit approvals would require that HUD not insure mortgages in an unapproved project if the percentage of such mortgages exceeds an amount determined by the Commissioner to be necessary for the protection of the insurance fund.

Timetable:

Action	Date	FR Cite
NPRM	09/28/16	81 FR 66565
NPRM Comment Period End.	11/28/16	
Final Action	03/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL For Public Comments: *www.regulations.gov/searchResults?rpp=25&po=0&s=FR-5715&fp=true&ns=true.*

Agency Contact: Elissa Saunders, Director, Office of Single Family Program Development, Office of Housing, Department of Housing and Urban Development, Office of Housing, 451 Seventh Street, Washington, DC 20410, *Phone:* 202 708–2121.

RIN: 2502–AJ30

HUD—OFFICE OF PUBLIC AND INDIAN HOUSING (PIH)

Proposed Rule Stage

63. • Housing Opportunity Through Modernization Act of 2016 (FR–6057)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Pub. L. 114–201; 130 Stat. 782

CFR Citation: 24 CFR 5; 24 CFR 92; 24 CFR 574; 24 CFR 576; 24 CFR 583; 24 CFR 850; 24 CFR 880; 24 CFR 882; 24 CFR 884; 24 CFR 886; 24 CFR 891; 24 CFR 960; 24 CFR 982; 24 CFR 983.

Legal Deadline: None.

Abstract: Through this rule, HUD proposes to codify the changes the Housing Opportunity Act of 2016 (HOTMA) made to the U.S. Housing Act of 1937 that affect the Section 8 Project-Based Rental Assistance (PBRA), Housing Choice Voucher (HCV) and Public Housing programs. The areas most impacted by HOTMA include unit inspections in the HCV program, project-based voucher assistance in the HCV program; income and rent calculations for Public Housing, HCV, and multifamily housing programs, and operating fund and capital fund flexibility in public housing. HUD CPD programs that have mimicked provisions in the U.S. Housing Act of 1937 that were changed by HOTMA will also be affected.

Statement of Need: HOTMA provided HUD the authority to implement some statutory changes by notice, but not all of the changes included that authority. For those changes that were implemented by notice, HUD must make conforming changes to the regulations.

Summary of Legal Basis: 42 U.S.C. 1437a; 42 U.S.C. 1437f; 42 U.S.C. 3535(d).

Alternatives: None.

Anticipated Cost and Benefits: Many of the changes included additional flexibilities for public housing agencies (PHAs) and private owners, such as allowing for alternative inspection methods to reduce duplicative inspections, reducing paperwork requirements for project-basing vouchers in PHA-owned properties, and allowing for longer-term housing assistance payments contracts. The rule will also provide for more timely reviews of significant changes in family income to ensure the effective provision of assistance. Compliance costs are expected to be minimal and one-time as PHAs and owners shift their practices to meet the new requirements.

Risks: Reduced oversight of unit quality could increase the amount of poor housing quality, but the increased flexibilities will allow HUD, PHAs, and private owners to better direct resources to entities that pose higher risks, improving the overall quality and effectiveness of the programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Local, State.

Agency Contact: Danielle Bastarache, Deputy Assistant Secretary, Office of Policy & Legislative Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 451 7th Street SW, Washington, DC 20410, *Phone:* 202 402–5264.

RIN: 2577–AD03

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR REGULATORY PLAN

Introduction

The U.S. Department of the Interior (Interior) serves the American people by managing one in every five acres of land in the United States, as well as on the Outer Continental Shelf. Interior manages these resources under a legal framework that includes regulations that ultimately affect many American's lives and livelihoods. Interior's Office of Natural Resources Revenue (ONRR) collects over $10 billion dollars annually from onshore and offshore energy production, one of the Federal Government's largest sources of non-tax revenue.

Interior manages more than 500 million acres of Federal lands, including more than 400 park units, more than 500 wildlife refuges, and more than a billion submerged offshore acres. Hundreds of millions of people visit Interior-managed lands each year for camping, hiking, hunting, and other outdoor recreation, which supports local communities and their economies. Interior provides access on public lands for energy development, which creates jobs and stimulates the U.S. economy. Interior manages water projects that are a lifeline and economic engine for many communities in the West; and manages forests and fights wildfires.

Regulatory Reform

President Trump has made it a priority of his administration to reform regulatory requirements that negatively impact our economy while maintaining environmental standards. Since day one, Secretary Zinke has been committed to regulatory reform. Interior is playing a key role in regulatory reform and, pursuant to Executive Order 13777, has established a Regulatory Reform Task Force to make Interior's regulations work better for the American people. Interior continues to encourage and seek public input on these regulatory reform efforts. *See (82 FR 28429, June 22, 2017) and https://www.doi.gov/regulatory-reform.* Interior is committed to a conservation ethic that also recognizes that unnecessary regulations create harmful economic consequences on the U.S. economy. Therefore, Interior expects to reduce regulatory burdens, promote effective and efficient regulations, and respect property rights as it implements its regulatory agenda for fiscal year 2018.

Regulatory and Deregulatory Priorities

Interior's regulatory and deregulatory priorities focus on:

- Promoting American Energy Independence
- Increasing outdoor recreation opportunities for all Americans
- Enhancing conservation stewardship
- Improving management of species and their habitats
- Upholding trust responsibilities to the federally recognized American Indian and Alaska Native tribes and addressing the challenges of economic development.

Promoting American Energy Independence

In Executive Order 13783, Promoting Energy Independence and Economic Growth (March 28, 2017), President Trump announced it was in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. The Executive Order directed the executive departments and agencies to immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law. Interior's review and actions are included in its Final Report on Actions that Potentially Burden Domestic Energy (Final Energy Report). This report is available on the internet at *https://www.doi.gov/sites/doi.gov/files/uploads/interior_energy_actions_report_final.pdf.*

Among the actions that Interior identified and explained more fully in the Final Energy Report are the following:

- BLM published a proposed rule on July 25, 2017 (82 FR 24464), to rescind the final rule entitled ''Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,'' 80 FR 16128 (March 26, 2015).
- BLM will review and revise the final rule entitled ''Waste Prevention, Production Subject to Royalties, and Resource Conservation,'' 81 FR 83008 (November 18, 2016).
- The U.S. Fish and Wildlife Service will review the final rule entitled ''Management of Non-Federal Oil and Gas Rights,'' 81 FR 79948 (November 14, 2016); and
- the Bureau of Safety and Environmental Enforcement and/or the Bureau of Ocean Energy Management will review
  - The proposed rule ''Offshore Air Quality Control, Reporting, and Compliance'' published on April 5, 2016. See 81 FR 19717;
  - The final rule ''Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control,'' published on April 29, 2016. See 81 FR 25887, and
  - The final rule ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,'' published on July 15, 2016. See 81 FR 46478.

Increasing Outdoor Recreation for All Americans, Enhancing Conservation Stewardship, and Improving Management of Species and Their Habitat

On March 2, 2017, Secretary Zinke signed Secretarial Order (S.O.) 3347, Conservation Stewardship and Outdoor Recreation, which established a goal to enhance conservation stewardship, increase outdoor recreation, and improve the management of game species and their habitat. In S.O. No. 3356, Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories (September 15, 2017), Interior announced continued efforts to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond.

To help meet these goals, S.O. 3356 directs, among other actions, Interior bureaus and offices to:

- Work cooperatively with state, tribal, and territorial wildlife agencies to ensure that hunting and fishing regulations for Department lands and waters complement the regulations on the surrounding lands and waters to the extent legally practicable;
- in close coordination and cooperation with the appropriate state, tribal, or territorial wildlife agency, begin the necessary process to modify regulations in order to advance shared wildlife conservation goals/objectives that align predator management programs, seasons, and methods of take permitted on all Department-managed lands and waters with corresponding programs, seasons, and methods established by state, tribal, and territorial wildlife management agencies to the extent legally practicable; and

• create a plan to update all existing regulations to be consistent with the Order.

Upholding Trust Responsibilities to the Federally Recognized American Indian and Alaska Native Tribes and Addressing the Challenges of Economic Development

BIA is committed to identifying opportunities to promote economic growth and the welfare of the people BIA serves by removing barriers to the development of energy and other resources in Indian country.

Aggregate Deregulatory and Significant Regulatory Actions

Interior has made substantial progress reducing its regulatory burdens upon the American public. After a thorough review of existing regulations planned for publication, Interior removed 154 regulatory actions from its Spring 2017 Agenda of Regulatory Actions. This reduced its previous inventory of 321 by almost half. In fiscal year 2018, Interior expects to finalize 28 deregulatory actions, resulting in more than a billion net present dollars (present value) of deregulatory cost savings. Interior does not currently expect to publish any significant regulatory actions during the next year that are subject to E.O. 13771. Throughout this document, the terms ''deregulatory action'' and ''significant regulatory action'' refer to actions that are subject to E.O. 13771.

Bureaus and Offices Within the Department of the Interior

The following sections give an overview of some of the major deregulatory and regulatory priorities of DOI bureaus and offices.

Indian Affairs

The Bureau of Indian Affairs (BIA) enhances the quality of life, promotes economic opportunity, and protects and improves the trust assets of approximately 1.9 million American Indians, Indian tribes, and Alaska Natives. BIA also provides quality education opportunities to students in Indian schools. BIA maintains a government-to-government relationship with the 567 federally recognized Indian tribes. The Bureau also administers and manages 55 million acres of surface land and 57 million acres of subsurface minerals held in trust by the United States for Indians and Indian tribes.

Deregulatory and Regulatory Actions

In the coming year, BIA's regulatory plan focuses on priorities that ease regulatory burdens on Tribes, American Indians and Alaska Natives, and others subject to BIA regulations, in accordance with Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda. BIA has identified one deregulatory action on the current Agenda that would streamline the right-of-way process for governmental entities seeking a waiver of the requirement to obtain a bond in certain cases. BIA has one significant regulatory action on the Agenda that would revise existing regulations governing off-reservation trust acquisitions to establish new items that must be included in an application and threshold criteria that must be met for off-reservation acquisitions before National Environmental Policy Act (NEPA) compliance will be required. The rule would also reinstate the 30-day delay for taking land into trust following a decision by the Secretary or Assistant Secretary. This rule is expected to have de minimis economic impacts and therefore likely exempt from offset requirements under E.O. 13771.

Because many of its existing regulations require compliance with the NEPA, BIA will examine whether it can streamline NEPA implementation, in accordance with E.O. 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects, and S.O. 3355, Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807.

Bureau of Land Management

The Bureau of Land Management (BLM) manages more than 245 million acres of public land, primarily located in 12 Western states including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation, creating jobs throughout the country and generating non-tax royalty revenue for the Federal government. As stewards, BLM has a multiple-use mission to provide opportunities for economic growth through energy development, ranching, mining, and logging, as well as outdoor recreation activities such as camping, hunting, and fishing, while also supporting conservation efforts. Public lands provide valuable tangible goods and materials the American people use every day to heat their homes, build their roads, and feed their families. The BLM works hard to be a good neighbor in the communities it serves, and is committed to keeping public landscapes healthy and productive.

Deregulatory and Regulatory Actions

BLM has identified the following four deregulatory actions for the coming year with total estimated cost savings of at least $156 million:

• Rescission of the 2015 BLM Hydraulic Fracturing Rule (RIN 1004–AE51)

• Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Implementation Dates for Certain Requirements (RIN 1004–AE54)

• Revision or Rescission of the 2016 Waste Prevention, Production Subject to Royalties, and Resource Conservation rule (RIN 1004–AE53)

• Resource Management Planning (RIN 1004–AE39—CRA nullification conforming rule)

BLM has no significant regulatory actions subject to E.O. 13771 planned in FY 2018.

• *Rescission of the 2015 BLM Hydraulic Fracturing Rule*

In March 2015, the BLM finalized a rule that would impose requirements on operators using hydraulic fracturing on Federal and Indian oil and gas leases. However, before the rule became effective, a U.S. Federal District Court granted a preliminary injunction and then set aside the rule, preventing the BLM from implementing it. The rule has never gone into effect. The Court of Appeals for the Tenth Circuit, however, vacated the district court's decision in September 2017. If there are no further proceedings in the Tenth Circuit, the mandate will issue to the district court on November 13, 2017. If that were to happen, the BLM would need to decide how to phase in compliance with the rule. The rescission of these requirements would not leave hydraulic fracturing operations unregulated, as operators still need to comply with other Federal regulations and requirements, state regulations, and tribal regulations, where applicable.

This is a good example of a regulation that is a prime candidate for regulatory reform because of the multiple regulations by authorities at the Federal, State, and tribal levels. The BLM found that all 32 states with Federal oil and gas operations leases currently have laws or regulations to address hydraulic fracturing. Furthermore, since the 2015 final rule, more companies are using state-level resources to ensure compliance with other applicable Federal and state-level regulations. This redundancy makes the BLM rule an unnecessary regulatory burden, irrespective of whether BLM even has the authority to regulate hydraulic fracturing.

Secretary of the Interior Ryan K. Zinke issued Secretarial Order No. 3349 entitled, ''American Energy Independence'' on March 29, 2017, which, among other things, directed the BLM to proceed expeditiously to propose to rescind the 2015 final rule. Upon further review of the 2015 final rule, as directed by Executive Order 13783, and Secretarial Order No. 3349, the BLM determined that the 2015 final rule unnecessarily burdens industry with compliance costs and information requirements that duplicate regulatory programs of many states and some tribes. As a result, on July 25, 2017 BLM proposed to rescind, in its entirety, the 2015 final rule. Rescinding the hydraulic fracturing rule will reduce regulatory burdens by enabling oil and gas operations to operate under one set of regulations within each state or tribal lands, rather than two.

• *Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Implementation Dates for Certain Requirements*

Executive Order 13783 required Interior to review the final rule entitled, ''Oil and Gas, Waste Prevention, Production Subject to Royalties, and Resource Conservation,'' 81 FR 83008 (Nov. 18, 2016), also known as the ''Venting and Flaring'' rule. S.O. 3349 also ordered the BLM to review the rule. During the review, the BLM found that parts of the rule imposed unnecessary burdens on industry. It published a proposed rule in the **Federal Register** on October 5, 2017, seeking comment on temporarily suspending or delaying certain requirements until January 17, 2019.

A temporary suspension or delay, if implemented, would avoid compliance costs on operators for requirements that may be rescinded or significantly revised in the near future. For certain requirements in the 2016 rule that have yet to be implemented, the proposed rule would temporarily postpone the implementation dates. For certain requirements in the 2016 rule that are currently in effect, the proposed rule would temporarily suspend them. This would give the BLM sufficient time to review the 2016 final rule and consider revising or rescinding its requirements. This will also provide industry additional time to plan for and engineer responsive infrastructure modifications that will comply with the regulation. It will lower the cost of compliance and spread the cost over more time.

• *Revision or Rescission of the 2016 Waste Prevention, Production Subject to Royalties, and Resource Conservation rule*

During the review of the Venting and Flaring rule, the BLM determined that the rule is inconsistent with the policy stated in E.O. 13783 that ''it is in the national interest to promote clean and safe development of our nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.'' Consistent with this finding, the BLM intends to issue a proposed rule that would eliminate overlap with the Environmental Protection Agency's (EPA) Clean Air Act authorities and clarify requirements related to the beneficial use of gas on Federal and Indian lands.

• *Resource Management Planning*

The BLM published the Planning 2.0 Rule on December 12, 2016 (81 FR 89580). The rule became effective on January 11, 2017. However, President Trump signed a resolution of disapproval under the Congressional Review Act (CRA), which was signed into law as Public Law 115–12 on March 27, 2017. Under the terms of the Congressional Review Act, the rule is ''treated as though such rule had never taken effect.'' 5 U.S.C. 801(f). The BLM is publishing a rule to remove nullified language from the Code of Federal Regulations to conform the Code of Federal Regulations to the CRA resolution. OMB views actions under the CRA as deregulatory for purposes of E.O. 13771. Some commenters expressed concern that the nullified rule would have moved decisions to the BLM Director in Washington, DC and away from states and local communities that are most affected by land use decisions.

Bureau of Ocean Energy Management

BOEM is committed to the Administration proposition that ''A brighter future depends on energy policies that stimulate our economy, ensure our security, and protect our health.'' In accordance with Executive Order 13783 of March 28, 2017, *Promoting Energy independence and Economic Growth,* BOEM is committed to the safe and orderly development of our offshore energy land and mineral resources, with the goal of avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. BOEM is committed to identifying regulatory and deregulatory opportunities and policies that lower costs and stimulate development. BOEM continues to strengthen U.S. energy security and energy independence. BOEM creates jobs, benefits local communities, and strengthens the economy by offering opportunities to develop the conventional and renewable energy and mineral resources of the Outer Continental Shelf (OCS).

Deregulatory and Regulatory Actions

BOEM is carefully analyzing two Interior rules related to offshore energy that are identified in E.O. 13795 (Implementing an America-First Offshore Energy Strategy). To implement that Executive Order, Interior issued S.O. 3350, America-First Offshore Energy Strategy, which enhances opportunities for energy exploration, leasing, and development on the OCS; establishes regulatory certainty for OCS activities; and enhances conservation stewardship, thereby providing jobs, energy security, and revenue for the American people. That order also provides deadlines for review of the rules identified in the E.O. Specifically, S.O. 3350 directs BOEM to:

• Immediately cease all activities to promulgate the ''*Offshore Air Quality Control, Reporting, and Compliance*'' proposed rule, published on April 5, 2016 (81 FR 19717). As directed, BOEM also provided a report explaining the effects of not issuing a new rule addressing offshore air quality, and providing options for revising or withdrawing the proposed rule. BOEM withdrew the proposed rule and is now considering best options going forward.

• Promptly review, in consultation with the Bureau of Safety and Environmental Enforcement (BSEE), the final rule ''*Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,*'' published on July 15, 2016 (81 FR 46478), for consistency with the policy set forth in section 2 of the Executive Order and provide a report summarizing the review and providing recommendations on whether to suspend, revise, or rescind the rule. In coordination with BSEE and consultation with stakeholders, BOEM will decide whether it should proceed with deregulatory options that could allow operators to continue operating later into the drilling season, providing jobs, strengthening the economy, and supporting the development of America's energy reserves.

BOEM has no significant regulatory actions planned for fiscal year 2018.

Streamlining Renewable Energy Regulations

Since renewable energy regulations were promulgated in 2009, BOEM has made substantial progress moving forward with the planning and

implementation of seven lease sales, the issuance of twelve commercial leases, with a thirteenth in progress, and the processing of a number of significant project survey and site assessment plans. BOEM has worked closely with industry and solicited public input throughout the early stages of its program to help identify several regulatory improvements that: (1) Simplify and clarify requirements; (2) reduce the regulatory burden on industry by providing more flexibility in developing proposals and acquiring needed authorizations; (3) defer certain planning and development costs on industry; and (4) resolve contradictions and administrative inconsistencies. Overall, the proposed regulatory improvements are corrective, and will facilitate the efficient business development of renewable energy resources on the OCS.

Compliance With Executive, Secretary, and Statutory Mandates

BOEM will continue to be responsive to the various regulatory reform initiatives, including identifying and acting upon any regulations, orders, guidance, policies or any similar actions that could potentially burden the development or utilization of domestically produced energy sources.

Bureau of Safety and Environmental Enforcement

The Bureau of Safety and Environmental Enforcement's (BSEE) mission is to promote offshore conservation, development and production of offshore energy resources while ensuring that offshore operations are safe and environmentally responsible. BSEE's priorities in fulfillment of its mission are to: (1) Promote and regulate offshore energy development using the full range of authorities, policies, and tools to ensure safety and environmental responsibility; and (2) build and sustain the organizational, technical, and intellectual capacity within and across BSEE's key functions in order to keep pace with offshore industry technology improvements, innovate in economically sound regulation and enforcement, and reduce risk through appropriate risk assessment and regulatory and enforcement actions.

Consistent with the directions in Executive Orders (E.O.s) issued in March 2017 (*E.O. 13783—Promoting Energy Independence and Economic Growth*) and in April 2017 (*E.O. 13795—Implementing an America-First Offshore Energy Strategy*), as well as with the President's January 30, 2017 E.O. on *Reducing Regulation and Controlling Regulatory Costs,* BSEE is reviewing existing regulations to determine whether they may potentially burden the development or use of domestically produced energy resources, constrain economic growth, or prevent job creation. BSEE is well-positioned to help maintain the Nation's position as a global energy leader and foster energy security and resilience for the benefit of the American people, while ensuring that any such activity is performed in a safe and environmentally sustainable manner.

Deregulatory and Regulatory Actions

BSEE has identified the following four deregulatory actions under E.O. 13771 as high priorities:

• *Well Control and Blowout Prevention Systems Rule Revision*

In April 2016, BSEE issued a final rule entitled ''Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control.'' BSEE will propose a rule to reduce regulatory burdens and encourage job-creating development, while still ensuring safe and environmentally sustainable offshore operations. Among the changes it is considering are:

○ Revising the requirements for sufficient accumulator capacity and remotely-operated vehicle (ROV) capability to both open and close rams on subsea Blowout Preventers (BOPs) (*i.e.,* to only require capability to close the rams);

○ Revising the requirement to shut in platforms when a lift boat approaches within 500 feet;

○ Extending the 14-day interval between pressure testing of BOP systems to 21 Days in appropriate situations;

○ Clarifying that the requirement for weekly testing of two BOP control stations means testing one station (not both stations) per week;

○ Simplifying testing pressures for verification of ram closure; and

○ Revising or deleting the requirement to submit test results to BSEE District Managers within 72 hours.

• *Exploratory Drilling on the Arctic Outer Continental Shelf Rule*

In July 2016, BSEE and BOEM jointly issued a final rule entitled ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf.'' BSEE is reviewing its provisions in the joint rule to identify potential opportunities reduce regulatory burdens while still ensuring safe and environmentally sustainable offshore operations. Some of the revisions BSEE is considering are:

○ Eliminating the requirement for capture of water-based muds and cuttings;

○ Eliminating the requirement for a cap and flow system and containment dome that are capable of being located at the well site within 7 days of loss of well control;

○ Eliminating the reference to the expected return of sea ice from the requirements to be able to drill a relief well within 45 days of loss of well control; and

○ Eliminating the reference to equivalent technology from the mudline cellar requirement.

BOEM and BSEE are also exploring joint options that would allow greater flexibility for operators to continue to drill later into the Arctic drilling season. If they are successful in implementing this strategy, exploration of the Nation's Arctic oil and gas reserves will increase while providing appropriate safety and environmental protection.

BOEM and BSEE will engage stakeholders before proposing rulemaking and the list of potential areas for proposed reform may be adjusted based on feedback received.

• *Production Safety Systems Rule*

In September 2016, BSEE issued a final rule entitled ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf-Oil and Gas Production Safety Systems.'' BSEE is reviewing the rule to identify opportunities to reduce regulatory burdens while still ensuring safe and environmentally sustainable offshore operations. If BSEE identifies areas for deregulation, it plans to tier a proposed rule behind the Well Control Rule and Arctic rule in terms of potential burden reduction.

In addition to the rules previously identified, BSEE is reviewing the remainder of its regulations to identify other requirements that could be modified to increase efficiency, streamline processes, reduce industry burden, and maximize energy resources while ensuring offshore operations are performed in a safe and environmentally sustainable manner.

BSEE has no significant regulatory actions subject to E.O. 13771 planned for fiscal year 2018.

Office of Natural Resources Revenue

For the benefit of all Americans, the Office of Natural Resources Revenue (ONRR) collects, accounts for, and verifies natural resource and energy revenues due to States, American Indians, and the U.S. Treasury. This revenue goes to State governments, as

well as several Federal funds that support projects at the local and national levels, including support for critical infrastructure projects and to develop public outdoor recreation areas. ONRR disburses 100% of revenue collected from resource extraction on American Indian lands back to the Indian Tribes and individual Indian landowners.

Deregulatory and Regulatory Actions

ONRR finalized the repeal of its Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform rule on September 6, 2017. ONRR plans one deregulatory action for fiscal year 2018, the repeal of its rule on service of official correspondence.

ONRR has no significant regulatory actions subject to E.O. 13771 planned for fiscal year 2018.

ONRR also will seek ideas to reduce the Federal regulatory burden through advice received from the reinstatement of key committees that will assess and advise ONRR on royalty policies and regulatory actions related to natural resource and energy revenues.

Office of Surface Mining Reclamation and Enforcement

The Office of Surface Mining Reclamation and Enforcement (OSMRE) was created by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Under SMCRA, OSMRE has two principal functions—the regulation of surface coal mining and reclamation operations, and the reclamation and restoration of abandoned coal mine lands. In enacting SMCRA, Congress directed OSMRE to ''strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy.'' OSMRE seeks to develop and maintain a regulatory program that provides a safe, cost-effective, and environmentally sound supply of coal to help support the Nation's economy and local communities.

Deregulatory and Regulatory Actions

- Stream Protection.

The Stream Protection rule was nullified under the Congressional Review Act. OSMRE will conform the Code of Federal Regulations to the Congressional action and will consider options to protect resources in a way that does not unnecessarily burden the American people. OSMRE estimates that this action will result in deregulatory cost savings of approximately $82 million. See 82 FR 54924 (November 17, 2017).

OSMRE is reviewing additional actions to reduce burdens on coal development, including, for example, reviewing the state program amendment process to reduce the time it takes to formally amend an approved regulatory program.

OSMRE has no significant regulatory actions planned for fiscal year 2018.

U.S. Fish and Wildlife Service

The mission of the U.S. Fish and Wildlife Service (FWS) is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. FWS also provides opportunities for Americans to enjoy the outdoors and our shared natural heritage.

FWS fulfills its responsibilities through a diverse array of programs that:

- Protect and recover endangered and threatened species;
- Monitor and manage migratory birds;
- Enforce Federal wildlife laws and regulate international trade;
- Conserve and restore wildlife habitat such as wetlands;
- Help foreign governments conserve wildlife through international conservation efforts;
- Distribute Federal funds to States, territories, and tribes for fish and wildlife conservation projects; and
- Manage the more than 150 million acres of land and water from the Caribbean to the remote Pacific in National Wildlife Refuge System, which protects and conserves fish and wildlife and their habitats, and allows the public to engage in outdoor recreational activities.

Deregulatory and Regulatory Actions

During the next year, FWS regulatory priorities will include:

- *Regulations under the Endangered Species Act (ESA).*

FWS will take multiple regulatory actions under the ESA to prevent the extinction of and facilitate recovery of both domestic and foreign animal and plant species. Accordingly, FWS will add species to, remove species from, and reclassify species on the Lists of Endangered and Threatened Wildlife and Plants and designate critical habitat for certain listed species, in accordance with the National Listing Workplan. The Workplan enables us to prioritize our workload based on the needs of candidate and petitioned species, while providing greater clarity and predictability about the timing of listing determinations to state wildlife agencies, non-profit organizations, and other diverse stakeholders and partners, with the goal of encouraging proactive conservation so that federal protections are not needed in the first place. The Workplan represents the conservation priorities of the U.S. Fish and Wildlife Service (Service) based on our review of scientific information. In addition, FWS, jointly with the National Marine Fisheries Service, will improve how the ESA is administered and reduce unneeded burdens. FWS will review opportunities to create efficiencies and streamline the consultation process and the listing and delisting process.

☐ *Regulations under the Migratory Bird Treaty Act (MBTA).*

In carrying out our responsibility to manage migratory bird populations, we issue annual migratory bird hunting regulations, which establish the frameworks (outside limits) for States to establish season lengths, bag limits, and areas for migratory game bird hunting.

To become more efficient and timely, the FWS is reviewing public input and considering whether additional regulatory changes would be appropriate to reduce the burden on industry and allow applicants to proceed more quickly through the bald and golden eagle permit process.

- *Regulations to administer the National Wildlife Refuge System (NWRS).*

In carrying out its statutory responsibility to provide wildlife-dependent recreational opportunities on NWRS lands, FWS issues an annual rule to update the hunting and fishing regulations on specific refuges.

- *Regulations to carry out the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Acts (Acts).*

Under the Acts, the FWS distributes annual apportionments to States from trust funds derived from excise tax revenues and fuel taxes. FWS continues to work closely with state fish and wildlife agencies on how to use these funds to implement conservation projects. To strengthen its partnership with State conservation organizations, FWS is working on several rules to update and clarify our regulations. Planned regulatory revisions will help to reflect several new decisions agreed upon by state conservation organizations.

- *Regulations to carry out the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Lacey Act.*

In accordance with section 3(a) of Executive Order 13609 (Promoting International Regulatory Cooperation), FWS will update its CITES regulations to incorporate provisions resulting from the 16th and 17th Conference of the

Parties to CITES. The revisions will help FWS more effectively promote species conservation and help U.S. importers and exporters of wildlife products understand how to conduct lawful international trade.

FWS has no significant regulatory actions that are subject to E.O. 13771 planned for fiscal year 2018.

National Park Service

The National Park Service (NPS) preserves the natural and cultural resources and values within 417 units of the National Park System encompassing nearly 84 million acres of lands and waters for the enjoyment, education, and inspiration of this and future generations. The NPS also cooperates with partners to extend the benefits of resource conservation and outdoor recreation throughout the United States and the world.

Deregulatory and Regulatory Actions

The NPS intends to issue a number of deregulatory actions in this regulatory period and no significant regulatory actions.

Deregulatory Actions

The NPS will undertake deregulatory actions under Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs'') that will reduce regulatory costs. Several of these actions also comply with section 6 of Executive Order 13563 (''Improving Regulation and Regulatory Review'') because they will remove or modify outdated and excessively complicated and burdensome regulations.

- The NPS intends to issue a proposed rule that would revise existing regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA) to streamline requirements for museums and Federal agencies. The rule would describe the NAGPRA process in accessible language with clear time parameters, eliminate ambiguity, clarify terms, and improve efficiency.
- The NPS will issue a final rule that removes an outdated reference to a document establishing environmental criteria for power transmissions lines that is no longer used by the NPS to evaluate applications for rights of way.
- The NPS intends to issue a proposed rule containing technical and clarifying edits. This rule would remove obsolete regulations establishing different criminal penalties for violating NPS regulations in military parks and national historic sites. This rule would also clarify existing regulations to comply with recent decisions by the U.S. Supreme Court. This clarification would state that a motor vehicle operator may not be required to submit a blood test to measure blood alcohol and drug content without a search warrant.
- The NPS intends to issue a proposed rule that would state that the NPS will not prohibit nor require a permit for or prohibit an individual from transporting a bow or crossbow that is not ready for immediate use across National Park System Units if the possession and transportation of the bow or crossbow is in compliance with state law.

Additionally, enabling regulations are considered deregulatory under guidance to E.O. 13771. The NPS will undertake several enabling regulatory actions in the coming year that will provide new opportunities for the public to enjoy and experience certain areas within the National Park System. These include regulations authorizing (i) off-road vehicle use at Cape Lookout National Seashore (final rule) and Glen Canyon National Recreation Area (proposed rule); (ii) bicycling at Rocky Mountain National Park (final rule) and Pea Ridge National Military Park (proposed rule); and (iii) the launching of non-motorized vessels from Colonial National Historic Park (proposed rule).

All of these actions will allow the public to use NPS-administered lands and waters in a manner that protects the resources and values of the National Park System.

Regulatory Review

Through S.O. 3349, American Energy Independence (Mar. 29, 2017), the U.S. Department of the Interior announced its intention to review all existing actions that potentially burden the development or utilization of domestically produced energy resources and suspend, revise, or rescind such agency actions as soon as practicable. In accordance with this Secretarial Order, the NPS will review the final rule entitled ''General Provisions and Non-Federal Oil and Gas Rights,'' 81 FR 77972 (November 4, 2016).

The NPS intends to take a fresh look at a final rule on sport hunting and trapping in Alaska that published in October 2015 (80 FR 65325). This final rule amended *36 CFR 13, Subparts A, B, and F,* to revise regulations for sport hunting and trapping in National Preserves in Alaska. The rule also updated the procedures for closing an area or restricting an activity in National Park Service areas in Alaska; updated subsistence regulations that are obsolete; prohibited the obstruction of persons lawfully engaged in hunting or trapping; and authorized the use of native species as bait for fishing. NPS will consider public comments and may revise the rule. See 82 FR 52868 (November 15, 2017).

The NPS intends to finalize a regulation allowing the free-distribution of message bearing items such as readable electronic media; clothing and accessories; buttons; pins; and bumper stickers. This will give visitors an additional channel of communication when visiting NPS-administered areas.

Regulatory Actions

Bureau of Reclamation

The Bureau of Reclamation's mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. To accomplish this mission, we employ management, engineering, and science to achieve effective and environmentally sensitive solutions. Reclamation projects provide: Irrigation water service, municipal and industrial water supply, hydroelectric power generation, water quality improvement, groundwater management, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, system optimization, and related uses. We have continued to focus on increased security at our facilities.

Deregulatory and regulatory actions

The Bureau of Reclamation will publish no deregulatory or significant regulatory actions in fiscal year 2018.

Its regulatory program focus in Fiscal Year 2018 is to publish a proposed nonsignificant amendment to 43 CFR part 429 to bring it into compliance with the requirements of 43 CFR part 5, Commercial Filming and Similar Projects and Still Photography on Certain Areas under Department Jurisdiction. Publishing this rule would implement the provisions of Public Law 106–206, which directs the establishment of permits and reasonable fees for commercial filming and certain still photography activities on public lands.

DOI—BUREAU OF LAND MANAGEMENT (BLM)

Final Rule Stage

64. Rescission of the 2015 BLM Hydraulic Fracturing Rule

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 25 U.S.C. 396d; 25 U.S.C. 2107; 30 U.S.C. 189; 30 U.S.C.

306; 30 U.S.C. 359; 30 U.S.C. 1751; 43 U.S.C. 1732(b); 43 U.S.C. 1733; 43 U.S.C. 1740

CFR Citation: 43 CFR 3160.

Legal Deadline: None.

Abstract: This Proposed Rule would rescind the Bureau of Land Management's 2015 Final Rule, Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands (2015 Final Rule). Consistent with the President's January 30, 2017, Executive Order on Reducing Regulation and Controlling Regulatory Costs, the Department of the Interior has been reviewing existing regulations to determine whether revisions or rescissions are appropriate to streamline the regulatory process and eliminate duplicative regulations. As part of this process, the Department has determined that the 2015 Final Rule does not reflect those policies and priorities, and therefore is proposing to rescind the 2015 Final Rule.

Statement of Need: Upon further review of the BLM's 2015 hydraulic fracturing final rule, as directed by Executive Order 13783, and Secretarial Order No. 3349, the BLM believes that the 2015 final rule unnecessarily burdens industry with compliance costs and information requirements that are duplicative of regulatory programs of many states and some tribes. As a result, we are proposing to rescind, in its entirety, the 2015 final rule.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits:

Risks:

Timetable:

Action	Date	FR Cite
NPRM	07/25/17	82 FR 34464
NPRM Comment Period End.	09/25/17	
Final Action	01/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Catherine Cook, Acting Division Chief, Fluid Minerals Division, Department of the Interior, Bureau of Land Management, Room 2134 LM, 20 M Street SE, Washington, DC 20003, *Phone:* 202 912–7145, *Email: ccook@blm.gov.*

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DEPARTMENT OF JUSTICE (DOJ)—FALL 2017

Statement of Regulatory Priorities

The solemn duty of the Department of Justice is to uphold the Constitution and laws of the United States so that all Americans can live in peace and security. As the chief law enforcement agency of the United States government, the Department of Justice's most fundamental mission is to protect people by enforcing the rule of law. To fulfill this mission, the Department is devoting the resources necessary and utilizing the legal authorities available to combat violent crime and terrorism, prosecute drug offenses, and enforce immigration laws. Because the Department of Justice is primarily a law enforcement agency and not a regulatory agency, it carries out its principal investigative, prosecutorial, and other enforcement activities through means other than the regulatory process.

This year, the Department of Justice has substantially revised and improved its procedures for evaluating new regulatory actions and analyzing the costs that would be imposed. Executive Order 13771 (E.O. 13771), titled ''Reducing Regulation and Controlling Regulatory Costs,'' 82 FR 9339 (Feb. 3, 2017), requires an agency, unless prohibited by law, to identify two existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 2(c) of E.O. 13771 requires the new incremental costs associated with new regulations, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. Section 3(a) states that starting with fiscal year 2018, ''the head of each agency shall identify, for each regulation that increases incremental cost, the offsetting regulations described in section 2(c) of [E.O. 13771], and provide the agency's best approximation of the totals costs or savings associated with each new regulation or repealed regulation.''

The Department does not anticipate publishing any new significant Regulatory actions during fiscal year 2018 that would impose additional costs or burdens. Accordingly, none of the Department's anticipated fiscal year 2018 rulemaking actions would be subject to the two-for-one offset requirements of E.O. 13771. Instead, the Department has identified five Deregulatory actions (RIN 1117–AB42; RIN 1117–AB44; RIN 1117–AB46; RIN 1121–AA85; and RIN 1125–AA25), along with one revision to an information collection, expected to be finalized during fiscal year 2018, The Department and its regulatory components also are already reviewing other possible regulatory changes to reduce regulatory burdens and to streamline existing regulations, though those initiatives are not expected to be promulgated in final form during fiscal year 2018.

In addition to the new cost analyses being conducted pursuant to E.O. 13771, the Department is actively carrying out the provisions of E.O. 13777, ''Enforcing the Regulatory Reform Agenda,'' 82 FR 12285 (Mar. 1, 2017). The Department's Regulatory Reform Task Force, chaired by Associate Attorney General Rachel Brand, is actively working to evaluate existing Department regulatory actions and to make recommendations regarding their repeal, replacement, or modification in order to reduce unnecessary burdens. The Task Force published a public notice in the **Federal Register** on June 28, 2017, to solicit comments on this goal and received over 30 recommendations that are under consideration.

The regulatory priorities of the Department include initiatives in the areas of federal grant programs, criminal law enforcement, immigration, and civil rights. These initiatives are summarized below. In addition, several other components of the Department carry out important responsibilities through the regulatory process. Although their regulatory efforts are not separately discussed in this overview of the regulatory priorities, those components have key roles in implementing the Department's anti-terrorism and law enforcement priorities.

Office of Justice Programs (OJP)

OJP provides innovative leadership to federal, state, local, and tribal justice systems; by disseminating state-of-the-art knowledge and practices; and providing financial assistance for the implementation of crime fighting strategies. OJP, through the Public Safety Officers' Benefits (PSOB) Program, supports public safety officers by providing financial assistance to eligible officers who sustain qualifying line-of-duty injuries, and to the eligible survivors of officers killed in the line of duty. The program also provides educational assistance to certain survivors of public safety officers.

In fiscal year 2018, OJP will promulgate a significant final rule amending and updating the regulations implementing the Public Safety Officers Benefits (PSOB) Program (RIN 1121–AA85). This rule will finalize two proposed rules to update and improve the OJP regulations implementing the PSOB Program, in order to incorporate several statutory changes enacted in recent years, and improve the efficiency of the PSOB Program claims process.

The final rule makes conforming changes required by the Dale Long Public Safety Officers' Benefits Improvement Act of 2012 pertaining, among other things, to members of a rescue squad or ambulance crew engaging in rescue activity or in the provision of emergency medical services. That Act also amended provisions relating to cases involving certain medical conditions and the payment offset scheme for the PSOB Program relative to the September 11th Victim Compensation Fund Program. The final rule also makes changes in response to perceived ambiguities and gaps in existing regulations, as well as opportunities to simplify and improve the program's administration—for example, making explicit the agency's authority to prescribe an online claim filing system, creating a process to facilitate the interaction between evidence gathering and claim processing, simplifying the process for claimant representatives to seek fees for their services, and updating various definitions. These changes are responsive to the public comments on the proposed rules as well as recommendations from an OIG Audit finalized in July 2015, and other internal reviews that identified the need to streamline the claims review process to reduce delays and increase transparency.

In addition to the PSOB final rule, OJP will continue to review its existing regulations to streamline them, where possible. OJP is drafting the final rule for the OJJDP Formula Grant Program, for which OJP published a partial final rule in in early 2017. OJP anticipates that the final OJJDP Formula Grant Program rule would finalize certain substantive aspects of the proposed rule, and also streamline and improve the existing regulation by providing or revising definitions for clarity, and by deleting text that unnecessarily repeats statutory provisions, has been rendered obsolete by statutory changes, or that addresses matters already (or better) addressed in other places (*e.g.,* other rules or the program solicitation).

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

ATF issues regulations to enforce the Federal laws relating to the manufacture and commerce of firearms and explosives. ATF's mission and regulations are designed, among other objectives, (1) to curb illegal traffic in, and criminal use of, firearms and explosives, and (2) to assist State, local, and other Federal law enforcement agencies in reducing crime and violence. ATF will continue, as a priority during fiscal year 2018, to seek modifications to its regulations governing commerce in firearms and explosives to fulfill these objectives.

Among other regulatory reviews and initiatives, ATF plans to update its regulations requiring notification of stored explosive materials to require annual reporting (RIN 1140–AA51). This regulatory action is intended to increase safety for emergency first responders and the public.

ATF plans to issue regulations to finalize the current interim rules implementing the provisions of the Safe Explosives Act (RIN 1140–AA00). The Department is also planning to finalize a proposed rule to codify regulations (27 CFR part 771) governing the procedure and practice for proposed denial of applications for explosives licenses or permits and proposed revocation of such licenses and permits (RIN 1140–AA38). As proposed, this rule is a regulatory action that clarifies the administrative hearing processes for explosives licenses and permits. This rule promotes open government and disclosure of ATF's procedures and practices for administrative actions involving explosive licensees or permittees.

ATF also has begun a rulemaking process that amends 27 CFR part 447 to update the terminology in the ATF regulations based on similar terminology amendments made by the Department of State on the U.S. Munitions List in the International Traffic in Arms Regulations, and the Department of Commerce on the Commerce Control List in the Export Administration Regulations (RIN 1140–AA49).

Drug Enforcement Administration (DEA)

DEA is the primary agency responsible for coordinating the drug law enforcement activities of the United States and also assists in the implementation of the President's National Drug Control Strategy. DEA implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the Controlled Substances Import and Export Act (21 U.S.C. 801–971), as amended, collectively referred to as the Controlled Substances Act (CSA). DEA's mission is to enforce the CSA and its regulations and bring to the criminal and civil justice system those organizations and individuals involved in the growing, manufacture, or distribution of controlled substances and listed chemicals appearing in or destined for illicit traffic in the United States. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States.

Pursuant to its statutory authority, DEA continuously evaluates new and emerging substances to determine whether such substances should be controlled under the CSA. During fiscal year 2018, in addition to initiating temporary scheduling actions to prevent imminent hazard to public safety, DEA will also consider petitions to control or reschedule various substances. Among other regulatory reviews and initiatives, DEA plans to update its regulations to implement provisions of the Comprehensive Addiction and Recovery Act of 2016 (RIN 1117–AB42) relating to the dispensing of narcotic drugs for the purpose of maintenance or detoxification treatment.

In fiscal year 2018, DEA anticipates issuing no Regulatory actions that impose additional costs. Rather, DEA plans to publish four Deregulatory actions (RIN 1117–AB42; RIN 1117–AB43; RIN 1117–AB44; and RIN 1117–AB46). These deregulatory actions do not include non-rulemaking items, such as agency guidance and information collections, which do not appear in the Unified Agenda. Consistent with E.O. 13771 and E.O. 13777, DEA anticipates reviewing existing regulations to identify those that are outdated, unnecessary, or ineffective. DEA will solicit public comments during such reviews, as appropriate, to engage with the affected DEA registrant community and members of the public.

Bureau of Prisons (BOP)

BOP issues regulations to enforce the Federal laws relating to its mission of protecting society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. During the next 12 months, BOP will continue its ongoing efforts to develop regulatory actions aimed at: (1) Streamlining regulations, eliminating unnecessary language and improving readability; (2) improving inmate disciplinary procedures and sanctions, improving safety in facilities through the use of less-than-lethal force instead of traditional weapons; and (3) providing effective literacy programming which

serves both general and specialized inmate needs.

Executive Office for Immigration Review (EOIR)

EOIR's primary mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings. The immigration judges adjudicate approximately 180,000 cases each year to determine whether aliens should be ordered removed from the United States or should be granted some form of relief or protection from removal. The Board of Immigration Appeals (Board) has jurisdiction over appeals from the decisions of immigration judges, as well as other matters. Accordingly, the Attorney General has a continued role in the conduct of immigration proceedings, including removal proceedings and custody determinations regarding the detention of aliens pending completion of removal proceedings. The Attorney General also is responsible for civil litigation and criminal prosecutions relating to the immigration laws.

In several pending rulemaking actions, the Department is working to revise and update the regulations relating to immigration proceedings in order to increase efficiencies and productivity, while also safeguarding due process. In particular, EOIR is planning to publish a final regulation to significantly reduce the current backlog of immigration cases, by amending the regulations governing the statutory annual limitation on cancellation of removal and suspension of deportation decisions to allow immigration judges and the Board to issue denials after the annual 4,000-grant statutory cap is reached, instead of the current regulatory requirement to reserve all decisions irrespective of the outcome (RIN 1125–AA25). EOIR is further working to finalize a jurisdiction and venue rule that will provide clarification regarding an immigration judge's authority to conduct proceedings, how venue is determined, and what circuit court law applies (RIN 1125–AA52). In particular, EOIR is developing mechanisms in this rule intended to streamline certain venue changes to achieve cost savings to the agency and increase due process to the parties. In addition, in response to Executive Order 13563, the Department is retrospectively reviewing EOIR's regulations to eliminate regulations that unnecessarily duplicate DHS's regulations and update outdated references to the pre-2003 immigration system (RIN 1125–AA71). As part of that review, EOIR also intends to revise a number of existing regulations, where needed, in response to Executive Order 13768 to ensure the faithful and efficient execution of the immigration laws of the United States.

EOIR is working on long-term plans to revise a number of existing regulations, as it moves forward with the next phases of its electronic case access and filing system to provide for the option of electronic submission of information, when practicable, as a substitute for paper. In 2013, EOIR published a final rule, Registry for Attorneys and Representatives (RIN 1125–AA39), establishing an electronic registration process for attorneys and accredited representatives practicing before immigration judges and the Board. That rule was the initial step in a multi-year, multi-phased initiative to make the transition to an electronic case access and filing system within EOIR. This endeavor is intended to comply with the Government Paperwork Elimination Act, Public Law 105–277 (''GPEA''), and the E-Government Act of 2002, Public Law 107–347, Dec. 17, 2002 (''E-Gov''), to achieve the Department's vision for improved immigration adjudication processing and to meet the public expectations for electronic government. The GPEA provides that, when practicable, Federal agencies will provide for the electronic submission of information. The E-Gov is intended to enhance OMB's management and promotion of electronic government services and processes utilizing a broad framework of measures that require, amongst a number of initiatives, the use of internet-based and emerging information technologies to enhance citizen participating and access to Government information and services. EOIR anticipates considerable cost savings from the further expansion of its electronic filing systems including, but not limited to, the elimination of costs for managing and storing paper records; eliminating storage space; improving internal efficiencies and response times both internally and to the public through workflow automation and cutting labor expenses (time for printing, copying, filing, and document research using unsearchable paper); and lowering equipment expenses by reducing the need for printers and fax machines, and added maintenance cost.

Civil Rights (CRT)

CRT issues regulations to enforce Federal laws relating to discrimination in employment-related immigration practices, the coordination of enforcement of non-discrimination in federally assisted programs, and Federal laws relating to disability discrimination.

The Department is reviewing its regulatory priorities and associated agenda pursuant to the regulatory reform provisions of Executive Orders 13771 and 13777. As the Department continues to review its regulatory priorities, CRT does not plan to promulgate any new regulations in the areas outlined above over the next 12 months. The Department is withdrawing four CRT rulemakings that were previously designated as Inactive: (1) *Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of Public Accommodations* (RIN 1190–AA61); (2) *Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government* (RIN 1190–AA65); (3) *Nondiscrimination on the Basis of Disability by State and Local Governments and Public Accommodations: Accessibility of Medical Equipment and Furniture* (RIN 1190–AA66); and (4) *Nondiscrimination on the Basis of Disability in State and Local Government Services; Next Generation 9–1–1* (RIN 1190–AA62).

Pursuant to the regulatory reform provisions of Executive Orders 13771 and 13777, CRT is undertaking an independent review of its guidance documents to determine whether any of those documents may be outdated, inconsistent, or duplicative. CRT is also reviewing comments relevant to its work that were submitted in response to a Notice published in the **Federal Register** by the Department's Regulatory Reform Task Force on June 28, 2017.

In addition, CRT plans to initiate a retrospective review of its existing regulations implementing titles II and III of the Americans with Disabilities Act (ADA). Accordingly, as part of the Department's effort to implement Executive Orders 13777 and 13771, the Department plans to issue a Notice titled *Nondiscrimination on the Basis of Disability; Review of Existing Regulations Implementing the Americans with Disabilities Act (ADA) and the ADA Standards for Accessible Design.* This Notice will request public comment and information to help the Department identify any portions of the existing title II and title III ADA regulations and the ADA Standards for Accessible Design that, for example, may be outdated, unnecessary, ineffective, or excessively burdensome.

The Department expects to publish the Notice during Fiscal Year 2018.

DOJ—OFFICE OF JUSTICE PROGRAMS (OJP)

Final Rule Stage

65. Public Safety Officers' Benefits Program Regulations

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 3796; 42 U.S.C. 3796c(a)

CFR Citation: 28 CFR 32.

Legal Deadline: None.

Abstract: The Public Safety Officers' Benefits (PSOB) Programs provide death and education benefits to survivors of fallen law enforcement officers, firefighters, and other first responders, and disability benefits to officers catastrophically injured in the line of duty. This regulation will update the rules for this program regarding death and injuries from 9/11 events, make program changes to improve delivery of benefits, and implement certain provisions in section 1086 of Public Law 112–239. The separate PSOB proposed rule published on August 22, 2016, (RIN: 1121–AA86) has been incorporated into this regulation.

Statement of Need: This rule is necessary to update and improve the OJP regulations implementing the PSOB Program, in order to incorporate several statutory changes enacted in recent years, address some gaps in the regulations, and improve the efficiency of the PSOB Program claims process.

Summary of Legal Basis: The authority for this rule is 34 U.S.C. subtitle I, ch. 101, subch. XI; 34 U.S.C. 10221(a), 10225, 10226, 10251(a), 10261(a)(4) & (b), 10272, 10286, 10287; sec. 1601, title XI, Public Law 90–351, 82 Stat. 239; secs. 4 through 6, Public Law 94–430, 90 Stat. 1348; secs. 1 and 2, Public Law 107–37, 115 Stat. 219.

Alternatives: This rule addresses the needs identified above in the Statement of Need. The Department solicited comments on the language and approaches that it proposed, and will consider alternative regulatory language where it was suggested by commenters. The final rule will reflect the Department's consideration of all alternatives suggested by commenters.

Anticipated Cost and Benefits: The Department's analysis indicates that the final rule will not be economically significant, that is, the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local, or tribal governments or communities. The Department anticipates that the rule will result in some additional transfer payments from approved claims (three claims totaling approximately $1 million per year), but, aside from these (which are discounted in the cost-benefit analysis), the rule will reduce costs to the government and all stakeholders by $100,000 to $200,000 per year. The Department has determined that the benefits of the rule updating and improving the regulations, incorporating several statutory changes, addressing gaps in the regulations, and improving the efficiency of the PSOB Program claims process outweigh the costs of the rule.

Risks: The PSOB Act requires the payment of benefits under the circumstances set forth in the Act, as implemented by the PSOB regulations. Failure to update and improve the regulations to incorporate statutory changes, address known gaps, and improve claim processing will impair the Department's implementation of the program as required by the Act, and may cause confusion and impose unnecessary costs on claimants and public agencies involved in substantiating claims.

Timetable:

Action	Date	FR Cite
NPRM	07/15/16	81 FR 46019
NPRM Comment Period End.	09/13/16	
Final Action	02/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Hope Janke, PSOB Director, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531, *Phone:* 202 514–6278, *Email: askpsob@usdoj.gov.*

RIN: 1121–AA85

BILLING CODE 4410–BP–P

DEPARTMENT OF LABOR

2017 Regulatory Plan

Executive Summary: Good and Safe Jobs

The Department of Labor's mission is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights. The Department is guided by the idea that employers must be held accountable for their legal obligations to their employees, while recognizing that the Department also has a duty to help employers understand and comply with the many laws and regulations affecting their workplaces.

The Secretary of Labor has made protecting America's employees a top priority. Under his leadership, the Department is committed to fully and fairly enforcing the laws under its jurisdiction. The vast majority of employers work hard to keep their workplaces safe and to comply with wage and pension laws. Acknowledging this, the Department is working to provide compliance assistance, to give employers the knowledge and tools they need to comply with their obligations in these areas. Compliance with the law is, however, mandatory. Employers that do not comply with the law will continue to see full enforcement.

In addition to providing for workforce protections, the regulatory plan below also includes regulations designed to promote apprenticeship programs, with the goal of providing a way to ensure that workers are receiving the skills they need to get a job. Too many Americans see that jobs are available, but these jobs require skills that they do not have. By expanding apprenticeship programs we can help close this skills gap and route workers directly into good jobs.

The Secretary of Labor's Regulatory Plan for Accomplishing These Objectives

In general, the Department will work to assist employees and employers to meet their needs in a helpful manner, with a minimum of rulemaking.

The Department will roll back regulations that harm American workers and families—but we will do so while respecting the principles and institutions that make us who we are as Americans.

Where regulatory actions are necessary, they will be accomplished in a thoughtful and careful manner. The Department seeks to achieve needed employee protections while limiting the burdens regulations place on employers.

Regulatory actions taken by the Department will provide American employers with certainty about workforce rules. The Department's regulatory plan will make employers' obligations under current law clear, while respecting the rule of law. Where Congress has not spoken, the Department will not intrude.

The proposals that follow are common-sense approaches in areas needing regulatory attention, presenting a balanced plan for protecting

employees, aiding them in the acquisition of needed skills, and helping the regulated community to do its part.

Section 1 of Executive Order (E.O.) 13771 ''Reducing Regulation and Controlling Regulatory Costs'', 82 FR 9339 (January 30, 2017) recognizes that ''it is essential to manage costs associated with the governmental imposition of private expenditures required to comply with Federal Regulations.'' Consistent with the requirements of E.O. 13771, the Department's Regulatory Agenda includes 23 deregulatory items. The count of E.O. 13771 deregulatory regulations excludes non-rulemakings, such as guidance or information collections, that will not appear in the Agenda.

The Department's Regulatory Priorities

The Occupational Safety and Health Administration (OSHA) oversees a wide range of standards that are designed to reduce occupational deaths, injuries, and illnesses. OSHA is committed to the establishment of clear, common-sense standards to help accomplish this. The OSHA items discussed below are deregulatory in nature, in that they reduce burden, while maintaining needed worker protections.

OSHA continues its work to protect workers from occupational exposures to Beryllium. Following the publication of a revised Beryllium standard in January 2017, OSHA received evidence that exposure in the shipyards and construction is limited to a few operations and has information suggesting that requiring the ancillary provisions broadly may not improve worker protection and be redundant with overlapping protections in other standards. Accordingly, OSHA is seeking comment on, among other things, whether existing standards covering abrasive blasting in construction, abrasive blasting in shipyards, and welding in shipyards provide adequate protection for workers engaged in these operations. The comment period on OSHA's Notice of Proposed Rulemaking (NPRM) on this subject ended on August 28, 2017. The agency will review the public comments and formulate its plan for next steps.

OSHA intends to issue a proposal to reconsider, revise, or remove provisions of the May 12, 2016, Improve Tracking of Workplace Injuries and Illnesses final rule (81 FR 29624). OSHA reviewed the May 2016 final rule as part of its regulatory reform efforts and will propose changes intended to reduce unnecessary burdens while maintaining worker protections. The proposed rule will look at the electronic submission of injury and illness reports by employers. The preamble to the May 2016 final rule pointed to publication of the collected data as a method to improve workplace safety and health through the rule's requirements. OSHA stated its intention not to publish personally identifiable information (PII) included on Forms 300 and 301; OSHA Form 300A does not contain any PII. OSHA has now determined that it cannot guarantee the non-release of personally identifiable information. If OSHA were unable to publish the collected worker injury and illness data because it cannot guarantee the non-release of personally identifiable information, then the potential benefit of improved workplace safety and health through publication of the collected data would not be realized.

OSHA also continues work on its Standards Improvements Projects (SIPs), with the plan to finalize SIP IV next. These are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. OSHA published three earlier final standards to remove unnecessary provisions, thus reducing costs or paperwork burden on affected employers.

The Employment and Training Administration (ETA) administers federal job training and worker dislocation adjustment programs, federal grants to states for public employment service programs, and unemployment insurance benefits.

Consistent with Sec. 4 of the President's Executive Order on Expanding Apprenticeships in America, ETA will be proposing regulations to establish the framework for industry-recognized apprenticeship programs, a new industry-led initiative to promote innovation and opportunity in apprenticeship, and integrate this initiative with the existing Registered Apprenticeship system.

Finally, the Wage and Hour Division (WHD) administers numerous laws that establish the minimum standards for wages and working conditions in the United States. WHD will propose an updated salary level for the exemption of executive, administrative and professional employees for overtime purposes. In developing the NPRM, the Department will be informed by the comments received in response to its recently published Request for Information (RFI). The comment period on that RFI ended on September 25, 2017, and the agency is now in the process of reviewing these comments and formulating its NPRM.

DOL—WAGE AND HOUR DIVISION (WHD)

Proposed Rule Stage

66. Request for Information Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Not Yet Determined

CFR Citation: 29 CFR 541.

Legal Deadline: None.

Abstract: The Department intends to issue a Notice of Proposed Rulemaking (NPRM) to determine what the salary level for exemption of executive, administrative and professional employees should be. In developing the NPRM, the Department will be informed by the comments received in response to the Request for Information.

Statement of Need: WHD is reviewing the regulations at 29 CFR 541, which implement the exemption of bona fide executive, administrative, and professional employees from the Fair Labor Standards Act's minimum wage and overtime requirements. The Department's NPRM will propose an updated salary level for exemption and seek the public's view on the salary level and related issues.

Summary of Legal Basis: These regulations are authorized by section 13(a)(1) of the Fair Labor Standards Act, 29 U.S.C. 213(a)(1).

Alternatives: Alternatives will be developed in considering any proposed revisions to the current regulations. The public will be invited to provide comments on any proposed revisions and possible alternatives.

Anticipated Cost and Benefits: The Department will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: This action does not affect public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	07/26/17	82 FR 34616
RFI Comment Period End.	09/25/17	
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Agency Contact: Melissa Smith, Director, Regulations, Legislation and Interpretations, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S–

3502, Washington, DC 20210, *Phone:* 202 693–0406, *Fax:* 202 693–1387.

RIN: 1235–AA20

DOL—EMPLOYMENT AND TRAINING ADMINISTRATION (ETA)

Proposed Rule Stage

67. Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: Not Yet Determined

CFR Citation: 29 CFR 29.

Legal Deadline: None.

Abstract: The Department is revising title 29 CFR part 29, Labor Standards for the Registration of Apprenticeship Programs to establish guidelines for third parties to certify high-quality, industry recognized apprenticeship programs, and other conforming updates and governance modifications as appropriate.

Statement of Need: Executive Order 13801 (82 FR 28229), issued by the President on June 15, 2017, directed the Secretary of Labor (in consultation with the Secretaries of Education and Commerce) to consider proposing regulations under 29 U.S.C. 50 that would promote the development of apprenticeship programs by third parties. These third parties may include trade and industry groups, companies, non-profit organizations, unions, joint labor-management organizations, and other organizations. The Secretary has determined that the Department will issue new apprenticeship regulations to address the directives of the Executive Order.

Summary of Legal Basis: The National Apprenticeship Act of 1937 (also known as the Fitzgerald Act), 29 U.S.C. 50, gives the Secretary broad power to promote, help create, and set standards for apprenticeship programs. The Act authorizes and directs the Secretary to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Secretary of Education in accordance with section 17 of Title 20.

Alternatives: ETA has no alternatives at this time.

Anticipated Cost and Benefits: The Department's preliminary estimate is an anticipated cost of $25 million for this regulatory action. Details for costs and benefits will be prepared.

Risks: This action does not affect the public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Agency Contact: John V. Ladd, Administrator, Office of Apprenticeship, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, FP Building, Room C–5311, Washington, DC 20210, *Phone:* 202 693–2796, *Fax:* 202 693–3799, *Email: ladd.john@dol.gov.*

RIN: 1205–AB85

DOL—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Proposed Rule Stage

68. Tracking of Workplace Injuries and Illnesses

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: OSHA intends to issue a proposal to reconsider, revise, or remove provisions of the Improve Tracking of Workplace Injuries and Illnesses final rule, 81 FR 29624 (May 12, 2016). OSHA proposes to amend its recordkeeping regulation to remove the requirement to electronically submit to OSHA information form the OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) for establishments with 250 or more employees which are required to routinely keep injury and illness records. Under the proposed rule, these establishments would be required to electronically submit only information from the OSHA Form 300A (Summary of Work-Related Injuries and Illnesses). In addition, OSHA seeks comment on the costs and benefits of adding the Employer Identification Number (EIN) to the data collection to increase the likelihood that the Bureau of Labor Statistics (BLS) would be able to match OSHA-collected data to BLS Survey of Occupational Injury and Illness (SOII) data and potentially reduce the burden on employers who are required to report injury and illness data both to OSHA (for the electronic recordkeeping requirement) and to BLS (for SOII).

Statement of Need: The preamble to the May 2016 final rule pointed to publication of the collected data as a method to improve workplace safety and health through the rule's requirements. OSHA stated its intention not to publish personally identifiable information (PII) included on Forms 300 and 301; OSHA Form 300A does not contain any PII. OSHA has now determined that it cannot guarantee the non-release of personally identifiable information. If OSHA were unable to publish the collected worker injury and illness data because it cannot guarantee the non-release of personally identifiable information, then the potential benefit of improved workplace safety and health through publication of the collected data would not be realized.

Summary of Legal Basis: OSHA is issuing this proposed rule pursuant to authority expressly granted by sections 8 and 24 of the Occupational Safety and Health Act (the OSH Act or Act) (29 U.S.C. 657 and 673).

Alternatives: The alternative for the proposed changes contained in the NPRM is to retain the existing regulatory language, *i.e.,* retaining the status quo. OSHA has concluded that the benefits of the proposed regulatory change outweigh the costs of those changes. OSHA will request public comment on feasible alternatives to the Agency's proposal.

Anticipated Cost and Benefits: The removal of the case specific requirement reduces costs. OSHA estimates that the rule will have net economic cost savings of $6.5 million per year. The Agency believes that the loss in annual benefits, while unquantified, are significantly less than the annual cost savings, hence there are positive net benefits to this proposed rule.

Risks: This rulemaking does not address new significant risks or estimate benefits and economic impacts of reducing such risks. Overall, this rulemaking is reasonably necessary under the OSH Act because it provides cost savings, or eliminates unnecessary requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: State.

Federalism: Undetermined.

Agency Contact: Amanda Edens, Director, Directorate of Technical Support and Emergency Management, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3653, Washington, DC 20210, *Phone:* 202 693–2300, *Fax:* 202 693–1644, *Email: edens.mandy@dol.gov.*

RIN: 1218–AD17

DOL—OSHA

Final Rule Stage

69. Occupational Exposure to Beryllium

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

CFR Citation: 29 CFR 1910.

Legal Deadline: None.

Abstract: The Occupational Safety and Health Administration (OSHA) proposes to revoke the ancillary provisions for the construction and the shipyard sectors that OSHA adopted on January 9, 2017 (82 FR 2470), but retain the new lower permissible exposure limit (PEL) of 0.2 μg/m³ and the short term exposure limit (STEL) of 2.0 μg/m³ for each sector. OSHA will not enforce the January 9, 2017, shipyard and construction standards without further notice while this new rulemaking is underway. This proposal does not affect the general industry beryllium standard published on January 9, 2017.

Statement of Need: After a review of the comments received and a review of the applicability of existing OSHA standards, OSHA proposed to revoke the ancillary provisions applicable to the construction and shipyard sectors June 27, 2017 (82 FR 29182), but to retain the new lower PEL of 0.2 μg/m³ and the STEL of 2.0 μg/m³ for those sectors. In the January 2017 final rule, OSHA reviewed the exposure data for abrasive blasting in construction and shipyards and welding in shipyards and determined that there is a significant risk of chronic beryllium disease (CBD) and lung cancer to workers in construction and shipyards based on the exposure levels observed. Because OSHA determined that there is significant risk of material impairment of health at the new lower PEL of 0.2 μg/m³, the Agency continues to believe that it is necessary to protect workers exposed at this level. However, OSHA is now reconsidering the need for ancillary provisions in the construction and shipyards sectors, and is currently reviewing comments received in response to the proposal to finalize the rulemaking.

Summary of Legal Basis: 29 U.S.C. 655(b); 29 U.S.C. 657.

Alternatives:

Anticipated Cost and Benefits: In the NPRM, OSHA estimated that this proposed rule would yield a total annualized cost savings of $11.0 million using a 3 percent discount rate across the shipyard and construction sectors. In the NPRM, OSHA preliminarily concluded that there are no benefits (due to reducing the number of cases of CBD) as a result of revoking the ancillary provisions of the beryllium final standards for Construction and Shipyards.

Risks: Not yet estimated.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	11/26/02	67 FR 70707
RFI Comment Period End.	02/24/03	
SBREFA Report Completed.	01/23/08	
Initiated Peer Review of Health Effects and Risk Assessment.	03/22/10	
Complete Peer Review.	11/19/10	
NPRM	08/07/15	80 FR 47565
NPRM Comment Period End.	11/05/15	
Notice of Public Hearing; Date 02/29/2016.	12/30/15	80 FR 81475
Notice of Public Hearing; Date Change 03/21/2016.	02/16/16	81 FR 7717
Final Rule	01/09/17	82 FR 2470
Final Rule; Delay of Effective Date.	02/01/17	82 FR 8901
Final Rule; Proposed Further Delay of Effective Date.	03/02/17	82 FR 12318
Final Rule; Further Delay of Effective Date.	03/21/17	82 FR 14439
Final Rule; Further Delay of Effective Date Effective.	05/20/17	
NPRM (Construction and Shipyard).	06/27/17	82 FR 29182
NPRM (Construction and Shipyard) Comment Period End.	08/28/17	
Analyze Comments.	01/00/18	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AB76

DOL—OSHA

70. Standards Improvement Project IV

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 655(b)

CFR Citation: 29 CFR 1926.

Legal Deadline: None.

Abstract: OSHA's Standards Improvement Projects (SIPs) are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. The Agency has published three earlier final standards to remove unnecessary provisions (63 FR 33450, 70 FR 1111 and 76 FR 33590), thus reducing costs or paperwork burden on affected employers. This latest project identified revisions to existing standards in OSHA's recordkeeping, general industry, maritime, and construction standards, with most of the revisions to its construction standards. OSHA also proposed to remove from its standards the requirements that employers include an employee's social security number (SSN) on exposure monitoring, medical surveillance, and other records in order to protect employee privacy and prevent identity fraud.

Statement of Need: The Agency has proposed a fourth rule that identified unnecessary or duplicative provisions or paperwork requirements.

Summary of Legal Basis: OSHA is conducting Phase IV of the Standards Improvement Project (SIP–IV) in response to the President's Executive Order 13563, Improving Regulations and Regulatory Review (76 FR 38210).

Alternatives: The main alternative OSHA considered for all of the proposed changes contained in the SIP–IV rulemaking was retaining the existing

regulatory language, *i.e.,* retaining the status quo. In each instance, OSHA has concluded that the benefits of the proposed regulatory change outweigh the costs of those changes. In a few of the items, such as the proposed changes to the decompression requirements applicable to employees working in compressed air environments, OSHA has requested public comment on feasible alternatives to the Agency's proposal.

Anticipated Cost and Benefits: The Agency has estimated that one revision (updating the method of identifying and calling emergency medical services) may increase construction employers costs by about $28,000 per year while two provisions (reduction in the number of necessary employee x-rays and elimination of posting requirements for residential construction employers) provide estimated costs savings of $3.2 million annually. The Agency has not estimated or quantified benefits to employees from reduced exposure to x-ray radiation or to employers for the reduced cost of storing digital x-rays rather than x-ray films, among others. The Agency has preliminarily concluded that the proposed revisions are economically feasible and do not have any significant economic impact on small businesses. The Preliminary Economic Analysis in this preamble provides an explanation of the economic effects of the proposed revisions. The cost savings from these revisions and eliminations of several OSHA requirements may be used to offset any costs incurred by employers from new rulemakings that are necessary to update employee protections.

Risks: SIP rulemakings do not address new significant risks or estimate benefits and economic impacts of reducing such risks. Overall, SIP rulemakings are reasonably necessary under the OSH Act because they provide cost savings, or eliminate unnecessary requirements.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/06/12	77 FR 72781
RFI Comment Period End.	02/04/13	
NPRM	10/04/16	81 FR 68504
NPRM Comment Period Extended.	12/02/16	81 FR 86987
NPRM Comment Period Extended End.	01/04/17	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Undetermined.

Agency Contact: Dean McKenzie, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3468, Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: mckenzie.dean@dol.gov*.

RIN: 1218–AC67

BILLING CODE 4510–HL–P

DEPARTMENT OF TRANSPORTATION (DOT)

Introduction: Department Overview

DOT has statutory responsibility for a wide range of regulations. For example, DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle, commercial space, transit, and pipeline transportation areas. The Department also regulates aviation consumer and economic issues, and provides financial assistance and writes the necessary implementing rules for programs involving highways, airports, mass transit, the maritime industry, railroads, and motor transportation and vehicle safety. Finally, DOT has responsibility for developing policies that implement a wide range of regulations that govern programs such as acquisition and grants management, access for people with disabilities, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, security, and the use of aircraft and vehicles. The Department carries out its responsibilities through the Office of the Secretary (OST) and the following operating administrations (OAs): Federal Aviation Administration (FAA); Federal Highway Administration (FHWA); Federal Motor Carrier Safety Administration (FMCSA); Federal Railroad Administration (FRA); Federal Transit Administration (FTA); Maritime Administration (MARAD); National Highway Traffic Safety Administration (NHTSA); Pipeline and Hazardous Materials Safety Administration; (PHMSA); and St. Lawrence Seaway Development Corporation (SLSDC).

The Department's Regulatory Philosophy and Initiatives

The Department's highest priority is safety. To achieve our safety goals responsibly and in accordance with principles of good governance, we embrace a regulatory philosophy that emphasizes transparency, stakeholder engagement, and regulatory restraint. Our goal is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. It is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested stakeholder.

- At DOT, transparency and stakeholder engagement take a number of different forms. For example, we publish a monthly report on our website that provides a summary and the status for all significant rulemakings that DOT currently has pending or has issued recently (*https://www.transportation.gov/regulations/report-on-significant-rulemakings*). This report provides the public with easy access to information about the Department's regulatory activities that can be used to locate other publicly-available information in the Department's regulatory docket at *www.regulations.gov*, or in the **Federal Register**.
- We also seek public input through direct engagement. For example, we recently published a request asking the public to help us identify obstacles to infrastructure projects, *Transportation Infrastructure: Notice of Review of Policy, Guidance, and Regulation,* 82 FR 26734 (June 8, 2017). We also published another notice requesting the public to help us identify rules that are good candidates for repeal, replacement, suspension, or modification, or other deregulatory action, 82 FR 45750 (October 2, 2017). Finally, DOT has a long history of partnering with stakeholders to develop recommendations and consensus standards through advisory committees. Some committees meet regularly to provide advice, while others are convened on an *ad hoc* basis to address specific needs. Each OA, as well as OST, has at least one standing advisory committee.

The Department's regulatory philosophy also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised

to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified.

For example, DOT regularly makes a conscientious effort to review its rules in accordance with the Department's 1979 Regulatory Policies and Procedures (44 FR 11034, Feb. 26, 1979), Executive Order (E.O.) 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and section 610 of the Regulatory Flexibility Act. The Department follows a repeating 10-year plan for the review of existing regulations. Information on the results of these reviews is included in the Unified Agenda.

In addition, through three new Executive orders, President Trump directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under Section 2(a) of the Executive order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, enforcing the Regulatory Reform Agenda. Under this Executive order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. The RRTF continues to conduct monthly reviews across all OAs to identify appropriate deregulatory actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered. Further information on the RRTF can be found online at: *https://www.transportation.gov/regulations/regulatory-reform-task-force-report*. The priorities identified below reflect the RRTF's work to implement the Department's focus on reducing burdens and improving the effectiveness of all regulations.

The Department's Regulatory Priorities

Four fundamental principles—safety, innovation, enabling investment in infrastructure, and reducing unnecessary regulatory burdens—are our top priorities. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and be sure that we do not regress from the successes already achieved. Accordingly, the regulatory plan laid out below reflects a careful balance that emphasizes the Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe, reliable, and sustainable transportation system.

Safety. The success of our national transportation system requires us to remain focused on safety as our highest priority. Our regulatory plan reflects our commitment to safety through a balanced regulatory approach. Our goals are to deliver safety more efficiently and at a lower cost to the public by looking to market-driven solutions first.

Innovation. Every mode of transportation is affected by transformative technology. Whether we are talking about automation, unmanned vehicles, or other emerging technologies, we are looking forward to new and promising frontiers that will change the way we move on the ground, in water, through the air, and into space. Our regulatory plan reflects the Administration's commitment to fostering innovation by lifting barriers to entry and enabling innovative and exciting new uses of transportation technology.

Enabling investment in Infrastructure. The safe and efficient movement of goods and passengers requires us not just to maintain, but to improve our national transportation infrastructure. But that cannot happen without changes to the way we plan, fund, and approve projects. Accordingly, our Regulatory Plan prioritizes regulatory action that streamlines the approval process and facilitates more efficient investment in infrastructure. To maintain global leadership and foster economic growth, this must be one of our highest priorities.

Reducing unnecessary regulatory burdens. Finally, our Regulatory Plan reflects our commitment to reducing unnecessary regulatory burdens. Our priority rules include some deregulatory actions that we identified after a comprehensive review of all of the Department's regulations. The Plan also reflects our policy of thoroughly considering non-regulatory solutions before taking regulatory action. When regulatory intervention is necessary, however, it is our policy to rely data-driven and risk-based analysis to craft the most effective and least burdensome solution to the problem.

This Regulatory Plan identifies the 15 pending rulemakings that reflect the Department's commitment to safety, innovation, infrastructure, and reducing burdens. For example:

- FAA will focus on regulatory activity to enable, safely and efficiently, the integration of unmanned aircraft systems (UAS) into the National Airspace System (NAS), and to enable expanded commercial space activities.
- NHTSA will focus on reducing regulatory barriers to technology innovation, including the development of autonomous vehicles, and improving regulations on fuel efficiency.
- FRA will focus on providing industry members regulatory relief through a rulemaking that allows for alternative compliance with FRA's Passenger Equipment Safety Standards for the operation of Tier III passenger equipment.
- FTA will focus on establishing Private Investment Project Procedures to encourage greater use of public-private partnerships and private investment in public transportation capital projects, and continue to focus on its statutorily-mandated efforts to establish a comprehensive Public Transportation Safety Program to improve the safety of public transportation systems.
- PHMSA will focus on pipeline safety as well as the movement of hazardous materials across multiple modes of transportation.

At the same time, all OAs are prioritizing their regulatory and deregulatory actions accordance with E.O.s 13771 and 13563, to make sure they are providing the highest level of safety while eliminating outmoded and ineffective regulations and streamlining other existing regulations in an effort to promote economic growth, innovation, competitiveness, and job creation. Since each OA has its own area of focus, we

summarize the regulatory priorities of each below.

Office of the Secretary of Transportation

OST oversees the regulatory process for the Department. OST implements the Department's regulatory policies and procedures and is responsible for ensuring the involvement of senior officials in regulatory decision making. Through the Office of the General Counsel, OST is also responsible for ensuring that the Department complies with the Administrative Procedure Act, Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), Executive Order 13777 (Enforcing the Regulatory Reform Agenda), Executive Order 13873 (Promoting Energy Independence and Economic Growth), DOT's Regulatory Policies and Procedures, and other legal and policy requirements affecting rulemaking. In addition, OST has the lead role in matters concerning aviation economic rules, the Americans with Disabilities Act, and rules that affect multiple elements of the Department.

OST provides guidance and training regarding compliance with regulatory requirements and process for personnel throughout the Department. OST also plays an instrumental role in the Department's efforts to improve our economic analyses; risk assessments; regulatory flexibility analyses; other related analyses; retrospective reviews of rules; and data quality, including peer reviews. The Office of the General Counsel is the lead office that works with the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) to get Administration approval to move forward with significant rules.

OST also leads and coordinates the Department's response to OMB's intergovernmental review of other agencies' significant rulemaking documents and to Administration and congressional proposals that concern the regulatory process. The Office of the General Counsel works closely with representatives of other agencies, OMB, the White House, and congressional staff to provide information on how various proposals would affect the ability of the Department to perform its safety, infrastructure, and other missions.

In Fiscal Year 2018, OST will continue its efforts to help coordinate the activities of several OAs that advance various departmental efforts that support the Administration's initiatives on promoting safety, enabling innovation, investing in infrastructure, and reducing regulatory burdens. OST will also continue to provide significant support to the RRTF's efforts to implement the Department's regulatory reform policies.

Federal Aviation Administration

FAA is charged with safely and efficiently operating and maintaining the most complex aviation system in the world. Destination 2025, an FAA initiative that captures the agency's vision of transforming the Nation's aviation system by 2025, has proven to be an effective tool for pushing the agency to think about longer-term aspirations; FAA has established a vision that defines the agency's priorities for the next five years.

FAA has identified four major strategic initiatives where it will focus its efforts: (1) Risk-based Decision Making—Build on safety management principles to proactively address emerging safety risk by using consistent, data-informed approaches to make smarter, system-level, risk-based decisions; (2) NAS Initiative—Lay the foundation for the NAS of the future by achieving prioritized NextGen benefits, enabling the safe and efficient integration of new entrants (including UAS, supersonic aircraft, and commercial space flights) and deliver more efficient, streamlined air traffic management services; (3) Global Leadership—Improve safety, air traffic efficiency, and environmental sustainability across the globe through an integrated, data-driven approach that shapes global standards, enhances collaboration and harmonization, and better targets FAA resources and efforts; and (4) Workforce of the Future—Prepare FAA's human capital for the future, by identifying, recruiting, and training a workforce with the leadership, technical, and functional skills to ensure the U.S. has the world's safest and most productive aviation sector.

- During Fiscal Year 2018, FAA's regulatory priorities will be to enable transformative UAS and commercial space technologies by publishing two notices of proposed rulemaking (Small Unmanned Aircraft Over People, 2120–AK85 and Orbital Debris Mitigation Methods for Launch Vehicle Upper Stages, 2120–AK81), addressing the previously published Interim Final Rule on Registration and Marking Requirements for Small Unmanned Aircraft (2120–AK82), and publishing an advance notice of proposed rulemaking seeking comment on UAS security-related issues (Safe and Secure Operations of Small Unmanned Aircraft Systems, (2120–AL26). The Operations of Small Unmanned Aircraft Over People is the long-awaited next regulatory step towards integrating UAS into the NAS. This rule would allow certain routine small UAS operations over people without a waiver or exemption. The Orbital Debris Mitigation Methods for Launch Vehicle Upper Stages proposal would update current regulations to reduce the amount of orbital debris that could potentially interfere with existing or future activities in orbit.
- FAA's top deregulatory priorities will be to issue two final rules. Transport Airplane Fuel Tank and System Lightning Protection, (2120–AK24) would amend certain airworthiness regulations regarding lightning protection of fuel tanks and systems, providing cost savings to industry stakeholders. Rotorcraft Pilot Compartment View (2120–AK91) would revise the testing requirements for pilot compartment view to alleviate the cost of the flight test and reduce administrative burdens on affected applicants.
- Finally, FAA will focus on two rules responding to Airline Safety and Federal Aviation Administration Extension Act of 2010 requirements to address airline safety and pilot training improvements. The first would implement a statutory mandate to establishment an electronic pilot record database that air carriers would use for pre-employment checks on pilots (Pilot Records Database, 2120–AK31). The second rule would implement improvements to pilot training and professional development programs to address mentoring, leadership, and professional development of flight crewmembers (Professional Development, (2120–AJ87).
- More information about these rules can be found in the DOT Unified Agenda.

Federal Highway Administration

FHWA carries out the Federal highway program in partnership with State and local agencies to meet the Nation's transportation needs. FHWA's mission is to improve continually the quality and performance of our Nation's highway system and its intermodal connectors.

Consistent with this mission, in Fiscal Year 2018, the FHWA will continue with ongoing regulatory initiatives in support of its surface transportation programs. It will also work to implement legislation in the most cost-effective way possible. Finally, it will pursue regulatory reform in areas where

project development can be streamlined or accelerated, duplicative requirements can be consolidated, recordkeeping requirements can be reduced or simplified, and the decision-making authority of our State and local partners can be increased.

Federal Motor Carrier Safety Administration

The mission of FMCSA is to reduce crashes, injuries, and fatalities involving commercial trucks and buses. A strong regulatory program is a cornerstone of FMCSA's compliance and enforcement efforts to advance this safety mission. FMCSA develops new and more effective safety regulations based on three core priorities: Raising the safety bar for entry into the industry, maintaining high standards of safety performance, and removing high-risk behavior. In addition to Agency-directed regulations, FMCSA develops regulations mandated by Congress, through legislation such as the Moving Ahead for Progress in the 21st Century (MAP–21) and the Fixing America's Surface Transportation (FAST) Acts. FMCSA regulations establish minimum safety standards for motor carriers, commercial drivers, commercial motor vehicles, and State agencies receiving certain motor carrier safety grants and issuing commercial drivers' licenses.

FMCSA's regulatory efforts for FY 2018 will focus on efforts to streamline the grants program, remove regulatory burdens, and ease the transition into a transportation career for veterans. In addition, FMCSA will continue to coordinate efforts on the development of autonomous vehicle technologies and review existing regulations to identify changes that might be needed.

National Highway Traffic Safety Administration

• The mission of NHTSA is to save lives, prevent injuries, and reduce economic costs due to roadway crashes. The statutory responsibilities of NHTSA relating to motor vehicles include reducing the number, and mitigating the effects of motor vehicle crashes and related fatalities and injuries; providing safety performance information to aid prospective purchasers of vehicles, child restraints, and tires; and improving automotive fuel efficiency. NHTSA pursues policies that enable safety technologies and encourage the development of non-regulatory approaches when feasible in meeting its statutory mandates. NHTSA issues new standards and regulations or amendments to existing standards and regulations when appropriate. It ensures that regulatory alternatives reflect a careful assessment of the problem and a comprehensive analysis of the benefits, costs, and other impacts associated with the proposed regulatory action. Finally, NHTSA considers alternatives consistent with principles in applicable executive orders.

NHTSA's regulatory priorities for FY 2018 include continuing to coordinate efforts on the development of autonomous vehicles and reducing regulatory barriers to technology innovation. NHTSA also plans to issue several rulemakings and other actions that increase safety and reduce economic burden, including some in response to statutory mandates. Most prominently, NHTSA anticipates issuing a request for comment on the barriers in existing regulation to deployment of automated vehicles, particularly those that affect vehicles that may have innovative designs. In addition, working with the Environmental Protection Agency, NHTSA plans to propose fuel efficiency standards for light vehicle model years (MYs) 2022 thru 2025 (Passenger Car and Light Truck Corporate Average Fuel Economy Standards MYs 2022–2025, RIN 2127–AL76). More information about these rules can be found in the DOT Unified Agenda.

Federal Railroad Administration

FRA exercises regulatory authority over all areas of railroad safety and, where feasible, incorporates flexible performance standards. To foster an environment for collaborative rulemaking, FRA established the Railroad Safety Advisory Committee (RSAC). The purpose of RSAC is to develop consensus recommendations for regulatory action on issues FRA brings to it. Even in situations where RSAC consensus is not achieved, FRA benefits from receiving input from RSAC. In situations where RSAC participation would not be useful (*e.g.,* a statutory mandate that leaves FRA with no discretion), FRA fulfils its regulatory role without RSAC's input. The RSAC consultation process results in regulations that are likely to be better understood, more widely accepted, more cost-beneficial, and more correctly applied, because of stakeholder participation.

FRA's current regulatory program reflects a number of pending proceedings to satisfy mandates resulting from the Rail Safety Improvement Act of 2008 (RSIA08), the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), and the FAST Act, as well as actions under its general safety rulemaking authority, actions supporting a high-performing passenger rail network, and actions addressing the safe and effective movement of energy products.

FRA's regulatory priority for Fiscal Year 2018 will be to continue its work on a final rule containing RSAC-supported actions that advance high-performing passenger rail by providing alternative ways to comply with passenger rail equipment standards (Passenger Equipment Safety Standards for the operation of Tier III passenger equipment, RIN 2130–AC46). This rule is expected to ease regulatory burdens on certain passenger rail operations which would allow the development of advanced technology and increase safety benefits. More information about this rule can be found in the DOT Unified Agenda.

Federal Transit Administration

FTA provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys and ferries. FTA also oversees safety measures and helps develop next-generation technology research. FTA's regulatory activities implement the laws that apply to recipients' uses of Federal funding and the terms and conditions of FTA grant awards.

In addition to the Department-wide goals described above, FTA policy regarding regulations is to:

• Ensure the safety of public transportation systems;

• Provide maximum benefit to the Nation's mobility through the connectivity of transportation infrastructure;

• Provide maximum local discretion;

• Ensure the most productive use of limited Federal resources;

• Protect taxpayer investments in public transportation; and

• Incorporate principles of sound management into the grant management process.

In 2012, through MAP–21, Congress expanded FTA's safety regulatory role by directing the Secretary to establish a comprehensive Public Transportation Safety Program to improve the safety of all public transportation systems that receive certain FTA funding. In December 2015, Congress passed the FAST Act, which reauthorized the PTSP and provided the Secretary with additional authority to ensure the safety of rail transit systems. This new authority requires implementation through the rulemaking process.

FTA's regulatory priorities for Fiscal Year 2018 are the Private Investment Project Procedures rulemaking (2132–AB27) and the Public Transportation Agency Safety Plan final rule (2132–

AB23), which is one element of the Public Transportation Safety Program. The Private Investment Project Procedures rulemaking would establish new, experimental procedures to encourage greater use of public-private partnerships and private investment in public transportation capital projects. Pursuant to 49 U.S.C. 5329(d), FTA must issue a rule requiring operators of public transportation systems that receive financial assistance under Chapter 53 to develop and certify Public Transportation Agency Safety Plans. On February 5, 2016, FTA published a notice of proposed rulemaking outlining the requirements for Public Transportation Agency Safety Plans. FTA will be looking to finalize this rule in Fiscal Year 2018. More information about these rules can be found in the DOT Unified Agenda.

Maritime Administration

MARAD administers Federal laws and programs to improve and strengthen the maritime transportation system to meet the economic, environmental, and security needs of the Nation. To that end, MARAD's efforts are focused upon ensuring a strong American presence in the domestic and international trades and to expanding maritime opportunities for American businesses and workers.

MARAD's regulatory objectives and priorities reflect the agency's responsibility for ensuring the availability of water transportation services for American shippers and consumers and, in times of war or national emergency, for the U.S. armed forces. Major program areas include the following: Maritime Security, Voluntary Intermodal Sealift Agreement, National Defense Reserve Fleet and the Ready Reserve Force, Cargo Preference, Maritime Guaranteed Loan Financing, United States Merchant Marine Academy, Mariner Education and Training Support, Deepwater Port Licensing, and Port and Intermodal Development. Additionally, MARAD administers the Small Shipyard Grants Program through which equipment and technical skills training are provided to America's maritime workforce, with the aim of helping businesses to compete in the global marketplace while creating well-paying jobs at home.

MARAD's regulatory priorities for Fiscal Year 2018 will be to continue to support the objectives and priorities described above in addition to identifying new opportunities for deregulatory action.

Pipeline and Hazardous Materials Safety Administration

PHMSA has responsibility for rulemaking under two programs. Through the Associate Administrator for the Office of Hazardous Materials Safety (OHMS), PHMSA administers regulatory programs under Federal hazardous materials transportation law. Through the Associate Administrator for the Office of Pipeline Safety (OPS), PHMSA administers regulatory programs under the Federal pipeline safety laws. In addition, both offices administer programs under the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990.

PHMSA will continue to work toward improving safety related to transportation of hazardous materials by all transportation modes, including pipeline, while promoting economic growth, innovation, competitiveness, and job creation. PHMSA will concentrate on the prevention of high-risk incidents identified through PHMSA's evaluation of transportation incident data. PHMSA will use all available Agency tools to assess data; evaluate alternative safety strategies, including regulatory strategies as necessary and appropriate; target enforcement efforts; and enhance outreach, public education, and training to promote safety outcomes.

Further, PHMSA will continue to focus on streamlining its regulatory system and reducing regulatory burdens. PHMSA will evaluate existing rules to examine whether they remain justified; should be modified to account for changing circumstances and technologies; or should be streamlined or even repealed. PHMSA will continue to evaluate, analyze, and be responsive to petitions for rulemaking. PHMSA will review regulations, letters of interpretation, petitions for rulemaking, special permits, enforcement actions, approvals, international standards, and industry standards to identify inconsistencies, outdated provisions, and barriers to regulatory compliance.

In Fiscal Year 2018, OHMS will focus on two priority rules. The first is designed to reduce risks related to the transportation of hazardous materials by rail. PHMSA aims to finalize a Notice of Proposed Rulemaking, Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (2137–AF08), that sought comment on expanding the applicability of comprehensive oil spill response plans for crude oil trains and require railroads to share information about high-hazard flammable train operations with State and tribal emergency response commissions to improve community preparedness. The second rule is designed to reduce the risk of transporting lithium batteries by air by addressing the unique challenges they pose (Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft, 2137–AF20).

OPS will focus on two pipeline rules. The first will finalize a proposal to change the regulations covering hazardous liquid onshore pipelines related to High Consequence Areas for integrity management protections, repair timeframes, and reporting for all hazardous liquid gathering lines (Pipeline Safety: Safety of Hazardous Liquid Pipelines, 2137–AE66). PHMSA also plans to seek public comment through an advance notice of proposed rulemaking that would provide regulatory relief to certain pipeline operators that experience a reduction in allowable operating pressure due to construction that has occurred in the area (Pipeline Safety: Class Location Requirements, 2137–AF29).

DOT—FEDERAL AVIATION ADMINISTRATION (FAA)

Proposed Rule Stage

71. +Pilot Records Database (HR 5900)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531

CFR Citation: 14 CFR 118; 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 91.

Legal Deadline: None.

Abstract: This rulemaking would implement a Pilot Records Database as required by Public Law 111–216 (Aug. 1, 2010). Section 203 amends the Pilot Records Improvement Act by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is

deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Statement of Need: This rule implements a Pilot Records Database as required by Public Law 111–216. Section 203 of Public Law 111–216 amends the Pilot Records Improvement Act (PRIA) by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Summary of Legal Basis: The legal basis for this rule is section 203 of the Airline Safety and Federal Aviation Administration Extension Act of 2010, Public Law 111–216, 124 Stat. 2348 (2010).

Alternatives: The ARC proposed a phased implementation as an alternative to PRD's statutory requirement to enter all historical records dating from August 1, 2005. Instead, within sixty days after the PRD launch date, air carriers and other persons would provide only the names, certificate numbers, and dates of birth of employees dating from the PRD launch date back to August 1, 2005. This information would be used to identify a pilot applicant's previous employer(s). The hiring air carrier would then make a paper PRIA request to those previous employers to obtain any records from before the launch date of PRD.

Anticipated Cost and Benefits: The costs and benefits are to be determined.

Risks: The risks are to be determined.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: Costs and benefits are not yet determined.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Bradley Palmer, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–7739, *Email:* *bradley.palmer@faa.gov.*

RIN: 2120–AK31

DOT—FAA

72. +Orbital Debris Mitigation Methods for Launch Vehicle Upper Stages (Orbital Debris)

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 51 U.S.C. 50903; 51 U.S.C. 50904; 51 U.S.C. 50905

CFR Citation: 14 CFR 401; 14 CFR 415; 14 CFR 417; 14 CFR 431; 14 CFR 437.

Legal Deadline: None.

Abstract: This rulemaking would update current orbital debris mitigation regulations to more closely align with the U.S. Government Orbital Debris Mitigation Standard Practices, and would update current launch collision avoidance regulations to match U.S. Strategic Command (USSTRATCOM) practice.

Statement of Need: This rulemaking is necessary because collisions between and with orbital debris (any artificial object left in orbit about the earth which no longer serves a useful purpose) are a growing concern. Historically-accepted practices have allowed these objects to accumulate in Earth orbit, and because more space faring nations are launching assets into space. If left unchecked, this accumulation can clutter useful orbits and present a hazard to operations on-orbit.

Summary of Legal Basis: The legal basis for this rulemaking is the Commercial Space Launch Act of 1984 (as codified and amended at 51 U.S.C.—Commercial Space Transportation, chapter 509, Commercial Space Launch Activities, 51 U.S.C. 50901–50923 (the Act)) which authorizes the Department of Transportation and thus the FAA, through delegations, to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites as carried out by U.S. citizens or within the United States (51 U.S.C. 50904). The Act directs the FAA to exercise this responsibility consistent with public health and safety, safety of property, and the national security and foreign policy interests of the United States (51 U.S.C. 50905). The FAA is also responsible for encouraging, facilitating, and promoting commercial space launches by the private sector (51 U.S.C. 50903).

Alternatives: One alternative to the proposed action is to leave orbital debris as is, without any attempt to de-clutter the Earth orbit. This is not acceptable because debris in space travels at hypervelocities, and collision with a typical operational spacecraft of debris of five milimeters or larger will likely cause damage that ends the mission of the spacecraft. As of 2011, trackable objects (greater/equal to 10 cm) are estimated to be over 22,000. Recent projections of debris include 500,000 objects between one and 10 cm, and more than tens of millions of objects smaller than one cm. The estimated rate of debris accumulation will grow significantly over the next 100 years if left unchecked, and the risk of future collisions between spacecraft and orbital debris will also increase.

Anticipated Cost and Benefits: The proposed action has present value benefits greater than costs, when calculated over a 50-year period. The total costs are estimated to be present-value $30 million. The total benefits are estimated to be present value $31 million.

Risks: The risks to the proposed action are the potential technical difficulties to implement the proposed methods for dealing with debris by (1) natural decay, (2) controlled reentry, or (3) moving debris to a storage orbit.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Jennifer Bailey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–9784, *Email:* *jennifer.bailey@faa.gov.*

RIN: 2120–AK81

DOT—FAA

73. +Operations of Small Unmanned Aircraft Over People

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 40101; 49 U.S.C. 40103(b); 49 U.S.C. 44701(a)(5); Pub. L. 112–95, sec. 333

CFR Citation: 14 CFR 107.

Legal Deadline: None.

Abstract: This rulemaking would address the performance-based standards and means-of-compliance for operation of small unmanned aircraft systems (UAS) over people not directly participating in the operation or not under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling

small unmanned aircraft. This rule would provide relief from certain operational restrictions implemented in the Operation and Certification of Small Unmanned Aircraft Systems final rule (RIN 2120–AJ60).

Statement of Need: This rulemaking would permit the operation of small unmanned aircraft over people not directly participating in the operation or not under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft. Currently, such operations are prohibited. This rule relieves restrictions and provides mitigations to protect people on the ground.

Summary of Legal Basis: Section 333 of Public Law 112–95 directs the Secretary of Transportation to determine whether ''certain unmanned aircraft systems may operate safely in the national airspace system.'' If the Secretary determines, pursuant to section 333, that certain unmanned aircraft systems may operate safely in the national airspace system, then the Secretary must ''establish requirements for the safe operation of such aircraft system in the national airspace system.'' This rulemaking is also promulgated pursuant to 49 U.S.C. 40103(b)(1) and (2), which charge the FAA with issuing regulations: (1) To ensure the safety of aircraft and the efficient use of airspace; and (2) to govern the flight of aircraft for purposes of navigating, protecting and identifying aircraft, and protecting individuals and property on the ground. In addition, 49 U.S.C. 44701(a)(5) charges the FAA with prescribing regulations that the FAA finds necessary for safety in air commerce and national security.

Alternatives: The FAA considered finalizing the micro UAS provisions originally proposed in the sUAS Operation and Certification notice of proposed rulemaking. The FAA also formulated an AFS–80 Working Group that developed recommendations for the agency. The agency was unable to adopt those recommendations in the sUAS Operation and Certification final rule, however, because they were outside the scope of what was proposed in the NPRM. Given the limitations of the micro UAS proposal in the NPRM and the comments received, and with the concurrence of the Office of the Secretary of Transportation and the Office of Management and Budget, it was determined that the best course of action was to withdraw the micro UAS provisions from the sUAS Operation and Certification rule and place them in a new notice of proposed rulemaking.

Anticipated Cost and Benefits: Until the FAA has defined micro UAS (either in terms of properties, such as weight, or performance) we cannot quantify costs or benefits of the rule. However, as in the case of part 107 more generally, because this is an enabling provision that opens up market opportunities we expect the benefits will outweigh the costs since an entrepreneur will only voluntarily incur the costs in the expectation of returns that exceed those costs. It is not possible at this time to estimate benefits and costs resulting from level three or greater injury caused by operations conducted under this rule.

Risks: If this rule is not implemented, operations over people not directly participating in the operation or not under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft will continue to be prohibited.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Guido Hassig, Department of Transportation, Federal Aviation Administration, 1 Airport Way, Rochester, NY 14624, *Phone:* 585–436–3880, *Email: guido.hassig@faa.gov.*

Related RIN: Related to 2120–AJ60

RIN: 2120–AK85

DOT—FAA

Final Rule Stage

74. +Pilot Professional Development

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 44701(a)(5); Pub. L. 111–216, sec. 206

CFR Citation: 14 CFR 121.

Legal Deadline: NPRM, Statutory, April 20, 2015, NPRM.

This rulemaking would amend the regulations for air carrier training programs under part 121. The action is necessary to ensure that air carriers establish or modify training programs to address mentoring, leadership and professional development of flight crewmembers in part 121 operations. This rulemaking is required by the Airline Safety and Federal Aviation Administration Act of 2010.

Abstract: This rulemaking would amend the regulations for air carrier training programs under part 121. The action is necessary to ensure that air carriers establish or modify training programs to address mentoring, leadership and professional development of flight crewmembers in part 121 operations. This rulemaking is required by the Airline Safety and Federal Aviation Administration Act of 2010.

Statement of Need: On August 1, 2010, the President signed the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Pub. L. 111–216). Section 206 of Public Law 111–216 directed the FAA to convene an aviation rulemaking committee (ARC) to develop procedures for each part 121 air carrier pertaining to mentoring, professional development, and leadership and command training for pilots serving in part 121 operations and to issue a Notice of Proposed Rulemaking (NPRM) based on the ARC recommendations. This NPRM is necessary to satisfy a requirement of section 206 of Public Law 111–216.

Summary of Legal Basis: The FAA authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the general authority described in 49 U.S.C. 106(f) and 44701(a) and the specific authority found in section 206 of Public Law 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (49 U.S.C. 44701 note), which directed the FAA to convene an aviation rulemaking committee (ARC) and conduct a rulemaking proceeding based on this ARC's recommendations pertaining to mentoring, professional development, and leadership and command training for pilots serving in part 121 operations. Section 206 further required that the FAA include in leadership and command training, instruction on compliance with flightcrew member duties under 14 CFR 121.542.

Alternatives: The Flight Crewmember Mentoring, Leadership, and Professional Development ARC presented recommendations to the FAA in its report dated November 2, 2010.

Anticipated Cost and Benefits: For the timeframe 2015 to 2024 (millions of 2013 dollars), the total cost saving benefits is $72.017 ($46.263 present

value) and the total compliance costs is $67.632 ($46.774 present value).

Risks: As recognized by the National Transportation Safety Board (NTSB), the overall safety and reliability of the National Airspace System demonstrates that most pilots conduct operations with a high degree of professionalism. Nevertheless, a problem still exists in the aviation industry with some pilots acting unprofessionally and not adhering to standard operating procedures, including sterile cockpit. The NTSB has continued to cite inadequate leadership in the flight deck, pilots' unprofessional behavior, and pilots' failure to comply with the sterile cockpit rule as factors in multiple accidents and incidents including Pinnacle Airlines flight 3701 and Colgan Air, Inc. flight 3407. The FAA intends for this proposal to mitigate unprofessional pilot behavior which would reduce pilot errors that can lead to a catastrophic event.

Timetable:

Action	Date	FR Cite
NPRM	10/07/16	81 FR 69908
NPRM Comment Period End.	01/05/17	
Final Rule	05/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Sheri Pippin, Department of Transportation, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261, *Phone:* 310 725–7342, *Email:* *sheri.pippin@faa.gov.*

Related RIN: Related to 2120–AJ00

RIN: 2120–AJ87

DOT—FAA

75. +Transport Airplane Fuel Tank and System Lightning Protection

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44704

CFR Citation: 14 CFR 25.

Legal Deadline: Final, Statutory, July 18, 2016, Final.

This rulemaking would establish design requirements for both normal conditions and possible failures of fuel tank structure and systems that could lead to fuel tank explosions, adding new maintenance requirements related to lightning protection features, and imposing specific requirements for airworthiness limitations in the instructions for continued airworthiness.

Abstract: This rulemaking would amend certain airworthiness regulations for transport category airplanes regarding lightning protection of fuel tanks and systems by establishing design requirements for both normal conditions and possible failures of fuel tank structure and systems that could lead to fuel tank explosions, adding new maintenance requirements related to lightning protection features, and imposing specific requirements for airworthiness limitations in the instructions for continued airworthiness. It would also create performance-based standards for prevention of catastrophic fuel vapor ignition caused by lightning by regulating the risk due to both ignition sources and fuel tank flammability. This change would allow designers to take advantage of flammability reduction technologies whose effectiveness was not foreseen when earlier revisions to these rules were written. This change would also relieve some of the administrative burdens created by the current regulations.

Statement of Need: The regulations as currently written to protect fuel tanks from the risk of catastrophic explosion due to lightning strikes is not always practical. The impracticality has led manufacturers to petition for exemptions from this section, which the FAA has granted with special conditions to achieve the intended level of safety of the rule. This exemption process has created an administrative burden on both industry and the FAA. This rulemaking proposes to amend those to remove the requirement for the prevention of lightning ignition sources and add a new, broader requirement for the prevention of ignition due to lightning. This new proposed requirement is intended to mitigate the risk of fuel tank ignition by considering both ignition sources and fuel tank flammability limits offered by existing regulations. The proposed amendments would re-state, in performance-based rules, the intention to prevent catastrophic fuel tank vapor ignition due to lightning, rather than focus solely on the prevention of ignition sources.

Summary of Legal Basis: The FAA's authority to issue rules regarding aviation safety is found in title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, subpart III, section 44701, ''General requirements.'' Under that section, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing minimum standards required in the interest of safety for the design and performance of aircraft, regulations and minimum standards in the interest of aviation safety for inspecting, servicing, and overhauling aircraft, and regulations for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it prescribes safety standards for the design of transport category airplanes and requirements necessary for safety for the design, production, operation, and maintenance of those airplanes, and for other practices, methods, and procedures related to those airplanes.

Alternatives: The FAA's alternatives are to (1) leave the requirement as it currently exists (however this would not address the problem) or to (2) publish the rulemaking and reduce the number of applicants consistently seeking exemptions to compliance with sec. 25.981 for fuel tank structural lightning.

Anticipated Cost and Benefits: This rule is a retrospective regulatory review rulemaking under Executive Order 13563. This rule would be relieving for both government and industries with the estimated net benefits. We assess regulatory benefits based on resources saved for reducing regulatory burden on both industry and the FAA. The total combined savings would be about $610 million or $451 million present value at a seven percent discount rate. The lower and the higher estimates of the total combined regulatory savings would be between $384 million and $836 million ($283 million and $618 million present value at a 7 percent discount rate, respectively). The proposed rule would maintain achieved safety levels related to fuel tank structure and system lightning protection commensurate with the current requirements.

Risks: If we don't publish the rule, there is a risk of a continued paperwork burden for the public and the FAA.

Timetable:

Action	Date	FR Cite
NPRM	12/18/14	79 FR 75496
NPRM Comment Period End.	03/18/15	
Final Rule	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: SB: N, IC: N, SLT: N Anticipated costs and benefits: The total combined savings would be about $610 million or $451 million present value at a 7% discount rate. The lower and the higher estimates of the total combined regulatory savings would be between $384 million and $836 million ($283 million and $618 million present value at a 7% discount rate, respectively).

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Massoud Sadeghi, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055, *Phone:* 425 227–2117, *Email:* *massoud.sadeghi@faa.dot.gov.*

RIN: 2120–AK24

DOT—FAA

76. +Registration and Marking Requirements for Small Unmanned Aircraft

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101 to 44106, 44110–44113, and 44701

CFR Citation: 14 CFR 1; 14 CFR 375; 14 CFR 45; 14 CFR 47; 14 CFR 48; 14 CFR 91.

Legal Deadline: None.

Abstract: This final rule amends the web-based aircraft registration process for the registration of small unmanned aircraft to facilitate compliance with the statutory requirement that an aircraft must be registered prior to operation. Accordingly, this final rule removes the requirement for owners who operate their model aircraft exclusively in compliance with the Special Rule for Model Aircraft to register their aircraft. Additionally, as this final rule requires small unmanned aircraft owners to externally display the unique identifier assigned by the FAA upon completion of the registration process, they will no longer be permitted to enclose the unique identifier in an aircraft compartment.

Statement of Need: This interim final rule (IFR) provides an alternative process that small unmanned aircraft owners may use to comply with the statutory requirements for aircraft operations. As provided in the clarification of these statutory requirements and request for further information issued October 19, 2015, 49 U.S.C. 44102 requires aircraft to be registered prior to operation. See 80 FR 63912 (October 22, 2015). Currently, the only registration and aircraft identification process available to comply with the statutory aircraft registration requirement for all aircraft owners, including small unmanned aircraft, is the paper-based system set forth in 14 CFR parts 45 and 47. As the Secretary and the Administrator noted in the clarification issued October 19, 2015 and further analyzed in the regulatory evaluation accompanying this rulemaking, the Department and the FAA have determined that this process is too onerous for small unmanned aircraft owners and the FAA. Thus, after considering public comments and the recommendations from the Unmanned Aircraft System (UAS) Registration Task Force, the Department and the FAA have developed an alternative process, provided by this IFR (14 CFR part 48) for registration and marking available only to small unmanned aircraft owners. Small unmanned aircraft owners may use this process to comply with the statutory requirement to register their aircraft prior to operating in the National Airspace System (NAS).

Summary of Legal Basis: The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules; and 49 U.S.C. 44701(a)(5), which requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security. This rule is also promulgated pursuant to 49 U.S.C. 44101 to 44106 and 44110 to 44113 which require aircraft to be registered as a condition of operation and establish the requirements for registration and registration processes. Additionally, this rulemaking is promulgated pursuant to the Secretary's authority in 49 U.S.C. 41703 to permit the operation of foreign civil aircraft in the United States.

Alternatives: Currently, the only registration and aircraft identification process available to comply with the statutory aircraft registration requirement for all aircraft owners, including small unmanned aircraft, is the paper-based system set forth in 14 CFR parts 45 and 47. As the Secretary and the Administrator noted in the clarification issued October 19, 2015, and further analyzed in the regulatory evaluation accompanying this rulemaking, the Department and the FAA have determined that this process is too onerous for small unmanned aircraft owners and the FAA.

Anticipated Cost and Benefits: In order to implement the new streamlined, web-based system described in this interim final rule (IFR), the FAA will incur costs to develop, implement, and maintain the system. Small UAS owners will require time to register and mark their aircraft, and that time has a cost. The total of government and registrant resource cost for small unmanned aircraft registration and marking under this new system is $56 million ($46 million present value at seven percent) through 2020. In evaluating the impact of this interim final rule, we compare the costs and benefits of the IFR to a baseline consistent with existing practices: For modelers, the exercise of discretion by FAA (not requiring registration) and continued broad public outreach and educational campaign, and for non-modelers, registration via part 47 in the paper-based system. Given the time to register aircraft under the paper-based system and the projected number of sUAS aircraft, the FAA estimates the cost to the government and non-modelers would be about $383 million. The resulting cost savings to society from this IFR equals the cost of this baseline policy ($383 million) minus the cost of this IFR ($56 million), or about $327 million ($259 million in present value at a seven percent discount rate). These cost savings are the net quantified benefits of this IFR.

Risks: Many of the owners of these new sUAS may have no prior aviation experience and have little or no understanding of the NAS, let alone knowledge of the safe operating requirements and additional authorizations required to conduct certain operations. Aircraft registration provides an immediate and direct opportunity for the agency to engage and educate these new users prior to operating their unmanned aircraft and to hold them accountable for noncompliance with safe operating requirements, thereby mitigating the risk associated with the influx of operations. In light of the increasing reports and incidents of unsafe incidents, rapid proliferation of both commercial and model aircraft operators, and the resulting increased

risk, the Department has determined it is contrary to the public interest to proceed with further notice and comment rulemaking regarding aircraft registration for small unmanned aircraft. To minimize risk to other users of the NAS and people and property on the ground, it is critical that the Department be able to link the expected number of new unmanned aircraft to their owners and educate these new owners prior to commencing operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593
Interim Final Rule Effective.	12/21/15	
OMB approval of information collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Sara Mikolop, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–7776, *Email:* *sara.mikolop@faa.gov.*

RIN: 2120–AK82

DOT—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

Proposed Rule Stage

77. +Rear Seat Belt Reminder System

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 30101; delegation of authority at 49 CFR 1.95

CFR Citation: 49 CFR 571.208.

Legal Deadline: NPRM, Statutory, October 1, 2014, Initiate. Final, Statutory, October 1, 2015, Final Rule.

Abstract: This rulemaking would amend Federal Motor Vehicle Safety Standard No. 208, ''Occupant crash protection,'' to require automobile manufacturers to install a seat belt reminder system for the front passenger and rear designated seating positions in passenger vehicles. The seat belt reminder system is intended to increase seat belt usage and thereby improve the crash protection of vehicle occupants who would otherwise have been unbelted. This rulemaking would respond in part to a petition for rulemaking submitted by Public Citizen and Advocates for Highway and Auto Safety, as well as to requirements in MAP–21.

Statement of Need: Based on recent FARS data, there was an annual average of 1,695 rear-seat passenger vehicle occupants killed. Of these fatalities, 1,151 rear-seat occupants (68 percent) were known to be unrestrained. According to recent NASS–GES data, there was an annual average of 46,927 rear-seat occupants injured, of which 15,290 (33 percent) were unrestrained. These unrestrained occupants who were killed or injured represent the rear-seat occupant target population. There was an annual average of 3,846 front outboard passenger seat occupant fatalities in the FARS data. Of these fatalities, 1,799 occupants (46.8 percent) were unrestrained. In addition, according to NASS–GES data, there was an annual average of 67,948 injured occupants in front outboard seating positions in crashes. Of those front outboard seat occupants injured, 20,369 (30 percent) were unrestrained. These unrestrained occupants who were killed or injured in crashes represent the front outboard passenger seat occupant target population.

Summary of Legal Basis: MAP–21 required the Secretary to initiate a rulemaking proceeding to amend FMVSS No. 208 to provide a safety belt use warning system for designated seating positions in the rear seat. It directed the Secretary to either issue a final rule, or, if the Secretary determined that such an amendment did not meet the requirements and considerations of 49 U.S.C. 30111, to submit a report to Congress describing the reasons for not prescribing such a standard.

Alternatives: The Agency considered several alternatives, including (1) requiring occupant detection for rear warning system; (2) requiring a SBRS for the front center seat; (3) system hardening from inadvertent and intentional defeat; and (4) awarding points through NCAP for rear SBRSs.

Anticipated Cost and Benefits: The proposed rule would result in 42—64 ELS and 33—50 ELS at 3 percent and 7 percent discount rates, respectively. The estimated total cost is $163.3 million.

Risks: The Agency believes there are no substantial risks to this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Carla Rush, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4583, *Email:* *carla.rush@dot.gov.*

RIN: 2127–AL37

DOT—NHTSA

78. +Passenger Car and Light Truck Corporate Average Fuel Economy Standards MYS 2022–2025

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 32902; delegation of authority at 49 CFR 1.95

CFR Citation: 49 CFR 531; 49 CFR 533.

Legal Deadline: Final, Statutory, April 1, 2020, Publish Final Rule.

Abstract: This rulemaking would address Corporate Average Fuel Economy (CAFE) standards for light trucks and for passenger cars for model years 2022–2025. This rulemaking would respond to requirements of the Energy Independence and Security Act of 2007 (EISA), title 1, subtitle A, section 102, as it amends 49 U.S.C. 32902, which was signed into law December 19, 2007. The statute requires that corporate average fuel economy standards be prescribed separately for passenger automobiles and non-passenger automobiles to achieve a combined fleet fuel economy of at least 35 mpg by model year 2020. For model years 2021 to 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles shall be the maximum feasible for each model year. The law requires the standards be set at least 18 months prior to the start of the model year.

Statement of Need: Setting Corporate Average Fuel Economy standards passenger cars, light truck and medium-duty passenger vehicles will reduce fuel consumption, and will thereby improve U.S. energy independence and energy

security, which has been a national objective since the first oil price shocks in the 1970s. Transportation accounts for about 70 percent of U.S. petroleum consumption, and light-duty vehicles account for about 60 percent of oil use in the U.S. transportation sector.

Summary of Legal Basis: This rulemaking would respond to requirements of the Energy Independence and Security Act of 2007 (EISA), title 1, subtitle A, section 102, as it amends 49 U.S.C. 32902, which was signed into law December 19, 2007. The statute requires that corporate average fuel economy standards be prescribed separately for passenger automobiles and non-passenger automobiles. For model years 2021 to 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles shall be the maximum feasible for each model year. The law requires the standards be set at least 18 months prior to the start of the model year.

Alternatives: NHTSA will present regulatory alternatives in the upcoming proposal.

Anticipated Cost and Benefits: NHTSA will present estimated costs and benefits in the upcoming proposal.

Risks: The agency believes there are no substantial risks to this rulemaking.

Timetable:

Action	Date	FR Cite
Notice	07/27/16	81 FR 49217
NPRM	03/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: James Tamm, Fuel Economy Division Chief, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 493–0515, *Email:* *james.tamm@dot.gov.*

RIN: 2127–AL76

DOT—FEDERAL RAILROAD ADMINISTRATION (FRA)

Final Rule Stage

79. +Passenger Equipment Safety Standards Amendments

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 20103

CFR Citation: 49 CFR 238.

Legal Deadline: None.

Abstract: This rulemaking would update existing safety standards for passenger rail equipment. Specifically, the rulemaking would add a new tier of passenger equipment safety standards (Tier III) to facilitate the safe implementation of nation-wide, interoperable, high-speed passenger rail service at speeds up to 220 mph. The Tier III standards require operations at speeds above 125 mph to be in an exclusive right-of-way without grade crossings. This rule would also establish crashworthiness and occupant protection performance requirements as an alternative to those currently specified for Tier I passenger trainsets. Additionally, the rule would increase from 150 mph to 160 mph the maximum speed for passenger equipment that complies with FRA's Tier II standards. The rule is expected to ease regulatory burdens, allow the development of advanced technology, and increase safety benefits.

Statement of Need: This rulemaking would update existing safety standards for passenger rail equipment. Specifically, the rulemaking would add a new tier of passenger equipment safety standards (Tier III) to facilitate the safe implementation of nation-wide, interoperable, high-speed passenger rail service at speeds up to 220 mph. The Tier III standards require operations at speeds above 125 mph to be in an exclusive right-of-way without grade crossings. This rule would also establish crashworthiness and occupant protection performance requirements as an alternative to those currently specified for Tier I passenger trainsets. Additionally, the rule would increase from 150 mph to 160 mph the maximum speed for passenger equipment that complies with FRA's Tier II standards. The rule is expected to ease regulatory burdens, allow the development of advanced technology, and increase safety benefits.

Summary of Legal Basis: 49 U.S.C. 20103, 20107, 20133, 20141, 20302 and 20303, 20306, 20701 and 20702, 21301 and 21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

Alternatives: The alternatives FRA considered in establishing the proposed safety requirements for Tier III trainsets are the European and Japanese industry standards. However, as neither of those standards adequately address the safety concerns presented in the US rail environment, FRA rejected adopting either of them as a regulatory alternative suitable for interoperable equipment. FRA also considered the alternative of standalone HSR systems operating on an exclusive right-of-way (not physically connected to the general railroad system), utilizing passenger equipment that complies with European or other international standards but not necessarily with FRA's proposed requirements. FRA rejected this alternative because a major tenet of this rule is to safely facilitate the implementation of nationwide, interoperable HSR service.

Anticipated Cost and Benefits: This rule would amend passenger equipment safety regulations. It adds a new equipment tier (''Tier III'') to facilitate the safe implementation of high-speed rail (up to 220 mph on dedicated rail lines) and establishes alternative crashworthiness performance standards to qualify passenger rail equipment for Tier I operations. This rule is deregulatory in nature. At the proposed rule stage, FRA estimated the total cost of the proposed rule to be between $4.59 and $4.62 billion, discounted to between $3.13 and $3.16 billion at a 3 percent discount rate, and between $1.94 and $1.96 billion at a 7 percent discount rate. The annualized costs were estimated to be $64.6–65.1 million at a 7 percent discount rate and $101.9–102.6 million at a 3 percent discount rate. FRA estimated the total benefits to be between $8.66 and $16.75 billion, discounted to between $6.05 and $11.27 billion at a 3 percent discount rate, and between $3.85 and $7.06 billion at a 7 percent discount rate. The annualized benefits were estimated to be $121.8–235.8 million at a 7 percent discount rate and $192–371.7 million at a 3 percent discount rate. The benefits are derived by calculating the difference between the estimated equipment and infrastructure costs without the rule and the estimated costs of pursuing the same projects with the new rule in effect. The majority of the benefits are due to a rule modification that provides Tier III trainsets the ability to operate on shared track rather than build new, independent infrastructure into urban areas. FRA is currently evaluating the core assumptions that lead to such large benefits to ensure their accuracy.

Risks: The risk is regulatory uncertainty for potential Tier III and Tier I alternative operations. Tier III operations could still be conducted, but would require a series of waivers, which are not as permanent as regulatory approval (and not as certain). Also, Tier I alternative trainsets would still require waivers for operation (same regulatory uncertainty as for Tier III).

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88006
NPRM Comment Period End.	02/06/17	
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: State.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Elliott Gillooly, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4000, *Email:* *elliott.gillooly@dot.gov.*

RIN: 2130–AC46

DOT—FEDERAL TRANSIT ADMINISTRATION (FTA)

Proposed Rule Stage

80. +Private Investment Project Procedures

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Pub. L. 112–141, sec. 20013(b)

CFR Citation: 49 CFR 650.

Legal Deadline: None.

Abstract: This rulemaking proposes new, experimental procedures to encourage greater use of public-private partnerships and private investment in public transportation capital projects (PIPP). The proposed PIPP is aimed specifically at increased project management flexibility, more innovation in funding, improved efficiency, timely project implementation, and new revenue streams.

Statement of Need: The Federal Transit Administration is proposing new, experimental procedures to encourage increased project management flexibility, more innovation in project funding, improved efficiency, timely project implementation and new revenue streams. A primary goal is to address impediments to the greater use of public-private partnerships (P3s) and private investment in public transportation capital projects (Private Investment Project Procedures or PIPP).

Summary of Legal Basis: Section 20013(b)(1) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 1120141 (July 6, 2012), directed FTA to identify impediments in chapter 53 of title 49 of the U.S. Code, and any regulations or practices thereunder, and private investment in public transportation capital projects, and to develop and implement procedures on a project basis that address such impediments in a manner similar to the Special Experimental Project Number 15 of the Federal Highway Administration (FHWA) commonly referred to as ''SEP–15''. Section 20013(b)(5) of MAP–21 requires the issuance of a rule to carry out the procedures and approaches developed under section 20013(b)(1).

Alternatives: Promulgation of a regulation is required by statute to implement these procedures.

Anticipated Cost and Benefits: FTA has examined the potential economic impacts of this rulemaking and has determined that this rulemaking is not economically significant because it will not result in an effect on the economy of $100 million or more. This action is considered deregulatory and comments are requested regarding the costs savings of this action.

Risks: The proposals set forth in this rule will not adversely affect the economy, interfere with actions taken or planned by other agencies, or generally alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

Timetable:

Action	Date	FR Cite
NPRM	07/31/17	82 FR 35500
NPRM Comment Period End.	09/29/17	
Analyzing Comments.	12/00/17	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Chaya Koffman, Attorney Advisor, Department of Transportation, Federal Transit Administration, 200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4011, *Email: chaya.koffman@dot.gov.*

RIN: 2132–AB27

DOT—FTA

Final Rule Stage

81. +Public Transportation Agency Safety Plans

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 5329(c)

CFR Citation: 49 CFR 673.

Legal Deadline: None.

Abstract: This rulemaking would establish requirements for States or recipients to develop and implement individual agency safety plans. The requirements of this rulemaking will be based on the principles and concepts of Safety Management Systems (SMS). SMS is the formal, top-down, organization-wide approach to managing safety risks and assuring the effectiveness of a transit agency's safety risk controls. SMS includes systematic procedures, practices, and policies for managing hazards and risks.

Statement of Need: The public transportation industry remains among the safest surface transportation modes in terms of total reported safety events, fatalities, and injuries. The National Safety Council (NSC) reports that in most locations around the nation, passengers on public transportation vehicles are 40 to 70 times less likely to experience an accident than drivers and passengers in private automobiles. Nonetheless, given the complexity of public transportation service, the condition and performance of transit equipment and facilities, turnover in the transit workforce, and the quality of procedures, training, and supervision, the public transportation industry remains vulnerable to catastrophic accidents. This Notice of Proposed Rulemaking (NPRM) proposes a minimal set of requirements for Public Transportation Agency Safety Plans that would carry out the several explicit statutory mandates in the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141; July 6, 2012) (MAP–21), now codified at 49 U.S.C. 5329(d), to strengthen the safety of public transportation systems that receive Federal financial assistance under chapter 53. This NPRM proposes requirements for the adoption of Safety Management Systems (SMS) principles and methods; the development, certification, and update of Public Transportation Agency Safety Plans; and the coordination of Public Transportation Agency Safety Plan elements with other FTA programs and proposed rules, as specified in MAP–21.

Summary of Legal Basis: 49 U.S.C. 5329(d).

Alternatives: MAP–21 requires the Department to issue this regulation. The NPRM will set forth FTA's proposals for implementing the requirement for Public Transportation Safety Plans and solicit comments on alternatives to both the proposals therein and to regulation.

Anticipated Cost and Benefits: FTA has determined that this is an

''economically significant'' rule under Executive Order 12866, since it would cost approximately $111 million in the first year and $90 million per year thereafter. The average annual cost over a 20-year horizon period is $92 million. The benefits of the proposed rule are estimated at $775 million per year over the 20-year horizon period.

Risks: The NPRM is merely a proposal for public comment, and would not impose any binding obligations. However, given that the safety program is new, there will likely be significant interest in any action FTA takes to implement the requirements of the program.

Timetable:

Action	Date	FR Cite
NPRM	02/05/16	81 FR 6344
NPRM Comment Period End.	04/05/16	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Candace Key, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4000, *Email: candace.key@dot.gov.*

Related RIN: Split from 2132–AB20, Related to 2132–AB22

RIN: 2132–AB23

DOT—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

Prerule Stage

82. • +Pipeline Safety: Class Location Requirements

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 192.

Legal Deadline: None.

Abstract: This rulemaking regards existing class location requirements, specifically as they pertain to actions operators are required to take following class location changes. Operators have suggested that performing integrity management measures on pipelines where class locations have changed due to population increases would be an equally safe but less costly alternative to the current requirements of either reducing pressure, pressure testing, or replacing pipe. This request for public comment would be used to inform future regulatory or deregulatory efforts related to this topic.

Statement of Need: Section 5 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 required the Secretary of Transportation to evaluate and issue a report on whether integrity management requirements should be expanded beyond high-consequence areas and whether such expansion would mitigate the need for class location requirements. PHMSA issued a Notice of Inquiry on this topic on August 1, 2013, and issued a report to Congress on its evaluation of this issue in April 2016. In that report, PHMSA decided to retain the existing class location requirements, but noted it would further examine issues related to pipe replacement requirements when class locations change due to population growth. PHMSA noted that it would further evaluate the feasibility and appropriateness of alternatives to address this issue following publication of the final rule, ''Pipeline Safety: Safety of Gas Transmission Pipelines'' (Docket No. PHMSA–2011–0023; RIN 2137–AE72). In line with that intent, section 4 of the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2016 requires PHMSA to provide a report to Congress no later than 18 months after the publication of the gas transmission final rule that reviews the types of benefits, including safety benefits, and estimated costs of the legacy class location regulations. Therefore, PHMSA is initiating this rulemaking to obtain public comment on whether the performance on integrity management measures on pipelines where class locations have changed due to population increases would be an equally safe but less costly alternative to the current class location change requirements.

Summary of Legal Basis: Congress established the current framework for regulating the safety of natural gas pipelines in the Natural Gas Pipeline Safety Act of 1968 (NGPSA). The NGPSA provided the Secretary of Transportation the authority to prescribe minimum Federal safety standards for natural gas pipeline facilities. That authority, as amended in subsequent reauthorizations, is currently codified in the Pipeline Safety Laws (49 U.S.C. secs. 60101 *et seq.*).

Alternatives: In this rulemaking, PHMSA will solicit public opinion on alternatives to the current class location requirements, specifically those requirements causing operators to either reduce pressure, pressure test, or replace pipe when class locations change in areas due to population increases. One such alternative, as suggested by certain members of industry, could include the performance of integrity management measures on affected pipelines. PHMSA is soliciting and will evaluate and consider additional regulatory alternatives, including no action.

Anticipated Cost and Benefits: PHMSA believes there is no cost to this rulemaking action, but we will solicit further information on the costs and benefits of the current class location requirements as they pertain to class location changes, as well as the costs and benefits of any alternatives.

Risks: This rulemaking will provide PHMSA with additional information as to whether the performance of integrity management (or other alternatives) in lieu of the current regulatory requirements for reducing pressure, pressure testing, or replacing pipe when class locations change due to population growth will increase, decrease, or maintain the current level of risk. PHMSA notes that while performing alternatives to the current regulations might allow for an equivalent level of risk, there is a potential for greater consequences in an area where a class location has changed due to population increases along the pipeline.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Cameron Satterthwaite, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–1319, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AF29

DOT—PHMSA

Final Rule Stage

83. +Pipeline Safety: Safety of Hazardous Liquid Pipelines

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 et seq.

CFR Citation: 49 CFR 195.

Legal Deadline: None.

Abstract: This rulemaking would amend the Pipeline Safety Regulations to improve protection of the public, property, and the environment by closing regulatory gaps where appropriate; ensuring that operators are increasing the detection and remediation of unsafe conditions; and mitigating the adverse effects of hazardous liquid pipeline failures.

Statement of Need: This rulemaking addresses Congressional mandates in the 2011 Pipeline Reauthorization Act (sections 5, 8, 21, 29, 14) and 2016 PIPES Act (sections 14 and 25); NTSB recommendations P–12–03 and P–12–04; and GAO recommendation 12–388. These statutory mandates and recommendations follow a number of high profile and high consequence accidents (*e.g.,* 2010 Marshall, MI spill of almost one million gallons of crude oil into the Kalamazoo River). PHMSA is amending the hazardous liquid pipeline safety regulations to: (1) Extend reporting requirements to gravity lines that do not meet certain exceptions; (2) 2xtend certain reporting requirements to all hazardous liquid gathering lines; (3) require inspections of pipelines in areas affected by extreme weather, natural disasters, and other similar events; (4) require periodic assessments of onshore transmission pipelines that are not already covered under the integrity management (IM) program requirements; (5) expand the use of leak detection systems on onshore hazardous liquid transmission pipelines to mitigate the effects of failures that occur outside of high consequence areas; (6) modify the IM repair criteria, both by expanding the list of conditions that require immediate remediation and consolidating the time frames for remediating all other conditions; (7) increase the use of inline inspection tools by requiring that any pipeline that could affect a high consequence area be capable of accommodating these devices within 20 years, unless its basic construction will not permit that accommodation; and (8) clarify other regulations to improve compliance and enforcement. The rule also requires safety data sheets and inspection of pipelines located at depths greater than 150 feet under the surface of the water.

Summary of Legal Basis: Congress established the current framework for regulating the safety of hazardous liquid pipelines in the Hazardous Liquid Pipeline Safety Act (HLPSA) of 1979 (Pub. L. 96–129). The HLPSA provided the Secretary of Transportation the authority to prescribe minimum Federal safety standards for hazardous liquid pipeline facilities. That authority, as amended in subsequent reauthorizations, is currently codified in the Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*).

Alternatives: PHMSA proposed alternatives to include offshore and gathering lines in the scope of provisions requiring assessments outside of HCAs and leak detection systems, revise the repair criteria for pipelines outside HCAs, and evaluated additional regulatory alternatives including no action.

Anticipated Cost and Benefits: Estimated annualized costs are $18 million. Benefits are presented qualitatively and in terms of breakeven analysis based on reported consequences from past incidents.

Risks: These changes will provide PHMSA additional data on pipelines to inform risk evaluation and reduce the probability and consequences of failures through increased inspections, leak detection, and other changes to managing pipeline risks.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
Comment Period Extended.	01/04/11	76 FR 303
ANPRM Comment Period End.	01/18/11	
Extended Comment Period End.	02/18/11	
NPRM	10/13/15	80 FR 61610
NPRM Comment Period End.	01/08/16	
Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

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RIN: 2137–AE66

DOT—PHMSA

84. +Pipeline Safety: Gas Transmission

Priority: Other Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 192.

Legal Deadline: None.

Abstract: This rulemaking would amend the pipeline safety regulations to address integrity management principles for gas transmission pipelines. The rulemaking would address repair criteria for high-consequence areas (HCA) and non-HCA areas, assessment methods, validating and integrating pipeline data, risk assessments, knowledge gained through the integrity management program, corrosion control, change management, gathering lines, and safety features on launchers and receivers.

Statement of Need: This rulemaking is in direct response to Congressional mandates in the 2011 Pipeline Reauthorization Act, specifically sec. 4 (e) Gas IM plus 6 months), sec. 5(IM), 8 (leak detection), 23(b)(2)(exceedance of MAOP); sec. 29 (seismicity). These statutory mandates and recommendations stem from a number of high profile and high consequence gas transmission and gathering pipeline incidents and changes in the industry since the establishment of existing regulatory requirements (*e.g.,* San Bruno, CA explosion that killed eight people).

Summary of Legal Basis: Congress has authorized Federal regulation of the transportation of gas by pipeline under the Commerce Clause of the U.S. Constitution. Authorization is codified in the Pipeline Safety Laws (49 U.S.C. secs. 60101 *et seq.*), a series of statutes that are administered by the DOT, PHMSA. PHMSA has used that authority to promulgate comprehensive minimum safety standards for the transportation of gas by pipeline.

Alternatives: PHMSA considered alternatives to establishing a newly defined moderate consequence area and evaluated requiring assessments for all pipelines outside HCAs.

Anticipated Cost and Benefits: Preliminary estimates of annualized costs are in the range of $40 million; annualized benefits, including cost savings, are over $200 million.

Risks: This rule addresses known risks to gas transmission and gathering including the ''grandfather clause'' (exemption for testing to establish maximum operating pressure for transmission lines) and new unregulated gathering lines that resemble transmission lines.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/11	76 FR 53086

Action	Date	FR Cite
ANPRM Comment Period Extended.	11/16/11	76 FR 70953
ANPRM Comment Period End.	12/02/11	
End of Extended Comment Period.	01/20/12	
NPRM	04/08/16	81 FR 20721
NPRM Comment Period End.	06/08/16	
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: SB–Y IC–N SLT–N;

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

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RIN: 2137–AE72

DOT—PHMSA

85. +Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 33 U.S.C. 1321; 49 U.S.C. 5101 *et seq.*

CFR Citation: 49 CFR 130; 49 CFR 174; 49 CFR 171; 49 CFR 172; 49 CFR 173.

Legal Deadline: None.

Abstract: This rulemaking would expand the applicability of comprehensive oil spill response plans (OSRP) based on thresholds of liquid petroleum oil that apply to an entire train consist. The rulemaking would also require railroads to share information about high-hazard flammable train operations with State and tribal emergency response commissions to improve community preparedness in accordance with the Fixing America's Surface Transportation Act of 2015 (FAST Act). Finally, the rulemaking would incorporate by reference an initial boiling point test for flammable liquids for better consistency with the American National Standards Institute/American Petroleum Institute Recommend Practices 3000, ''Classifying and Loading of Crude Oil into Rail Tank Cars,'' First Edition, September 2014.

Statement of Need: This rulemaking is important to mitigate the effects of potential train accidents involving the release of flammable liquid energy products by increasing planning and preparedness. The proposals in this rulemaking are shaped by mandates in Fixing America's Surface Transportation (FAST) Act of 2015, public comments, National Transportation Safety Board (NTSB) Safety Recommendations, analysis of recent accidents, and input from stakeholder outreach efforts (including first responders). To this end, PHMSA will consider expanding the applicability of comprehensive oil spill response plans; clarifying the requirements for comprehensive oil spill response plans; requiring railroads to share additional information; and providing an alternative test method for determining the initial boiling point of a flammable liquid.

Summary of Legal Basis: The authority of 49 U.S.C. 5103(b), which authorizes the Secretary of Transportation to ''prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.'' The Fixing America's Surface Transportation (FAST) Act of 2015 also includes mandates for the information sharing notification requirements. The authority of 33 U.S.C. 1321, the Federal Water Pollution Control Act (FWPCA), which directs the President to issue regulations requiring owners and operators of certain vessels and onshore and offshore oil facilities to develop, submit, update, and in some cases, obtain approval of oil spill response plans. Executive Order 12777 delegated responsibility to the Secretary of Transportation for certain transportation-related facilities. The Secretary of Transportation delegated the authority to promulgate regulations to PHMSA and provides FRA the approval authority for railroad OSRPs.

Alternatives: In the NPRM, alternatives analyzed included ''no change'' and changing the applicability threshold to analyze the impact to affected entities. Under the ''no change'' alternative we would not proceed with any rulemaking on this subject and the current regulatory standards would remain in effect. DOT is continuing to research these topics and evaluate comment feedback prior to the final rule. DOT expects the highest ranked options will be low cost and most effective at improving planning and preparedness.

Anticipated Cost and Benefits: In the NPRM, PHMSA performed a breakeven analysis by identifying the number of gallons of oil that the NPRM would need to prevent from being spilled in order for its benefits to at least equal its estimated costs. Additional benefits may also be incurred due to ecological and human health improvements that may not be captured in the value of the avoided cost of spilled oil. In the NPRM PHMSA estimated the rule is cost-effective if the requirements reduce the consequences of oil spills by 4.9 percent with ten-year costs estimated at $21,702,175 and annualized costs of $3,089,901(using a 7 percent discount rate). PHMSA faced data uncertainties that limited our ability to estimate the benefits of the proposed rule, and is continuing to analyze anticipated costs and benefits for the final rule.

Risks: PHMSA expects this rulemaking to mitigate the effects of potential train accidents involving the release of flammable liquid energy products by increasing planning and preparedness.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/14	79 FR 45079
ANPRM Comment Period End.	09/30/14	
NPRM	07/29/16	81 FR 50067
NPRM Comment Period End.	09/27/16	
Final Rule	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: HM–251B; SB–N, IC–N, SLT–N;

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

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Related RIN: Related to 2137–AE91, Related to 2137–AF07.

RIN: 2137–AF08

DOT—PHMSA

86. +Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 44701; 49 U.S.C. 5103(b); 49 U.S.C. 5120(b)

CFR Citation: 49 CFR 172; 49 CFR 173.

Legal Deadline: None.

Abstract: This rulemaking would amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) applicable to the transport of lithium cells and batteries by aircraft. The IFR contains three amendments: (1) a prohibition on the transport of lithium ion cells and batteries as cargo on passenger aircraft; (2) a requirement that lithium ion cells and batteries be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft; and (3) a limitation on the use of alternative provisions for small lithium cell or battery shipments to one package per consignment or overpack. These amendments are consistent with three emergency amendments to the 2015–2016 International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions).

Statement of Need: This rule is necessary to address an immediate safety hazard and harmonize the US HMR with emergency amendments to the 2015–2016 edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). FAA research has shown that air transportation of lithium ion batteries poses a safety risk. We are issuing this rule to (1) prohibit the transport of lithium ion cells and batteries as cargo on passenger aircraft; (2) require all lithium ion cells and batteries to be shipped at not more than a 30 percent state of charge on cargo-only aircraft; and (3) limit the use of alternative provisions for small lithium cell or battery shipments under 49 CFR 173.185(c).

Summary of Legal Basis: This rule is published under the authority of the Federal Hazardous Materials Transportation Law, 49 U.S.C. 5101 *et seq.* Section 5103(b) authorizes the Secretary of Transportation to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. This rule revises regulations for the safe transport of lithium batteries by air and the protection of aircraft operators and the flying public.

Alternatives: In this rulemaking, PHMSA considered the following three alternatives: (1) PHMSA adopts all of the amendments presented in the rule; (2) a No Action alternative; and (3) a Partial Harmonization alternative.

Anticipated Cost and Benefits: Based on the analysis described in this RIA, at the mean, PHMSA estimates the present value costs about $39.4 million over 10 years and about $5.6 million annualized (at a seven percent discount rate). Based on the estimated average 10-year cost of $39.4 million discounted at seven percent and the average 10-year VSL value of $6.74 million discounted at seven percent, this rule would need to prevent more than 5.9 fatalities ($39.4 million/$6.74 million) over the next 10 years for the benefits to exceed the quantified costs.

Risks: PHMSA expects the rule will improve safety for flight crews, air cargo operators, and the public as a result of the state of charge requirement and the consignment and overpack restriction by reducing the possibility of fire on cargo-only aircraft. Additionally, the rule will harmonize the prohibition of lithium ion batteries as cargo on passenger aircraft and eliminate the possibility of a package of lithium ion batteries causing or contributing to a fire in the cargo hold of a passenger aircraft.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: HM–224I;.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

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RIN: 2137–AF20

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Statement of Regulatory Priorities

The primary missions of the Department of the Treasury are:

- To promote prosperous and stable American and world economies, including promoting domestic economic growth and maintaining our Nation's leadership in global economic issues, supervising national banks and thrift institutions, and helping to bring residents of distressed communities into the economic mainstream.
- To manage the Government's finances by protecting the revenue and collecting the correct amount of revenue under the Internal Revenue Code, overseeing customs revenue policies, financing the Federal Government and managing its fiscal operations, and producing our Nation's coins and currency.
- To safeguard the U.S. and international financial systems from those who would use these systems for illegal purposes or to compromise U.S. national security interests, while keeping them free and open to legitimate users.

Consistent with these missions, most regulations of the Department and its constituent bureaus are promulgated to interpret and implement the laws as enacted by Congress and signed by the President. It is the policy of the Department to comply with applicable requirements to issue a notice of proposed rulemaking and carefully consider public comments before adopting a final rule. Also, the Department invites interested parties to submit views on rulemaking projects while a proposed rule is being developed.

To the extent permitted by law, it is the policy of the Department to adhere to the regulatory philosophy and principles set forth in Executive Orders 12866, 13563, 13609, and 13771 and to develop regulations that maximize aggregate net benefits to society while minimizing the economic and paperwork burdens imposed on persons and businesses subject to those regulations.

Treasury is still in the process of evaluating its deregulatory and regulatory actions for FY 2018. At this time, Treasury anticipates possibly up to 25 deregulatory actions, and 2 regulatory actions. Further information about these actions can be found in this Regulatory Plan and Unified Agenda.

I. Alcohol and Tobacco Tax and Trade Bureau

The Alcohol and Tobacco Tax and Trade Bureau (TTB) issues regulations to implement and enforce Federal laws relating to alcohol, tobacco, firearms, and ammunition excise taxes and certain non-tax laws relating to alcohol. TTB's mission and regulations are designed to:

(1) Collect the taxes on alcohol, tobacco products, firearms, and ammunition;

(2) Protect the consumer by ensuring the integrity of alcohol products; and

(3) Prevent unfair and unlawful market activity for alcohol and tobacco products.

As part of TTB's ongoing efforts to modernize its regulations, TTB continuously seeks to identify changes in the industries it regulates, as well as new technologies available in compliance enforcement. TTB's modernization efforts focus on removing outdated requirements and revising regulations to facilitate industry growth and reduce burdens where possible. At the same time, TTB must ensure that it collects the revenue due and protects consumers from deceptive labeling and advertising of alcohol beverages.

In FY 2018, TTB will continue its multi-year Regulations Modernization effort by prioritizing projects that reduce regulatory burdens, provide greater industry flexibility, and streamline the regulatory system, consistent with Executive Orders 13771 and 13777. TTB rulemaking priorities also include proposing regulatory changes in response to petitions from industry members and other interested parties, and requesting comments on ways TTB may further reduce burden and support a level playing field for the regulated industry. Specifically, during the fiscal year, TTB plans to publish a deregulatory final rule, following a notice published in FY 2017, which reduces the number of reports submitted by certain regulated industry members. TTB also plans to publish for public comment proposed deregulatory changes to reduce the information it requires in connection with permit applications and to expand industry flexibility with regard to alcohol beverage container sizes (standards of fill). Some changes will require amending regulations and others will require only changes to the information collected on forms. Priority projects also include continuing the rulemaking issued in FY 2017 in response to industry member petitions to authorize new wine treating materials and processes, new grape varietal names for use on labels of wine, and new American Viticultural Areas (AVAs). None of the TTB rulemaking documents issued in FY 2018 are expected to be ''regulatory actions'' as described in Executive Order 13771.

This fiscal year TTB plans to give priority to the following deregulatory and regulatory measures:

• *Proposal To Streamline and Modernize Permit Application Process (RINs: 1513–AC46, 1513–AC47, 1513–AC48, and 1513–AC49, Modernization of Permit and Registration Application Requirements for Distilled Spirits Plants, Permit Applications for Wineries, Qualification Requirements for Brewers, and Permit Application Requirements for Manufacturers of Tobacco Products or Processed Tobacco, respectively). (Deregulatory)*

Consistent with E.O. 13771 and 13777, in FY 2017, TTB engaged in a review of its regulations to identify any regulatory requirements that could potentially be eliminated, modified, or streamlined in order to reduce burdens on industry. Through four notices of proposed rulemaking, TTB intends to propose eliminating or streamlining various information requirements for application or qualification of distilled spirits plants, wineries, breweries, and manufacturers of tobacco products or processed tobacco. In addition, TTB continues to review comments it receives from the interested public, including industry members, through the Treasury Department's Request for Information on deregulatory ideas (Docket No. TREAS–DO–2017–0012, published in the **Federal Register** on June 14, 2017), and TTB intends to address those related to application and qualification processes through these notices.

• *Proposed Revisions to the Regulations To Provide Greater Flexibility in the Use of Wine and Distilled Spirits Containers (RIN: 1513–AB56, Standards of Fill for Wine, and RIN: 1513–AC45, Standards of Fill for Distilled Spirits). (Deregulatory)*

In these two notices, TTB will address petitions requesting that it amend regulations governing wine and distilled spirits containers to provide for additional authorized ''standards of fill.'' (The term ''standard of fill'' generally relates to the size of containers, although the specific regulatory meaning is the authorized amount of liquid in the container, rather than the size or capacity of the container itself.) Rather than proposing the addition of new authorized sizes, however, TTB will propose to eliminate all but minimum and maximum standards of fill for distilled spirits containers, and all but a minimum standard of fill for wine containers. If implemented, this proposal would provide industry members greater flexibility in producing and sourcing containers and consumers broader purchasing options. This deregulatory action would also eliminate restrictions that inhibit competition and the movement of goods in domestic and international commerce, in addition to providing new opportunities for meeting consumer demand.

• *Revisions to the Regulations To Reduce Report Filing Frequency (RIN: 1513–AC30, Changes to Certain Alcohol-Related Regulations Governing Bond Requirements and Tax Return Filing Periods). (Deregulatory)*

On December 18, 2015, President Obama signed into law the Protecting Americans from Tax Hikes Act (PATH Act), which is Division Q of the Consolidated Appropriations Act, 2016. The PATH Act contains changes to certain statutory provisions that TTB administers in the Internal Revenue Code regarding excise tax return due dates and bond requirements for certain smaller excise taxpayers. These amendments took effect beginning in January 2017, and TTB published a temporary rule amending its regulations to implement these provisions. At the same time, TTB published in the **Federal Register** (82 FR 780) a notice of proposed rulemaking requesting comments on the amendments made in the temporary rule and proposing further amendments to the regulations governing reporting requirements for distilled spirits plants (DSPs) and breweries to reduce the regulatory burden on industry members who pay taxes and file tax returns annually or quarterly. Under the proposal, those industry members would also submit reports annually or quarterly, aligned with their filing of the tax return, rather than monthly as generally provided under current regulations. To be eligible for annual or quarterly filing, the DSP or brewery must reasonably expect to be liable for not more than $1,000 in excise taxes (in the case of annual filing) or $50,000 in excise taxes (in the case of quarterly filing) for the calendar year and must have been liable for not more than these respective amounts in the preceding calendar year. The reduced reporting frequency will reduce regulatory burdens on these smaller industry members.

• *Proposal to Modernize the Alcohol Beverage Labeling and Advertising Requirements (RIN: 1513–AB54). (Deregulatory)*

The Federal Alcohol Administration Act requires that alcohol beverages introduced in interstate commerce have a label issued and approved under regulations prescribed by the Secretary of the Treasury. In accordance with the mandate of Executive Order 13563 of January 18, 2011, regarding improving regulation and regulatory review, TTB conducted an analysis of its alcohol beverage labeling regulations to identify any that might be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with that analysis. These regulations were also reviewed to assess their applicability to the modern alcohol beverage

marketplace. As a result of this review, and further review in FY 2017 consistent with Executive Orders 13771 and 13777, regarding reducing regulatory burdens, in FY 2018, TTB plans to propose revisions to consolidate and modernize the regulations concerning the labeling requirements for wine, distilled spirits, and malt beverages. TTB anticipates that these regulatory changes will assist industry in voluntary compliance, decrease industry burden, and result in the regulated industries being able to bring products to market without undue delay. TTB also anticipates that this notice for public comment will give industry members another opportunity to provide comments and suggestions on any additional deregulatory measures in these areas.

In FY 2018, TTB intends to bring to completion a number of rulemaking projects published as notices of proposed rulemaking in FY 2017 in response to industry member petitions to amend the TTB regulations:

• *Proposal to Amend the Regulations to Authorize the Use of Additional Wine Treating Materials (RIN: 1513–AB61). (Not significant)*

In FY 2017, TTB proposed to amend its regulations pertaining to the production of wine to authorize additional treatments that may be applied to wine and to juice from which wine is made. These proposed amendments were made in response to requests from wine industry members to authorize certain wine treating materials and processes not currently authorized by TTB regulations. Although TTB may administratively approve such treatments, rulemaking may serve several purposes, including acceptance of exported wine made using those treatments in foreign markets. Administrative approval of a wine treatment does not guarantee acceptance in foreign markets of any wine so treated, and conducting rulemaking and adding wine treating materials and processes to TTB regulations through notice and comment rulemaking results in acceptance of the treated wines in certain foreign jurisdictions. TTB intends to reopen the comment period for the FY 2017 notice, as requested by industry members and, after consideration of the comments, issue a final rule.

• *Proposal to Amend the Regulations to Add New Grape Variety Names for American Wines (RIN: 1513–AC24). (Not significant)*

In FY 2017, TTB proposed to amend its wine labeling regulations by adding a number of new names to the list of grape variety names approved for use in designating American wines. The proposed deregulatory amendments would allow wine bottlers to use these additional approved grape variety names on wine labels and in wine advertisements. TTB intends to reopen the comment period for the FY 2017 notice, as requested by industry members and, after consideration of the comments, issue a final rule.

II. Customs Revenue Functions

The Homeland Security Act of 2002 (the Act) provides that, although many functions of the former United States Customs Service were transferred to the Department of Homeland Security, the Secretary of the Treasury retains sole legal authority over customs revenue functions. The Act also authorizes the Secretary of the Treasury to delegate any of the retained authority over customs revenue functions to the Secretary of Homeland Security. By Treasury Department Order No. 100–16, the Secretary of the Treasury delegated to the Secretary of Homeland Security authority to prescribe regulations pertaining to the customs revenue functions subject to certain exceptions, but further provided that the Secretary of the Treasury retained the sole authority to approve such regulations.

During fiscal year 2018, CBP and Treasury plan to give priority to regulatory matters involving the customs revenue functions which streamline CBP procedures, protect the public, or are required by either statute or Executive Order. The examples of these efforts described below are exempt from Executive Order 13771 as they are non-significant rules as defined by Executive Order. Examples of these efforts are described below.

• *Investigation of Claims of Evasion of Antidumping and Countervailing Duties.* (*Not significant)*

Treasury and CBP plan to finalize interim regulations (81 FR 56477) which amended CBP regulations implementing section 421 of the Trade Facilitation and Trade Enforcement Act of 2015, which set forth procedures to investigate claims of evasion of antidumping and countervailing duty orders.

• *Drawback. (Economically significant; not yet determined)*

Treasury and CBP plan to amend CBP regulations to implement changes to the drawback law contained in section 906 of the Trade Facilitation and Trade Enforcement Act of 2015. These proposed changes to the regulations will liberalize the standard for substituting merchandise, simplify recordkeeping requirements, extend and standardize timelines for filing drawback claims, and require the electronic filing of drawback claims.

• *Enforcement of Copyrights and the Digital Millennium Copyright Act. (Significance not yet determined)*

Treasury and CBP plan to propose amendments to the CBP regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws, including the Digital Millennium Copyright Act (DMCA), in accordance with Title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and Executive Order 13785 ''Establishing Enhanced Collection and Enforcement of Anti-dumping and Countervailing Duties and Violations of Trade and Customs Laws.'' The proposed amendments are intended to enhance CBP's enforcement efforts against increasingly sophisticated piratical goods, clarify the definition of piracy, simplify the detention process relative to goods suspected of violating the copyright laws, and prescribe new regulations enforcing the DMCA.

• *Inter-Partes Proceedings Concerning Exclusion Orders Based on Unfair Practices in Import Trade. (Deregulatory)*

Treasury and CBP plans to publish a proposal to amend its regulations with respect to administrative rulings related to the importation of articles in light of exclusion orders issued by the United States International Trade Commission (''Commission'') under section 337 of the Tariff Act of 1930, as amended. The proposed amendments seek to promote the speed, accuracy, and transparency of such rulings through the creation of an *inter partes* proceeding to replace the current *ex parte* process.

III. Financial Crimes Enforcement Network

As administrator of the Bank Secrecy Act (BSA), the Financial Crimes Enforcement Network (FinCEN) is responsible for developing and implementing regulations that are the core of the Department's anti-money laundering (AML) and counter-terrorism financing efforts. FinCEN's responsibilities and objectives are linked to, and flow from, that role. In fulfilling this role, FinCEN seeks to enhance U.S. national security by making the financial system increasingly resistant to abuse by money launderers, terrorists and their financial supporters, and other perpetrators of crime.

The Secretary of the Treasury, through FinCEN, is authorized by the BSA to issue regulations requiring financial institutions to file reports and keep records that are determined to

have a high degree of usefulness in criminal, tax, or regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism. The BSA also authorizes requiring designated financial institutions to establish AML programs and compliance procedures. To implement and realize its mission, FinCEN has established regulatory objectives and priorities to safeguard the financial system from the abuses of financial crime, including terrorist financing, money laundering, and other illicit activity.

These objectives and priorities include: (1) Issuing, interpreting, and enforcing compliance with regulations implementing the BSA; (2) supporting, working with, and as appropriate, overseeing compliance examination functions delegated to other Federal regulators; (3) managing the collection, processing, storage, and dissemination of data related to the BSA; (4) maintaining a government-wide access service to that same data and for network users with overlapping interests; (5) conducting analysis in support of policymakers, law enforcement, regulatory and intelligence agencies, and the financial sector; and (6) coordinating with and collaborating on anti-terrorism and AML initiatives with domestic law enforcement and intelligence agencies, as well as foreign financial intelligence units.

FinCEN's regulatory priorities for fiscal year 2018, include:

• *Technical Amendment to the Customer Due Diligence Requirements. (Not significant)*

On May 11, 2016, FinCEN issued Final Rules under the BSA to clarify and strengthen customer due diligence requirements for banks, brokers or dealers in securities, mutual funds, and futures commission merchants and introducing brokers in commodities. The rules contain explicit customer due diligence requirements and include a new regulatory requirement to identify beneficial owners of legal entity customers, subject to certain exemptions. The section of the rule detailing the training requirements for mutual funds was inadvertently omitted from the final rule. This technical amendment will rectify the inadvertent omission and will update several references and terminology.

• *Report of Foreign Bank and Financial Accounts. (Deregulatory)*

On March 10, 2016, FinCEN issued a Notice of Proposed Rulemaking to address requests from filers for clarification of certain requirements regarding the Report of Foreign Bank and Financial Accounts, including requirements with respect to employees, who have signature authority over, but no financial interest in, the foreign financial accounts of their employers.

• *Amendments to the Definitions of Broker or Dealer in Securities. (Regulatory)*

On April 4, 2016, FinCEN issued a Notice of Proposed Rulemaking proposing amendments to the regulatory definitions of broker or dealer in securities under the BSA's regulations. The proposed changes would expand the current scope of the definitions to include funding portals and would require them to implement policies and procedures reasonably designed to achieve compliance with all of the BSA's requirements that are currently applicable to brokers or dealers in securities.

• *Anti-Money Laundering Program Requirements for Banks Lacking a Federal Functional Regulator. (Regulatory)*

On August 25, 2016, FinCEN issued a Notice of Proposed Rulemaking to remove the AML program exemption for banks that lack a Federal functional regulator, including, but not limited to, private banks, non-federally insured credit unions, and certain trust companies. The proposed rule would prescribe minimum standards for AML programs and would ensure that all banks, regardless of whether they are subject to Federal regulation and oversight, are required to establish and implement AML programs.

• *Anti-Money Laundering Program and SAR Requirements for Investment Advisers. (Regulatory)*

On August 25, 2015, FinCEN published in the **Federal Register** a Notice of Proposed Rulemaking to solicit public comment on proposed rules under the BSA that would prescribe minimum standards for anti-money laundering programs to be established by certain investment advisers and to require such investment advisers to report suspicious activity to FinCEN. FinCEN is considering those comments and preparing a Final Rule.

• *Registration Requirements of Money Services Businesses. (Regulatory)*

FinCEN is considering issuing a Notice of Proposed Rulemaking amending the registration requirements for money services businesses.

• *Changes to the Travel and Recordkeeping Requirements for Funds Transfers and Transmittals of Funds. (Regulatory)*

FinCEN is considering regulatory changes that would require financial institutions to collect and maintain more information regarding funds transfers and transmittals of funds, as well as lower the existing recordkeeping threshold.

• *Changes to the Currency and Monetary Instrument Report (CMIR) Reporting Requirements. (Significance not yet determined)*

FinCEN will research, obtain, and analyze relevant data to validate the need for changes aimed at updating and improving the CMIR and ancillary reporting requirements. Possible areas of study to be examined could include current trends in cash transportation across international borders, transparency levels of physical transportation of currency, the feasibility of harmonizing data fields with bordering countries, and information derived from FinCEN's experience with Geographic Targeting Orders.

• *Other Requirements.*

FinCEN also will continue to issue proposed and final rules pursuant to section 311 of the USA PATRIOT Act, as appropriate. Finally, FinCEN expects that it may propose various technical and other regulatory amendments in conjunction with ongoing efforts with respect to a comprehensive review of existing regulations to enhance regulatory efficiency.

IV. Bureau of the Fiscal Service

The Bureau of the Fiscal Service (Fiscal Service) administers regulations pertaining to the Government's financial activities, including: (1) Implementing Treasury's borrowing authority, including regulating the sale and issue of Treasury securities; (2) administering Government revenue and debt collection; (3) administering Government wide accounting programs; (4) managing certain Federal investments; (5) disbursing the majority of Government electronic and check payments; (6) assisting Federal agencies in reducing the number of improper payments; and (7) providing administrative and operational support to Federal agencies through franchise shared services.

During fiscal year 2018, the Fiscal Service will accord priority to the following regulatory projects:

• *Offset of Tax Refund Payments to Collect Past-Due Support. (Not significant)*

On December 30, 2015, the Fiscal Service published an Interim Final Rule, with request for comments, limiting the time period during which Treasury may recover certain tax refund offset collections from States to six months from the date of such collection. Previously, there was no time limit to recoup offset amounts that were collected from tax refunds to which the

debtor taxpayer was not entitled. The Fiscal Service anticipates publishing a Final Rule for this time limit for such recoupments in fiscal year 2018.

• *Management of Federal Agency Receipts, Disbursements and Operation of the Cash Management Improvements Fund. (Significance not yet determined)*

The Fiscal Service plans to publish a notice of proposed rulemaking to amend 31 CFR part 206 governing the collection of public money, along with a request for public comments. This notice will propose implementing statutory authority which mandates that some or all nontax payments made to the Government, and accompanying remittance information, be submitted electronically. Receipt of such items electronically offers significant efficiencies and cost-savings to the government, compared to the receipt of cash, check or money order payments.

• *Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares). (Not significant)*

The Fiscal Service plans to amend the savings bond payment regulations in 31 CFR part 321 to formally add an option for paying agent financial institutions to digitally stamp payment information on paid bond images, instead of physically stamping the information on the original paid bonds. This change will not impose any new burden on banks or customers, and will align the regulation with current practice that has been implemented under waiver authority. The Fiscal Service also plans to amend the paper savings bond regulations to eliminate the current conversion and reissue transactions, which are expensive to process.

V. Office of the Comptroller of the Currency

The Office of the Comptroller of the Currency (OCC) charters, regulates, and supervises all national banks and Federal savings associations (FSAs). The agency also supervises the Federal branches and agencies of foreign banks. The OCC's mission is to ensure that national banks and FSAs operate in a safe and sound manner, provide fair access to financial services, treat customers fairly, and comply with applicable laws and regulations.

Regulatory priorities for fiscal year 2018 include the following regulatory actions:

• *Regulatory Capital Rules: Retention of Existing Transition Levels for Certain Regulatory Capital Adjustments and Deductions (12 CFR part 3).*

The banking agencies [1] issued a final rule that would extend the current treatment under the regulatory capital rules (capital rules) for certain regulatory capital deductions and risk weights and certain minority interest requirements as they apply to banking organizations that are not subject to the advanced approaches capital rules (non-advanced approaches banking organizations). Specifically, for non-advanced approaches banking organizations, the agencies extended the current regulatory capital treatment of: mortgage servicing assets; deferred tax assets arising from temporary differences that could not be realized through net operating loss carrybacks; significant investments in the capital of unconsolidated financial institutions in the form of common stock; non-significant investments in the capital of unconsolidated financial institutions; significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock; and common equity tier 1 minority interest, tier 1 minority interest, and total capital minority interest exceeding the capital rules' minority interest limitations. The proposed rule was published on August 25, 2017, 82 FR 40495. The final rule was issued on November 21, 2017, 82 FR 55309.

• *Appraisal Threshold (12 CFR part 34).*

The banking agencies plan to issue a final rule addressing comments received through the process of regulatory review required by the Economic Growth and Regulatory Paperwork Reduction Act of 1996 Amendments (EGRPRA), concerning the regulatory burden associated with appraisals. The rulemaking would expand the current exemption in the interagency rules for appraisals of commercial properties by increasing the appraisal threshold in 12 CFR part 34 (and in the corresponding regulations of the FDIC and FRB), which is currently set at $250,000. The proposed rule was published on July 31, 2017, 82 FR 35478.

• *Securities Transaction Settlement Cycle (12 CFR parts 12 and 151).*

The OCC and FDIC plan to issue a final rule to shorten the standard settlement cycle for certain securities purchased or sold by national banks, federal savings associations, and FDIC-supervised institutions. The proposed rule was published on September 11, 2017, 82 FR 42619.

[1] OCC, Board of Governors of the Federal Reserve System (Board), and Federal Deposit Insurance Corporation (FDIC).

• *Loans in Areas Having Special Flood Hazards-Private Flood Insurance (12 CFR part 22).*

The banking agencies, the Farm Credit Administration (FCA), and the National Credit Union Administration (NCUA) plan to issue a final rule to amend their regulations regarding loans in areas having special flood hazards to implement the private flood insurance provisions of the Biggert-Waters Flood Insurance Reform Act of 2012. The proposed rule was published on November 7, 2016, 81 FR 78063.

• *Enhanced Cyber Risk Management Standards (12 CFR part 30).*

The banking agencies plan to issue a notice of proposed rulemaking setting forth enhanced cyber risk management standards for the largest and most interconnected financial organizations in the United States. The advance notice of proposed rulemaking was published on October 26, 2016, 81 FR 74315.

• *Incentive-Based Compensation Arrangements (12 CFR part 42).*

Section 956 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, July 21, 2010) (Dodd-Frank Act) requires the banking agencies, NCUA, Securities and Exchange Commission (SEC), and the Federal Housing Finance Agency (FHFA) to jointly prescribe regulations or guidance prohibiting any type of incentive-based payment arrangement, or any feature of any such arrangement, that the regulators determine encourages inappropriate risks by covered financial institutions by providing an executive officer, employee, director, or principal shareholder with excessive compensation, fees, or benefits, or that could lead to material financial loss to the covered financial institution. The Dodd-Frank Act also requires such agencies jointly to prescribe regulations or guidelines requiring each covered financial institution to disclose to its regulator the structure of all incentive-based compensation arrangements offered by such institution sufficient to determine whether the compensation structure provides any executive officer, employee, director, or principal shareholder with excessive compensation or could lead to material financial loss to the institution. The proposed rule was published on June 10, 2016, 81 FR 37669.

• *Mandatory Contractual Stay Requirements for Qualified Financial Contracts (12 CFR parts 3, 47, and 50).*

The OCC plans to issue a final rule that mitigates potential negative impacts that could result from the disorderly resolution of certain systemically important national banks, Federal savings associations, Federal branches

and agencies, and the subsidiaries of these entities. A covered bank would be required to ensure that a covered qualified financial contract (i) contains a contractual stay-and-transfer provision analogous to the statutory stay-and-transfer provisions imposed under title II and the Federal Deposit Insurance Act and (ii) limits the exercise of default rights based on the insolvency of an affiliate of the covered bank. The proposed rule was published on August 19, 2016, 81 FR 55381.

• *Net Stable Funding Ratio (12 CFR part 50).*

The banking agencies plan to issue a final rule to implement the Basel net stable funding ratio standards. These standards would require large, internationally active banking organizations to maintain sufficient stable funding to support their assets, generally over a one-year time horizon. The proposed rule was published on June 1, 2016, 81 FR 35123.

• *Qualifying Master Netting Agreement (12 CFR part 3).*

The OCC plans to finalize its interim final rule to amend the definition of ''qualifying master netting agreement'' under its regulatory capital and liquidity coverage ratio rule, as well as under its lending limits rule applicable to national banks and FSAs. The interim final rule was published on December 30, 2014, 79 FR 78287.

• *Community Reinvestment Act Regulations (12 CFR parts 25 and 195).*

The banking agencies issued a final rule to amend the home mortgage loan and consumer loan definitions in their regulations implementing the Community Reinvestment Act (CRA) to conform to recent changes made by the CFPB to Regulation C, which implements the Home Mortgage Disclosure Act (HMDA) and make some additional technical revisions. The proposed rule was published on September 20, 2017, 82 FR 43910. The final rule was issued on November 24, 2017, 82 FR 55734.

• *Proprietary Trading and Certain Interests in and Relationships with Covered Funds (12 CFR part 44).*

In light of the 2017 Treasury Report, the OCC expects to issue a proposed rule to amend certain provisions of part 44.

• *Management Official Interlocks Asset Thresholds (12 CFR part 26).*

The OCC plans to issue a direct final rule, through joint action with the FRB and FDIC that would amend agency regulations interpreting the Depository Institution Management Interlocks Act (DIMIA) to increase the asset thresholds based on inflation or market changes. The current asset thresholds are set at $2.5 billion and $1.5 billion.

• *Customer Due Diligence (12 CFR part 21).*

The banking agencies plan to issue an interim final rule to clarify the applicability of recent amendments to the Financial Crimes Enforcement Network (FinCEN) customer due diligence rules to the depository institutions under their supervision. FinCEN expanded its customer due diligence requirements for covered financial institutions, including banks, brokers or dealers in securities, mutual funds, and futures commission merchants and introducing brokers in commodities (FinCEN Rule). As part of that rulemaking, FinCEN amended the elements of the anti-money laundering program financial institutions must implement and maintain in order satisfy program requirements under 31 U.S.C. 5318(h)(1) and the agencies are amending their anti-money laundering program rules to reference requirements in the FinCEN Rule.

• *Capital Simplification (12 CFR part 3).*

The banking agencies issued a proposed rule to simplify the generally applicable capital framework with the goal of meaningfully reducing regulatory burden on community banking organizations while at the same time maintaining safety and soundness and the quality and quantity of regulatory capital in the banking system. The proposed rule was issued on October 27, 2017, 82 FR 49984.

• *Automated Valuation Models (parts 34 and 164).*

The banking agencies, NCUA, FHFA, and the Consumer Financial Protection Bureau (CFPB), in consultation with the Appraisal Subcommittee (ASC) and the Appraisal Standards Board of the Appraisal Foundation, are required to promulgate regulations addressing quality-control standards required under the statute. Section 1473(q) of the Dodd-Frank Act requires that automated valuation models used to estimate collateral value in connection with mortgage origination and securitization activity, comply with quality-control standards designed to ensure a high level of confidence in the estimates produced by automated valuation models; protect against manipulation of data; seek to avoid conflicts of interest; require random sample testing and reviews; and account for other factors the agencies deem appropriate. The agencies plan to issue a proposed rule to implement the requirement to adopt quality-control standards.

• *Source of Strength (12 CFR part 47).*

The banking agencies plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Act. Section 616(d) requires that bank holding companies, savings and loan holding companies, and other companies that directly or indirectly control an insured depository institution serve as a source of strength for the insured depository institution. The appropriate federal banking agency for the insured depository institution may require that the company submit a report that would assess the company's ability to comply with the provisions of the statute and its compliance.

• *Employment Contracts (12 CFR part 163).*

The OCC plans to issue a proposed rule to remove the requirement that the board of directors of an FSA approve employment contracts with all employees and limit the approval requirement only to contracts with senior executives.

• *Receiverships for Uninsured Federal Branches and Agencies (12 CFR chapter I).*

The OCC plans to issue an advance notice of proposed rulemaking setting forth key issues to be addressed prior to the development of a framework for receiverships of uninsured federal branches and agencies.

VI. Internal Revenue Service

During Fiscal Year 2018, the IRS and Treasury's Office of Tax Policy have the following regulatory priorities. The first priority is to implement, consistent with law, actions recommended in the Second Report pursuant to Executive Order 13789 to eliminate, or in other cases reduce, the burdens imposed on taxpayers by eight regulations that the Treasury has identified for review under Executive Order 13789. These deregulatory actions include:

1. Withdrawal of proposed regulations under section 2704 regarding restrictions on liquidation of an interest for estate, gift, and generation-skipping transfer taxes. Proposed regulations were published on August 4, 2016.

2. Withdrawal of proposed regulations under section 103 regarding the definition of political subdivision. Proposed regulations were published on February 23, 2016.

3. Proposed amendment of regulations under section 7602 regarding the participation of attorneys described in section 6103(n) in a summons interview. Final regulations were published on July 14, 2016.

4. Proposed removal of temporary regulations under section 707 concerning treatment of liabilities for disguised sale purposes and review of

regulations under section 752 concerning liabilities recognized as recourse partnership liabilities. Temporary and proposed regulations were published on October 5, 2016.

5. Delay and proposed removal of documentation regulations under section 385 and review of other regulations under section 385. Final, temporary, and proposed regulations were published on October 21, 2016.

6. Proposed modification of regulations under section 367 regarding the treatment of certain transfers of property to foreign corporations. Final regulations were published on December 16, 2016.

7. Proposed modification of regulations under section 337(d) regarding certain transfers of property to regulated investment companies (RICs) and real estate investment trusts (REITs). Temporary and proposed regulations were published on June 8, 2016.

8. Proposed modification of regulations under section 987 on income and currency gain or loss with respect to a section 987 qualified business unit. Final regulations were published on December 8, 2016.

The second priority is, in furtherance of the policies stated in Executive Order 13789, Executive Order 13771, and Executive Order 13777, to undertake a comprehensive review, coordinated by the Treasury Regulatory Reform Task Force, of all tax regulations, regardless of when they were issued. This review will identify tax regulations that are unnecessary, create undue complexity, impose excessive burdens, or fail to provide clarity and useful guidance, and Treasury and the IRS will pursue, consistent with law, reform or revocation of those regulations. Included in the review are longstanding temporary or proposed regulations that have not expired or been finalized. As part of the process coordinated by the Treasury Regulatory Reform Task Force, the IRS Office of Chief Counsel has already identified over 300 regulations for potential revocation. These regulations remain in the Code of Federal Regulations (CFR) but are, to varying degrees, unnecessary, duplicative, or outdated, and force taxpayers to navigate unnecessarily complex or even confusing rules. Treasury and the IRS expect to begin the process of proposing to address these regulations in the fourth quarter of 2017. Treasury and the IRS are also seeking to streamline rules where possible and to repeal or revise regulations that have been superseded by statute or case law.

The IRS and Treasury are also prioritizing implementation of the President's Executive Order 13813, Promoting Healthcare Choice and Competition Across the United States. The Executive Order, among other things, directs Treasury and the Departments of Labor and Health and Human Services to consider proposing or revising regulations or guidance to expand the availability of short-term, limited-duration insurance and consider proposing or revising regulations or guidance to increase the usability of health reimbursement arrangements.

An additional priority for the IRS is to publish final regulations under section 1101 of the Bipartisan Budget Act of 2015 (BBA) that are necessary to implement the new centralized partnership audit regime enacted in November 2015. Section 1101(g)(1) of the BBA provides that the new regime is generally effective for partnership tax years beginning after December 31, 2017.

Finally, Treasury and the IRS anticipate the need to undertake numerous regulatory actions to implement any new legislation enacted in the coming year, including the Administration's current Tax Reform efforts.

BILLING CODE 4810–25–S

DEPARTMENT OF VETERANS AFFAIRS (VA)

Statement of Regulatory Priorities

The Department of Veterans Affairs (VA) administers benefit programs that recognize the important public obligations to those who served this Nation. VA's regulatory responsibility is almost solely confined to carrying out mandates of the laws enacted by Congress relating to programs for veterans and their families. VA's major regulatory objective is to implement these laws with fairness, justice, and efficiency.

Most of the regulations issued by VA involve at least one of three VA components: The Veterans Benefits Administration, the Veterans Health Administration, and the National Cemetery Administration. The primary mission of the Veterans Benefits Administration is to provide high-quality and timely nonmedical benefits to eligible veterans and their dependents. The primary mission of the Veterans Health Administration is to provide high-quality health care on a timely basis to eligible veterans through its system of medical centers, nursing homes, domiciliaries, and outpatient medical and dental facilities. The primary mission of the National Cemetery Administration is to bury eligible veterans, members of the Reserve components, and their dependents in VA National Cemeteries and to maintain those cemeteries as national shrines in perpetuity as a final tribute of a grateful Nation to commemorate their service and sacrifice to our Nation.

(1.) VA Regulatory Priorities

RIN	Title	Summary of Rulemaking
AO88	Per Diem Paid to States for Care of Eligible Veterans in State Homes.	This rulemaking would adopt as final, with changes, proposed amendments to VA's regulations governing payment of per diem to State Veterans homes for nursing home care, domiciliary care, and adult day health care for eligible veterans. This rulemaking would also reorganize, update, and clarify State Veterans homes regulations, authorize greater flexibility in adult day health care programs, and establish regulations regarding domiciliary care, with clarifications regarding the care that State homes must provide to veterans in domiciliaries.
AP46	Prosthetic and Rehabilitative Items and Services.	The Department of Veterans Affairs (VA) proposes to amend its regulations related to providing prosthetic and rehabilitative items as medical services to veterans. These amendments would reorganize and update the current regulations. Substantively, these amendments would primarily clarify eligibility criteria for prosthetic and other rehabilitative items and services, and would define the types of items and services available to eligible veterans.

RIN	Title	Summary of Rulemaking
AP89	Change in rates that VA pays for ambulance travel.	This document proposes amendments to the Department of Veterans Affairs (VA) regulations concerning beneficiary travel. The revisions would update the regulations to conform to a statute that authorizes VA to pay the lesser of the actual cost of ambulance transportation or the amount determined by the ambulance travel fee schedule established by Centers for Medicare and Medicaid, unless VA has entered into a contract for that ambulance transportation.
AQ06	Authority of Health Care Providers to Practice Telehealth.	To continue to provide high quality health care to veterans, the Department of Veterans Affairs (VA) is amending its regulations to allow VA health care providers who are licensed, registered, or certified in ''a State'' to practice their medical specialty in any State when they are acting within the scope of their VA employment, regardless of individual State licensure, registration, or certification restrictions, except for applicable State restrictions on the authority to prescribe and administer controlled substances. Through this rulemaking, health care providers would be able to provide health care services across State lines and in States where they do not hold a license, registration, or certification, which will increase VA's capacity to use its current medical resources in varied health care delivery modalities, particularly through telehealth, increasing the number of patient encounters and increasing access to VA health care. This rule will allow VA health care providers to practice in accordance with their competencies, as reflected by their clinical privileges or scope of practice. In this rulemaking, VA will exercise Federal preemption of State licensure, registration, and certification laws only to the extent such State laws conflict with the health care provider's ability to practice across state lines while acting within the scope of their VA employment.
AQ08	Reimbursement for Emergency Treatment.	The Department of Veterans Affairs (VA) revises its regulations concerning payment or reimbursement for emergency treatment for non-service-connected conditions at non-VA facilities to implement the requirements of a recent court decision. Specifically, this rulemaking expands eligibility for payment or reimbursement to include veterans who receive partial payment from a health-plan contract for non-VA emergency treatment and establishes a corresponding reimbursement methodology. This rulemaking also expands the eligibility criteria for veterans to receive payment or reimbursement for emergency transportation associated with the emergency treatment, in order to ensure that veterans are adequately covered when emergency transportation is a necessary part of their non-VA emergency treatment.

(2.) Retrospective Review of Existing Regulations

RIN	Title	Significantly reduce burdens on small businesses	Summary of Rulemaking
Multiple RINs	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition.	No	The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the FEDERAL REGISTER. To minimize the number of rules published, VA will combine relatable topics.

VA's most recent report on its retrospective review of regulations can be found at: *http://vaww.va.gov/ORPM/docs/RegMgmt_VA_EO13563_VA_OIRA_Status_Report.pdf*

VA

Proposed Rule Stage

87. Prosthetic and Rehabilitative Items and Services

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 38 U.S.C. 501; 38 U.S.C. 1162; 38 U.S.C. 1701; 38 U.S.C. 1707; 38 U.S.C. 1710; 38 U.S.C. 1714; 38 U.S.C. 1717; 38 U.S.C. 3901

CFR Citation: 38 CFR 17.120; 38 CFR 17.122; 38 CFR 17.150; 38 CFR 17.153; 38 CFR 17.3200 to 17.3250

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) proposes to amend its regulations related to providing prosthetic and rehabilitative items as medical services to veterans. These amendments would reorganize and update the current regulations.

Substantively, these amendments would primarily clarify eligibility criteria for prosthetic and other rehabilitative items and services, and would define the types of items and services available to eligible veterans.

Statement of Need: VA proposes to amend its regulations related to providing prosthetic and rehabilitative items as medical services to veterans. These amendments would clarify eligibility criteria for prosthetic and other rehabilitative items and services, and define the types of items and services available to eligible veterans.

Summary of Legal Basis: 38 U.S.C. 1710 authorizes VA to provide, among other things, medical services to veterans when VA determines that they are needed. ''Medical services'' is defined in 38 U.S.C. 1701(6)(F) to include the following specific items and services: wheelchairs, artificial limbs, trusses, and similar appliances; special clothing made necessary by the wearing of prosthetic appliances; and such other supplies or services as the Secretary determines to be reasonable and necessary. Section 1710(a) authorizes VA to furnish hospital care and medical services ''which the Secretary determines to be needed.'' In this regulation, VA is addressing the scope of items and services that may be provided as medical services under sections 1701(6)(F) and 1710(a).

Alternatives: VA considered the consequences of taking no action. If VA made no changes at all to its regulations, however, they would remain inconsistent with our current practices. The current regulations also include a limited list of examples of prosthetic items and services that are provided, which can be misinterpreted as an exhaustive list. The proposed rule includes a broader and non-exhaustive list, which provides more clarity to Veterans about the benefits to which they are entitled. The eligibility for such items under the current regulation would also be inconsistent with VA's authority to provide prosthetics under Public Law 104–262, section 103(a). VA considered updating its internal policies instead of its regulations. Because the changes in this rulemaking would impact and limit Veterans' benefits, a change to existing regulations was deemed necessary. We also could have made substantive updates to existing regulations rather than create a new section for the provision of these benefits. However, that would have been cumbersome and confusing, and would not have allowed us to adequately describe the eligibility for, and provision of, these benefits.

Anticipated Cost and Benefits: VA has determined that there are transfers associated with this rulemaking. The cumulative five-year savings are estimated to be $85 million. The government will transfer $85 million less to eligible veterans.

There are no new collections of information associated with this rulemaking. However, there is a proposed discontinuance of use of VA Form 10–2520, which is part of an existing collection under 2900–0188. The estimated burden elimination is 47 annual hours, which results in an information collection costs savings to the public (vendor) in the amount of $1,121.42.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/16/17	82 FR 48018
NPRM Comment Period End.	12/15/17	
Final Action	08/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Federalism: Undetermined.

Agency Contact: Penny Nechanicky, National Program Director for Prosthetic and Sensory Aids Service (10P4RK), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Phone:* 202 461–0337, *Email: penny.nechanicky@va.gov*.

RIN: 2900–AP46

VA

88. Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V005, Parts 812 and 813)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c)

CFR Citation: 48 CFR 1.3; 48 CFR 812; 48 CFR 813; 48 CFR 852

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics. This Proposed Rule will revise VAAR parts 812 and 813, as well as affected part 852.

Statement of Need: The Department of Veterans Affairs (VA) is proposing to revise the VAAR to add new policy or regulatory requirements and to remove any guidance that is applicable only to VA's internal operating processes or procedures. FAR 1.302, Limitations, requires that agency acquisition regulations shall be limited only to those necessary to implement the FAR policies and procedures within the agency and to any additional information needed to supplement the FAR to satisfy the specific needs of the agency. The needed changes include proposing to delete paragraphs when adequately addressed in the FAR, add new subsections to clarify that FAR applies to specific parts, and to remove sections such as the section that deals with internal procedures for obtaining a waiver to tailor solicitations, to be inconsistent with customary commercial practice.

Summary of Legal Basis: 40 U.S.C. 121(c), 41 U.S.C. 1707.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfer costs, savings and/or information collection burden costs/savings associated with this rulemaking. VA is merely adding existing and current regulatory requirements to the VAAR parts and removing any guidance that is applicable only to VA's internal operation processes or procedures and placing that guidance in the Veterans Affairs Acquisition Manual (VAAM).

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ricky L. Clark, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 632–5276, *Email: ricky.clark@va.gov*.

RIN: 2900–AP58

VA

89. Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V004, Parts 811 and 832)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c)

CFR Citation: 48 CFR 801; 48 CFR 811; 48 CFR 832; 48 CFR 852; 48 CFR 1.3.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics. This Proposed Rule will revise VAAR parts 811 and 832, as well as affected parts 801, 852 and 870.

Statement of Need: Included in the proposed changes to streamline the VAAR, implementing and supplementing the FAR where required, and removing internal agency guidance in keeping with the FAR principles concerning agency acquisition regulations, are removing a significant portion of subpart 811.1, Selecting and Developing Requirements Documents, as it includes information that is redundant to the FAR. In addition, we propose to add a new section to implement the Office of Management and Budget's (OMB) Memorandum M–11–32, dated September 14, 2011, and to encourage making payments to small business contractors within 15 days of receipt of invoice.

Summary of Legal Basis: 40 U.S.C. 121(c), 41 U.S.C. 1707, 48 CFR 1.3.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfer costs or savings associated with this rulemaking. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures. This proposed rule impacts 7 existing information collection requirements associated with 6 Office of Management and Budget (OMB) control number approvals. The total incremental savings of this information collection is estimated to be $50,660.00.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ricky L. Clark, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 632–5276, *Email: ricky.clark@va.gov*.

RIN: 2900–AP81

VA

90. Beneficiary Travel

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 38 U.S.C. 101; 38 U.S.C. 111; 38 U.S.C. 111A; E.O. 11302; E.O. 13520

CFR Citation: 38 CFR 70.1; 38 CFR 70.2; 38 CFR 70.4; 38 CFR 70.10 to 70.30

Legal Deadline: None.

Abstract: This rule proposes amendments to the Department of Veterans Affairs (VA) regulations concerning beneficiary travel. The revisions would update the regulations to conform to amendments to the statutes that authorize beneficiary travel benefits, and would also reorganize and clarify the current regulations. VA is also proposing to modify certain provisions to establish new VA policies and procedures to expand travel benefits for veterans and other beneficiaries in several areas, including for veterans and donors undergoing organ transplants, those being transferred between facilities, and for veterans with terminal illnesses.

Statement of Need: VA proposes to amend its regulations concerning beneficiary travel. The revisions would update the regulations to conform to a statute authorizing VA to pay the lesser of the actual cost of ambulance transportation or the amount determined by the ambulance travel fee schedule established by Centers for Medicare and Medicaid, unless VA has entered into a contract for that ambulance transportation.

Summary of Legal Basis: 38 U.S.C. 111 authorizes VA to provide beneficiary travel benefits to eligible veterans who need to travel for examination, treatment, or care. We propose to amend the relevant regulations to conform to changes made by Pub. L. 112–56 and 112–154, permitting VA to pay the lesser of the actual cost ambulance transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)), unless VA has entered into a contract for that transportation.

Alternatives: VA considered the consequences of taking no action. We concluded, however, that taking doing so would cause VHA to continue to pay non-emergency medical transportation (NEMT) market rates, which are up to 25% higher than Medicare, based on several variables including the location of the VA Medical Center. VA considered alternatives such as seeking a national contract for BT NEMT services. However, it became apparent that taking this action would dampen current market-based pricing schemes and the pricing schemes would likely remain above Medicare rates. Moreover, creating a market of this type would not permit VA to avail itself of any cost

savings. VA believes that a rulemaking, rather than a policy document, is the appropriate mechanism to change its payment rates for non-emergency medical transportation because this change affects the rights and obligations of the public.

Anticipated Cost and Benefits: VA has determined that there are no transfer costs associated with this rulemaking. However, there are transfers estimated at $47 million in FY 2018 and $252.4 million over a five year period (FY 2018–2022). The government will save money as a result of VA making transport payments under the CMS methodology instead of utilizing non-contract special mode transportation payments, the CMS methodology payments are less. There are no other ancillary costs associated with this rulemaking. There are no provisions constituting a collection or reduction of information under the Paperwork Reduction Act. Therefore, we expect no increased and/or decreased PRA costs.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Mike Davis, Director Member Services (10NF), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Phone:* 404 828–5691, *Email: mike.davis2@va.gov.*

RIN: 2900–AP89

VA

91. • Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2015–V010)

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 38 U.S.C. 501; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3)

CFR Citation: 48 CFR 831; 48 CFR 833; 48 CFR 852; 48 CFR 871; 48 CFR 1.301 to 1.303.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics. This proposed rulemaking revises VAAR parts 831, 833, 852 and 871.

Statement of Need: Included in the proposed changes to streamline the VAAR, implementing and supplementing the FAR where required, and removing internal agency guidance in keeping with the FAR principles concerning agency acquisition regulations, are clarifying that the cost principles apply to the negotiation of prices under fixed-price contracts as well as to costs under cost reimbursement contracts, and to contracts with educational institutions as well as those with commercial and non-profit organizations; Adding a definition section; And, adding language that pursuant to Public Law 114–328, the Small Business Administration (SBA) will also hear cases related to size, status, and ownership and control challenges under the VA Veterans First Contracting Program.

Summary of Legal Basis: 38 U.S.C. 501, 40 U.S.C. 121(c), 41 U.S.C. 1121(c)(3), 41 U.S.C. 1707, 48 CFR 301–1.304

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfers associated with this rulemaking. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures. There are no provisions constituting a collection or reduction of information under the Paperwork Reduction Act. Therefore, we expect no increased and/or decreased PRA costs.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Rafael Taylor, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 382–2787, *Email: rafael.taylor@va.gov.*

RIN: 2900–AQ02

VA

92. • Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principle (VAAR Case 2016–V002, Parts 829, 846 and 847)

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 26 U.S.C. 5214(a); 26 U.S.C. 5271; 26 U.S.C. 7510; 40 U.S.C. 121(c); 41 U.S.C. 1303(a)(2)

CFR Citation: 48 CFR 829; 48 CFR 846; 48 CFR 847; 48 CFR 852; 48 CFR 870; 48 CFR 1.301 to 1.304

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics. This Proposed Rule revises VAAR parts 829, 846, 847, as well as affected parts 852 and 870.

Statement of Need: Included in the proposed changes to streamline the VAAR, implementing and supplementing the FAR where required, and removing internal agency guidance in keeping with the FAR principles

concerning agency acquisition regulations, are adding definitions; in section 829.303, application of State and local taxes to Government contractors and subcontractors, delegating to the Head of the Contracting Activity (HCA), without power of redelegation, the authority to make the determination prescribed in FAR 29.303(a); and in new clause 852.246–71, Rejected Goods, clarifying a contractor's obligations to remove goods rejected by the Government.

Summary of Legal Basis: 26 U.S.C. 5214(a), 5271, 7510; 40 U.S.C. 121(c); 41 U.S.C. 1303(a)(2), 48 CFR 1.301–1.304

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfers associated with this rulemaking. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures. There are no provisions constituting a collection or reduction of information under the Paperwork Reduction Act. Therefore, we expect no increased and/or decreased PRA costs.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Rafael Taylor, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 382–2787, *Email: rafael.taylor@va.gov.*

RIN: 2900–AQ04

VA

93. • Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principle (VAAR Case 2016–V003, Parts 844 and 845)

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 38 U.S.C. 501; 40 U.S.C. 121(c)

CFR Citation: 48 CFR 844; 48 CFR 845; 48 CFR 1.301 to 1.304.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics. This proposed rulemaking revises VAAR parts 844 and 845.

Statement of Need: Included in the proposed changes to streamline the VAAR, implementing and supplementing the FAR where required, and removing internal agency guidance in keeping with the FAR principles concerning agency acquisition regulations, are adding the requirement, before a contracting officer consents to a subcontract where other than the lowest price is the basis for selection, that the contractor has substantiated the selection as offering the greatest value to the Government; And, requiring that contractor purchasing system reviews focus special attention, on policies and procedures pertaining to the Veterans First Contracting Program, Documentation of commercial item determinations to ensure compliance with the definition of commercial item in FAR 2.101, and for acquisitions involving electronic parts, whether the contractor has implemented a counterfeit electronic part detection and avoidance system to ensure that counterfeit electronic parts do not enter the supply chain.

Summary of Legal Basis: 38 U.S.C. 501, 40 U.S.C. 121(c), 48 CFR 1.301 to 1.304.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfers associated with this rulemaking. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures. This action contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 to 3521). Therefore, we expect no increased and/or decreased PRA costs.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Rafael Taylor, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 382–2787, *Email: rafael.taylor@va.gov.*

RIN: 2900–AQ05

VA

94. Authority of Health Care Providers To Practice Telehealth

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 38 U.S.C. 501; 38 U.S.C. 1701 (note); 38 U.S.C. 1709A; 38 U.S.C. 1712A (note); 38 U.S.C. 1722B; 38 U.S.C. 7301; 38 U.S.C. 7330A; 38 U.S.C. 7401 to 7403; 38 U.S.C. 7406 (note)

CFR Citation: 38 FR 17.417.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) proposed to amend its

medical regulations by standardizing the delivery of care by VA health care providers through telehealth. The rule would ensure that VA health care providers provide the same level of care to all beneficiaries, irrespective of the State or location in a State of the health care provider or the beneficiary. This rule would achieve important Federal interests by ensuring the availability of mental health, specialty, and general clinical care for all beneficiaries.

Statement of Need: VA proposes to amend its medical regulations by standardizing the delivery of care by VA health care providers through telehealth. This rule would ensure that VA health care providers provide the same level of care to all beneficiaries, irrespective of the State or location in a State of the VA health care provider or the beneficiary. This rule would achieve important Federal interests by increasing the availability of mental health, specialty, and general clinical care for all beneficiaries.

Summary of Legal Basis: 38 U.S.C. 7301(b) establishes the general functions of VHA within VA, and establishes that its primary function is to ''provide a complete medical and hospital service for the medical care and treatment of veterans, as provided in this title and in regulations prescribed by the Secretary [of Veterans Affairs (Secretary)] pursuant to this title.'' In carrying out this function, VHA must ensure that patient care is appropriate and safe and its health care providers meet or exceed generally accepted professional standards for patient care. In addition, because VA is a national health care provider, VHA must ensure that beneficiaries receive the same high level of care and access to care no matter where, in a State, a beneficiary or health care provider is located at the time the health care is provided.

Alternatives: VA considered the consequences of taking no regulatory action. Doing so would leave VA telehealth providers vulnerable to adverse action, such as discipline or termination of licenses by their state licensing boards if they provide services to beneficiaries in States in which the providers are not licensed, registered, certified, or located. Under those circumstances, VA has found that some of its medical providers cannot effectively practice telehealth, which limit's VA's ability to provide care to Veterans, particularly in remote, rural, or medically underserved areas. VA's only remedy for that issue is to supersede state law, and the appropriate mechanism to do so is in rulemaking. By superseding state law in this rulemaking, VA will ensure greater access to care for Veterans and beneficiaries.

Anticipated Cost and Benefits: VA anticipates minimal (transfer) costs to VA as a result of this rulemaking. However, VA's ability to leverage existing resources to expand telehealth under an expanded authority will result in (transfer) savings to VA. These savings to VA will offset the anticipated minimal costs to VA. This rulemaking contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 to 3521). Therefore, we expect no increased and/or decreased PRA costs.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/02/17	82 FR 45756
NPRM Comment Period End.	11/01/17	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: State.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Agency Contact: Kevin Galpin, Executive Director, Telehealth Services (10P8), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Phone:* 404 771–8794, *Email: kevin.galpin@va.gov.*

RIN: 2900–AQ06

VA

95. • Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V008)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 38 U.S.C. 501; 40 U.S.C. 121(c)

CFR Citation: 48 CFR 801, 825, 836, 842, 846 and 852.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics.

Statement of Need: The rulemaking would update the VAAR to current FAR titles, requirements, and definitions; it would correct inconsistencies and removes redundancies and duplicate material already covered by the FAR; it would also delete outdated material or information and appropriately renumbers VAAR text, clauses, and provisions where required to comport with FAR format, numbering and arrangement. All amendments, revisions, and removals have been reviewed and concurred with by an Integrated Product Team of agency stakeholders. Codified acquisition regulations may be amended and revised only through rulemaking.

Summary of Legal Basis:

Authority: 38 U.S.C. 501; 40 U.S.C. 121(c); and 48 CFR 1.301 to 1.304.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfer costs or savings associated with this rulemaking. The total estimated annual cost savings to respondents as a result of this rulemaking is estimated to be $82,685.00.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ricky L. Clark, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant

Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 632–5276, *Email: ricky.clark@va.gov.*

RIN: 2900–AQ18

VA

96. • Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V006)

Priority: Other Significant.

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 41 U.S.C. 1303; 41 U.S.C. 1707; 38 U.S.C. 8127 to 8128

CFR Citation: 48 CFR Ch 8; 48 CFR 817; 48 CFR 852.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics.

Statement of Need: The rulemaking would update the VAAR to current FAR titles, requirements, and definitions; it would correct inconsistencies and removes redundancies and duplicate material already covered by the FAR; it would also delete outdated material or information and appropriately renumbers VAAR text, clauses, and provisions where required to comport with FAR format, numbering and arrangement. All amendments, revisions, and removals have been reviewed and concurred with by an Integrated Product Team of agency stakeholders. Codified acquisition regulations may be amended and revised only through rulemaking.

Summary of Legal Basis: Authority: 41 U.S.C. 1303; 48 CFR 1.301 to 1.304; 41 U.S.C. 1707; and 38 U.S.C. 8127 and 8128.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfer costs, savings and/or information collection burden costs/savings associated with this rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Rafael Taylor, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 382–2787, *Email: rafael.taylor@va.gov.*

RIN: 2900–AQ19

VA

97. • Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2015–V011)

Priority: Other Significant.

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 38 U.S.C. 501; 40 U.S.C. 121(c)

CFR Citation: 48 CFR Ch 8.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics.

Statement of Need: The rulemaking would update the VAAR to current FAR titles, requirements, and definitions; it would correct inconsistencies and removes redundancies and duplicate material already covered by the FAR; it would also delete outdated material or information and appropriately renumbers VAAR text, clauses, and provisions where required to comport with FAR format, numbering and arrangement. All amendments, revisions, and removals have been reviewed and concurred with by an Integrated Product Team of agency stakeholders. Codified acquisition regulations may be amended and revised only through rulemaking.

Summary of Legal Basis: Authority: 38 U.S.C. 501; 40 U.S.C. 121(c); and 48 CFR 1.301 to 1.304.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfer costs or savings associated with this rulemaking. The total estimated annual cost to respondents as a result of this rulemaking is estimated to be $565,000.00.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: LeStancia N. Spaght, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 632–5331.

RIN: 2900–AQ20

VA

98. • Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2015–V012)

Priority: Other Significant.

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 38 U.S.C. 501; 40 U.S.C. 121(c) and 3304(a)

CFR Citation: 48 CFR Ch 8.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics.

Statement of Need: The rulemaking would update the VAAR to current FAR titles, requirements, and definitions; it would correct inconsistencies and removes redundancies and duplicate material already covered by the FAR; it would also delete outdated material or information and appropriately renumbers VAAR text, clauses, and provisions where required to comport with FAR format, numbering and arrangement. All amendments, revisions, and removals have been reviewed and concurred with by an Integrated Product Team of agency stakeholders. Codified acquisition regulations may be amended and revised only through rulemaking.

Summary of Legal Basis: Authority: 38 U.S.C. 501; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 3304(a); 48 CFR 1.301 to 1.304.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: There are no transfer costs, savings and/or information collection burden costs/savings associated with this rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ricky L. Clark, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 632–5276, *Email: ricky.clark@va.gov*.

RIN: 2900–AQ21

VA

Final Rule Stage

99. Per Diem Paid to States for Care of Eligible Veterans in State Homes

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 38 U.S.C. 101, 501 and 1710; 38 U.S.C. 1741 to 1743; 38 U.S.C. 1745; 38 U.S.C. 7104 and 7105; 42 U.S.C. 1395(cc)

CFR Citation: 38 CFR 51.

Legal Deadline: None.

Abstract: This rulemaking would adopt as final, to include any changes as a result of public comments, the proposed rule that published on June 17, 2015, at 80 FR 34793. This rulemaking reorganizes, updates, and clarifies State Veterans homes regulations, authorizes greater flexibility in adult day health care programs, and establishes regulations regarding domiciliary care, with clarifications regarding the care that State homes must provide to veterans in domiciliaries.

Statement of Need: The reorganization would improve consistency and clarity throughout these State home programs. Currently, we require States to operate these programs exclusively using a medical supervision model. We expect that these liberalizing changes will result in an increase in the number of States that have adult day health care programs. Moreover, the regulations governing per diem for State home hospitals will be eliminated because there are no longer any State home hospitals.

Summary of Legal Basis: VA pays per diem to State homes for three types of care provided to eligible veterans: Nursing home care, domiciliary care, and adult day health care. The statutory authority for these payment programs is set forth at 38 U.S.C. 1741–43 and 1745.

Alternatives: VA considered the consequences of taking no action. Under VA's State home per diem program, VA partners States to provide nursing home, domiciliary, and adult day health services to Veterans. The states and organizations that represent them have advised VA for many years that certain of VA's regulations are outdated, confusing, do not conform with best practices in extended care services, or are otherwise in need of updating. In particular, they have repeatedly requested that VA establish regulatory guidance about the domiciliary care program, and change standards relating to medical supervision of the Adult Day Health Care program. Taking no action would result in VA being unable to make the needed changes to these programs to respond to these concerns of stakeholders.

Anticipated Cost and Benefits: VA has determined that there are both transfer savings and costs associated with this rulemaking. As a result of the newly increased ADHC services, the government will spend $700,162 less in transfers in FY 2017 and $4,531,095 less over a five year period. The cost avoidance is based on a high end volume estimate. This final rulemaking contains provisions constituting collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 to 3521). However, there are no increased and/or decreased PRA costs.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	06/17/15	80 FR 34793
NPRM; Correction and Clarification.	06/24/15	80 FR 36305
NPRM Comment Period End.	08/17/15	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Richard Allman, Chief Consultant, Geriatrics and Extended Care Services, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Phone:* 202 461–6750.

RIN: 2900–AO88

VA

100. Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V001, Parts 803, 814 and 822)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 38 U.S.C. 501; 41 U.S.C. 1121(c)(3)

CFR Citation: 48 CFR 801; 48 CFR 802; 48 CFR 803; 48 CFR 812; 48 CFR 814; 48 CFR 822; 48 CFR 852; 48 CFR 1.301 to 1.304.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics. This Proposed Rule revises VAAR parts 803, 814 and 822, as well as affected parts 801, 802, 812 and 852.

Statement of Need: Included in the proposed changes to streamline the VAAR, implementing and supplementing the FAR where required, and removing internal agency guidance in keeping with the FAR principles concerning agency acquisition regulations, are removing an information collection burden from the VAAR because it is based on an outdated practice in providing bid envelopes. We propose to add additional definitions to ensure a common understanding and meaning of terms related to debarment and suspensions in the department. We are proposing to update the policy governing improper business practices and personal conflicts of interests and to clarify the language regarding the prohibition of contractors from making reference in its commercial advertising regarding VA contracts to avoid implying that the Government approves or endorses products or services.

Summary of Legal Basis: 38 U.S.C. 501, 40 U.S.C. 121(c), 41 U.S.C. 1121(c)(3), 41 U.S.C. 1707, 48 CFR 301–1.304.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: VA has determined that there are notransfer costs and/or savings associated with this rulemaking. VA is merely adding existing and current regulatory requirements to these VAAR parts and removing any guidance that is applicable only to VA's internal operation processes or procedures and placing that guidance in the Veterans Affairs Acquisition Manual (VAAM).

Although this action contains provisions constituting collections of information at 48 CFR 814.201–6(a) and 852.214–70, under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 to 3521), no new or proposed revised collections of information are associated with this rule.

The information collection requirements for 48 CFR 814.201–6(a) and 852.214–70 are currently approved by the Office of Management and Budget (OMB), have been assigned OMB control number 2900–0593, and are being proposed for removal and discontinuance. This will remove the annual burden of 2 hours on the estimated 640 respondents annually and have an information collection burden savings of $50.66.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/17/17	82 FR 22635
NPRM Comment Period End.	07/17/17	
Final Action	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ricky L. Clark, Senior Procurement Analyst (003A2A), Department of Veterans Affairs, Procurement Policy and Warrant Management Services, 425 I Street NW, Washington, DC 20001, *Phone:* 202 632–5276, *Email: ricky.clark@va.gov*.

RIN: 2900–AP50

VA

101. Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V002, Parts 816 and 828)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c)

CFR Citation: 48 CFR 816; 48 CFR 828; 48 CFR 852; 48 CFR 1.3.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates the VAAR as well as internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish it in the **Federal Register**. To minimize the number of rules published, VA will combine relatable topics. This proposed rule revises VAAR parts 816 and 828, as well as affected part 852.

Statement of Need: Included in the changes to streamline the VAAR, implementing and supplementing the FAR where required, and removing internal agency guidance in keeping with the FAR principles concerning agency acquisition regulations, are adding a section on consignment agreements which defines and describes the consignment agreement acquisition method used for satisfying the need for immediate and on-going requirements; removing the section, Letters of Availability, as that procurement method is no longer in use in VA. Also, revising the section, Insurance Under Fixed-Price Contracts, to clarify the provision prescription for when insurance is required for solicitations when utilizing term or continuing fixed priced contracts for ambulance, automobile and aircraft service.

Summary of Legal Basis: 40 U.S.C. 121(c), 41 U.S.C. 1707, 48 CFR 1.3.

Alternatives: The revised VAAR will have 47 parts, grouped into 19 packages. VA did consider grouping all of the parts into one package, which would have resulted in one regulatory action. However, this approach or alternative was tried several years ago and the project ended up being terminated because of the complexity, time spent correcting errors, legal review, and inconsistency amongst the acquisition offices and other agencies. Another alternative would be to do nothing, which would undermine VA's mission of simplifying the acquisition process and making it easier for potential vendors to do business with the VA.

Anticipated Cost and Benefits: VA has determined there are no transfer costs or savings associated with this rulemaking. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures and placing that guidance in the Veterans Affairs Acquisition Manual (VAAM). This rule contains provisions constituting collections of information at 48 CFR 828.306 and 852.228–71, under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). However, this regulation does not add any new or proposes any new revisions for the collection of information. The information collection requirements for 48 CFR 828.306 and 852.228–71 are currently approved by the Office of Management and Budget (OMB) and were assigned the OMB control number of 2900–0590.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	03/13/17	82 FR 13418
NPRM; Correction	04/04/17	82 FR 16332
NPRM Comment Period End.	05/12/17	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 2900–AP82

VA

102. • Reimbursement for Emergency Treatment

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 38 U.S.C. 501

CFR Citation: 38 CFR 17.1002; 38 CFR 17.1003; 38 CFR 17.1005.

Legal Deadline: None.

Abstract: The Department of Veterans Affairs (VA) plans to revise its regulations concerning payment or reimbursement for emergency treatment for non-service-connected conditions at non-VA facilities to implement the requirements of a recent court decision.

Statement of Need: This rulemaking will clarify eligibility for payment or reimbursement to include veterans who receive partial payment from a health-plan contract for non-VA emergency treatment and establishes a corresponding reimbursement methodology.

Summary of Legal Basis: 38 U.S.C. 1725 authorizes VA to reimburse veterans for the reasonable value of emergency treatment for non-service connected conditions furnished in a non-VA facility, if certain criteria are met. One requirement is that the veteran must be personally liable for the emergency treatment. As originally enacted in 1999, the statute provided that a veteran is personally liable if the veteran has no entitlement to care or services under a health-plan contract, and no other contractual or legal recourse against a third party that would, in part or in whole, extinguish such liability to the provider. 38 U.S.C. 1725(b)(3)(B) and (C) (1999).

In *Staab* v. *McDonald,* 28 Vet. App. 50 (2016), the U.S. Court of Appeals for Veterans Claims (the Court) reversed a Board of Veterans' Appeals (the Board) decision denying a claim under section 1725. The Board had applied 17.1002(f) to conclude that partial payment of the emergency treatment by the veteran's health-plan contract barred VA reimbursement. On appeal, the veteran challenged 17.1002(f) as inconsistent with section 1725. The Court agreed, and in a precedential decision, held invalid and set aside 17.1002(f) and remanded the case.

Alternatives: This rulemaking is a result of a court order invalidating 38 CFR 17.1002(f). This rulemaking will amend the pertinent VA regulations to comply with the holding of this Court decision. It will make other amendments that are also needed to ensure consistent application of its authority to reimburse Veterans for emergency treatment in light of the court order.

Anticipated Cost and Benefits: VA has determined that there are transfers costs associated with this rulemaking. Total transfer costs are estimated to be from a low estimate of $45.0 million to a high estimate of $97.3 million in FY 2018 and a low estimate of $234.4 million to a high estimate of $517.7 million over a five year period. This rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 to 3521).

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/17	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 2900–AQ08

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

Overview

The U.S. Environmental Protection Agency (EPA) administers the laws enacted by Congress and signed by the President to protect people's health and the environment. In carrying out these statutory mandates, the EPA works to ensure that all Americans are protected from significant risks to human health and the environment where they live, learn and work; that national efforts to reduce environmental risk are based on the best available scientific information; that Federal laws protecting human health and the environment are enforced fairly and effectively; that environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy; that all parts of society—communities, individuals, businesses, and State, local and tribal governments—have access to

accurate information sufficient to effectively participate in managing human health and environmental risks; that environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and, that the United States plays a leadership role in working with other nations to protect the global environment.

To accomplish its goals in the coming year, the EPA will use regulatory authorities, along with grant- and incentive-based programs, technical and compliance assistance and tools, and research and educational initiatives to address its statutory responsibilities. All of this work will be undertaken with a strong commitment to science, law and transparency.

Highlights of EPA's Regulatory Plan

EPA's more than forty years of protecting public health and the environment demonstrates our nation's commitment to reducing pollution that can threaten the air we breathe, the water we use, and the communities we live in. This Regulatory Plan contains information on some of our most important upcoming regulatory and deregulatory actions. As always, our Semiannual Regulatory Agenda contains information on a broader spectrum of EPA's upcoming regulatory actions.

Improving Air Quality

The Agency will continue to deploy existing regulatory tools where appropriate and warranted. Using the Clean Air Act, EPA will work with States to accurately measure air quality and ensure that more Americans are living and working in areas that meet air quality standards. EPA will continue to develop standards, as directed by the Clean Air Act, for both mobile and stationary sources, to reduce emissions of sulfur dioxide, particulate matter, nitrogen oxides, toxics, and other pollutants.

Electric Utility Sector Greenhouse Gas Rules. The EPA will continue its review of the Clean Power Plan suite of actions issued by the previous administration affecting fossil fuel-fired electric generating units (EGUs). On October 23, 2015, the EPA issued a final rule that established first-ever standards for States to follow in developing plans to reduce carbon dioxide (CO2) emissions from existing fossil fuel-fired EGUs. On the same day, the EPA issued a final rule establishing CO2 emissions standards for newly constructed, modified, and reconstructed fossil fuel fired EGUs. The Agency will reevaluate whether these rules and alternative approaches are appropriately grounded in EPA's statutory authority and consistent with the rule of law. EPA will assess whether these rules or alternative approaches would appropriately promote cooperative federalism and respect the authority and powers that are reserved to the States; whether these rules and alternative approaches affect the Administration's dual goals of protecting public health and welfare, while also supporting economic growth and job creation; and whether these rules or alternative approaches appropriately maintain the diversity of reliable energy resources and encourage the production of domestic energy sources to achieve energy independence and security.

Light-duty Vehicle Mid-Term Evaluation. In 2012, as part of a joint rulemaking, the EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) finalized separate sets of standards under their respective statutory authorities. The EPA set GHG emission standards (including standards for emissions of CO2, NOx, methane, and air conditioning refrigerants) for Model Year (MY) 2017–2025 passenger cars and light-trucks under Clean Air Act (CAA) section 202(a). NHTSA sets national CAFE standards under the Energy Policy and Conservation Act (EPCA) for MY 2017–2021 light-duty vehicles and issued augural standards for MY 2022–2025. The 2012 joint rulemaking establishing these standards included a regulatory requirement for the EPA to conduct a Mid-Term Evaluation of the GHG standards established for MY 2022–2025. In July 2016, the EPA, NHTSA, and the California Air Resources Board (CARB) released for public comment a jointly prepared Draft Technical Assessment Report, which examined a range of issues relevant to GHG emissions and CAFE standards for MY 2022–2025.

Under the 2012 joint rulemaking regulations, no later than April 1, 2018, the EPA Administrator must determine whether the GHG standards established under the 2012 joint rule for MY 2022–2025 are appropriate under CAA section 202(a) in light of the record then before the Administrator. Given that CO2 makes up the vast majority of the GHGs that the EPA regulates under section 202(a), and given that the technologies available for regulating CO2 emissions do so by improving fuel economy (which NHTSA regulates under EPCA), NHTSA's views regarding their CAFE standards is an appropriate consideration in EPA's determination regarding what GHG standards would be appropriate under the CAA.

In accordance with the schedule set forth in the EPA's regulations, the EPA intends to make a Final Determination regarding the appropriateness of the MY 2022–2025 GHG standards no later than April 1, 2018. As a part of this process, the EPA is examining a wide range of factors, such as developments in powertrain technology, vehicle electrification, light-weighting and vehicle safety impacts, the penetration of fuel efficient technologies in the marketplace, consumer acceptance of fuel efficient technologies, trends in fuel prices and the vehicle fleet, employment impacts, and many others.

New Source Review and Title V Permitting Programs Reform. The CAA establishes a number of permitting programs designed to carry out the goals of the Act. The EPA directly implements some of these programs through its regional offices, but most are carried out by States, local agencies, and approved tribes. New Source Review (NSR) is a preconstruction permitting program that ensures that the addition of new and modified sources does not significantly degrade air quality. NSR permits are legal documents that the facility owners/operators must abide by. The permit specifies what construction is allowed, what emission limits must be met, and often how the emissions source may be operated. There are three types of NSR permits: (1) Prevention of Significant Deterioration (PSD) (CAA part C) permits, which are required for new major sources or a major source making a major modification in an attainment area; (2) Nonattainment NSR (NNSR) (CAA part D) permits, which are required for new major sources or major sources making a major modification in a nonattainment area; and (3) Minor source permits (CAA section 110(a)(2)(C)).

CAA title V requires major sources of air pollutants, and certain other sources, to obtain and operate in compliance with an operating permit. Sources with these ''title V permits'' are required by the CAA to certify compliance with the applicable requirements of their permits at least annually. Regulations governing the Title V program are found at 40 CFR part 70—State Operating Permit Programs.

To improve program effectiveness and reduce compliance burden, the EPA will examine permitting programs reforms, such as the timely issuance of permits, the facilitation of flexibility in permitting in a nationally consistent manner (including but not limited to plant-wide applicability limits (PALs) and alternative operating scenarios), and the simplification of CAA permitting requirements by evaluating and

pursuing appropriate actions related to actual-to-projected-actual applicability test, project netting rulemaking, debottlenecking, and routine maintenance, repair, and replacement.

The EPA plans to complete the following actions: GHG Significant Emission Rate rulemaking, which will provide a significance threshold for GHG emissions to determine when a best available control technology (BACT) analysis is required; improve the technical tools used to streamline air quality modeling by issuing final $PM_{2.5}$ and Ozone Significant Impact Levels (SILs) Guidance, and final Modeled Emissions Rates for Precursors (MERPs) Guidance; and title V Permitting Program Petition Provisions Modification.

Ozone National Ambient Air Quality Standard (NAAQS) Implementation Revisions.

On October 1, 2015, the EPA signed a notice of final rulemaking that revised the 8-hour primary and secondary Ozone NAAQS. The primary standard was lowered from 0.075 parts per million (ppm) to a level of 0.070 ppm. The EPA also revised the secondary standard by making it identical in all respects to the revised primary standard.

Subsequently, stakeholders have recommended that the EPA further revise the exceptional event rule and associated guidance to allow for greater state flexibility in flagging and excluding exceptional events in the data set used to determine compliance with the NAAQS. Exceptional events are unusual or naturally occurring events that can affect air quality but are not reasonably controllable using techniques that tribal, State, or local air agencies may implement in order to attain and maintain the NAAQS. Exceptional events include wildfires, stratospheric ozone intrusions, and volcanic and seismic activities. In September 2016, the EPA finalized revisions to the Exceptional Events rule to establish criteria and procedures for use in determining exceptional events influenced air quality monitoring data.

In addition, the EPA intends to finalize necessary guidance (*e.g.,* updated exceptional events guidance and guidance on Significant Impact Levels (SILs) and Model Emission Rates for Precursors (MERPs), as well as to finalize its 2015 Ozone NAAQS Implementation rule.

Improving Water Quality

Since the enactment of the Clean Water Act and the Safer Drinking Water Act, tremendous progress has been made toward ensuring that Americans have safe water to drink and generally improving the quality of the Nation's waters. While progress has been made, numerous challenges remain in such areas as nutrient loadings, storm water runoff, invasive species and drinking water contaminants. These challenges can only be addressed by working with our State and tribal partners to develop new and innovative strategies in addition to the more traditional regulatory approaches. EPA plans to address the following challenging issues in rulemakings.

Waters of the U.S. The Clean Water Act (CWA) seeks ''to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' Among other provisions, the CWA regulates the discharge of pollutants into ''navigable waters,'' defined in the CWA as ''the waters of the United States.'' The question of what is a ''water of the United States'' is one that has generated substantial interest and uncertainty, especially among states, small businesses, the agricultural communities, and environmental organizations, because it relates to the extent of jurisdiction for Federal and relevant State regulations.

The EPA and the Department of the Army have promulgated a series of regulations defining ''waters of the United States.'' The scope of ''waters of the United States'' as defined by prior regulations has been subject to litigation in several U.S. Supreme Court cases, most recently in its 2006 *Rapanos* decision. Subsequently, the EPA and the Corp of Engineers issued the ''Clean Water Rule: Definition of 'Waters of the United States.' '' (2015 WOTUS Rule.) On October 9, 2015, the Sixth Circuit stayed the 2015 WOTUS rule nationwide pending further action of the court.

On July 27, 2017, the EPA and the Army issued a proposed rulemaking to repeal the 2015 WOTUS rule and reinstate the regulations in place prior to its issuance. As indicated in the proposed withdrawal, the agencies are implementing clarifying changes in two steps to provide as much certainty as possible as quickly as possible to the regulated community and the public during the development of the ultimate replacement rule. In Step 1, the agencies are seeking to establish the legal status quo in the Code of Federal Regulations, by recodifying the regulation that was in place prior to issuance of the 2015 WOTUS Rule. Currently, these prior regulations are being implemented under the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. In step 2, the agencies plan to propose a new definition that would replace the prior regulations and the approach in the 2015 Clean Water Rule. In determining the possible new approaches, EPA and the Corps of Engineers are considering a definition for ''navigable water'' in a manner consistent with the plurality opinion of Justice Antonin Scalia in the *Rapanos* decision as instructed by Executive Order 13778, ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule.''

Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category. On November 3, 2015, under the authority of the CWA, the EPA issued a final rule amending the Effluent Limitations Guidelines (ELG) and Standards for the Steam Electric Power Generating Point Source Category (*i.e.,* 2015 Steam Electric ELG). The amendments addressed and contained limitations and standards on various waste streams at steam electric power plants: fly ash transport water, bottom ash transport water, flue gas mercury control wastewater, flue gas desulfurization (FGD) wastewater, gasification wastewater, and combustion residual leachate. EPA recently received two administrative petitions for reconsideration of the Steam Electric ELG rule, one from the Utility Water Act Group (a petitioner in the litigation) and one from the Small Business Administration Office of Advocacy. In a letter dated April 12, 2017, Administrator Pruitt informed the petitioners of his decision that it is appropriate and in the public interest to reconsider the rule. On April 25, 2017, EPA published a **Federal Register** notice issuing an administrative stay of the compliance dates in the rule that have not yet passed, pending judicial review, under section 705 of the Administrative Procedure Act. In addition, because Section 705 of the APA authorizes an Agency to postpone the effective date of an action pending judicial review, EPA issued a proposed rule on June 6, 2017 to postpone certain compliance dates in the rule in the event that the litigation ends, and while the Agency is undertaking reconsideration. On August 11, 2017 the Administrator announced his decision to conduct a rulemaking to potentially revise the new, more stringent BAT effluent limitations and pretreatment standards for existing sources in the 2015 rule that apply to bottom ash transport water and flue gas desulfurization (FGD) wastewater. In light of the reconsideration, EPA views that it is appropriate to postpone impending deadlines as a temporary,

stopgap measure to prevent the unnecessary expenditure of resources until it completes reconsideration of the 2015 rule. Thus, the Administrator signed a final rule on September 9, 2017 postponing the earliest compliance dates for the BAT effluent limitations and PSES for bottom ash transport water and FGD wastewater in the 2015 Rule, from November 1, 2018 to November 1, 2020. This rule also withdraws EPA's notification of Postponement of Certain Compliance Dates under Section 705 of the Administrative Procedures Act that was published on April 25, 2017.

National Primary Drinking Water Regulations for Lead and Copper. The Lead and Copper Rule (LCR) reduces risks to drinking water consumers from lead and copper that can enter drinking water as a result of corrosion of plumbing materials. The LCR requires water systems to sample at taps in homes with leaded plumbing materials. Depending upon the sampling results, water systems must take actions to reduce exposure to lead and copper including corrosion control treatment, public education, and lead service line replacement. The LCR was promulgated in 1991 and, overall, has been effective in reducing the levels of lead and copper in drinking water systems across the country. However, lead crises in Washington, DC, and in Flint, Michigan, and the subsequent national attention focused on lead in drinking water in other communities have underscored significant challenges in the implementation of the current rule, including a rule structure that, for many systems, only compels protective actions after public health threats have been identified. Key challenges include the rule's complexity; the degree of flexibility and discretion it affords systems and primacy states with regard to optimization of corrosion control treatment; compliance sampling practices, which in some cases, may not adequately protect from lead exposure; and limited specific focus on key areas of concern such as schools. There is a compelling need to modernize and strengthen implementation of the rule—to strengthen its public health protections and to clarify its implementation requirements to make it more effective and more readily enforceable. EPA is evaluating the costs and benefits of the potential revisions and assessing whether the benefits justify the costs.

Cleaning Up Communities and Advancing Sustainable Development

EPA's regulatory program recognizes the progress in environmental protection and incorporates new technologies and approaches that allow us to provide for an environmentally sustainable future more efficiently and effectively.

Coal Combustion Residuals (CCR) Review. On April 17, 2015, the EPA promulgated a final rule that establishes minimum national criteria under subtitle D of the Resource Conservation and Recovery Act (RCRA) for Coal Combustion Residuals (CCR) landfills and surface impoundments at active coal fired power plants. The rule regulates surface impoundments and landfills that are actively accruing CCR, inactive surface impoundments still containing CCRs, and water both at operating power plants actively burning coal and those that burned coal in the past but have transitioned to use of an alternate fuel source. The requirements of the rule included: Location restrictions (floodplains, wetlands, unstable areas, etc.); design criteria (liners, structural integrity criteria); operating criteria (*e.g.,* run-on and runoff controls, inspections, fugitive dust controls); groundwater monitoring and corrective action; closure and post-closure care (*e.g.,* final cover systems, 30 years of groundwater monitoring); and recordkeeping. At the time the final CCR rule was issued under subtitle D of RCRA, the EPA did not have the authority to enforce these criteria nor was the EPA authorized to approve state permit programs, as is the case for municipal solid waste landfills. Instead, the requirements of the CCR rule are directly applicable to owner/operators of facilities where disposal units are located and can be enforced via citizen suit or under the ''imminent and substantial danger'' authority of RCRA section 7002. Owner/operators are required under the rule to place notifications in their operating record, on their website, and in some instances provide notice to the directors of appropriate State agencies documenting the measures taken to comply with the rule.

The 2015 CCR Rule does not make a final Bevill regulatory determination as to whether CCRs warrant regulation as a hazardous waste under subtitle C of RCRA, but instead defers a final regulatory determination until the EPA has more information on specific matters influencing the risks posed by CCRs.

Subsequent to the promulgation of the 2015 CCR Rule, various environmental and industry groups submitted to the DC Circuit seven separate petitions for review, which were consolidated into a single action. On June 16, 2016, in response to the EPA's unopposed motion for voluntary remand of certain issues, the DC Circuit issued an order remanding with vacatur to the EPA specific provisions of the rule for further consideration, and remanding without vacatur other issues. The EPA will consider the provisions remanded by the DC Circuit, as well as the issues raised in the 2017 petition and other implementation issues subsequently raised by stakeholders.

Reconsideration of the Accidental Release Prevention Regulations Under Clean Air Act. Both EPA and the Occupational Safety & Health Administration (OSHA) issued regulations, as required by the Clean Air Act Amendments of 1990, in response to a number of catastrophic chemical accidents occurring worldwide that had resulted in public and worker fatalities and injuries, environmental damage, and other community impacts. OSHA published the Process Safety Management (PSM) standard (29 CFR part 1910.119) in 1992. EPA modeled the Risk Management Program (RMP) regulation after OSHA's PSM standard and published the RMP rule in two stages—a list of regulated substances and threshold quantities in 1994; and the RMP final regulation, containing risk management requirements, in 1996. Both the OSHA PSM standard and the EPA RMP regulation aim to prevent, or minimize the consequences of, accidental chemical releases to workers and the community.

On January 13, 2017, the EPA amended the RMP regulations in order to (1) reduce the likelihood and severity of accidental releases, (2) improve emergency response when those releases occur, and (3) enhance State and local emergency preparedness and response in an effort to mitigate the effects of accidents.

Having considered the objections to the RMP Amendments rule raised in various petitions, the EPA subsequently delayed the effective date of the RMP Amendments rule to February 19, 2019, in order to give the EPA time to reconsider the rule. Prior to the rule becoming effective, the EPA plans to take comment on specific issues to be reconsidered and consider possible regulatory actions to revise the RMP amendments.

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Remand Rule. The EPA is planning to modify the final rule on the disposal of Coal Combustion Residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act issued on April 17, 2015 (80 FR 21302). As a result of a settlement agreement on this final rule,

the EPA is addressing specific technical issues remanded by the court. Further, the Water Infrastructure Improvements for the Nation Act of 2016 established new statutory provisions applicable to CCR units, including authorizing States to implement the CCR rule through an EPA-approved permit program and authorizing the EPA to enforce the rule. The EPA is considering amending certain performance standards in the CCR rule to offer additional flexibility to State permitting authorities with approved programs.

Clean Water Act Hazardous Substances Spill Prevention. As a result of a consent decree, the EPA is pursuing a rulemaking for the prevention of hazardous substance discharges under the Clean Water Act (CWA). The CWA hazardous substances and their associated reportable quantities (RQs) are identified in 40 CFR parts 116 and 117, respectively. The EPA will assess the consequences of hazardous substance discharges into the Nation's waters, and evaluate the costs and benefits of potential preventive regulatory requirements for facilities handling such substances.

Ensuring the Safety of Chemicals and Preventing Pollution

EPA acts under several different statutory authorities, including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Federal Food, Drug and Cosmetic Act (FFDCA), the Toxic Substances Control Act (TSCA), the Emergency Planning and Community Right-to-Know-Act (EPCRA), and the Pollution Prevention Act (PPA) to protect individuals, families, and the environment from potential risks of pesticides and other chemicals. Using sound science as a compass, the Agency will continue to satisfy its overall directives under these authorities and highlights the following efforts underway in FY 2018:

Frank R. Lautenberg Chemical Safety for the 21st Century Act Implementation. Enacted on June 22, 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century Act amended TSCA with immediate effect. The Agency is working aggressively to carry out the requirements of the new law. Among other things, EPA is now required to evaluate existing chemicals purely on the basis of the health risks they pose—including risks to vulnerable groups and to workers who may use chemicals daily as part of their jobs. If unreasonable risks are found, EPA must then take steps to eliminate these risks. In June 2017, EPA released scope documents for the initial ten chemicals for risk evaluation under the amended law. These documents identify what uses of the chemicals will be evaluated and how the risk evaluation will be conducted. In FY 2018, EPA will publish and take public comment on Problem Formulation documents which will refine the current scope of the risk evaluations prior to publication the draft risk evaluations in FY 2019.

EPA is also now required to systematically prioritize and evaluate chemicals on a specific and enforceable schedule. Within a few years, EPA's chemicals program will have to assess at least 20 chemicals at a time, beginning another chemical review as soon as one is completed. In June 2017, EPA promulgated final framework regulations addressing the procedures that EPA will employ to prioritize chemicals under TSCA for risk evaluation, as well as the procedures that EPA will follow to evaluate the risks of chemicals procedures. EPA also promulgated a final rule, per statutory requirements, to require chemical manufacturers to report on TSCA chemicals they have manufactured (including imported) within the past 10 years. Although the framework regulations did not formally establish an approach to identify how chemicals will be selected as candidates for low- or high-priority designation, EPA will initiate a stakeholder process in FY 2018 with the objective of identifying approaches for bringing TSCA chemicals into the prioritization process. EPA will subsequently determine whether to amend the procedural regulations in consideration of the information obtained during the stakeholder process.

The new law also authorizes EPA cover a portion of its annual TSCA program costs by collecting user fees from chemical manufacturers and processors when they: Submit test data for EPA review, submit a premanufacture notice for a new chemical or a notice of new use, manufacture or process a chemical substance that is the subject of a risk evaluation, or request that EPA conduct a chemical risk evaluation. The proposal and finalization of a fees rule is an EPA priority in FY 2018.

Finally, the new law requires EPA to promulgate by June 22, 2018 a final rule that establishes reporting requirements to facilitate the update of the inventory of the supply, trade, and use of mercury in the United States. EPA will issue a proposed rule in early FY 2018 and promulgate the final rule on or before the statutory deadline.

Reconsideration of Pesticide Safety Requirements. In FY 2017, EPA solicited comments this spring on regulations that may be appropriate for repeal, replacement, or modification in keeping with Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda.'' EPA also held a public meeting of the Pesticide Program Dialogue Committee in May 2017 that included session specifically devoted to receiving public feedback on potential pesticide regulatory reform opportunities for EPA's Regulatory Reform Task Force to consider. Although many commenters expressed their support for EPA's pesticide safety regulations, EPA also received comments that suggested specific changes to the January 4, 2017, Certification of Pesticide Applicators final rule (amending the requirements at 40 CFR 171) and to the November 2, 2015, Worker Protection Standard final rule (which amended the regulations at 40 CFR 170). EPA expects to publish separate Notices of Proposed Rulemaking in FY 2018 to solicit public input on revisions to these rules.

Annual Regulatory Costs

Section 3 of Executive Order 13771 (82 FR 9339, February 3, 2017) calls on agencies to ''identify for each regulation that increases incremental cost, the offsetting regulations . . . and provide the agency's best approximation of the total costs or savings associated with each new regulation or repealed regulation.'' Each action in EPA's fall 2017 Regulatory Plan and Semiannual Regulatory Agenda contains information about whether an action is anticipated to be ''regulatory'' or ''deregulatory'' in fulfilling this executive directive. Based on current schedules and expectations regarding whether or not regulatory actions are subject to Executive Order 12866 and hence Executive Order 13771, in fiscal year 2018, EPA is planning on finalizing over 30 deregulatory actions and fewer than 10 regulatory actions. EPA expects the combined cost savings of its planned deregulatory actions to far outweigh the costs of its planned regulatory actions.

Rules Expected To Affect Small Entities

By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. Actions that may affect small entities can be tracked on EPA's Regulatory Flexibility website (*https://www.epa.gov/reg-flex*) at any time. This Plan includes the following rules that may be of particular interest to small entities:

Rulemaking title	Regulatory Identifier No. (RIN)
Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry.	2050–AG61
National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	2040–AF15

EPA—OFFICE OF AIR AND RADIATION (OAR)

Prerule Stage

103. • State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 7411 Clean Air Act

CFR Citation: 40 CFR 60.

Legal Deadline: None.

Abstract: The Clean Power Plan (CPP), 80 FR 64662 (October 23, 2015), was promulgated under section 111 of the Clean Air Act. 42 U.S.C. 7411. Due to concerns about the EPA's legal authority and record, 27 states and a number of other parties sought judicial review of the CPP in the D.C. Circuit. *State of West Virginia* v. *EPA,* No. 15–1363 (and consolidated cases) (D.C. Cir.). On February 9, 2016, the Supreme Court stayed implementation of the CPP pending judicial review. Following full merits briefing, oral argument was held before the D.C. Circuit, sitting en banc, on September 27, 2016. That case is currently pending in the D.C. Circuit. On March 28, 2017, President Trump issued Executive Order 13783 establishing a national policy in favor of energy independence, economic growth and the rule of law. The Executive Order specifically directed the EPA to review and, if appropriate, initiate reconsideration proceedings to suspend, revise or rescind the CPP. The EPA has now conducted its review of the CPP, as directed by the Executive Order, and has concluded that ''suspension, revision, or rescission of [the CPP] may be appropriate'' on the basis of the agency's reinterpretation of the statutory provisions underlying the CPP. On October 10, 2017, the Administrator signed a **Federal Register** notice proposing to repeal the CPP. In light of that proposed repeal, the EPA will be signing, in the near future, an advanced notice of proposed rulemaking that will solicit information on systems of emission reduction and provide notice of the agency's interest in developing a rule similarly intended to reduce carbon dioxide emissions from existing fossil-fueled electric utility generating units and to solicit information for the agency to consider in developing such a rule.

Statement of Need: The EPA has conducted its initial review of the CPP, as directed by Executive Order 13783, and has concluded that ''suspension, revision, or rescission of [the CPP] may be appropriate'' on the basis of the agency's proposed reinterpretation of the statutory provisions underlying the CPP. In light of the EPA's proposed repeal of the CPP, the agency will issue an advanced notice of proposed rulemaking providing notice that the agency is considering whether it is appropriate to propose a replacement rule similarly intended to reduce carbon dioxide emissions from existing fossil-fueled electric generating units and will solicit information on the development of such a proposal. The EPA will fully consider all submitted information before initiating a rulemaking effort.

Summary of Legal Basis: CAA section 111, 42 U.S.C. 7411, provides the legal framework and basis for a potential replacement rule that the Agency is considering developing.

Alternatives: Not yet determined. If the EPA determines, based on responses to the ANPRM, that it should undertake a rulemaking for a replacement for the CPP, then the Agency will consider alternatives as it develops a proposed rule.

Anticipated Cost and Benefits: Not yet determined. If the EPA determines, based on responses to the ANPRM, that it should undertake a rulemaking for a replacement for the CPP, then the Agency will assess the costs and benefits as it develops a proposed rule.

Risks: Not yet determined. If the EPA determines, based on responses to the ANPRM, that it should undertake a rulemaking for a replacement for the CPP, then the Agency will assess the risks to the extent feasible as it develops a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/17	
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Agency Contact: Nick Hutson, Environmental Protection Agency, Office of Air and Radiation, D243–01, Research Triangle Park, NC 27711, *Phone:* 919 541–2968, *Fax:* 919 541–4991, *Email: hutson.nick@epa.gov.*

Steve Fruh, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code D243–01, Research Triangle Park, NC 27711, *Phone:* 919 541–2837, *Fax:* 919 541–4991, *Email: fruh.steve@epa.gov.*

RIN: 2060–AT67

EPA—OAR

Proposed Rule Stage

104. Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 7411 Clean Air Act

CFR Citation: 40 CFR 60.

Legal Deadline: None.

Abstract: On June 3, 2016, the Environmental Protection Agency (EPA) finalized ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources'' (2016 OOOOa rule). The EPA received five petitions for reconsideration on the 2016 OOOOa rule. By a letter dated April 18, 2017, the Administrator announced the convening of a proceeding for reconsideration of the fugitive emission requirements at well sites and compressor station sites in the 2016 OOOOa rule. On June 5, 2017, the EPA granted reconsideration of additional requirements in that rule, specifically the well site pneumatic pumps standards and the certification of closed vent system design and capacity by a professional engineer. This action is the reconsideration proposal.

Statement of Need: On June 3, 2016, the Environmental Protection Agency (EPA) finalized the ''Oil and Natural Gas Sector: Emission Standards for New,

Reconstructed, and Modified Sources'' (2016 OOOOa rule). The EPA received five petitions for reconsideration on the 2016 OOOOa rule. By a letter dated April 18, 2017, the Administrator announced the convening of a proceeding for reconsideration of the fugitive emission requirements at well sites and compressor station sites in the 2016 OOOOa rule. On June 5, 2017, the EPA granted reconsideration of additional requirements in that rule, specifically the well site pneumatic pumps standards and the certification of closed vent system design and capacity by a professional engineer. This action is the reconsideration proposal. This proposal will solicit comments and/or information from the public regarding the Agency's proposed requirements and options under consideration. The reconsidered rule is anticipated to streamline certain areas of the rule in an effort to reduce burden and improve implementation.

Summary of Legal Basis: The reconsideration of the 2016 OOOOa rule is an exercise of the EPA's authority under section 307(d)(7)(B) and section 301(a) of the Clean Air Act.

Alternatives: For the 2016 OOOOa reconsideration proposal, we anticipate soliciting comment on a number of provisions for which we plan to provide alternatives, including the potential for alternatives to certification of closed vent system design capacity by a professional engineer and the potential for alternatives and improved criteria for the alternative means of emissions limitation pathway for affected facilities to use emerging technologies or existing state or local programs to comply with the rule.

Anticipated Cost and Benefits: This reconsideration is anticipated to be an economically significant action and will become effective 60 days following promulgation. This reconsideration is anticipated to address controversial technical and legal issues.

Risks: We do not anticipate any risks to health related to this action.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Sectors Affected: 211111 Crude Petroleum and Natural Gas Extraction; 221210 Natural Gas Distribution; 211112 Natural Gas Liquid Extraction; 486110 Pipeline Transportation of Crude Oil; 486210 Pipeline Transportation of Natural Gas.

Agency Contact: Amy Hambrick, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–05, Research Triangle Park, NC 27711, *Phone:* 919 541–0964, *Fax:* 919 541–0516, *Email: hambrick.amy@epa.gov*.

Lisa Thompson, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–05, Research Triangle Park, NC 27711, *Phone:* 919 541–9775, *Email: thompson.lisa@epa.gov*.

RIN: 2060–AT54

EPA—OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Proposed Rule Stage

105. Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 136 *et seq.* Federal Insecticide Fungicide and Rodenticide Act

CFR Citation: 40 CFR 171.

Legal Deadline: None.

Abstract: EPA promulgated a final rule to amend the Certification of Pesticide Applicators regulations at 40 CFR 171 on January 4, 2017 (82 FR 952). On June 2, 2017, EPA delayed the effective date of this final rule (82 FR 25529) and initiated reconsideration proceedings in accordance with the Presidential directives as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' and the principles identified in Executive Order 13790, entitled ''Promoting Agriculture and Rural Prosperity in America.'' In addition, per Executive Order 13777, EPA solicited comments this spring on regulations that may be appropriate for repeal, replacement or modification as part of the Regulatory Reform Agenda efforts. EPA received comments specific to the certification rule. In consideration of these comments, EPA will solicit public input on revisions to the rule.

Statement of Need: Per Executive Order 13777, EPA solicited comments this spring on regulations that may be appropriate for repeal, replacement or modification as part of the Regulatory Reform Agenda efforts. EPA received comments suggesting specific changes to the final rule to amend the Certification of Pesticide Applicators regulations at 40 CFR 171 (published on January 4, 2017 (82 FR 952)) and are being considered within the Regulatory Agenda efforts. In consideration of these comments, EPA will solicit public input on revisions to the rule.

Summary of Legal Basis: 7 U.S.C. 136 to 136y of the Federal Insecticide Fungicide and Rodenticide Act.

Alternatives: Not yet determined. EPA will consider alternatives as it develops the proposed rule.

Anticipated Cost and Benefits: Not yet determined. EPA will assess the costs and benefits of the potential regulatory changes as it develops the proposed rule.

Risks: Not yet determined. EPA will evaluate risks to the extent feasible as it develops the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: Undetermined.

Additional Information: Docket #:TBD. TBD.

Sectors Affected: 924110 Administration of Air and Water Resource and Solid Waste Management Programs; 111 Crop Production; 561710 Exterminating and Pest Control Services; 424910 Farm Supplies Merchant Wholesalers; 561730 Landscaping Services; 111421 Nursery and Tree Production; 444220 Nursery, Garden Center, and Farm Supply Stores; 424690 Other Chemical and Allied Products Merchant Wholesalers; 541690 Other Scientific and Technical Consulting Services; 325320 Pesticide and Other Agricultural Chemical Manufacturing; 926140 Regulation of Agricultural Marketing and Commodities; 541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology); 115112 Soil Preparation, Planting, and Cultivating; 115210 Support Activities for Animal Production; 115310 Support Activities for Forestry; 321114 Wood Preservation.

URL For More Information: https://www.epa.gov/pesticide-worker-safety.

URL For Public Comments: TBD.

Agency Contact: Kevin Keaney, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7506P, Washington, DC

20460, *Phone:* 703 305–7666, *Email: keaney.kevin@epa.gov*.

Related RIN: Related to 2070–AJ20

RIN: 2070–AK37

EPA—OCSPP

106. • Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 136 to 136y Federal Insecticide Fungicide and Rodenticide Act

CFR Citation: 40 CFR 170.

Legal Deadline: None.

Abstract: EPA published a final rule to amend the Worker Protection Standard (WPS) regulations at 40 CFR 170 on November 2, 2015 (80 FR 67496). Per Executive Order 13777, EPA solicited comments this spring on regulations that may be appropriate for repeal, replacement or modification as part of the Regulatory Reform Agenda efforts. EPA received comments suggesting specific changes to the 2015-revised WPS requirements which are being considered within the Regulatory Agenda efforts. In consideration of those comments, EPA will solicit public input on revisions to the rule.

Statement of Need: Per Executive Order 13777, EPA solicited comments this spring on regulations that may be appropriate for repeal, replacement or modification as part of the Regulatory Reform Agenda efforts. EPA received comments suggesting specific changes to the 2015-revised WPS requirements and are being considered within the Regulatory Agenda efforts. In consideration of those comments, EPA will solicit public input on revisions to the rule.

Summary of Legal Basis: 7 U.S.C. 136 to 136y of the Federal Insecticide Fungicide and Rodenticide Act

Alternatives: Not yet determined. EPA will consider alternatives as it develops the proposed rule.

Anticipated Cost and Benefits: Not yet determined. If EPA determines that the existing rule should be amended based on responses to the ANPRM, EPA will assess the costs and benefits of the potential regulatory changes as it develops a proposed rule.

Risks: Not yet determined. EPA will assess the costs and benefits of the potential regulatory changes as it develops the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: State, Tribal.

Federalism: Undetermined.

Additional Information: Docket #:TBD. None.

Sectors Affected: 111 Crop Production; 813312 Environment, Conservation and Wildlife Organizations; 115115 Farm Labor Contractors and Crew Leaders; 113210 Forest Nurseries and Gathering of Forest Products; 813311 Human Rights Organizations; 813930 Labor Unions and Similar Labor Organizations; 111421 Nursery and Tree Production; 541690 Other Scientific and Technical Consulting Services; 813319 Other Social Advocacy Organizations; 325320 Pesticide and Other Agricultural Chemical Manufacturing; 115114 Postharvest Crop Activities (except Cotton Ginning); 541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology); 115112 Soil Preparation, Planting, and Cultivating; 11511 Support Activities for Crop Production; 115310 Support Activities for Forestry; 113110 Timber Tract Operations.

URL For More Information: https://www.epa.gov/pesticide-worker-safety.

URL For Public Comments: TBD.

Agency Contact: Nancy Fitz, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7506P, Washington, DC 20460, *Phone:* 703 305–7385, *Fax:* 703 308–3259, *Email: fitz.nancy@epa.gov*.

Ryne Yarger, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone:* 703 605–1193, *Email: yarger.ryne@epa.gov*.

RIN: 2070–AK43

EPA—OFFICE OF LAND AND EMERGENCY MANAGEMENT (OLEM)

Proposed Rule Stage

107. Clean Water Act Hazardous Substances Spill Prevention

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 33 U.S.C. 1321(j)(1)(C)

CFR Citation: Undetermined.

Legal Deadline: NPRM, Judicial, June 16, 2018, Sign by no later than June 16, 2018 & within 15 days thereafter transmit to the **Federal Register**.

Final, Judicial, August 29, 2019, Sign by no later than 14 months after publication of NPRM (currently tentative August 29, 2019) and within 15 days transmit to FR.

Abstract: As a result of a consent decree, the EPA is embarking on a rulemaking for the prevention of hazardous substance discharges under section 311(j)(1)(C) of the Clean Water Act (CWA). Section 311(j)(1)(C) reads, in part: ''. . . as soon as practicable after October 18, 1972, and from time to time thereafter, the President shall issue regulations . . . establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of . . . hazardous substances from . . . onshore facilities . . . and to contain such discharges . . .'' The CWA hazardous substances and their associated reportable quantities (RQs) are identified in 40 CFR parts 116 and 117, respectively. The EPA will assess the consequences of hazardous substance discharges into the nation's waters, and evaluate the costs and benefits of potential preventive regulatory requirements for facilities handling such substances.

Statement of Need: Section 311(j)(1)(C) of the Clean Water Act (CWA) reads, in part: ''. . . as soon as practicable after October 18, 1972, and from time to time thereafter, the President shall issue regulations . . . establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of . . . hazardous substances from . . . onshore facilities . . . and to contain such discharges . . .''.

Summary of Legal Basis: In 2015, the EPA was sued for failure to conduct a rulemaking for chemicals under the CWA 311(j)(1)(C). This litigation was settled and a consent decree was file with the court in February 2016 (Environmental Justice Health Alliance for Chemical Policy Reform v. U.S. EPA). The EPA is conducting this rulemaking in accordance with the consent decree and intends to issue a proposed rule by June 2018.

Alternatives: The EPA is in the process of evaluating options and alternatives to fulfill its obligations under the CWA 311(j)(1)(C) and the consent decree.

Anticipated Cost and Benefits: This information is not yet available.

Risks: This information has yet to be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: Undetermined.

Sectors Affected: 72 Accommodation and Food Services; 924 Administration of Environmental Quality Programs; 56 Administrative and Support and Waste Management and Remediation Services; 312 Beverage and Tobacco Product Manufacturing; 325 Chemical Manufacturing; 111 Crop Production; 61 Educational Services; 311 Food Manufacturing; 316 Leather and Allied Product Manufacturing; 423 Merchant Wholesalers, Durable Goods; 424 Merchant Wholesalers, Nondurable Goods; 212 Mining (except Oil and Gas); 327 Nonmetallic Mineral Product Manufacturing; 211 Oil and Gas Extraction; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 54 Professional, Scientific, and Technical Services; 44–45 Retail Trade; 115 Support Activities for Agriculture and Forestry; 313 Textile Mills; 48–49 Transportation and Warehousing; 221 Utilities; 493 Warehousing and Storage; 321 Wood Product Manufacturing.

Agency Contact: Stacey Yonce, Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Avenue NW, Mail Code 5104A, Washington, DC 20460, *Phone:* 202 564–2288, *Email: yonce.stacey@epa.gov*.

RIN: 2050–AG87

EPA—OLEM

108. Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Remand Rule

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 6906 and 6907; 42 U.S.C. 6912(a); 42 U.S.C. 6944; 42 U.S.C. 6945(c)

CFR Citation: 40 CFR 257.

Legal Deadline: Final, Judicial, June 14, 2019, Issue a final rule 3 years after settlement agreement date (6/14/2016).

Abstract: The EPA is publishing a proposed rule to modify the final Coal Combustion Residuals (CCR) Disposal Rule, published April 17, 2015. Issues covered by this proposal will include the height limitation of the vegetative slopes of dikes; the type and magnitude of non-groundwater releases that would require a facility to comply with some or all of the corrective action procedures set forth in the final CCR rule; and adding boron to the list of contaminants in Appendix IV of the final CCR rule that trigger the corrective action requirements under the final rule. These proposed changes would address specific technical issues consistent with a settlement agreement to resolve issues raised in litigation of the final CCR rule. Further, the Agency is considering provisions that establish alternative performance standards for owners and operators of CCR units located in states that have approved CCR permit programs, as well as other potential revisions based on comments received since the date of the final CCR rule and petitions for rulemaking that were granted on September 13, 2017.

Statement of Need: On April 17, 2015, the EPA finalized national regulations to regulate the disposal of Coal Combustion Residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act (RCRA) (2015 CCR final rule). The rule was challenged by several different parties, including a coalition of regulated entities and a coalition of public interest environmental organizations. Several of the claims, a subset of the provisions challenged by the industry and environmental petitioners, were settled. As part of that settlement, on April 18, 2016, the EPA requested the court to remand these claims back to the Agency. On June 16, 2016, the United States Court of Appeals for the District of Columbia Circuit granted the EPA's motion. One claim was the subject of a rulemaking completed on August 5, 2016 (81 FR 51802). This proposed rule includes the remaining claims that were remanded back to the EPA.

In addition, in December 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act established new statutory provisions applicable to CCR units, including authorizing states to implement the CCR rule through an EPA-approved permit program and authorizing the EPA to enforce the rule. On September 13, 2017, EPA granted separate petitions for rulemaking submitted by the Utilities Solid Waste Activities group and AEP Puerto Rico LP. In light of the legislation and petitions for rulemaking, the EPA is considering making additional changes to the CCR rule to provide as much flexibility to the state programs as possible, consistent with the WIIN Act. The rulemaking also includes proposed amendments related to implementation of the WIIN Act.

Summary of Legal Basis: As part of the settlement discussed above, the EPA committed to make best efforts to take final action on the remaining claims by June 14, 2019.

Alternatives: According to the terms of the settlement agreement discussed above, the Agency must provide public notice and opportunity for comment on these issues. Each of these settlement-related amendments is fairly narrow in scope and we have not identified any significant alternatives for analysis. Regarding other potential amendments, one alternative would be not to include these additional issues in the CCR Remand proposal since they are not subject to a deadline.

Anticipated Cost and Benefits: Although cost and benefit estimates are not available at this time, it is possible to speak to the general impact of the proposed rule amendments on regulated entities. The general impact of the rule should be considered in relation to the 2015 CCR final rule, which it would amend. Considered in that way, all but one of the settlement-related amendments would result in cost savings to regulated entities. The impacts of one settlement-related amendment are already included in the analysis of the 2015 CCR final rule's costs and benefits, and thus will not result in a change. Regarding the WIIN Act implementation issues, the proposed amendments are estimated to result in efficiencies in the implementation of the CCR rule, which would lead to additional cost savings.

Risks: As compared with the risks to human health and the environment that were presented in the 2015 CCR final rule, the proposed amendments discussed in this action are not expected to impact the overall conclusions in the 2015 final rule. As a result, the Agency believes these amendments, if finalized as proposed, would be protective of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State.

Federalism: Undetermined.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation.

Agency Contact: Mary Jackson, Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Avenue NW, Mail Code 5304P,

Washington, DC 20460, *Phone:* 703 308–8453, *Email: jackson.mary@epa.gov*.

Alexander Livnat, Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Avenue NW, Mail Code 5304P, Washington, DC 20460, *Phone:* 703 308–7251, *Fax:* 703 605–0595, *Email: livnat.alexander@epa.gov*.

RIN: 2050–AG88

EPA—OLEM

109. • Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 7412(r)

CFR Citation: 40 CFR 68.

Legal Deadline: None.

Abstract: The Environmental Protection Agency (EPA) published in the **Federal Register** on January 13, 2017 a final rule to amend the Risk Management Program regulations under the Clean Air Act. Prior to the rule becoming effective, the EPA is considering petitions for reconsideration of this final rule; planning to take comment on specific issues to be reconsidered and considering possible regulatory actions to revise the Risk Management Program amendments.

Statement of Need: On January 13, 2017, the EPA issued a final rule amending 40 CFR part 68, the chemical accident prevention provisions under section 112(r)(7) of the Clean Air Act (CAA) (42 U.S.C. 7412(r)). The amendments addressed various aspects of risk management programs, including prevention programs at stationary sources, emergency response preparedness requirements, information availability, and various other changes to streamline, clarify, and otherwise technically correct the underlying rules. Collectively, this rulemaking is known as the ''Risk Management Program Amendments.'' In a letter dated February 28, 2017, a group known as the ''RMP Coalition,'' submitted a petition (''RMP Coalition Petition'') for reconsideration of the Risk Management Program (RMP) Amendments, as provided for in the CAA section 307(d)(7)(B) (42 U.S.C. 7607(d)(7)(B)). On March 13, 2017, the Chemical Safety Advocacy Group (''CSAG'') also submitted a petition for reconsideration and stay. On March 14, 2017, the EPA received a third petition for reconsideration and stay from the State of Louisiana, joined by Arizona, Arkansas, Florida, Kansas, Kentucky, Oklahoma, South Carolina, Texas, Wisconsin, and West Virginia. The petitions from CSAG and the 11 states also requested that the EPA delay the various compliance dates of the RMP Amendments. Having considered the objections raised in these petitions, the Administrator determined that the criteria for reconsideration have been met for at least one of the objections. The EPA subsequently published proposed and final rules to delay the effective date of the RMP Amendments rule to February 19, 2019, in order to give the EPA time to conduct a reconsideration proceeding. Prior to the RMP Amendment rule becoming effective, the EPA is planning to take comment on specific issues to be reconsidered and considering possible regulatory actions to revise the RMP amendments.

Summary of Legal Basis: The CAA section 112(r)(7)(A) authorizes the EPA Administrator to promulgate accidental release prevention, detection, and correction requirements, which may include monitoring, record keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements. The CAA section 112(r)(7)(B) authorizes the Administrator to promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

Alternatives: The EPA will prepare a notice of proposed rulemaking that will provide the RMP Coalition, CSAG, the states, and the public an opportunity to comment on the issues raised in the petitions that meet the standard of the CAA section 307(d)(7)(B), as well as any other matter we believe will benefit from additional comment.

Anticipated Cost and Benefits: The RMP Reconsideration rule may result in an overall burden reduction. In reconsidering the RMP Amendments, in addition to considering the issues raised by petitioners, EPA must also consider the impacts of recent Executive Orders that require agencies to consider options for regulatory reduction and regulatory reform (*i.e.,* Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs of January 30, 2017, Executive Order 13777 on Enforcing the Regulatory Reform Agenda of February 24, 2017, and Executive Order 13783 on Promoting Energy Independence and Economic Growth). If EPA were to finalize modifications resulting in regulatory reduction consistent with these Executive orders, the reconsideration rule could result in a burden reduction of some or all of the total costs associated with the RMP Amendments final rule (*i.e.,* up to $131.2 million annualized, 3 percent discount rate and $131.8 million annualized, 7 percent discount rate).

Risks: The RMP rule addresses risks from accidental air releases of chemicals that could cause acute harm to human health and the environment. According to the EPA's RMP National Database, approximately 150 such accidental releases occur each year in the U.S. The average annual cost of RMP accidents is approximately $275 million. However, this monetized value of accident impacts omits many important categories of accident impacts including lost productivity, the costs of emergency response, transaction costs, property value impacts in the surrounding community, and environmental impacts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Sectors Affected: 325 Chemical Manufacturing; 49313 Farm Product Warehousing and Storage; 42491 Farm Supplies Merchant Wholesalers; 311511 Fluid Milk Manufacturing; 311 Food Manufacturing; 221112 Fossil Fuel Electric Power Generation; 311411 Frozen Fruit, Juice, and Vegetable Manufacturing; 49311 General Warehousing and Storage; 31152 Ice Cream and Frozen Dessert Manufacturing; 311612 Meat Processed from Carcasses; 211112 Natural Gas Liquid Extraction; 32519 Other Basic Organic Chemical Manufacturing; 42469 Other Chemical and Allied Products Merchant Wholesalers; 49319 Other Warehousing and Storage; 322 Paper Manufacturing; 42471 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 311615 Poultry Processing; 49312 Refrigerated Warehousing and Storage; 22132 Sewage Treatment Facilities; 11511 Support Activities for Crop Production; 22131 Water Supply and Irrigation Systems.

URL For More Information: https://www.epa.gov/rmp.

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RIN: 2050–AG95

EPA—OFFICE OF WATER (OW)

Proposed Rule Stage

110. National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 300f *et seq.* Safe Drinking Water Act

CFR Citation: 40 CFR 141; 40 CFR 142.

Legal Deadline: None.

Abstract: The Lead and Copper Rule (LCR) reduces risks to drinking water consumers from lead and copper that can enter drinking water as a result of corrosion of plumbing materials. The LCR requires water systems to sample at taps in homes with leaded plumbing materials. Depending upon the sampling results, water systems must take actions to reduce exposure to lead and copper including corrosion control treatment, public education and lead service line replacement. The LCR was promulgated in 1991 and, overall, has been effective in reducing the levels of lead and copper in drinking water systems across the country. However, lead crises in Washington, DC, and in Flint, Michigan, and the subsequent national attention focused on lead in drinking water in other communities, have underscored significant challenges in the implementation of the current rule, including a rule structure that, for many systems, only compels protective actions after public health threats have been identified. Key challenges include the rule's complexity; the degree of flexibility and discretion it affords systems and primacy states with regard to optimization of corrosion control treatment; compliance sampling practices, which in some cases, may not adequately protect from lead exposure; and limited specific focus on key areas of concern such as schools. There is a compelling need to modernize and strengthen implementation of the rule—to strengthen its public health protections and to clarify its implementation requirements to make it more effective and more readily enforceable. EPA is evaluating the costs and benefits of the potential revisions and assessing whether the benefits justify the costs.

Statement of Need: The Lead and Copper Rule (LCR) reduces risks to drinking water consumers from lead and copper that can enter drinking water as a result of corrosion of plumbing materials. The LCR requires water systems to sample at taps in homes with leaded plumbing materials. Depending upon the sampling results, water systems must take actions to reduce exposure to lead and copper including corrosion control treatment, public education and lead service line replacement. The LCR was promulgated in 1991 and, overall, has been effective in reducing the levels of lead and copper in drinking water systems across the country. However, lead crises in Washington, DC, and in Flint, Michigan, and the subsequent national attention focused on lead in drinking water in other communities, have underscored significant challenges in the implementation of the current rule, including a rule structure that, for many systems, only compels protective actions after public health threats have been identified. Key challenges include the rule's complexity; the degree of flexibility and discretion it affords systems and primacy states with regard to optimization of corrosion control treatment; compliance sampling practices, which in some cases, may not adequately protect from lead exposure; and limited specific focus on key areas of concern such as schools. There is a compelling need to modernize and strengthen implementation of the rule—to strengthen its public health protections and to clarify its implementation requirements to make it more effective and more readily enforceable.

Summary of Legal Basis: Section 1412(b) of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300f *et seq.*) includes a general authority for EPA to establish maximum contaminant level goals (MCLGs) and national primary drinking water regulations (NPDWRs). The first NPDWR for Lead and Copper was issued in 1991 (56 FR 26460, June 7, 1991). Section 1412(b)(9) of the SDWA (42 U.S.C. 300f *et seq.*) requires EPA, at least every six years, to review and revise, as appropriate, each national primary drinking water regulation. Any revision of a national primary drinking water regulation must be promulgated in accordance with Section 1412, except that each revision must maintain, or provide for greater protection of the health of persons. This rulemaking will revise EPA's existing Lead and Copper Rule pursuant to Section 1412(b)(9). EPA's goal for the LCR revisions is to improve the effectiveness of public health protections while maintaining a rule that can be implemented in a cost effective manner by the 68,000 drinking water systems that are covered by the rule.

Alternatives: TBD.

Anticipated Cost and Benefits: TBD.

Risks: Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	
Final Rule	02/00/20	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Sectors Affected: 924110 Administration of Air and Water Resource and Solid Waste Management Programs; 221310 Water Supply and Irrigation Systems.

URL For More Information: http://water.epa.gov/lawsregs/rulesregs/sdwa/lcr/index.cfm.

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RIN: 2040–AF15

EPA—OW

111. Second Action: Definition of 'Waters of the United States'

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 33 U.S.C. 1251 *et seq.*

CFR Citation: 40 CFR parts 110; 112; 116; 117; 122; 230; 232; 300; 302; and 40.

Legal Deadline: None.

Abstract: The Environmental Protection Agency and the Department of the Army (''the agencies'') are publishing this proposed rule as a second step in a comprehensive, two-step process to revise the definition of ''waters of the United States'' consistent with the Executive Order signed on February 28, 2017. This follows the first step which is seeking to recodify the preexisting definition of ''waters of the United States.'' In this second step, the agencies are conducting a substantive re-evaluation and revision of the definition of ''waters of the United States'' in accordance with Executive Order 13778, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule.''

Statement of Need: This rulemaking action responds to the February 28, 2017, Presidential Executive Order entitled Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the Waters of the United States' Rule. To meet the objectives of the E.O., the EPA and Department of the Army (agencies) are engaged in an expeditious two-step rulemaking process. This action follows the first step which is seeking to recodify the pre-existing definition of waters of the United States. In this second step, the agencies are conducting a reconsideration of the definition of waters of the United States consistent with the Executive Order.

Summary of Legal Basis: The rule is proposed under the Clean Water Act, 33 U.S.C. Section 1251 *et seq.*

Alternatives: Alternatives have not yet been developed at this time. The Executive order. directs the agencies to consider a defining ''waters of the United States'' consistent with Justice Scalia's opinion in Rapanos.

Anticipated Cost and Benefits: An economic analysis analyzing anticipated costs and benefits will be developed for the rulemaking at the time of proposal.

Risks: The agencies will be able to analyze the risks of the proposed rulemaking once policy decisions have been made.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: Undetermined.

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RIN: 2040–AF75

EPA—OFFICE OF AIR AND RADIATION (OAR)

Final Rule Stage

112. Renewable Fuel Volume Standards for 2018 and Biomass Based Diesel Volume (BBD) for 2019

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under PL 104–4.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

CFR Citation: 40 CFR 80.

Legal Deadline: None.

Abstract: The Clean Air Act requires EPA to promulgate regulations that specify the annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. Standards are to be set for four different categories of renewable fuels: cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel. The statute requires that the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass-based diesel, the statute requires applicable volumes to be set no later than 14 months prior to the year for which the requirements would apply.

Statement of Need: The Clean Air Act requires EPA to promulgate regulations that specify the annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. The statute requires that the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass-based diesel, the statute requires applicable volumes to be set no later than 14 months prior to the year for which the requirements would apply.

Summary of Legal Basis: CAA section 211(o).

Alternatives: Volume Standards for the Renewable Fuel Standard Program were proposed for 2018 and for Biomass Based Diesel for 2019. The Proposal also sought comments on alternative volumes, both lower or higher, than what the Agency proposed.

Anticipated Cost and Benefits: Costs and benefits of this rulemaking are highly complex given the nature of the program and the standards being categorically nested under a total volume standard. Costs were based on a number of illustrative assumptions. Illustrative analyses of the four separate hypothetical scenarios are included in the proposed rulemaking. Illustrative Costs for the proposed 40 million gallon reduction in the advanced biofuel category ranged from: (1) Soybean Biodiesel Scenario—$(45)–$(33) million dollars; Brazilian Sugarcane Ethanol Scenario—$(61)–(23) million dollars; CNG/LNG Biogas Scenario—$(2)—2 million dollars; Corn Fiber Derived Ethanol Scenario—$(70)—$(36) million Dollars.

Risks: This is a statutory rulemaking. Environmental assessments are primarily addressed under another section of the CAA (Section 204). Refer to last 204 report and/or the original RIA under the 2010 rulemaking for these assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/21/17	82 FR 34206
Notice	10/04/17	82 FR 46174
NODA Comment Period End.	10/19/17	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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RIN: 2060–AT04

EPA—OAR

113. Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 7411 Clean Air Act

CFR Citation: 40 CFR 60.

Legal Deadline: None.

Abstract: On April 4, 2017, the EPA announced it is reviewing the Clean Power Plan (CPP), found at 40 CFR part 60, subpart UUUU. This action proposes to withdraw the CPP on grounds that it exceeds the statutory authority provided under section 111 of the Clean Air Act.

Statement of Need: The EPA has conducted its initial review of the CPP, as directed by Executive Order 13783, and has concluded that suspension, revision, or rescission of [the CPP] may be appropriate on the basis of the agency's proposed reinterpretation of the statutory provisions underlying the CPP.

Summary of Legal Basis: The EPA proposes to return to a reading of CAA section 111(a)(1) (and its constituent term, best system of emission reduction) as being limited to emission reduction measures that can be *applied to or at* an individual stationary source. The EPA believes that this interpretation is consistent with the CAA's text, context, structure, purpose, and legislative history, as well as with the Agency's historical understanding and exercise of its statutory authority.

Alternatives: Not yet determined.

Anticipated Cost and Benefits: Repealing the CPP could lead to up to $33 billion dollars in avoided compliance costs in 2030. EPA presents a wide range of analysis scenarios meant to address numerous concerns and uncertainties associated with the previous approach to analyzing costs and benefits in the Clean Power Plan.

Risks: The CPP as originally finalized raised concerns that it would necessitate changes to a state's energy policy, such as a grid-wide shift from coal-fired to natural gas-fired generation, and from fossil fuel-fired generation to renewable generation and that it exceeded the agency's statutory authority.

Timetable:

Action	Date	FR Cite
NPRM	10/16/17	82 FR 48035
NPRM Comment Period End.	12/15/17	
Notice	11/08/17	82 FR 51787
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, State, Tribal.

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RIN: 2060–AT55

EPA—OFFICE OF LAND AND EMERGENCY MANAGEMENT (OLEM)

Final Rule Stage

114. Financial Responsibility Requirements Under Cercla Section 108(B) For Classes of Facilities in the Hardrock Mining Industry

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 9601 *et seq.*

CFR Citation: 40 CFR 320.

Legal Deadline: NPRM, Judicial, December 1, 2016, Court Order: NPRM.

Final, Judicial, December 1, 2017, Court Order: Final.

Abstract: Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. In 2009, the Agency published a notice that identified classes of facilities within the hardrock mining industry as those for which financial responsibility requirements will be first developed.

Statement of Need: EPA is under court order to sign for publication by December 1, 2017 a notice of its final action on such regulations under section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended.

Summary of Legal Basis: Section 108(b) of CERCLA establishes certain regulatory authorities concerning financial responsibility requirements. Specifically, the statutory language addresses the promulgation of regulations that would require classes of facilities to establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. The Administrator shall establish the level of financial responsibility to protect against the level of risk that the Administrator in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfactions.

Alternatives: The EPA received public comments on the need for final CERCLA financial responsibility requirements as outlined in the proposed rule in light of existing financial responsibility requirements imposed by state and federal regulatory authorities, as well as comments on the methods for calculating financial responsibility and the availability of financial responsibility instruments.

Anticipated Cost and Benefits: The EPA would expect that the primary costs of a final rule to be in the form of commissions and fees paid by facilities for procuring required financial instruments. The EPA would also expect to incur administrative and oversight costs for implementing a final rule.

Risks: EPA's CERCLA section 108(b) rules are intended to address the risks associated with the production, transportation, treatment, storage or disposal of hazardous substances.

Timetable:

Action	Date	FR Cite
Notice	07/28/09	74 FR 37213
NPRM	01/11/17	82 FR 3388
NPRM Comment Period Extended.	03/02/17	82 FR 12333
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal.

Additional Information: Docket #:EPA–HQ–SFUND–2015–0781. Split from RIN 2050–AG56.

Sectors Affected: 212 Mining (except Oil and Gas); 331 Primary Metal Manufacturing.

URL For More Information: https://www.epa.gov/superfund/superfund-financial-responsibility.

URL For Public Comments: https://www.regulations.gov/searchResults?rpp=25&po=0&s=EPA-HQ-SFUND-2015-0781&fp=true&ns=true.

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RIN: 2050–AG61

EPA—OFFICE OF WATER (OW)

Final Rule Stage

115. Definition of ''Waters of the United States''—Recodification of Pre-Existing Rule

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 33 U.S.C. 1251 *et seq.*

CFR Citation: 40 CFR 110; 40 CFR 112; 40 CFR 116 and 117; 40 CFR 122; 40 CFR 230; 40 CFR 232; 40 CFR 300; 40 CFR 302; 40 CFR 401.

Legal Deadline: None.

Abstract: The Environmental Protection Agency and the Department of the Army (''the agencies'') published this proposed rule to initiate the first step in a comprehensive, two-step process to revise the definition of ''waters of the United States'' consistent with the Executive Order signed on February 28, 2017.

Statement of Need: This rulemaking action responds to the February 28, 2017, Presidential Executive Order entitled Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the Waters of the United States' Rule. To meet the objectives of the E.O., the agencies are engaged in a comprehensive two-step rulemaking process. Under the first step of this rulemaking process, the agencies are seeking to recodify the regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the stay ordered by the U.S. Court of Appeals for the Sixth Circuit.

Summary of Legal Basis: The rule is proposed under the Clean Water Act, 33 U.S.C. Section 1251 *et seq.*

Alternatives: In this first step, the agencies have proposed as an interim action to repeal the 2015 definition of waters of the United States and codify the legal status quo that is being implemented now under the Sixth Circuit stay of the 2015 definition of waters of the United States and that was in place for decades prior to the 2015 rule. This rule would result in the recodification of what is in place under the Court stay (*i.e.,* the regulation as it existed prior to the 2015 rule) so that the rules are clear and certain while agencies engage in a second rulemaking to reconsider the definition. As a result, the agencies did not propose any alternatives for this proposed rule.

Anticipated Cost and Benefits: The agencies estimated the avoided costs and forgone benefits of repealing the 2015 rule. Annual avoided costs range from $162.2 to $313.9 million for the low end scenario and $242.4 to $476.2 million for the high end scenario (at 2016 price levels). All of the forgone benefit categories were not fully quantified in the economic analysis for the proposed rule (noted with $B). The annual forgone benefits range from $33.6 + $B to $44.5 to $B for the low end scenario and $55.0 + $B to $72.8 + $B in the high-end scenario. The economic analysis can be found in the docket for the proposed rulemaking.

Risks: Because the proposed rule maintains the status quo, there are no environmental or health risks associated with this effort.

Timetable:

Action	Date	FR Cite
NPRM	07/27/17	82 FR 34899
NPRM Comment Period Extended.	08/22/17	82 FR 39712
Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Docket #: EPA–HQ–OW–2017–0203.

URL For More Information: https://www.epa.gov/wotus-rule/proposed-rule-definition-waters-united-states-recodification-pre-existing-rules.

URL For Public Comments: https://www.regulations.gov/docket?D=EPA-HQ-OW-2017-0203.

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RIN: 2040–AF74

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Statement of Regulatory and Deregulatory Priorities

The mission of the Equal Employment Opportunity Commission (EEOC, Commission, or Agency) is to ensure equality of opportunity in employment by vigorously enforcing and educating the public about the following Federal statutes: Title VII of the Civil Rights Act of 1964, as amended (prohibits employment discrimination on the basis of race, color, sex (including pregnancy), religion, or national origin); the Equal Pay Act of 1963, as amended (makes it illegal to pay unequal wages to men and women performing substantially equal work under similar working conditions at the same establishment); the Age Discrimination in Employment Act of 1967, as amended (prohibits employment discrimination based on age of 40 or older); Titles I and V of the Americans with Disabilities Act, as amended, and sections 501 and 505 of the Rehabilitation Act, as amended (prohibit employment discrimination based on disability); Title II of the Genetic Information Nondiscrimination Act (prohibits employment discrimination based on genetic information and limits acquisition and disclosure of genetic information); and section 304 of the Government Employee Rights Act of 1991 (protects certain previously exempt state and local government employees from employment discrimination on the basis of race, color, religion, sex, national origin, age, or disability).

The EEOC has authority to issue legislative regulations under the Age Discrimination in Employment Act, Title I of the Americans with Disabilities Act, and Title II of the Genetic Information Nondiscrimination Act (GINA). Under Title VII of the Civil Rights Act, EEOC's authority to issue legislative regulations is limited to procedural, record keeping, and reporting matters.

Three items are identified in this Regulatory Plan. On August 22, 2017, the U.S. District Court for the District of Columbia ordered the EEOC to reconsider its regulations under the ADA and GINA related to incentives and employer-sponsored wellness plans. *See AARP* v. *EEOC,* Civ. Action No. 16–2113 (D.D.C. Aug. 22, 2017). In accordance with the court's ruling, the EEOC will consider and take actions to cure defects in the rules. In addition, the EEOC's Fall 2017 Regulatory Agenda contains a longstanding item titled ''Federal Sector Equal Employment

Opportunity Process.'' In July 2012, the Commission published a final rule containing 15 discrete changes to various parts of the Federal sector EEO complaint process, and indicated that the rule was the Commission's initial step in a broader review of the Federal sector EEO process. On February 6, 2015, the Commission issued an Advance Notice of Proposed Rulemaking (ANPRM) (80 FR 6669), that sought public input on additional issues associated with the Federal sector EEO process. The EEOC's Fall 2017 Regulatory Agenda states that an NPRM is expected to be issued by March 2018. Based on the information currently available, we anticipate that most of the changes will have no cost and will benefit users of the process by correcting or clarifying the requirements. Any cost that might result would only be borne by the Federal Government. Furthermore, any revisions would not affect risks to public health, safety, or the environment.

Executive Order 13771 Statement

EEOC does not anticipate finalizing any regulatory or deregulatory actions subject to Executive Order 13771 in the next 12 months. One significant rule—''Federal Sector Equal Employment Opportunity Process''—falls within an exception for regulations that affect only other Federal agencies and are related to personnel matters, this matter is at the proposed rule stage. In addition, the two rules related to wellness programs under the ADA and GINA are significant under E.O. 12866, but are not expected to be finalized in the next 12 months.

Consistent with section 4(c) of Executive Order 12866, this statement was reviewed and approved by the Chair of the Agency. The statement has not been reviewed or approved by the other members of the Commission.

EEOC

Proposed Rule Stage

116. Federal Sector Equal Employment Opportunity Process

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 29 U.S.C. 206(d); 29 U.S.C. 633a; 29 U.S.C. 791; 29 U.S.C. 794; 42 U.S.C. 2000e–16; E.O. 10577; E.O. 11222; E.O. 11478; E.O. 12106; Reorganization Plan No. 1 of 1978; 42 U.S.C. 2000ff–6(e)

CFR Citation: 29 CFR 1614.

Legal Deadline: None.

Abstract: In July 2012, the Commission published a final rule containing 15 discrete changes to various parts of the Federal sector EEO complaint process, and indicated that the rule was the Commission's initial step in a broader review of the Federal sector EEO process. On February 6, 2015, the Commission issued an Advance Notice of Proposed Rulemaking (ANPRM) (80 FR 6669), that sought public input on additional issues associated with the Federal sector EEO process.

Statement of Need: Any proposals contained in an NPRM would be aimed at making the process more fair and efficient.

Summary of Legal Basis: Title VII of the Civil Rights Act of 1964 authorizes EEOC ''to issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under . . . section [717].'' 42 U.S.C. 2000e–16(b).

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, we anticipate that most of the changes will have no cost and will benefit users of the process by correcting or clarifying the requirements. Any cost that might result would only be borne by the Federal Government.

Risks: Any proposed revisions would not affect risks to the public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
ANPRM	02/06/15	80 FR 6669
ANPRM Comment Period End.	04/07/15	
NPRM	03/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

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RIN: 3046–AB00

EEOC

117. • Amendments to Regulations Under the Americans With Disabilities Act

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 12101 *et seq.*

CFR Citation: 29 CFR 1630.

Legal Deadline: None.

Abstract: This rule amends the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and inducements and/or penalties as part of wellness programs offered by employers. On August 22, 2017, the U.S. District Court for the District of Columbia ordered the EEOC to reconsider its regulations under the ADA related to incentives and employer-sponsored wellness plans. *See AARP* v. *EEOC,* Civ. Action No. 16–2113 (D.D.C. Aug. 22, 2017). In accordance with the court's ruling, the EEOC will consider and take actions to cure defects in the rule. The final rule was published on May 17, 2016 (81 FR 31125) and completed in the fall 2016 agenda as RIN 3046–AB01.

Statement of Need: The revision to 29 CFR 1630.14(d) is needed in accordance with the District Court's ruling noted above.

Summary of Legal Basis: The ADA requires the EEOC to issue regulations implementing title I of the Act. The EEOC initially issued regulations in 1991 on the law's requirements and prohibited practices with respect to employment and issued amended regulations in 2011 to conform to changes to the ADA made by the ADA Amendments Act of 2008. The EEOC again issued regulations in May 2016 to address the interaction between title I of the ADA and wellness programs. The U.S. District Court for the District of Columbia ordered the EEOC to reconsider these regulations in August 2017. These new revisions are based on the court's order, as well as the statutory requirement to issue regulations to implement title I of the ADA.

Alternatives: The EEOC will consider all alternatives offered by the public commenters.

Anticipated Cost and Benefits: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by

title I of the ADA by clarifying employers' obligations under the ADA.

Risks: The rule imposes no new or additional risks to employers. The rule does not address risks to public safety or the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	
NPRM Comment Period End.	10/00/18	
Final Action	10/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

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Related RIN: Previously reported as 3046–AB01.

RIN: 3046–AB10

EEOC

118. • Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 2000ff

CFR Citation: 29 CFR 1635.

Legal Deadline: None.

Abstract: This rule amends the regulations on the Genetic Information Nondiscrimination Act of 2008 to address inducements to employees' spouses or other family members who respond to questions about their current or past medical conditions on health risk assessments (HRA). On August 22, 2017, the U.S. District Court for the District of Columbia ordered the EEOC to reconsider its regulations under GINA related to incentives and employer-sponsored wellness plans. *See AARP* v. *EEOC,* Civ. Action No. 16–2113 (D.D.C. Aug. 22, 2017). In accordance with the court's ruling, the EEOC will consider and take actions to cure defects in the rule. The final rule was published on May 17, 2016 (81 FR 31143) and completed in the fall 2016 agenda as RIN 3046–AB02.

Statement of Need: The revision to 29 CFR 1635.8 is needed in accordance with the District Court's ruling noted above.

Summary of Legal Basis: GINA, section 211, 42 U.S.C. 2000ff-10, requires the EEOC to issue regulations implementing title II of the Act. The EEOC issued regulations on November 9, 2010. In May 2016, the EEOC issued an amendment to the regulations which dealt with the interaction between title II of GINA and wellness programs. The U.S. District Court for the District of Columbia ordered the EEOC to reconsider these regulations in August 2017. These new revisions are based on the court order, as well as the statutory requirement.

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title II of GINA by clarifying employers' obligations under GINA.

Risks: The rule imposes no new or additional risks to employers. The rule does not address risks to public safety or the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	
NPRM Comment Period End.	10/00/18	
Final Action	10/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

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Related RIN: Related to 3046–AB02

RIN: 3046–AB11

BILLING CODE 6570–01–P

GENERAL SERVICES ADMINISTRATION (GSA)

Regulatory Plan—October 2017

The mission of GSA is to deliver the best value in real estate, acquisition, and technology services to government and the American people by:

- Providing centralized procurement services for the federal government by offering billions of dollars of products, services, and facilities that federal agencies need to serve the public.
- Helping federal agencies build and acquire office space, products and other workspace services.
- Overseeing the preservation of historic federal properties.
- Creating and maintaining Governmentwide policies for travel and property management to promote efficient government operations.
- Providing tools, equipment, and non-tactical vehicles to the U.S. military.
- Providing state and local governments with law enforcement equipment, firefighting and rescue equipment, and disaster recovery products and services.
- Offering free access to and information about government programs with the following websites:
- *USA.gov,* official portal to federal government information;
- *gobiernoUSA.gov,* Spanish counterpart of USA.gov;
- *publications.USA.gov,* Federal Citizen Information Center;
- Consumer protection on *USA.gov,* consumer action website;
- Consumer protection in Spanish on *goviernoUSA.gov;*
- *kids.gov,* official kids portal for the U.S. government.
- Providing free telephone assistance through the National Contact Center at 800–FED–INFO, with email and online assistance to the public.

GSA's Regulatory Philosophy and Principles

The Agency's rulemaking program strives to be responsive, efficient, and transparent.

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' (February 24, 2017), required GSA to appoint a Regulatory Reform Officer to

oversee the implementation of regulatory reform initiatives and policies and establish a Regulatory Reform Task Force (Task Force) to review and evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.

These reform initiatives and policies include Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (January 30, 2017), section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), and Executive Order 12866.

In addition, GSA implements and supplements FAR requirements through the General Services Administration Acquisition Regulation (GSAR). The GSAR establishes agency acquisition regulations that affect GSA's business partners (*e.g.* prospective offerors and contractors) and acquisition of leasehold interests in real property. The latter are established under the authority of 40 U.S.C. 585, *et seq.* The GSAR implements contract clauses, solicitation provisions, and forms that control the relationship between GSA and contractors and prospective contractors.

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (2011), the GSA retrospective review and analysis final and updated regulations plan can be found at *www.gsa.gov/improvingregulations*.

Listed below are the important rules planned that require a Regulatory Flexibility Act analysis or are considered significant and/or highly visible.

Regulation Identifier No.	Title
	Proposed Rule Stage
3090–AJ64	General Services Administration Regulation (GSAR); GSAR Case 2015–G506; Construction Manager as Constructor Contracting
3090–AJ84	General Services Administration Regulation (GSAR); GSAR Case 2016–G511; Information and Information Systems Security
3090–AJ85	General Services Administration Regulation (GSAR); GSAR Case 2016–G515; Cyber Incident Reporting
3090–AJ88	Federal Permitting Improvement Steering Council (FPISC); FPISC Case 2017–001; Fees for Governance, Oversight, and Processing of Environmental Reviews and Authorizations
	Final Rule Stage
3090–AJ41	General Services Administration Regulation (GSAR); GSAR Case 2013–G502; Federal Supply Schedule Contracting (Administrative Changes)
3090–AJ63	General Services Administration Regulation (GSAR); GSAR Case 2015–G503; Construction Contract Administration
3090–AJ65	General Services Administration Regulation (GSAR); GSAR Case 2015–G505; Architect-Engineer Selection Procedures
3090–AJ67	General Services Administration Regulation (GSAR); GSAR Case 2015–G512; Unenforceable Commercial Supplier Agreement Terms
3090–AJ75	General Services Administration Acquisition Regulation (GSAR); GSAR 2016–G506; Federal Supply Schedule, Order-Level Materials
3090–AJ82	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G502; Submission and Distribution of Federal Supply Schedules (FSS) Price Lists
3090–AJ83	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G509; Updates to the Issuance of GSA's Acquisition Policy
3090–AJ86	General Services Administration Acquisition Regulation (GSAR); GSAR 2017–G502; Transition to Small Business Administration (SBA) Mentor-Portege Program
3090–AJ87	General Services Administration Acquisition Regulation (GSAR); GSAR 2017–G503; Remove Duplicative Responsibility Determination Guidance
3090–AJ89	Federal Travel Regulation (FTR); FTR Case 2017–301; Transportation Network Companies (TNC), Innovative Mobility Technology Companies, and Reporting Travel, Transportation, and Relocation Costs
3090–AJ90	General Services Administration Regulation (GSAR); GSAR Case 2017–G506; Clause and Provision Designation Corrections
3090–AJ91	General Services Administration Regulation (GSAR); GSAR Case 2017–G507, Federal Supply Schedule (FSS) Contractor Teaming Arrangements
	Completed Actions
3090–AJ69	Federal Travel Regulation (FTR); FTR Case 2016–301, Clarification of Payment In Kind for Speakers at Meetings and Conferences

Dated: September 29, 2017.

Allison Fahrenkopf Brigati,

Associate Administrator, Office of Government-wide Policy.

BILLING CODE 6820–34–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Statement of Regulatory Priorities

The National Aeronautics and Space Administration (NASA) aim is to increase human understanding of the solar system and the universe that contains it and to improve American aeronautics ability. NASA's basic organization consists of the Headquarters, nine field Centers, the Jet Propulsion Laboratory (a federally funded research and development center), and several component installations which report to Center Directors. Responsibility for overall planning, coordination, and control of NASA programs is vested in NASA Headquarters located in Washington, DC.

NASA continues to implement programs according to its 2014 Strategic Plan. The Agency's mission is to ''Drive advances in science, technology, aeronautics, and space exploration to enhance knowledge, education, innovation, economic vitality, and stewardship of the Earth.'' The FY 2014 Strategic Plan, (available at *http://www.nasa.gov/sites/default/files/files/2014 NASA Strategic Plan.pdf*), guides NASA's program activities through a framework of the following three strategic goals:

• *Strategic Goal 1:* Expand the frontiers of knowledge, capability, and opportunity in space.

• *Strategic Goal 2:* Advance understanding of Earth and develop technologies to improve the quality of life on our home planet.

• *Strategic Goal 3:* Serve the American public and accomplish our mission by effectively managing our people, technical capabilities, and infrastructure.

In the decades since Congress enacted the National Aeronautics and Space Act of 1958, NASA has challenged its scientific and engineering capabilities in pursuing its mission, generating tremendous results and benefits for humankind. NASA will continue to push scientific and technical boundaries in pursuit of these goals.

NASA's Regulatory Philosophy and Principles

The Agency's rulemaking program strives to be responsive, efficient, and transparent. As noted in Executive Order 13609, ''Promoting International Regulatory Cooperation'' (May 1, 2012), international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation.

NASA, along with the Departments of State and Commerce and Defense, engages with other countries in the Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group, and Missile Technology Control Regime through which the international community develops a common list of items that should be subject to export controls. NASA has also been a key participant in the Administration's Export Control Reform effort that resulted in a complete overhaul of the U.S. Munitions List and fundamental changes to the Commerce Control List. New controls have facilitated transfers of goods and technologies to allies and partners while helping prevent transfers to countries of national security and proliferation concerns.

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' (February 24, 2017), required NASA to appoint a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies and establish a Regulatory Reform Task Force (Task Force) to review and evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law. NASA is doing this work primarily through its work as a signatory to Federal Acquisition Regulatory Council.

The FAR at 48 CFR chapter 1, contains procurement regulations that apply to NASA and other Federal agencies. Pursuant to 41 U.S.C. 1302 and FAR 1.103(b), the FAR is jointly prepared, issued, and maintained by the Secretary of Defense, the Administrator of General Services, and the Administrator, National Aeronautics and Space Administration, under their several statutory authorities.

These reform initiatives and policies include Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (January 30, 2017), section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), and Executive Order 12866.

In addition, NASA implements and supplements FAR requirements through the NASA FAR Supplement (NFS), 48 CFR chapter 18. As a result of the ongoing review, evaluation, and recommendations of the FAR Task Force and internal Agency discussions, NASA has identified priority regulatory and deregulatory actions that reduce costs to the public by eliminating unnecessary, ineffective, and duplicative regulations.

The Agency has focused its regulatory resources on the most serious acquisition, health, and personnel and readiness risks as discussed below.

NASA will revise the NASA FAR Supplement to clarify policy for applying Earned Value Management System (EVMS) requirements to contracts, task and delivery orders and to revise the EVMS dollar threshold as follows: Clarify that EVMS requirements are applicable to all contracts, task and delivery orders that are cost or fixed-price incentive fee, have a value of $20 million or more, including options, have a period of performance of 18 months or longer, and contain developmental work scope; raise the dollar threshold from $50 million to $100 million for requiring EVMS compliance reviews; remove the American National Standards Institute (ANSI) designation from the American National Standards Institute/Electronic Industries Alliance Standard 748, Earned Value Management Systems (ANSI/EIA–748), which was revised to EIA–748, in March 2013 Tech America Standard publication; clarify the contractor's and Government's role in identifying and approving over-target baseline or over-target schedule, and; clarify that EVMS requirements are to flow down to subcontracts.

NASA will also amend the NFS to implement revisions to the voucher and invoice submittal and payment process. These revisions are necessary in order for NASA to comply with the Office of Management and Budget issued Memorandum M–15–19, Improving Government Efficiency and Saving Taxpayer Dollars through Electronic Invoicing, which directed federal agencies to transition to electronic invoicing for appropriate federal procurement by the end of the fiscal year 2018.

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Statement of Regulatory Priorities

Overview

The National Archives and Records Administration (NARA) primarily issues regulations directed to other Federal agencies and to the public. These regulations include records management, information services, access to and use of NARA holdings, and grant programs. For example, records management regulations directed to Federal agencies concern the proper management and disposition of Federal records. Through the Information Security Oversight Office (ISOO), NARA also issues Governmentwide regulations concerning information security classification, control, and declassification programs. NARA regulations directed to the public address access to, and use of, our historically valuable holdings, including archives, donated historical materials, Nixon Presidential materials, and Presidential records. NARA also issues regulations relating to the National Historical Publications and Records Commission (NHPRC) grant programs.

NARA has two regulatory priorities for fiscal year 2018, which are included in The Regulatory Plan. The first priority is a substantial revision to NARA's National Industrial Security Program (NISP) regulations at 32 CFR 2004. The NISP regulations govern release of classified information to contractors and other entities that enter agreements with the Federal Government involving access to classified information. Although we are proposing to substantially revise the regulation, the proposed revisions would affect only minor changes to the program's requirements for contractors and other entities. The proposed changes primarily include new sections

setting out agency obligations in the course of implementing the program that reflect already-existing requirements for industry contained in the National Industrial Security Program Operating Manual (NISPOM), and streamline or clarify other sections of the regulation. In addition, a small portion of the proposed revisions add requirements from Executive Order 13587 to implement the insider threat program.

The second priority this fiscal year is a new regulation for the Office of Government Information Services (OGIS). The Open Government Act of 2007 (Pub. L. 110–175, 121 Stat. 2524), amended the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended), and created OGIS within the National Archives and Records Administration (NARA). OGIS is finalizing regulations, pursuant to 44 U.S.C. 2104, to clarify, elaborate upon, and specify the procedures in place for Federal agencies and public requesters who seek OGIS's services within the FOIA system. The regulation will describe one of the areas in which OGIS carries out its role as the Federal FOIA Ombudsman by working with Federal agencies to provide an alternative to litigation in resolving FOIA disputes.

BILLING CODE 7515–01–P

OFFICE OF PERSONNEL MANAGEMENT

Statement of Regulatory and Deregulatory Priorities

Fall 2017 Unified Agenda

OPM works in several broad categories to recruit, retain and honor a world-class workforce for the American people.

- We manage Federal job announcement postings at *USAJOBS.gov,* and set policy on governmentwide hiring procedures.
- We conduct background investigations for prospective employees and security clearances across government, with hundreds of thousands of cases each year.
- We uphold and defend the merit systems in Federal civil service, making sure that the Federal workforce uses fair practices in all aspects of personnel management.
- We manage pension benefits for retired Federal employees and their families. We also administer health and other insurance programs for Federal employees and retirees.
- We provide training and development programs and other management tools for Federal employees and agencies.
- In many cases, we take the lead in developing, testing and implementing new governmentwide policies that relate to personnel issues.

Altogether, we work to make the Federal government America's model employer for the 21st century.

OPM's Regulatory Philosophy and Principles

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' (February 24, 2017), required OPM to appoint a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies and establish a Regulatory Reform Task Force (Task Force) to review and evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.

These reform initiatives and policies include Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (January 30, 2017), section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), and Executive Order 12866.

A fully searchable e-Agenda is available for viewing in its entirety at *www.reginfo.gov.* Agenda information is also available at *www.regulations.gov,* the government-wide website for submission of comments on proposed regulations. Our fall 2017 agenda follows.

FOR FURTHER INFORMATION CONTACT: Steve Hickman, (202) 606–1973 or *stephen.hickman@opm.gov.*

BILLING CODE 6325–44–P

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Statement of Regulatory and Deregulatory Priorities

The Pension Benefit Guaranty Corporation (PBGC) is a federal corporation created under title IV of the Employee Retirement Income Security Act (ERISA) to guarantee the payment of pension benefits earned by nearly 40 million workers and retirees in nearly 24,000 private-sector defined benefit plans. PBGC receives no tax revenues. Operations are financed by insurance premiums, investment income, assets from pension plans trusteed by PBGC, and recoveries from the companies formerly responsible for the trusteed plans. PBGC administers two insurance programs—one for single-employer defined benefit pension plans and a second for multiemployer defined benefit pension plans.

- *Single-Employer Program.* Under the single-employer program, when a plan terminates with insufficient assets to cover all plan benefits (distress and involuntary terminations), PBGC pays plan benefits that are guaranteed under title IV. PBGC also pays nonguaranteed plan benefits to the extent funded by plan assets or recoveries from employers.
- *Multiemployer Program.* The multiemployer program covers collectively bargained plans involving more than one unrelated employer. PBGC provides financial assistance (in the form of a loan) to the plan if the plan is unable to pay benefits at the guaranteed level. The guarantee is structured differently from, and is generally significantly smaller than, the single-employer guarantee.

At the end of fiscal year (FY) 2017, PBGC had a deficit of $11 billion in its single-employer insurance program and $65 billion in its multiemployer insurance program. While the financial position of the single-employer program is likely (but not certain) to continue to improve, the multiemployer program is likely to run out of funds by the end of 2025. If that happens, PBGC will not have the money to pay benefits at the current guaranteed levels to multiemployer plan participants whose plans run out of money.

To carry out its statutory functions, PBGC issues regulations on such matters as how to pay premiums, when reports are due, what benefits are covered by the insurance program, how to terminate a plan, the liability for underfunding, and how withdrawal liability works for multiemployer plans. PBGC follows a regulatory approach that seeks to encourage the continuation and maintenance of defined benefit plans. So, in developing new regulations and reviewing existing regulations, PBGC seeks to reduce burdens on plans, employers, and participants, and to ease and simplify employer compliance wherever possible. PBGC particularly strives to meet the needs of small businesses that sponsor defined benefit plans. In all such efforts, PBGC's mission is to protect the retirement incomes of plan participants.

Regulatory/Deregulatory Objectives and Priorities

PBGC's regulatory/deregulatory objectives and priorities are developed in the context of the Corporation's statutory purposes:

• To encourage the continuation and maintenance of voluntary private pension plans;

• To provide for the timely and uninterrupted payment of pension benefits; and

• To keep premiums at the lowest possible levels.

Pension plans and the statutory framework in which they are maintained and terminated are complex. Despite this complexity, PBGC is committed to issuing simple, understandable, flexible, and timely regulations to help affected parties. PBGC's regulatory/deregulatory objectives and priorities for the fiscal year are:

• To enhance the retirement security of workers and retirees;

• To implement statutory changes through regulatory actions that ease compliance burdens and achieve maximum net benefits; and

• To simplify existing regulations and reduce burden.

PBGC endeavors in all its regulatory and deregulatory actions to promote clarity and reduce burden with the goal that net cost impact on the public is zero or less overall. PBGC's most important actions are:

Missing participants. A major focus of PBGC's current efforts is to finalize rules to simplify and revise the existing missing participants program to help connect more participants with their lost retirement savings. As authorized by the Pension Protection Act of 2006 (PPA), the revised program will cover terminating defined contribution plans, defined benefit plans of small professional-service employers that are not covered by title IV of ERISA, and multiemployer plans, in addition to terminating single-employer defined benefit plans. The program will save retirement plans time and money in dealing with the benefits of missing participants. And a centralized search directory and periodic searching by PBGC will make finding lost benefits much easier. PBGC expects many more workers and retirees will be reunited with their retirement dollars. PBGC published a proposed rule on September 20, 2016, received 14 comments, and intends to publish a final rule early in FY 2018. (See RIN 1212–AB13.)

Mergers and Transfers Between Multiemployer Plans. The Multiemployer Pension Reform Act of 2014 (MPRA) established new options (plan partitions and mergers) for trustees of multiemployer plans that will potentially run out of money to apply to PBGC for technical or financial assistance. This action primarily will prescribe guidance to facilitate mergers of certain financially troubled multiemployer plans pursuant to MPRA, thereby reducing plan costs and significantly benefitting plan participants. Mergers are a way some plans can preserve and protect benefits earned by workers. Such plans could stabilize or increase their base of contributing employers, combine plan assets for more efficient investing, and reduce plan administrative costs. PBGC published a proposed rule on June 6, 2016, received 10 comments, and intends to publish a final rule early in FY 2018. (See RIN 1212–AB31.)

Rethinking Existing Regulations

Most of PBGC's regulatory/deregulatory actions are the result of its ongoing retrospective review program to identify and ameliorate inconsistencies, inaccuracies, and requirements made irrelevant over time. PBGC undertook a review of its multiemployer plan regulations and has identified rules in which it can reduce burden and clarify guidance. For example, PBGC plans to propose reductions in actuarial valuation requirements for certain small terminated multiemployer pension plans, notice requirements on plan sponsors of plans terminated by mass withdrawal, and reporting and disclosure requirements on sponsors of insolvent plans (''Terminated and Insolvent Multiemployer Plans and Duties of Plan Sponsors'' RIN 1212–AB38). Another proposal would simplify how multiemployer plans calculate withdrawal liability where changes in contributions or benefits are, by statute, to be disregarded in that calculation (''Methods for Computing Withdrawal Liability'' RIN 1212–AB36).

PBGC plans to propose a ''housekeeping'' rulemaking project to make miscellaneous technical corrections, clarifications, and improvements to PBGC's regulations, such as the reportable events regulation (particularly addressing duplicative active participant reduction event reporting) and the regulation on annual financial and actuarial information reporting (''Miscellaneous Corrections, Clarifications, and Improvements'' RIN 1212–AB34). PBGC expects to undertake periodic rulemaking projects like this that deal with minor technical and clarifying issues. The ''Benefit Payments'' proposal (RIN 1212–AB27) would make clarifications and codify policies in PBGC's benefit payments and valuation regulations involving payment of lump sums, entitlement to a benefit, changes to benefit form, partial benefit distributions, and valuation of plan assets. PBGC's regulatory review also identified a need to update the rules for administrative review of agency decisions (RIN 1212–AB35).

Multiple proposed rulemakings would update PBGC's regulations and policies to ensure that the actuarial and economic content remains current. PBGC plans to publish proposed rules that would amend its benefit valuation and asset allocation regulations by updating its valuation assumptions and methods. Chief among the modifications PBGC is considering at this time are to interest and mortality assumptions under the asset allocation regulation (RIN 1212–AA55), and the methodology for setting interest assumptions under the benefit payments regulation (RIN 1212–AB41).

Small Businesses

PBGC takes into account the special needs and concerns of small businesses in making policy. Many plans PBGC insures are sponsored by small businesses. PBGC is considering several proposed actions that will have a positive impact on small businesses, notably its ''Missing Participants'' final rule discussed above. This rule would benefit small businesses by simplifying and streamlining current requirements, better coordinating with requirements of other agencies, and providing more options for sponsors of terminating non-covered plans (*i.e.,* defined contribution plans and plans of small professional-service employers). The ''Terminated and Insolvent Multiemployer Plans and Duties of Plan Sponsors'' proposal also discussed above would reduce valuation and reporting burdens primarily on small multiemployer plans, which generally are comprised of small employers.

Open Government and Increased Public Participation

PBGC encourages public participation in the regulatory process. For example, PBGC highlights when there are opportunities to comment on proposed rules and requests for information on its ''Retirement Matters'' blog and in its ''What's New for Employers and Practitioners'' updates. PBGC's current efforts to reduce regulatory burden in the projects discussed above are in substantial part a response to public comments. Most recently, PBGC asked for feedback on its regulatory planning and review of existing regulations by way of a Request for Information (RFI) published on July 26. A number of individuals and organizations responded, and PBGC is actively considering the comments, some of which are already reflected in this Fall agenda. PBGC encourages comments on an on-going basis as we continue to look

for ways to further improve PBGC's regulations.

BILLING CODE 7709–02–S

SMALL BUSINESS ADMINISTRATION

Statement of Regulatory Priorities

Overview

The mission of the U.S. Small Business Administration (SBA) is to maintain and strengthen the Nation's economy by enabling the establishment and viability of small businesses and by assisting in the physical and economic recovery of communities after disasters. In carrying out this mission, SBA strives to improve the economic environment for small businesses, including those in areas that have significantly higher unemployment and lower income levels than the Nation's averages and those in traditionally underserved markets. SBA has several financial, procurement, and technical assistance programs that provide a crucial foundation for those starting or growing a small business. For example, the Agency serves as a guarantor of loans made to small business by lenders that participate in SBA's programs, and also licenses small business investment companies that make equity and debt investments in qualifying small businesses using a combination of privately raised capital and SBA guaranteed leverage. SBA also funds various training and mentoring programs to help small businesses, particularly businesses owned by women, veterans, minorities, and other historically underrepresented groups, gain access to Federal government contracting opportunities. The Agency also provides management and technical assistance to existing or potential small business owners through various grants, cooperative agreements or contracts. Finally, as a vital part of its purpose, SBA also provides direct financial assistance to homeowners, renters, and businesses to repair or replace their property in the aftermath of a disaster.

Reducing Burden on Small Businesses

SBA's regulatory policy reflects a commitment to developing regulations that reduce or eliminate the burden on the public, in particular the Agency's core constituents—small businesses. SBA's regulatory process generally includes an assessment of the costs and benefits of the regulations as required by Executive Order 12866, ''Regulatory Planning and Review;'' Executive Order 13563, ''Improving Regulation and Regulatory Review;'' and the Regulatory Flexibility Act. SBA's program offices are particularly invested in finding ways to reduce the burden imposed by the Agency's core activities in its loan, grant, innovation, and procurement programs.

On January 30, 2017, President Trump issued E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' 82 FR 9339, which establishes principles for prioritizing an agency's regulatory and deregulatory actions. E.O. 13771 was followed by E.O. 13777, ''Enforcing the Regulatory Agenda,'' 82 FR 12285 (February 24, 2017), which identified processes for agencies to follow in overseeing their regulatory programs. This Agenda was prepared in accordance with both E.O. 13771 and E.O. 13777, and SBA will continue to work internally, as well as with the Office of Management and Budget, to fully integrate the executive orders and implementing OMB principles into the SBA rulemaking processes. As part of that effort, SBA issued a Request for Information in the **Federal Register** requesting public input on which SBA regulations should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective or burdensome. 82 FR 38617 (August 15, 2017). In addition, SBA's Office of Advocacy is hosting a series of small business roundtables in order to hear firsthand from small businesses facing regulatory burdens. For more information on these roundtables, please visit *https://www.sba.gov/advocacy/regulatory-reform.*

Based on the requirements of E.O. 13771 and OMB guidance, SBA currently anticipates that 3 of the 29 rulemakings that will appear in the Agency's Regulatory Agenda will be regulatory actions and 1 will be a deregulatory action. All other rulemakings are either not subject to E.O. 13771 or there is insufficient information at this stage to determine whether they are regulatory or deregulatory actions. SBA continues to work on assessing the incremental cost savings of these Agenda items, which do not include non-rulemakings, such as guidance documents, or information collections.

Openness and Transparency

SBA promotes transparency, collaboration, and public participation in its rulemaking process. To that end, SBA routinely solicits comments on its regulations, even those that are not subject to the public notice and comment requirement under the Administrative Procedures Act. Where appropriate, SBA also conducts hearings, webinars, and other public events as part of its regulatory process.

Regulatory Framework

The SBA Strategic Plan serves as the foundation for the regulations that the Agency will develop during the next twelve months. This Strategic Plan provides a framework for strengthening, streamlining, and simplifying SBA's programs while leveraging collaborative relationships with other agencies and the private sector to maximize the tools small business owners and entrepreneurs need to drive American innovation and strengthen the economy. The plan sets out three strategic goals: (1) Growing businesses and creating jobs; (2) serving as the voice for small business; and (3) building an SBA that meets the needs of today's and tomorrow's small businesses. In order to achieve these goals SBA will, among other objectives, focus on:

- Expanding access to capital through SBA's extensive lending network;
- Ensuring Federal contracting goals are met or exceeded by collaborating across the Federal Government to expand opportunities for small businesses and strengthen the integrity of the Federal contracting data and certification process;
- Strengthening SBA's relevance to high growth entrepreneurs and small businesses to more effectively drive innovation and job creation; and
- Mitigating risk and improving program oversight.

The regulations reported in SBA's semi-annual regulatory agenda and plan are intended to facilitate achievement of these goals and objectives. Over the next twelve months, SBA's highest priorities will be to implement the following three regulations.

E.O. 13771 Designation—Regulatory Action

(1) SBA Express Loan Program; Export Express Program (RIN 3245–AG74);

This rule will propose to amend the regulations for the SBA Express and Export Express loan programs. Current regulations, as well as policy and procedural guidance, provide an extensive framework for the delivery of SBA's 7(a) guaranteed loans through participating private sector lenders. These requirements add time and expense for lenders who must not only comply with their primary banking regulator but also with the SBA program requirements. SBA is authorized to reduce some of its requirements for small dollar loans ($350,000 or less) and permit lenders to apply many of their conventional underwriting rules instead. This proposed regulation will solicit public comment on the terms and conditions that would apply to these

reduced requirements. The rule will also propose to not require certain SBA mandated forms, which in some instances may be redundant, and increase costs for lenders to deliver loans to small businesses. Since cost is an important consideration for lenders when assessing the benefits of participating in SBA programs, streamlining program requirements should increase lender participation, particularly for community banks, credit unions and other mission based lenders that generally serve rural communities and underserved populations with small loans. In addition, SBA continues to explore the economic feasibility of the RISE After Disaster Act of 2015 Recovery Opportunity Loan Program.

E.O. 13771 Designation—Other Actions

(2) Women's Business Center Program (RIN 3245–AG02).

SBA's Women's Business Center Program is authorized by section 29 of the Small Business Act. The program provides financial assistance to private nonprofit organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. There are currently no regulations that govern the administration, management or oversight of the WBC program, including the statutorily required regulations related to disclosure of certain information during a financial audit of the non-profit organization. By finalizing the proposed rule that was published in the **Federal Register** on November 22, 2016 (81 FR 83718), this rule will resolve the regulatory gap and provide standardized and transparent guidance for program participants.

This final rule will codify the program requirements and procedures for WBCs as outlined in statute, including:

- Eligibility criteria for selection as a WBC;
- use of Federal funds;
- standards for WBCs to effectively carry out program duties and responsibilities;
- use and disclosure of client data as stipulated in statute;
- conditions for receipt of supplemental funding to provide services in a declared major disaster area; and
- requirements for reporting on financial and programmatic performance.

The rule will streamline the policy and procedural requirements of the WBC Program, which are currently included in the Program Announcement and Notice of Award (NOA). In addition, certain amendments to government-wide grant requirements will be incorporated.

(3) Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification (RIN 3245–AG75).

SBA is proposing to amend its regulations to implement amendments to the Women-Owned Small Business (WOSB) and Economically Disadvantaged Women-Owned Small Business (EDWOSB) Federal Contract Program that were authorized by section 825 of the National Defense Authorization Act of 2015. Based on this authority, SBA is proposing to create a certification program for its WOSB and EDWOSB contracting program.

The current WOSB and EDWOSB contracting program permits firms to self-certify for the program or to be certified by a third party certifier (TPC). The program currently requires firms to submit documentation to an SBA-maintained electronic document repository. SBA regulations currently require that contracting officers must check the repository for every WOSB or EDWOSB contract awardee.

The proposed rule will create an SBA certification process, in addition to the certifications issued by TPCs. This will create an SBA certification option for WOSB and EDWOSBs similar to other SBA contracting programs. SBA's proposed rule will also contain provisions for increased oversight in order to ensure continuing eligibly of certified program participants.

The creation of an SBA certification program will remove the self-certification option, and also remove the requirement that contracting officers review repository documents of WOSB and EDWOSB contract awardees. This shift of responsibilities to SBA will enable contracting officers to focus more on awarding awards, which should lead to an increased number of set-aside or sole source contracts for WOSBs and EDWOSBs.

SBA

Proposed Rule Stage

119. SBA Express Loan Program; Export Express Program

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 636(a)(31) and (35)

CFR Citation: 13 CFR 120.

Legal Deadline: NPRM, Statutory, August 21, 2016, RISE After Disaster Act of 2015, Public Law 114–88, section 2106.

Section 2106 requires SBA to promulgate rules to carry out the Recovery Opportunity Loan Program not later than 270 days (August 21, 2016) after enactment of the RISE After Disaster Act of 2015.

Abstract: SBA plans to issue a proposed regulation for the SBA Express loan program, codified in section 7(a)(31) of the Small Business Act. The SBA Express loan program reduces the number of Government mandated forms and procedures, streamlines the processing and reduces the cost of smaller, less complex SBA loans. Particular features of the SBA Express loan program include: (1) SBA Express loans carry a maximum SBA guaranty of 50 percent; (2) SBA Express lenders use, to the maximum extent practicable, their own documentation, analyses, policies and procedures; and (3) a response to an SBA Express loan application will be given within 36 hours. SBA also plans to propose regulations for the Export Express Program codified at 7(a)(35) of the Small Business Act. The Export Express Program, made permanent by the Small Business Jobs Act, makes guaranteed financing available for export development activities. SBA continues to explore the economic feasibility of the RISE After Disaster Act of 2015 Recovery Opportunity Loan Program.

Statement of Need: This action is necessary to provide regulatory guidance for SBA Express and Export Express loans authorized by statute. Current regulatory guidance provides an extensive framework for the delivery of SBA's 7(a) guaranteed loans through participating private sector lenders. In general, the requirements add time and expense for lenders who must comply first with their primary regulator rules, and then consider the additional burden of any SBA program requirements. The required use of certain SBA mandated forms is in many cases redundant, increasing costs for lenders to deliver loans to small businesses. For the SBA Express and Export Express 7(a) loans Congress has authorized SBA to reduce specific requirements and instead permit lenders on small dollar loans ($350,000 or less for SBA Express and $500,000 or less for Export Express) to apply many of their conventional underwriting rules and to use their own documentation. This regulation will detail the reduced requirements for these guaranteed loans. It is necessary to provide clear and succinct regulatory guidance for lenders to encourage participation in extending smaller dollar loans, and to ensure their ability to comply, and extend credit with confidence in their ability to rely on

payment by SBA of the guaranty if necessary.

Summary of Legal Basis: The SBA Express loans are authorized in Section 7(a)(31) of the Small Business Act and Export Express loans were made permanent by the Small Business Jobs Act and are authorized in Section 7(a)(35) of the Small Business Act.

Alternatives: The SBA has provided guidance on the SBA Express and Export Express loans in SOP 50 10 Lender and Development Company Programs.

Anticipated Cost and Benefits: While the number of lenders and loans should increase, SBA anticipates no additional cost from this regulatory action because the Express programs have been in use and performing for over 5 years. Portfolio performance including prepayment, default and recovery behaviors is already being captured in the 7(a) program's annual subsidy calculation.

Lenders who participate in the SBA Express program agree to accept a lower guaranty of 50 percent on loans of $350,000 or less in return for delegated authority and the ability to use forms, procedures and policies that they already follow for similarly sized non-SBA guaranteed commercial loans. This removes the additional layer of documents and permits a lender to move more quickly to a decision and funding of small dollar small business loans. Cost to deliver is an important consideration for lenders when assessing the benefits of participating with SBA programs. Streamlined rules result in increased lender participation, particularly for community banks, credit unions and other mission based lenders who generally serve more of rural communities and underserved populations with small loans. While SBA does not have specific statistics, cost savings to the lender generally trickle down to the small business applicant. Further, providing plain language regulatory guidance for the SBA Express program will reduce improper payment risk for lenders and SBA, by ensuring that lenders are fully informed and understand the program requirements.

The Export Express program provides lenders with a 75–90 percent guaranty, as well as the authority to use their own forms, procedures and policies to the extent possible to reduce redundancy in documentation, time and costs associated with underwriting export loans up to and including $500,000.

Risks: The risk of not having regulations may impact the number of improper payments and/or denial of guarantee for lenders due to misinterpretation of program requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Dianna L. Seaborn, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–3645, *Email: dianna.seaborn@sba.gov*.

RIN: 3245–AG74

SBA

120. Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 113–291, sec. 825; 15 U.S.C. 637(m)

CFR Citation: 13 CFR 127.

Legal Deadline: None.

Abstract: Section 825 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA), Public Law 113–291, 128 Stat. 3292, Dec. 19, 2014, included language requiring that women-owned small business concerns and economically disadvantaged women-owned small business concerns are certified by a Federal agency, a State government, the Administrator, or national certifying entity approved by the Administrator as a small business concern owned and controlled by women. This rule will propose the standards and procedures for participation in this certification program. This rule will also propose to revise the procedures for continuing eligibility, program examinations, protest and appeals. The proposed revisions will reflect public comments that SBA received in response to the Advanced Notice of Proposed Rulemaking that the agency issued in December 2016 to solicit feedback on implementation of the program. Finally, SBA is planning to continue to utilize new technology to improve its efficiency and decrease small business burdens, and therefore, the new certification procedures will be based on an electronic application and certification process.

Statement of Need: Proposed rule to implement statutory requirement to certify Women Owned Small Business Concerns (WOSBs) for purposes of receiving set aside and sole source contracts under the WOSB program.

Summary of Legal Basis: These proposed regulations implement section 825 of the National Defense Authorization Act for Fiscal Year 2015, Public Law 113–291, 128 Stat. 3292 (December 19, 2014) (2015 NDAA).

Alternatives: The proposed regulations are required to implement specific statutory provisions which require promulgation of implementing regulations.

Anticipated Cost and Benefits: The benefit of the proposed regulation is a significant improvement in the confidence of contracting officers to make federal contract awards to eligible firms. Under the existing system, the burden of eligibility compliance was placed upon the awarding contracting officer. Under this new proposed rule, the burden is placed upon SBA. This will encourage more contracting officers to set-aside opportunities for WOSB Program participants as the validation process will be controlled by SBA in both the System for Award Management and the Dynamic Small Business Search.

Risks: There is always a slight risk that an agency will award a set aside contract to a firm that is ineligible. Certification of firms prior to award will lessen this risk.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/15	80 FR 78984
ANPRM Comment Period End.	02/16/16	
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov*.

RIN: 3245–AG75

SBA

Final Rule Stage

121. Office of Women's Business Ownership: Women's Business Center Program

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 656

CFR Citation: 13 CFR 131.

Legal Deadline: None.

Abstract: SBA's Office of Women's Business Ownership (OWBO) oversees a network of SBA-funded Women's Business Centers (WBCs) throughout the United States and its territories. WBCs provide management and technical assistance to small business concerns both nascent and established, with a focus on such businesses that are owned and controlled by women, or on women planning to start a business, especially women who are economically or socially disadvantaged. The training and counseling provided by the WBCs encompass a comprehensive array of topics, such as finance, management and marketing in various languages. This rule will codify the requirements and procedures that govern the delivery, funding and evaluation of the management and technical assistance provided under the WBC Program. The rule will address, among other things, the eligibility criteria for selection as a WBC, use of Federal funds, standards for effectively carrying out program duties and responsibilities, the requirements for reporting on financial and programmatic performance, and provisions regarding the collection and use of the individual WBC client data.

Statement of Need: There are currently no regulations that codify the legislative authority of the Agency to administer the Women's Business Center (WBC). The Program started as a pilot in 1988 and a regulation governing its operations was never promulgated after it became a Program in 2007. The Small Business Jobs Act of 2010 (Pub. L. 111–240) amended Section 29(n) of the Small Business Act (the Act), 15 U.S.C. 656, to direct the SBA Administrator to issue regulations to establish standards for requiring disclosures during a financial audit. In order to meet this legislative requirement, SBA must issue regulations for the WBC program.

This rule finalizes proposed regulatory language that would codify this legislative authority as well as streamline the policy and procedural requirements of the Program currently included in the Program Announcement and Notice of Award (NOA). This rule also incorporates flexibilities allowable during disasters enacted under the RISE After Disaster Act. Changes made with the publication of 2 CFR part 200 and other federal grant requirements enforced over the past 28 years have been incorporated. Once final, the rule's implementation would result in standardization and transparency to Program delivery.

Summary of Legal Basis: The WBC Program was created under the authority of Title II of the Women's Business Ownership Act of 1988 (Pub. L. 100–533). The WBC Program authority is now codified in section 29 of the Act. Section 29(n)(3) of the Small Business Act (the Act) directs the SBA Administrator to issue regulations to establish standards for requiring disclosures during a financial audit.

Note, since its creation, the WBC Program has changed through a number of Pub. L.s that have turned the WBC Program from a Demonstration into a permanent program. Laws that have impacted the Program include: The Women's Business Development Act of 1991 (Pub. L. 102–191); The Women's Business Centers Sustainability Act of 1999 (Pub. L. 106–165): U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Pub. L. 110–28); The Small Business Jobs Act of 2010 (Pub. L. 111–240); and the RISE After Disaster Act of 2015 (Pub. L. 114–88).

Alternatives: The alternative to not yet publish regulations, and continue to rely on grant documents to implement the WBC Program, is not one that SBA would like to exercise. Because the statute specifically requires SBA to publish regulations for the WBC Program, exercising this alternative would not be compliant. SBA believes that issuing regulations for the WBC Program would establish and ensure long-lasting consistency in Program implementation.

Anticipated Cost and Benefits: SBA analyzed the costs and benefits associated with both the application process to become funded as a WBC and the on-going operations for currently funded WBCs, as the populations are different for the application process and the existing WBCs.

This proposed rule could theoretically affect all nonprofit entities as the statute requires that an entity be organized as a nonprofit in order to participate. According to the IRS, for tax year 2010, there were over 269,000 entities that filed returns as a 501(c)(3). As the application process is voluntary and does not require a nonprofit entity to apply, the vast majority of nonprofits would not be affected. Over the past 5 years, there were a total of 133 new applications submitted for the WBC Program averaging 25–35 applications per year. The SF 424 (Application for Federal Assistance) on grants.gov does not include a field for revenue size. Based on the majority of the entities being small, SBA can presume that the majority of the Applicant Organizations are also small. It is projected that a grants writer would take approximately 20 hours to complete and submit the required application forms through grants.gov. For a grants writer at an average of $30 per hour, this would cost approximately $600. These estimates are based on the burden statements associated with the grants.gov application forms and anecdotal information from Applicant Organizations to the WBC Program. Therefore, the SBA has determined that the application section of the proposed rule would not have a significant impact on a substantial number of small entities.

There are currently 110 entities that participate in the WBC Program, all of which are small entities. However, the SBA has determined that the impact on these entities affected by the rule will not be significant. The rule codifies current policies and procedures that are already achieved through a Cooperative Agreement with the SBA. It does not include new reporting requirements. Rather it standardizes existing policies to ensure transparency and consistency which in theory will reduce the cost to both the WBC participants and SBA. A WBC participating in the WBC Program submits a Federal Financial Report and attachments twice a year. The estimated burden for these reports is 2 hours twice a year. The annual submission of a work plan is substantially less than the Application and is only to update any changes from the initial Application. The estimate for these forms on an annual basis is a total of 14 hours. For a grants writer at $30 per hour, the annual estimated cost would be $420.

Risks: SBA believes that this rule minimizes financial risk to the Agency and the program. The increased transparency of the program, including standard definitions and requirements, would help WBC Program participants comply with applicable laws and statutes. The regulations would codify the actions the Agency is authorized to take when a non-federal entity does not comply with the program. This in turn reduces the risk that funds allocated to the non-federal entities would be misused, and therefore minimizes a financial risk to the Agency.

Timetable:

Action	Date	FR Cite
ANPRM	04/22/15	80 FR 22434
ANPRM Comment Period End.	06/22/15	
NPRM	11/22/16	81 FR 83718
NPRM Comment Period End.	01/23/17	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Bruce D. Purdy, Deputy Assistant Administrator, Office of Women's Business Ownership, Small Business Administration, Washington, DC 20416, *Phone:* 202 205–7532, *Email: bruce.purdy@sba.gov*.

RIN: 3245–AG02

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION (SSA)

I. Statement of Regulatory Priorities

We administer the Retirement, Survivors, and Disability Insurance programs under title II of the Social Security Act (Act), the Supplemental Security Income (SSI) program under title XVI of the Act, and the Special Veterans Benefits program under title VIII of the Act. As directed by Congress, we also assist in administering portions of the Medicare program under title XVIII of the Act. Our regulations codify the requirements for eligibility and entitlement to benefits and our procedures for administering these programs. Generally, our regulations do not impose burdens on the private sector or on State or local governments, except for the States' Disability Determination Services. We fully fund the Disability Determination Services in advance or via reimbursement for necessary costs in making disability determinations.

The entries in our regulatory plan (plan) represent issues of major importance to the Agency. Through our regulatory plan, we intend to:

A. Update the medical criteria used to evaluate disability applications to keep pace with medicine, science, technology, and workforce changes;

B. Ensure quality decisions while carefully reducing the hearings backlog, improving the disability appeals process, and improving the integrity of the disability determinations process;

C. Update SSA disability evaluation criteria, and ensure the accuracy of SSA claimant and beneficiary data;

D. Protect SSA claimants and beneficiaries through representative and representative payee rules and standards;

E. Combat Social Security fraud and impose civil monetary penalties for specific violations of the Social Security Act, while also increasing overpayment collection thresholds for OASI and DI benefit payments to be consistent with SSI; and

F. Update our Freedom of Information Act and Privacy and Disclosure rules.

Regulatory Reform

We designate all of the proposed regulations in this plan as ''fully or partially exempt'' under Executive Order 13771. In compliance with the Administration's Regulatory Reform efforts, as prescribed by Executive Order 13771 and Executive Order 13777, SSA is committed to engaging in regulatory activity only when strictly necessary and to reducing regulatory burden wherever possible. Accordingly, our Unified Agenda and Regulatory Plan include only those regulatory activities needed to administer our Social Security benefits and payments programs. Moreover, the Agenda includes de-regulatory items to remove outdated regulatory sections from the Code of Federal Regulations. Finally, we remain committed to innovate in ways that ease burdens on the public even outside the realm of formal de-regulation, such as through developing online reporting and application tools.

II. Regulations in the Prerule Stage

Our regulation in the prerule stage will:

- Help protect our claimants and beneficiaries by asking for advance input on which types of previous criminal histories, if any, should preclude someone from serving as an organizational representative payee (RIN 0960–AH79).

III. Regulations in the Proposed Rule Stage

Our regulations will:

- Comprehensively update the medical listings for evaluating musculoskeletal disorders (RIN 0960–AG38);
- Selectively update the medical listings for evaluating digestive, cardiovascular, and skin disorders (RIN 0960–AG65);
- Ensure the accuracy of the data we collect by codifying our authority to access and use electronic payroll data (RIN 0960–AH88);
- Propose to impose deadlines on when claimant representatives must file fee petitions, to mandate standardized registration for all individuals wishing to be representatives, and will propose to add educational requirements for direct pay non-attorney representatives (RIN 0960–AI22);
- Clarify our rules regarding the redetermination of entitlement when fraud or similar fault is involved. (RIN 0960–AI10);
- Impose that SSA can assess the maximum allowable civil monetary penalty for certain violations of the Social Security Act (RIN 0960–AH91 and 0960–AI04);
- Update our Freedom of Information act policies to reflect recent legislation (RIN 0960–AI07); and
- Allow SSA to create two new categories of Privacy Act exemptions, enabling the retention of important records (RIN 0960–AH97 and 0960–AI08).

IV. Regulations in the Final Rule Stage

Our regulation in the final rule stage will:

- Make permanent the Attorney Advisor program, helping to reduce the hearings backlog (RIN 0960–AI23).

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), SSA regularly engages in retrospective review and analysis for multiple existing regulatory initiatives. These initiatives may be proposed or completed actions, and they do not necessarily appear in The Regulatory Plan. You can find more information on these completed rulemakings in past publications of the Unified Agenda at *www.reginfo.gov* in the ''Completed Actions'' section for the Social Security Administration.

SSA

Prerule Stage

122. Investigative Policies for Organizational Representative Payees

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: This ANPRM will solicit public input about whether and how we should strengthen our investigative policies and practices for organizational representative payees. Currently, we obtain and verify an Employer Identification Number for organizational representative payee applicants. We do not collect and verify the Social Security numbers of anyone in these organizations, and we do not conduct a criminal background investigation on any individual in these organizations. We are considering how we should treat organizational representative payee applicants who employ individuals convicted of certain crimes.

Statement of Need: Under our current policy, we prohibit persons convicted of certain crimes from serving as a representative payee. We believe this policy helps to protect beneficiaries

from persons whose criminal history indicates they may pose an increased risk of exploiting vulnerable individuals. We believe a similar bar policy should apply to individuals employed by organizational payees. Given the complexities of applying a criminal bar policy to individuals employed by organizational payees, we need public input on how to apply such a policy.

Summary of Legal Basis: N/A ANPRM.

Alternatives: None.

Anticipated Cost and Benefits: N/A. This is a solicitation for public input. We do not anticipate that any proposal we formulate from this ANPRM will impose a cost on members of the public.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Eric Ice, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–3233, *Email: eric.ice.ssa.gov*.

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RIN: 0960–AH79

SSA

Proposed Rule Stage

123. Revised Medical Criteria for Evaluating Musculoskeletal Disorders (3318P)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 1.00 and 101.00, Musculoskeletal System, of appendix 1 to subpart P of part 404 of our regulations describe those musculoskeletal system disorders that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child. We propose to revise the criteria in these sections to reflect our adjudicative experience, advances in medical knowledge and treatment of musculoskeletal disorders, and comments from medical experts.

Statement of Need: We propose to revise the criteria in the Listing of Impairments (listings) that we use to evaluate claims involving musculoskeletal disorders in adults and children under titles II and XVI of the Social Security Act (Act). These proposed revisions reflect our adjudicative experience, advances in medical knowledge and treatment of musculoskeletal disorders, recommendations from medical experts, and comments we received in response to a final rule with request for public comments that we published in November 2001.

These rules are necessary to evaluate claims for Social Security disability benefits.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We considered continuing to use our current criteria. However, we believe these proposed revisions are necessary to ensure that our criteria reflect advances in medical knowledge and treatment since we last revised these rules.

Anticipated Cost and Benefits: Anticipated costs and benefits—not yet determined.

Risks: We expect the public and adjudicators to support the removal and clarification of ambiguous terms and phrases, and the addition of specific, demonstrable functional criteria for determining listing-level severity of all musculoskeletal disorders.

We expect adjudicators to support the change in the framework of the text because it makes the guidance in the introductory text and listings easier to access and understand.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Michael Goldstein, Social Insurance Specialist, Social Security Administration, Office of Medical Policy, 6401 Security Boulevard, Woodlawn, MD 21235–6401, *Phone:* 410 966–2733 *Email: michael.j.goldstein@ssa.gov.*

Cheryl A. Williams, Director, Social Security Administration, Office of Medical Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1020, *Email: cheryl.a.williams@ssa.gov.*

Brian J. Rudick, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–7102, *Email: brian.rudick@ssa.gov.*

RIN: 0960–AG38

SSA

124. Update to the Comprehensive Medical Listings—Revised Medical Criteria for Evaluating Digestive Disorders, Cardiovascular Disorders, and Skin Disorders

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 4.00 and 104.00, Cardiovascular Systems; Sections 5.00 and 105.00, Digestive Systems; and sections 8.00 and 108.00, Skin Disorders, of appendix 1 to subpart P of part 404 of our regulations describe those disorders that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These rules are necessary to evaluate claims for Social Security disability benefits.

Summary of Legal Basis: Sections 4.00 and 104.00, Cardiovascular Systems; Sections 5.00 and 105.00, Digestive

Systems; and Sections 8.00 and 108.00, Skin Disorders, of appendix 1 to subpart P of part 404 of our regulations.

This proposed rule is not required by statute or court order.

Alternatives: We considered continuing to use our current criteria. However, we believe these proposed revisions are necessary because of advances in medical, technology, and treatment since we last revised these rules.

Anticipated Cost and Benefits: Ensuring that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge, technology, and treatment will provide for accurate disability evaluations.

Costs: None.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/07	72 FR 70527
ANPRM Comment Period End.	02/11/08	
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL For Public Comments: www.regulations.gov.

Agency Contact: Cheryl A. Williams, Director, Social Security Administration, Office of Medical Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1020, *Email: cheryl.a.williams@ssa.gov.*

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Brian J. Rudick, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–7102, *Email: brian.rudick@ssa.gov.*

Related RIN: Related to 0960–AG74, Related to 0960–AG91

RIN: 0960–AG65

SSA

125. Minimum Monthly Withholding Amount for Recovery of Title II Benefit Overpayments (3752P)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 31 U.S.C. 3716; 31 U.S.C. 3720A; 42 U.S.C. 404; 42 U.S.C. 405(a); 42 U.S.C. 902(a)(5); 42 U.S.C. 1320b–17

CFR Citation: 20 CFR 404.502.

Legal Deadline: None.

Abstract: The numbers below present the estimated effects on OASDI overpayment collections of a regulatory proposal to increase the minimum monthly benefit withholding from $10 to 10 percent of the benefit payable for the month. Debtors could still pay less if the negotiated amount would allow for repayment of the debt in 36 months.

Under the proposed regulation, we estimate that previously negotiated withholding schedules would remain in place. For fiscal years 2013 through 2017, we estimate an increase in overpayment collections of $137 million; and for fiscal years 2013 through 2022, we estimate an increase in overpayment collections of $644 million.

Statement of Need: We propose to change the minimum monthly withholding amount for recovery of title II benefit overpayments to reflect the increase in the average monthly title II benefit since we established the current minimum of $10 in 1960. By changing this amount from $10 to 10 percent of the monthly benefit payable, we would recover overpayments more effectively and better fulfill our stewardship obligations to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

Summary of Legal Basis: 42 U.S.C. 902(a)(5).

Alternatives: None.

Anticipated Cost and Benefits: The numbers below present the estimated effects on OASDI overpayment collections of a regulatory proposal to increase the minimum monthly benefit withholding from $10 to 10 percent of the benefit payable for the month. Debtors could still pay less if the negotiated amount would allow for repayment of the debt in 36 months.

The estimate is based on the historical record of overpayment collections over the period January 2002 to December 2011, prepared for us by the Office of Quality Performance. We used this file of individual-level data to compute what the collections would have been had the 10-percent minimum been put in place at the beginning of this period. We used the same record to ascertain the growth in incurred debt over time, which we then projected to the fiscal year 2013–22 period.

The proposal is effective for partial-withholding agreements, negotiated after the effective date of the change assumed to be July 1, 2013. Under the proposed regulation, withholding schedules negotiated before that date would remain in place. For fiscal years 2013 through 2017, we estimate an increase in overpayment collections of $137 million; and for fiscal years 2013 through 2022 we estimate an increase in overpayment collections of $644 million.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Undetermined.

URL For Public Comments: www.regulations.gov.

Agency Contact: Schelli Collins, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1954.

Brian J. Rudick, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–7102, *Email: brian.rudick@ssa.gov.*

RIN: 0960–AH42

SSA

126. Removing Ability To Communicate in English as a Vocational Factor

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a) to 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(h) to (j); 42 U.S.C. 422(c); 42 U.S.C. 423; 42 U.S.C. 425; 42 U.S.C. 902(a)(5)

CFR Citation: 20 CFR 404.1564, Part 404 Subpart P Appendix; 20 CFR 416.964.

Legal Deadline: None.

Abstract: We propose to revise existing disability evaluation rules relating to the ability to communicate in English. Specifically, we will clarify that an inability to communicate in English is not tantamount to illiteracy or inadequate verbal communication. Rather, an inability to communicate adequately verbally or in writing in any language will be the effective standard. The proposed revisions will reflect

current research, analysis of our disability program data, Federal agency data about workforce participation, and comments we received from the public in response to an Advance Notice of Proposed Rulemaking.

Statement of Need: These changes would modernize our disability program consistent with current research and data about disability and workforce participation.

Summary of Legal Basis: 42 U.S.C. 902(a)(5). Multiple sections of the Social Security Act. No aspect is required by statute or court order.

Alternatives: Undetermined at this time.

Anticipated Cost and Benefits: No costs on the public are anticipated as a result of this proposed rule. Benefits include more consistent and appropriate evaluations of vocational factors by eliminating the false equivalence between an inability to communicate in English and illiteracy.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Daniel O'Brien, Director, Social Security Administration, Office of Ticket Operations and Provider Support, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 597–1632.

William P. Gibson, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–9039, *Email: william.gibson@ssa.gov*.

RIN: 0960–AH86

SSA

127. Use of Electronic Payroll Data To Improve Program Administration

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Bipartisan Budget Act of 2015 sec. 824

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: We propose to implement the Commissioner's access to and use of the information held by payroll providers. The Agency will use this data to help administer the disability and SSI programs and prevent improper payments.

Statement of Need: In accordance with the Bipartisan Budget Act of 2015, section 824; the Commissioner of Social Security has the authority to enter into an information exchange with a payroll or data provider, allowing us to efficiently administer monthly insurance and supplemental security income benefits, while preventing improper payments.

Summary of Legal Basis: Bipartisan Budget Act of 2015, section 824.

Alternatives: None.

Anticipated Cost and Benefits: The costs below represent estimated costs to the Agency for implementation of this rule:

FY18: $7,305,164.

FY19: $1,753,675.

FY20: $1,753,675.

FY21: $1,753,675.

FY22: $1,753,675.

Risks: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Elizabeth Teachey, Director, Social Security Administration, SSA: OISP/OEMP/DHSLT, 6401 Security Boulevard, Woodlawn, MD 21235, *Phone:* 410 965–9145, *Email: elizabeth.teachey@ssa.gov*.

Eric Skidmore, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235, *Phone:* 410 597–1833, *Email: eric.skidmore@ssa.gov*.

RIN: 0960–AH88

SSA

128. Newer and Stronger Penalties (Conforming Changes)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Bipartisan Budget Act of 2015, sec. 813; 42 U.S.C. 1320a–8

CFR Citation: 20 CFR 498.

Legal Deadline: None.

Abstract: Section 813 of the BBA establishes civil monetary penalties in section 1129 of the *Social Security Act* against individuals in a position of trust that make false statements, misrepresentations, or omissions in connection with obtaining or retaining SSA benefits or payments. *Section 813 also establishes a new felony for conspiracy to commit Social Security fraud, increases felony penalties for individuals in positions of trust who defraud the SSA, and disqualifies individuals from receiving benefits during a trial work period if they are assessed a civil monetary penalty for concealing work activity.*

Statement of Need: Upon enactment of the BBA on November 2, 2015, civil monetary penalties for individuals in a position of trust took effect immediately. Imposing penalties against individuals in a position of trust assists in deterring fraud and maintaining the integrity of SSA's disability programs. The regulations at 20 CFR 498 should be updated to reflect the BBA's provisions.

Summary of Legal Basis: Section 813 of the Bipartisan Budget Act of 2015.

Alternatives: none.

Anticipated Cost and Benefits: SSA projects no anticipated costs on the public with completing this regulatory action. Costs for the agency are as yet undetermined, but are expected to be mostly administrative in nature. Benefits include strengthening our civil monetary assessment processes.

Risks: No risk is anticipated since this regulatory action reflects statutory requirements and authority.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Kathi Moore, Director, OPRD, DCBFM/OFPO, Social Security Administration, Office of Financial Policy and Operations, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–0624.

RIN: 0960–AH91.

SSA

129. Privacy Act Exemption: Personnel Security and Suitability Program Files

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 522a; 5 U.S.C. 553

CFR Citation: 20 CFR 401.85.

Legal Deadline: None.

Abstract: This NPRM will propose to create a Security and Suitability Files system to cover any additional security

and suitability related information generated by SSA that is not sent to the Office of Personnel Management. We will use the information we collect to conduct background investigations and establish that applicants or incumbents, either employed by SSA or working for SSA under contract, are suitable for employment with us. Additionally, the NPRM will propose to remove two unused systems listed in our regulations.

Statement of Need: We are required to amend our Code of Federal Regulations (CFR) when a new system of records is instituted within the agency that exempts certain records from disclosure. Here, we are creating a new system of records and an exemption to disclosure of some of those records, necessitating a new system of records disclosure in our CFR.

This update will replace the two following systems of records currently reflected in 401.85:

(iii) Pursuant to subsection (k)(5) of the Privacy Act:

(A) The Investigatory Material Compiled for Security and Suitability Purposes System, SSA; and,

(B) The Suitability for Employment Records, SSA.

Summary of Legal Basis: In accordance with the Privacy Act (5 U.S.C. 552a), and Subsection (k)(5) of the Privacy Act, we are issuing public notice of our intent to establish a new system of records.

Alternatives: There is no alternative. Failure to amend our CFR, while using a new system of records, would be contrary to the statutory authority and intent of 5 U.S.C. 552.

Anticipated Cost and Benefits: There are no anticipated costs. We stand to benefit through better administrative efficiency by updating the systems we use for accurately tracking investigatory employment records.

Risks: Violation of the Privacy Act and OMB requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Pamela Carcirieri, Division Director, Social Security Administration, Office of General Counsel—Policy Disclosure, 6401 Security Boulevard, Woodlawn, MD 21235–6401, *Phone:* 410 965–0355, *Email: pamela.carcirieri@ssa.gov*.

William P. Gibson, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–9039, *Email: william.gibson@ssa.gov*.

RIN: 0960–AH97

SSA

130. References to Social Security and Medicare in Electronic Communications

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Bipartisan Budget Act of 2015, sec. 814; 42 U.S.C. 1320b–10

CFR Citation: 20 CFR 498.

Legal Deadline: None.

Abstract: Section 814 of the BBA clarifies that electronic and internet communications are included in the prohibitions against misusing SSA's names, symbols and emblems to convey the false impression that such items are approved, endorsed, or authorized by SSA, as stated in Section 1140 of the *Social Security Act.* In addition, it treats each dissemination, viewing, or accessing of a communication as a separate violation.

Statement of Need: Section 814 of the BBA took effect upon enactment. However, our regulations do not currently reflect this statutory change. Imposing penalties against individuals in a position of trust assists in deterring fraud and maintaining the integrity of SSA's disability programs. The regulations at 20 CFR 498 should be updated to reflect the BBA's provisions.

Summary of Legal Basis: The legal basis for this action is section 814 of the Bipartisan Budget Act of 2015, which went into effect on November 2, 2015. 42 U.S.C. 1320b–10

Alternatives: None.

Anticipated Cost and Benefits: There are no anticipated costs associated with this regulatory action. However, the benefit of this regulatory action is that it will clarify the applicability of section 1140 to electronic and internet communications and minimize unnecessary litigation as to the applicability of the section 1140 statute.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Ranju Shrestha, Chief Counsel to the Inspector General, Social Security Administration, 6401 Security Blvd., Woodlawn, MD 21235, *Phone:* 410 966–4440, *Email: ranju.shrestha@ssa.gov*.

RIN: 0960–AI04

SSA

131. Availability of Information and Records to the Public

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 114–185, FOIA Reform Act of 2016, 5 U.S.C. 552

CFR Citation: 20 CFR 402.

Legal Deadline: Other, Statutory, December 27, 2016, FOIA Reform Act 2016. Other, Statutory, 12/27/2016, FOIA Reform Act 2016

Abstract: Revisions of our FOIA regulations will address the requirements of the FOIA Improvement Act of 2016 and ensure that our regulations are consistent with all applicable laws.

Statement of Need: Revisions of our FOIA regulation will address the requirements of the FOIA Improvement Act of 2016 and ensure that our regulations are consistent with all applicable laws.

Summary of Legal Basis: FOIA Reform Act of 2016, 5 U.S.C. 552.

Alternatives: None.

Anticipated Cost and Benefits: There are no anticipated costs to the implementation of the statutory requirements.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	07/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Monica Chyn, Division Director, Social Security Administration, Office of General Counsel, Office of Privacy and Disclosure, 6401 Security Boulevard, Woodlawn, MD 21235, *Phone:* 410 965–0817, *Email: c.t.monica.chyn@ssa.gov*.

RIN: 0960–AI07

SSA

132. Privacy Act Exemption: Social Security Administration Violence and Reporting System (SSAVERS)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 552a

CFR Citation: 20 CFR 401.85.

Legal Deadline: None.

Abstract: This NPRM will propose to create the Social Security Administration Violence Evaluation and Reporting System (SSAvers) to cover information we collect about employees, contractors, and members of the public who are allegedly involved in, or witness incidents of workplace or domestic violence.

Statement of Need: This NPRM will propose to create a new system of records entitled 'Social Security Administration Violence Evaluation and Reporting System (SSAvers)' to cover any information we collect about employees, contractors, and members of the public who are allegedly involved in, or witness incidents of workplace or domestic violence. It is required for compliance with the Privacy Act.

Summary of Legal Basis: The Privacy Act of 1974 (5 U.S.C. 552a).

Alternatives: None.

Anticipated Cost and Benefits: There are no anticipated costs to the operation of this system.

Risks: There are no risks for the operation of this system of records.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Pamela Carcirieri, Division Director, Social Security Administration, Office of General Counsel—Policy Disclosure, 6401 Security Boulevard, Woodlawn, MD 21235–6401, *Phone:* 410 965–0355, *Email: pamela.carcirieri@ssa.gov.*

RIN: 0960–AI08

SSA

133. Redeterminations When There Is a Reason to Believe Fraud or Similar Fault Was Involved in an Individual's Application for Benefits

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 205(u) and 1631(e)(7) and 1129(l) of the Social Security Act; 42 U.S.C. 405(u); 42 U.S.C. 1383(E)(7); 42 U.S.C. 1320a–8(l)

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: We are clarifying our rules regarding the redetermination of the entitlement or eligibility of individuals when there is reason to believe fraud or similar fault was involved in the individual's application for benefits. We intend to clarify how and when we redetermine the entitlement, and the administrative review process when we decide to terminate benefits.

Statement of Need: Over time, our business processes evolved to support our statutory redetermination authority. We are now codifying the basic parameters for redetermination, including relevant definitions, clarification of notice and redetermination procedures, as well as a process for administratively reviewing redetermination termination and overpayment assessment decisions under secs. 205(u) and 1631(e)(7) of the Act, in order to provide the public the opportunity for comment under the Administrative Procedures Act while providing our customers and their representatives the ability to find our redetermination process within our regulatory text.

Summary of Legal Basis: Sections 205(u), 1129(l), and 1631(e)(7) of the Social Security Act. 42 U.S.C. 405(u)(1), 1320a–8(l), and 1383(e)(7). 206(d) of Public Law 103–296, the Social Security Independence and Program Improvements Act of 1994, 108 Stat. 1464, 1509.

Alternatives: We could continue to manage our redetermination processes and procedures under our statutory authority and sub-regulatory guidances.

Anticipated Cost and Benefits: Without enumerated regulations, we may experience additional litigation alleging lack of due process and violation of the Administrative Procedures Act.

Risks: Without enumerated regulations, we may experience litigation alleging lack of due process and violation of the Administrative Procedures Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Lindsay Norris, Attorney, Social Security Administration, Office of General Counsel, Office of Program Law, 6401 Security Boulevard, Woodlawn, MD 21235, *Phone:* 410 966–4970, *Email: lindsay.norris@ssa.gov.*

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RIN: 0960–AI10

SSA

134. • Changes to the Requirements for Claimant Representation

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 406

CFR Citation: 20 CFR part 404 Subpart R; 20 CFR part 404 Subpart O; 20 CFR 404.1717(a)(3); 20 CFR 416.1517(a)(3).

Legal Deadline: None.

Abstract: We propose to make changes to the requirements for representing claimants. Specifically, we plan to impose a deadline(s) on when representatives must file their fee petitions and all supporting documents and to prohibit representatives from merely stating their intent to file a fee petition. We also propose to mandate registration and use of a prescribed form (SSA–1696) from all representatives who are or wish to be appointed as a representative. Additionally, we proposed to add educational requirements at the Associate's level for direct pay non-attorney representatives.

Statement of Need: This regulation will address procedures we intend to implement regarding how we handle representatives, which improves our administrative efficiency. We will change to the representative fee petition and alleviate a significant workload burden on Office of Hearings Operations (OHO) and Operations. We will mandate representative registration and completion of Form SSA–1696, critical requirements for our implementation of the Registration, Appointment and Services for Representatives system (RASR). We will add educational requirements for non-attorneys who seek direct fee payment.

Summary of Legal Basis: 42 U.S.C 902(a)(5), 42 U.S.C. 406.

Alternatives:

Anticipated Cost and Benefits: We are in the early planning stage and data gathering for this rulemaking. Anticipated costs and benefits are too early to formally project, but we expect no more than a de minimis costs, if any, at this time.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Daniel O'Brien, Director, Social Security Administration, Office of Ticket Operations and Provider Support, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 597–1632.

RIN: 0960–AI22

SSA

Final Rule Stage

135. • Making Permanent the Attorney Advisor Program

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 902(a)(5); 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.942; 20 CFR 416.1442.

Legal Deadline: None.

Abstract: The Agency is making permanent the Attorney Advisory Program to continue reducing the hearings backlog and enhance the service we provide to the public. Specifically, the attorney advisor initiative is an integral tool that permits some attorney advisors to develop claims, including holding prehearing conferences, and, in cases in which the documentary record clearly establishes a fully favorable decision is warranted, issue fully favorable decisions before a hearing is conducted.

Statement of Need: Given the historic nature of the disability hearings backlog, the agency will prioritize scheduling more hearing faster while ensuring quality decisions. Permanency of the attorney advisor program gives the agency a way for some attorney advisors to develop claims, including holding pre-hearing conferences, and in some cases issue fully favorable decisions before a hearing is conducted.

Summary of Legal Basis: None.

Alternatives: None.

Anticipated Cost and Benefits: Any costs associated with this program would be administrative and are expected to be minimal to zero.

Risks: None.

Timetable:

Action	Date	FR Cite
Direct Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Patrick McGuire, Acting Director Program Analysis Staff, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041, *Phone:* 703 605–7109, *Email: patrick.mcguire@ssa.gov.*

Brian J Rudick, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–7102, *Email: brian.rudick@ssa.gov.*

RIN: 0960–AI23

BILLING CODE 4191–02–P

FEDERAL ACQUISITION REGULATION (FAR)

The Federal Acquisition Regulation (FAR) is the principal set of rules governing the acquisition process for acquiring goods and services from planning, through contract formation, and contract administration. It regulates the activities of Executive Branch government personnel in carrying out that process.

The FAR was issued pursuant to the Office of Federal Procurement Policy Act of 1974. The FAR Council membership consists of: The Administrator for Federal Procurement Policy and the Secretary of Defense, the Administrator of National Aeronautics and Space; and the Administrator of General Services. Statutory authority to issue and maintain the FAR resides with the *Secretary of Defense,* the *Administrator of General Services,* and the *Administrator of the National Aeronautics and Space Administration* subject to the approval of the Administrator of Federal Procurement Policy. It was established to codify uniform policies for acquisition of supplies and services by agencies. Statutory authorities to issue and revise the FAR have been delegated to the procurement executives in the Department of Defense (DoD), the General Services Administration (GSA), and National Aeronautics and Space Administration (NASA). The FAR System is codified at Title 48, Chapter 1 of the *Code of Federal Regulations.*

The FAR Council's Regulatory Philosophy and Principles

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' (February 24, 2017), required GSA to appoint a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies and establish a Regulatory Reform Task Force (Task Force) to review and evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.

These reform initiatives and policies include Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (January 30, 2017), section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), and Executive Order 12866.

All of the FAR Council's rulemakings are based on requirements of executive orders, laws, and other agency rulemakings that are based on laws, Office of Management and Budget policy guidance or GAO recommendations. The Council dose very little discretionary rulemaking.

Dated: September 19, 2017.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

BILLING CODE 6820–EP–P

FAR

Proposed Rule Stage

136. • Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

CFR Citation: 48 CFR 2; 48 CFR 37; 48 CFR 52.

Legal Deadline: None.

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Presidential Memorandum, entitled the Mexico City Policy, issued on January 13, 2017, in accordance with the Department of State's implementation plan dated May 9, 2017. This rule would extend requirements of the memorandum and plan to new funding agreements for global health assistance furnished by all departments or agencies. This expanded policy will cover global health assistance to include funding for international health

programs, such as those for HIV/AIDS, maternal and child health, malaria, global health security, and certain family planning and reproductive health.

Statement of Need: Protecting Life in Global Health Assistance. This case implements Presidential Memorandum, entitled the Mexico City Policy, issued on January 13, 2017. This rule would extend requirements of the memorandum. The expanded policy will cover global health assistance to include funding for international health programs, such as those for HIV/AIDS, maternal and child health, malaria, global health security, and certain family planning and reproductive health. (FAR Case 2018–002).

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits:

Risks:

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	
NPRM Comment Period End.	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

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BILLING CODE 6820–EP–P

FALL 2017 STATEMENT OF REGULATORY PRIORITIES

CFPB Purposes and Functions

The Bureau of Consumer Financial Protection (CFPB or Bureau) was established in 2010 as an independent bureau of the Federal Reserve System by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, 124 Stat. 1376) (Dodd-Frank Act). Pursuant to the Dodd-Frank Act, the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. Among these are the consumer financial protection authorities that transferred to the CFPB from seven Federal agencies on the designated transfer date, July 21, 2011. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws.

As provided in section 1021 of the Dodd-Frank Act, the purpose of the CFPB is to implement and enforce Federal consumer financial laws consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that such markets are fair, transparent, and competitive. The CFPB is authorized to exercise its authorities for the purpose of ensuring that, with respect to consumer financial products and services:

(1) Consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

(2) Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

(3) Outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

(4) Federal consumer financial law is enforced consistently, without regard to status of a person as a depository institution, in order to promote fair competition; and

(5) Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

CFPB Regulatory Priorities

The CFPB's regulatory priorities for the period from November 1, 2017, to October 31, 2018, include continuing rulemaking activities to (1) Implement statutory directives; (2) address market failures, facilitate fair competition among financial service providers, and improve consumer understanding; and (3) modernize, clarify, and streamline consumer financial regulations to reduce unwarranted regulatory burdens.

Bureau Regulatory Efforts To Implement Statutory Directives

Much of the Bureau's rulemaking work is focusing on implementing directives mandated in the Dodd-Frank Act and other statutes. As part of these rulemakings, the Bureau is working to achieve the consumer protection objectives of the statutes while minimizing regulatory burden on financial services providers and facilitating a smooth implementation process for both industry and consumers.

For example, the Bureau is continuing efforts to facilitate implementation of critical consumer protections under the Dodd-Frank Act that guard against mortgage market practices that contributed to the nation's most significant financial crisis in several decades. Since 2013, the Bureau has issued regulations as directed by the Dodd-Frank Act to implement certain protections for mortgage originations and servicing, integrate various Federal mortgage disclosures, and amend mortgage reporting requirements under the Home Mortgage Disclosure Act (HMDA). The Bureau is conducting follow-up rulemakings as warranted to address issues that have arisen during the implementation process for these rules and to provide greater clarification and certainty to financial services providers. As discussed below, the Bureau has begun the preparation of reports assessing significant rules implementing provisions of the Dodd-Frank Act.

The Bureau is also working to implement section 1071 of the Dodd-Frank Act, which amends ECOA to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. This rulemaking could provide critical information about how these businesses—which are critical engines for economic growth—access credit. The Bureau held a public hearing on this subject in spring 2017, and released a white paper summarizing preliminary research on the small business lending market. In May 2017, the Bureau also issued a Request for Information seeking public comment on, among other things, the types of credit products offered and the types of data currently collected by lenders in this market and the potential complexity, cost of, and privacy issues related to, small business data collection. The information received will help the Bureau determine how to implement the rule effectively and minimize burdens on lenders.

Addressing Market Failures, Facilitating Fair Competition Among Financial Services Providers, and Improving Consumer Understanding

The Bureau is considering rules in places where there are substantial market failures that make it difficult for consumers to engage in informed decision making and otherwise protect their own interests. In addition, the Dodd-Frank Act directs the Bureau to focus on activities that promote fair competition among financial services providers, which itself has substantial benefits for consumers.

For example, the Bureau released a Notice of Proposed Rulemaking in June 2016, building on several years of research documenting consumer harms from practices related to payday loans,

auto title loans, and other similar credit products. In particular, the Bureau is concerned that product structure, lack of underwriting, and certain other lender practices are interfering with consumer decision making with regard to such products and trapping large numbers of consumers in extended cycles of debt that they do not expect. The Bureau is also concerned that certain lenders' payment collection practices are causing substantial harm to consumers, including substantial unexpected fees and heightened risk of losing their checking accounts. The Bureau received more than one million comments in response to the proposal and is carefully considering how best to address concerns raised in the proposal in a manner consistent with the Bureau's objectives under the Dodd-Frank Act.

The Bureau is also engaged in rulemaking activities regarding the debt collection market, which continues to be a top source of complaints to the Bureau. The Bureau is concerned that, because consumers cannot choose their debt collectors or ''vote with their feet,'' consumers have less ability to protect themselves from harmful practices. In January 2017, the Bureau published the results of a survey of consumers about their experiences with debt collection. The Bureau has also received encouragement from industry to engage in rulemaking to resolve conflicts in case law and address issues of concern under the Fair Debt Collection Practices Act (FDCPA), such as the application of the 40-year-old statute to modern communication technologies. The Bureau released an outline of proposals under consideration in July 2016, concerning practices by companies that are ''debt collectors'' under the FDCPA, in advance of convening a panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy to consult with representatives of small businesses that might be affected by the rulemaking. The Bureau expects to release a proposed rule in late 2017 concerning FDCPA collectors' communications practices and consumer disclosures. The Bureau intends to follow up separately at a later time about concerns regarding information flows between creditors and FDCPA collectors and about potential rules to govern creditors that collect their own debts.

The Bureau is also engaged in policy analysis and further research initiatives in preparation for a potential rulemaking regarding overdraft programs on checking accounts. After several years of research, the Bureau believes that there are consumer protection concerns with regard to these programs. Consumers do not shop based on overdraft fee amounts and policies, and the market for overdraft services does not appear to be competitive. Under the current regulatory regime consumers can opt in to permit their financial institution to charge fees for ATM and point-of-sale debit overdrafts, but the complexity of the system may complicate consumer decision making. Despite widespread use of disclosure forms, the regime produces substantially different opt-in rates across different depository institutions and the Bureau's supervisory and enforcement work indicates that some institutions are aggressively steering consumers to opt in. The CFPB is engaged in consumer testing of revised opt-in forms and considering whether other regulatory changes may be warranted to enhance consumer decision making.

In addition, the Bureau is continuing rulemaking activities that will ensure meaningful supervision of non-bank financial services providers in order to create a more level playing field for depository and non-depository institutions. Under section 1024 of the Dodd-Frank Act, the CFPB is authorized to supervise ''larger participants'' of markets for various consumer financial products and services as defined by Bureau rule. The Bureau has defined the threshold for larger participants in several markets in past rulemakings, and is now working to develop a proposed rule that would define non-bank ''larger participants'' in the market for personal loans, including consumer installment loans and vehicle title loans. The Bureau is also considering whether rules to require registration of these or other non-depository lenders would facilitate supervision, as has been suggested to the Bureau by both consumer advocates and industry groups.

The Bureau's October 2016, rulemaking concerning prepaid financial products also advanced fairness and consistency objectives by creating a uniform disclosure regime and providing basic protections similar to those enjoyed by users of debit cards and credit cards. In April 2017, the Bureau extended the general effective date of the rule to April 1, 2018. In June 2017, the Bureau issued a proposal that would make targeted changes to the 2016 prepaid rule to reduce implementation and compliance burdens on the industry and ensure consumer understanding of and access to these products. The Bureau expects to issue a final rule in fall 2017.

Modernizing, Streamlining, and Clarifying Consumer Financial Regulations

The Bureau's third group of activities concerns modernizing, streamlining, and clarifying consumer financial regulations and other activities to reduce unwarranted regulatory burden and facilitate consumer-friendly innovation and increased access to consumer financial markets as directed by the Dodd-Frank Act. Since most of the Federal consumer financial laws that the Bureau administers were enacted in the 1960s and 1970s, there is often substantial demand for these activities from both industry and consumer advocates alike.

The Bureau is also beginning work this fall on the first in a series of reviews of existing regulations that it inherited from other agencies through the transfer of authorities under the Dodd-Frank Act. The Bureau had previously sought feedback on the inherited rules as a whole, and identified and executed burden reduction projects from that undertaking. The Bureau has largely completed those initial projects and believes that the next logical step is to review individual regulations—or portions of large regulations—in more detail to identify opportunities to clarify ambiguities, address developments in the marketplace, or modernize or streamline provisions. The Bureau notes that other Federal financial services regulators have engaged in these types of reviews over time and believes that such an initiative would be a natural complement to its work to facilitate implementation of new regulations.

For its first review, the Bureau expects to focus primarily on Subparts B and G of Regulation Z, which implement TILA with respect to open-end credit generally and credit cards in particular. As part of this general effort, the Bureau is considering rules to modernize the Bureau's database of credit card agreements to reduce burden on issuers that submit credit card agreements to the Bureau and make the database more useful for consumers and the general public. The Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) requires credit card issuers to post their credit card agreements to their internet site, and submit those agreements to the Bureau to be posted on an internet site maintained by the Bureau. The Bureau believes an improved submission process and database would be more efficient for both industry and the Bureau and would allow consumers and

the general public to access and analyze information more easily.

In addition to these rulemaking activities noted in the Unified Agenda, the Bureau is conducting other activities to modernize, streamline, and clarify consumer financial regulatory activities. For example, section 1022(d) of the Dodd-Frank Act specifically directs the Bureau to assess the effectiveness of significant rules five years after they are implemented, including seeking public comment. The Bureau has sought public comment on three significant rules: The remittance rule, the ability to repay rule, and the RESPA mortgage servicing rule. The Bureau is currently reviewing those comments as part of its work to develop the reports mandated by section 1022(d) of the Dodd-Frank Act. The findings in these reports will help the Bureau and the public evaluate the recommendations the Bureau received and inform the Bureau's decisions whether adjustments to rules are warranted. The Bureau has also added items to its long-term regulatory agenda, including a potential rulemaking to modernize Regulation E, which implements the Electronic Fund Transfer Act (EFTA), and to address issues of concern in connection with data aggregators, either under existing regulatory regimes such as EFTA and the Fair Credit Reporting Act (FCRA) or under the Dodd-Frank Act more generally. The Bureau believes that technological and market developments may warrant rulemaking under EFTA and FCRA to clarify the application of existing statutes and regulations, modernize and streamline those laws, and address emerging consumer protection concerns. The Bureau continues to look at other methods of modernizing, streamlining, and clarifying its regulations, consistent with the goal of reducing overall regulatory burden.

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement of Regulatory Priorities

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of death and injury associated with consumer products. To achieve this goal, among other things, the CPSC:

- Develops mandatory product safety standards or bans when other efforts are inadequate to address a safety hazard, or where required by statute;
- obtains repair, replacement, or refunds for defective products that present a substantial product hazard;
- develops information and education campaigns about the safety of consumer products;
- participates in the development or revision of voluntary product safety standards; and
- follows statutory mandates.

Unless directed otherwise by congressional mandate, when deciding which of these approaches to take in any specific case, the CPSC gathers and analyzes data about the nature and extent of the risk presented by the product. The Commission's rules at 16 CFR 1009.8 require the Commission to consider, among other factors, the following criteria, when deciding the level of priority for any particular project:

- Frequency and severity of injury;
- causality of injury;
- chronic illness and future injuries;
- costs and benefits of Commission action;
- unforeseen nature of the risk;
- vulnerability of the population at risk;
- probability of exposure to the hazard; and
- additional criteria that warrant Commission attention.

Significant Regulatory Actions

Currently, the Commission is not considering taking action in the next twelve months on any rules that would constitute a ''significant regulatory action'' under the definition of the term in Executive Order 12866.

BILLING CODE 6355–01–P

FEDERAL TRADE COMMISSION (FTC)

Statement of Regulatory and Deregulatory Priorities

I. Regulatory and Deregulatory Priorities

Background

The Federal Trade Commission (FTC or Commission) is an independent agency charged by its enabling statute, the Federal Trade Commission Act (FTC Act), with protecting American consumers from ''unfair methods of competition'' and ''unfair or deceptive acts or practices'' in the marketplace. The Commission strives to ensure that consumers benefit from a vigorously competitive marketplace. The Commission's work is rooted in a belief that competition, based on truthful and non-misleading information about products and services, provides consumers the best choice of products and services at the lowest prices.

The Commission pursues its goal of promoting competition in the marketplace through two different but complementary approaches. Through its consumer protection activities, the Commission seeks to ensure that consumers receive accurate, truthful, and non-misleading information in the marketplace. At the same time, to ensure that consumers have a choice of products and services at competitive prices and quality, the marketplace must be policed for anticompetitive business practices and to prohibit anticompetitive mergers. These two complementary missions make the Commission unique insofar as it is the nation's only Federal agency with this combination of statutory authority to protect consumers.

The Commission is also charged with the responsibility of issuing and enforcing regulations under a number of statutes, including 16 trade regulation rules promulgated pursuant to the FTC Act and numerous regulations issued pursuant to certain credit, financial and marketing practice statutes [2] and energy laws.[3] The Commission also has adopted a number of voluntary industry guides. Most of the regulations and guides pertain to consumer protection matters and are intended to ensure that consumers receive the information necessary to evaluate competing products and make informed purchasing decisions.

For the remainder of the *Background* section, the Commission sets out a brief overview of its ongoing law enforcement efforts, followed by a more detailed list of current regulatory reform-related initiatives and other focus areas.

(A) Law Enforcement Mission

The Commission is, first and foremost, a law enforcement agency. It pursues its mandate to enhance competition and protect consumers primarily through case-by-case enforcement of the FTC Act and other statutes. This includes:

(1) Consumer Protection Enforcement. The agency has continued to pursue its long-standing consumer protection mission by filing or obtaining settlements in 56 consumer protection

[2] For example, the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN–SPAM Act) (15 U.S.C. 7701–7713) and the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101–6108).

[3] For example, the Energy Policy Act of 1992 (106 Stat. 2776, codified in scattered sections of the U.S. Code, particularly 42 U.S.C. 6201 *et seq.*) and the Energy Independence and Security Act of 2007 (EISA) (codified in relevant part at 42 U.S.C. 17021, 17301–17305).

matters in district court, reaching 21 administrative consent agreements related to consumer protection, and distributing over $91 million in redress to more than two million consumers in 2017.

One recent example is the FTC's enforcement action along with its law enforcement partners, the U.S. Department of Justice and the Environmental Protection Agency, to compensate consumers who were harmed by Volkswagen both because the company allegedly unfairly sold cars with illegal defeat-emissions-testing devices and deceptively advertised these cars with claims that they were ''clean.'' Under the Commission's 2.0 liter and 3.0 liter settlements, Volkswagen will offer consumers more than $11 billion in compensation.[4] This is the largest consumer refund program in the FTC's history.

The Western Union Company (Western Union), a global money services business headquartered in Englewood, Colorado, agreed to pay $586 million to settle FTC and Department of Justice charges that the company allowed scammers to use its money transfer system to collect money from their victims. The FTC alleged that the company's failures, including not taking effective action against complicit agents, resulted in hundreds of millions of dollars in fraudulent transfers since 2004. As part of this global settlement, the FTC also required Western Union to implement an effective anti-fraud program. The Department of Justice and the FTC will use the $586 million payment to provide redress to defrauded consumers.

In a historic decision, an Illinois federal court ordered Dish Network to pay $280 million in civil penalties and to stop alleged violations of the FTC's Telemarketing Sales Rule and other federal and state laws. The Department of Justice filed charges on behalf of the FTC and four states against the satellite TV provider. Dish allegedly made millions of illegal calls, including to numbers on the Do Not Call Registry, and used unscrupulous tactics to generate programming sales. The court also ordered Dish to ensure its marketing practices comply with the law. The civil penalties include a record-setting $168 million to the federal government, with the remainder going to the states.

(2) Competition Enforcement. In FY2017, the agency pursued 29 law enforcement actions, including 20 merger challenges and 9 non-merger challenges.

In the *Draft Kings/FanDuel* matter, the parties abandoned their planned merger after the Commission sought a preliminary injunction in federal district court. The combination of the two largest daily fantasy sports sites, DraftKings and FanDuel, would have controlled more than ninety percent of the U.S. market for paid daily fantasy sports contests, the FTC alleged. The FTC has also successfully negotiated merger settlements requiring divestitures in a variety of industries, including pharmaceuticals, agricultural chemicals, animal vaccines, and others.

The FTC, jointly with the Office of the Attorney General of North Dakota, filed a complaint in federal court to block Sanford Health's proposed acquisition of Mid Dakota Clinic, alleging that the deal would violate antitrust law by significantly reducing competition for adult primary care physician services, pediatric services, obstetrics and gynecology services, and general surgery physician services in the greater Bismarck, North Dakota and Mandan, North Dakota metropolitan area.[5] According to the complaint, Sanford and Mid Dakota are each other's closest rivals in the four-county Bismarck-Mandan region of North Dakota, an area with a population of 125,000. The agencies seek a temporary restraining order and preliminary injunction to stop the deal and to maintain the status quo pending an administrative trial on the merits of the case.

The agency also continues to focus on non-merger enforcement. For example, the agency brought a case against ViroPharma Inc. alleging it engaged in sham petitioning to delay the market entry of generic competitors.[6] The Commission also continues to challenge anticompetitive reverse payment agreements between branded and generic pharmaceutical mergers after a favorable ruling from the Supreme Court in *FTC* v. *Actavis* supported the agency's antitrust enforcement in this area. In January 2017, the Commission filed a stipulated injunction in federal court in which Malinckrodt ARD Inc., formerly Questcor Pharmaceuticals, Inc., agreed to settle Commission charges that it monopolized the market for adrenocorticotropic hormone (ACTH) drugs. These drugs are typically the last line of defense in treating infantile spasms, a rare and serious seizure disorder. According to the Commission's complaint, the company purchased the rights to develop Synacthen Depot, a drug that threatened the firm's existing monopoly in the U.S. market. The Commission charged that the company undertook this acquisition to prevent any other company from using the Synacthen assets to develop a synthetic ACTH drug in the United States, thereby preserving Questcor's monopoly and allowing it to raise and maintain extremely high prices. Questcor raised its prices from $40 a vial to more than $34,000 a vial between 2001 and 2017, when it faced no competition for this critical infant medicine. To resolve this matter, Malinckrodt ARD Inc. agreed to grant a license to Synacthen Depot to a Commission-approved licensee and to pay $100 million.

(B) Regulatory Reform-Related Initiatives

In addition to consumer protection and competition enforcement matters, the agency is leading several regulatory reform initiatives under the leadership of Acting Chairman Ohlhausen. Her priorities in this regard are threefold: Promoting economic liberty, reforming regulation, and increasing agency transparency:

(1) Economic Liberty Task Force. In February 2017, Acting Chairman Ohlhausen established an FTC Economic Liberty Task Force to collaborate with state leaders and other stakeholders on occupational licensing reform. Nearly thirty percent of American jobs require a license today, up from less than five percent in the 1950s. For some professions, licensing is necessary to protect the public against legitimate health and safety concerns. But, many more occupations could be practiced safely and effectively with fewer, or no, licensing requirements.

In many situations, the expansion of occupational licensing threatens economic liberty. Unnecessary licensing restrictions erect significant barriers and impose costs that cause real harm to American workers, employers, consumers, and the economy as a whole, with no measurable benefits to consumers or society. These restrictions can:

[4] Amended Second Partial Stipulated Order for Permanent Injunction and Monetary Judgment, FTC v. Volkswagen Group of America, Inc., No. 3:15–md–2672 (N.D. Cal. May 17, 2017), *available at https://www.ftc.gov/system/files/documents/cases/170517_volkwagen_ftc_final_order_.pdf; see also* related proposed consent decree between the United States Department of Justice and the State of California and Volkswagen at *https://www.justice.gov/opa/file/871306/download.*

[5] Complaint for Temporary Restraining Order and Preliminary Injunction, *FTC and State of North Dakota* v. *Sanford Health, Sanford Bismarck, and Mid Dakota Clinic, P.C.,* No. 1:17–cv–00133–DLH–CSM (W.D. N.D. June 22, 2017), available at *https://www.ftc.gov/es/system/files/documents/cases/1710019sanfordfedcomplaint.pdf.*

[6] Complaint for Injunctive and Other Equitable Relief, *FTC* v. *Shire ViroPharma, Inc.,* No. 1:17–cv–00131–UNA (D. Del. May 25, 2017), available at *https://www.ftc.gov/enforcement/cases-proceedings/121-0062/shire-viropharma.*

• Close the door on job opportunities for people who are ready to work, especially the nation's most economically disadvantaged citizens;
• prevent workers from marketing their skills to employers and consumers;
• reduce entrepreneurship and business innovation, insulating current service providers from new forms of competition; and
• Stifle price, quality, and service competition among professionals, which hurts all consumers.

This Task Force has submitted comments on a state bill to reduce licensing requirements; launched a new website (*www.ftc.gov/econliberty*); and conducted dozens of interviews with a variety of stakeholders. On July 27, 2017, the Task Force hosted a roundtable in Washington, DC, that highlighted approaches that make it easier for workers in state-licensed occupations to offer their services across state lines or move between states. The agency announced a second public roundtable to occur on November 7, 2017, to examine the economic and legal aspects of occupational licensing regulations. The FTC's Economic Liberty Task Force will continue working with state partners and other interested stakeholders to bring greater attention to these important issues. Occupational licensing reform is good for competition, workers, consumers, and the American economy.

(2) Regulatory Reform and Agency Streamlining. Excessive regulation and bureaucracy create significant burdens on the public, while diverting resources from the agency's core mission to protect consumers and promote competition. Acting Chairman Ohlhausen directed staff to find ways to streamline agency information requests, add transparency, and lighten regulatory burdens. In June 2017, the agency also announced proposals to minimize or eliminate certain regulations that may no longer be in the public interest, including the 1966 Picture Tube Rule and the 1959 Textile Rule.[7] In July 2017, the FTC announced several reforms within the Bureau of Consumer Protection that will streamline information requests and improve transparency in Commission investigations, while preserving the agency's ability to conduct thorough investigations. On September 15, 2017, the Commission announced the streamlining of requirements under the Fur, Textile and Wool Labeling Rules as part of the regulatory reform agenda. 83 FR 43690 (Sept. 19, 2017). Effective October 19, 2017, these three rules were updated to require the public in most instances to submit via the FTC's website any requests to obtain, update, or cancel registered identification numbers (RN) used on fur, textile and wool product labels. Use of the web-based RN system streamlines the application process for participating businesses and greatly increases the agency's efficiency in delivering RN services to the public. Further streamlining will occur as the FTC continues its regular, systematic reviews of all rules and guides, assessing their costs and benefits to consumers and businesses.[8]

(C) Increasing Agency Transparency

Under the Acting Chairman's direction, the FTC is exploring additional ways to provide practical guidance on how the FTC Act applies to data security. The agency is building on existing business guidance materials, including *Start with Security,* a nuts-and-bolts brochure that distills the lessons learned from FTC cases down to ten fundamental concepts applicable to and manageable by companies of any size. Since 2002, approximately 60 companies have settled FTC cases alleging that they engaged in deceptive or unfair practices that unreasonably put consumers' personal data at risk. The FTC's law enforcement experience informs the agency's educational materials for businesses.

Businesses have asked the Commission to keep the guidance coming, which is why the Acting Chairman launched a new initiative, Stick with Security. Starting in late July 2017 and going into the fall, agency staff is publishing a weekly Business Blog post focusing on each of the ten Start with Security principles.

Other Ongoing Focus Areas

As set out below, the Commission is focused on helping small business owners avoid scams and protect their systems and customer data from threats, balancing the privacy and safety impacts of emerging technologies with consumer benefits, and assisting military consumers.

(1) Consumer Privacy. As the nation's top enforcer on the consumer privacy beat, the FTC works to ensure that consumers can take advantage of the benefits of a dynamic and ever-changing digital marketplace without compromising their privacy. The FTC achieves that goal through civil law enforcement, policy initiatives, and consumer and business education. For example, the FTC's unparalleled experience in consumer privacy enforcement has addressed practices offline, online, and in the mobile environment by large, well-known companies and lesser-known players alike.

In June 2017, the Commission and the National Highway Traffic and Safety Administration (NHTSA) together sponsored the Connected Cars workshop, which examined the privacy and safety impacts of automated and connected motor vehicle technologies along with consumer benefits. Modern motor vehicles increasingly are being equipped with technologies that enable them to access information via the internet and gather, store and transmit data for entertainment, performance and safety purposes. Automated vehicles, vehicles with Vehicle-to-Vehicle Communications technology, and other connected vehicles (*i.e.* with some form of wireless connectivity) can provide important benefits to consumers and have the potential to revolutionize motor vehicle safety. At the same time, these automated and connected vehicles are expected to generate an enormous amount of data, some of which will be personal and sensitive, such as real time precise geolocation data and the contents of driver communications that result when drivers connect their mobile phones to a vehicle's computer system. The workshop brought together a variety of stakeholders, including industry representatives, consumer advocates, academics, and government regulators, to discuss various issues related to connected and automated vehicles that collect data. They included the types of data vehicles with wireless interfaces collect, store, transmit, and share; potential benefits and challenges posed by such data collection; the privacy and security practices of vehicle manufacturers; the role of the FTC, NHTSA, and other government agencies regarding privacy and security issues related to connected vehicles; and self-regulatory standards that might apply to privacy and security issues related to connected vehicles.

Building on the success of its two previous PrivacyCon events held in 2016 and 2017, the Commission announced a call for presentations for its third PrivacyCon, which will take place on February 28, 2018. The 2018 event will focus on economic questions including how to quantify the harms that result from companies' failure to secure consumer information, and how to balance the costs and benefits of privacy-protective technologies and practices. As part of this initiative, the

[7] *See Ongoing Rule and Guide Reviews* for further information about specific rule reviews.

[8] *See Retrospective Review of Existing Regulations* for further information.

FTC is also seeking general research that explores the privacy and security implications of emerging technologies, such as the Internet of Things, artificial intelligence and virtual reality.

The Internet of Things is also an expanding part of the Commission's work. It comes in the form of products such as fitness devices, wearables, smart cars, and connected smoke detectors, light bulbs, and refrigerators. While these products are innovative and exciting, they are also collecting, storing, and often sharing vast amounts of consumer data, some of it very personal, raising familiar and new concerns relating to privacy and security. Manufacturers and service providers are finding ways to track consumers across multiple devices, often without disclosing they are doing so. The FTC released a report on so-called cross-device tracking.[9] The Commission's report found that many companies do not explicitly discuss their cross-device tracking practices in their privacy policies. As companies increasingly track consumers across not only desktops and smartphones but other smart devices—like TVs—it is important that companies not only reassess their approaches to privacy but also simplify consumer choices wherever possible and get affirmative consent from consumers before tracking sensitive information across devices.

On March 9, 2017, the Commission also hosted its third FinTech Forum, focusing on the consumer implications of two rapidly developing technologies: Artificial intelligence and blockchain. The FinTech Forum series is part of the FTC's ongoing work to protect consumers taking advantage of new and emerging financial technology. As technological advances expand the ways consumers can store, share, spend, and borrow money, the FTC is working to keep consumers protected while encouraging innovation for consumers' benefit. Artificial intelligence focuses on the capability for machines to mimic rational or human-like thought processes or behaviors, including learning and problem solving. The technology may be used, for example, to provide personalized financial services for consumers, including providing money management tools. Blockchain technology involves a distributed digital ledger for recording transactions that can be shared widely. It first emerged as the foundation for digital currency, and it is now being explored for other consumer-focused uses including payment systems and ''smart contracts.''

(2) Small Business. There are more than 28 million small businesses nationwide, employing nearly 57 million people, according to the Small Business Administration (SBA). The agency has launched a new small business website (*www.ftc.gov/SmallBusiness*) with information to help small business owners avoid scams and protect their systems and customer data from threats. The site, which includes a new Small Business Computer Security Basics guide, also has information on other cyber threats such as ransomware and phishing schemes. The FTC also kicked off a new ''Engage, Connect, and Protect'' Initiative in partnership with the SBA, launching a nationwide dialogue on cybersecurity with small businesses. The first event was held in Portland, Oregon, on July 25, 2017, in conjunction with the National Cybersecurity Alliance's conference on ''Understanding your Cybersecurity: 5 Steps to Protect Your Business.'' This event was followed by a roundtable discussion (hosted by the FTC and the Council of Smaller Enterprises and in collaboration with the SBA) in Cleveland, Ohio, on September 6, and another roundtable event (sponsored by the NCSA) on September 18, 2017, in Des Moines, Iowa.

(3) Military Consumers. The agency also has expanded its focus on military consumers. This includes a new *military.consumer.gov* website and a series of Military Financial Consumer conferences, the first of which was held in Los Angeles, CA, on September 7, 2017. The new website provides advice and assistance on a number of topics including financial advice and alerts on numerous scams directed at military consumers and their families.

(4) Fostering Innovation & Competition. For more than two decades, the Commission has examined difficult issues at the intersection of antitrust and intellectual property law—including those related to innovation, standard-setting, and patents. The Commission's work in this area is grounded in the recognition that intellectual property and competition laws share the fundamental goals of promoting innovation and consumer welfare. The Commission has authored several seminal reports on competition and patent law and conducted workshops to learn more about emerging practices and trends.

For instance, the FTC has used its authority under Section 6(b) of the Federal Trade Commission Act to explore the impact of patent assertion entities (PAE), firms that acquire patents from third parties and then try to make money by licensing or suing accused infringers. In 2014, the FTC received clearance under the Paperwork Reduction Act from the Office of Management and Budget to issue compulsory process orders to PAEs and other industry participants to develop a better understanding of PAE business models. In October 2016, the FTC published a staff report that spotlighted the business practices of PAEs and recommended patent litigation reforms.[10]

In conjunction with the Department of Justice, the Commission updated the Antitrust Guidelines for the Licensing of Intellectual Property, also known as the IP Licensing Guidelines to reflect changes in law and accumulated antitrust enforcement experience over the past 20 years.[11] The changes reaffirmed the Commission's commitment to an economically grounded approach to antitrust analysis of IP licensing and to a strong and competitive IP licensing system that benefits consumers and fosters innovation.

(5) Remedy Study. In January 2017, the Commission released a report that examined the effectiveness of the Commission's orders in past merger cases where it has required a divestiture or other remedy.[12] This effort expanded on a similar remedy study conducted in the 1990s that led to important improvements in the Commission's orders.[13] The new study was broader, covering 89 merger orders entered between 2006 and 2012, and benefited from information collected from respondents, buyers of divested assets, other significant competitors, and customers. The report found that the agency's process for maintaining competition when companies merge is generally effective. The new report concluded that in most cases the Commission's remedies protected or restored competition. Also, divestitures

[9] *Cross-Device Tracking: An FTC Staff Report* (January 2017), *https://www.ftc.gov/system/files/documents/reports/cross-device-tracking-federal-trade-commission-staff-report-january-2017/ftc_cross-device_tracking_report_1-23-17.pdf.*

[10] FTC Study, *Patent Assertion Entity Activity* (Oct. 2016), *https://www.ftc.gov/system/files/documents/reports/patent-assertion-entity-activity-ftc-study/p131203_patent_assertion_entity_activity_an_ftc_study.pdf.*

[11] Press Release, FTC and DOJ Issue Updated Antitrust Guidelines for the Licensing of Intellectual Property (Jan. 13, 2017), *https://www.ftc.gov/news-events/press-releases/2017/01/ftc-doj-issue-updated-antitrust-guidelines-licensing-intellectual.*

[12] *See* The FTC's Merger Remedies 2006–2012: A Report of the Bureaus of Competition and Economics (Jan. 2017), *https://www.ftc.gov/system/files/documents/reports/ftcs-merger-remedies-2006-2012-report-bureaus-competition-economics/p143100_ftc_merger_remedies_2006-2012.pdf.*

[13] FTC, A Study of the Commission's Divestiture Process (1999), *https://www.ftc.gov/sites/default/files/attachments/merger-review/divestiture.pdf.*

of ongoing businesses were particularly successful. Finally, the study provided valuable insight into best practices for designing and implementing merger remedies in future cases.

(6) Protecting Consumers from Cross-Border Harm. The FTC cooperates with competition and consumer protection agencies in other countries to halt deceptive and anticompetitive business practices that affect U.S. consumers, and promotes sound approaches to issues of mutual international interest by building relationships with counterpart agencies around the world on competition and consumer protection issues.

The FTC cooperated on enforcement-related matters with foreign agencies or multilateral organizations in consumer protection and privacy matters, using its authority under the U.S. SAFE WEB Act in these matters to share information or provide investigative assistance to foreign authorities. One highlight was the FTC's successful collaboration with the Office of the Privacy Commissioner of Canada and the Australian Information Commissioner in investigating a massive data breach and other allegedly deceptive practices of the Toronto-based adult dating website, *AshleyMadison.com*.[14] The website had members in nearly 50 countries. The operators of the website settled FTC and state charges that they deceived consumers and failed to protect 36 million users' account and profile information. The Australian and Canadian agencies contributed to the FTC's investigation and reached their own settlements with the company. The FTC also continues to advance enforcement cooperation through networks such as the International Consumer Protection and Enforcement Network (ICPEN), the Global Privacy Enforcement Network (GPEN), the anti-spam Unsolicited Communications Enforcement Network (UCENet, formerly known as the London Action Plan) and the International Mass Marketing Fraud Working Group.

In the policy arena, the FTC played a leading role in revising the Organization for Economic Co-operation and Development (OECD)'s Guidelines on Consumer Protection in Electronic Commerce, which were adopted by the OECD Council in early 2016 to address new developments in e-commerce including mobile applications, digital content, and peer platform marketplaces as well as the revised United Nations Guidelines on Consumer Protection, which include provisions on e-commerce, consumer financial services, dispute resolution and redress, and international cooperation.

The FTC also continues to advocate for global interoperability and strong enforcement of data privacy laws through collaboration with the Department of Commerce on the E.U.-U.S. Privacy Shield. The Privacy Shield provides a mechanism for transatlantic data transfers and strengthens cooperation between the FTC and EU Data Protection Authorities by providing for vigorous enforcement of the Framework's requirements.

Throughout 2017, the FTC's international competition program promoted cooperation with competition agencies in other jurisdictions and advocated convergence of international antitrust policies toward best practice. As co-chair of the Mergers Working Group of the International Competition Network (ICN), the FTC is leading an update of the ICN's signature recommended practices for merger notification and review procedures, and for merger analysis, and developing practical guidance on merger investigative techniques and on merger remedies. It also hosted the ICN's 2017 merger workshop. The FTC also originated and leads the ICN Training on Demand project, which is creating a comprehensive curriculum of video training materials on competition law and practice. The FTC also continues to further the important roles that it plays in the competition groups of the OECD, the United Nations Conference on Trade and Development (UNCTAD), and Asia-Pacific Economic Cooperation (APEC).

In addition to promoting convergence toward sound competition policy and enforcement, the FTC advocates fair and transparent enforcement procedures. Through its leadership of the ICN's implementation efforts, the FTC continues to play a key role in promoting implementation of the ICN's Guidance on Investigative Process, the most comprehensive agency-led effort to articulate principles and practices of procedural fairness in antitrust investigations, as well as the ICN's work on merger notification and review procedures. In the OECD, the FTC played a key role in the Competition Committee's project on international cooperation and evaluating the impact of competition enforcement. The FTC is also playing an active role in developing the competition chapters of the renegotiated North American Free Trade Agreement.

On January 13, 2017, the Federal Trade Commission and Department of Justice issued revised Antitrust Guidelines for International Enforcement and Cooperation.[15] The Guidelines, which had previously been updated in 1996, describe the agencies' current practices and analysis of key issues of international consumer protection enforcement and cooperation.

Finally, the FTC has continued its robust technical assistance program to share its experience with competition and consumer protection agencies around the world. In 2017, the FTC conducted programs in jurisdictions around the globe, including Argentina, Brazil, Central America, India, Mexico, the Philippines, Ukraine and the Southern African region. Through its International Fellows Program, the FTC brought ten international competition colleagues from five competition agencies to work alongside FTC staff on antitrust enforcement matters for fiscal year 2017. Under the same program, the FTC brought international consumer protection colleagues from agencies to work alongside FTC staff on consumer protection matters and research for fiscal year 2017.

(7) Self-Regulatory and Compliance Initiatives with Industry. The Commission continues to engage industry in compliance partnerships in the funeral and franchise industries, among others. For example, the Commission's Funeral Rule Offender Program, conducted in partnership with the National Funeral Directors Association, is designed to educate funeral home operators found in violation of the requirements of the Funeral Rule, 16 CFR 453, so that they can meet the rule's disclosure requirements. Four hundred and ninety-nine funeral homes have participated in the program since its inception in 1996.

In addition, the Commission established the Franchise Rule Alternative Law Enforcement Program in partnership with the International Franchise Association (IFA), a nonprofit organization that represents both franchisors and franchisees. This program assists franchisors found to have a minor or technical violation of the Franchise Rule, 16 CFR 436, in complying with the rule. Violations involving fraud or other FTC Act violations are not candidates for referral to the program. The IFA teaches the franchisor how to comply with the rule and monitors its business for a period of

[14] See Press Release, Ashley Madison settles with FTC over data security (Dec. 14, 2014), *https://www.ftc.gov/news-events/blogs/business-blog/2016/12/ashley-madison-settles-ftc-over-data-security.*

[15] See Press Release, Federal Trade Commission and Department of Justice Announce Updated International Antitrust Guidelines (Jan. 13, 2017), *https://www.ftc.gov/news-events/blogs/business-blog/2016/12/ashley-madison-settles-ftc-over-data-security.*

years. Where appropriate, the program offers franchisees the opportunity to mediate claims arising from the law violations. Since December 1998, 21 companies have agreed to participate in the program.

(8) Second Chance and Leniency Policies. The Commission complements its compliance assistance efforts by considering the particular circumstance when enforcing business obligations. For example, the Commission has a small business leniency policy statement that analyzes various factors that may result in reduction or waiver of penalties. See 62 FR 16809 (Apr. 8, 1997) (issuing policy), 62 FR 46363 (Sept. 2, 1997) (responding to comment received). As such cases arise; the Commission considers these leniency factors whenever a civil penalty may be assessed against a small business.

The Commission continued its ''second chance'' policy for certain minor and inadvertent violations of the textile and wool labeling rules, which can apply to small businesses. The Textile Corporate Leniency Policy helps increase overall compliance with the rules while minimizing the burden on business of correcting inadvertent labeling errors that are not likely to injure consumers. Since the Policy was announced (2002), 242 companies have been granted ''leniency'' for self-reported minor violations of the FTC textile regulations.

Regulatory and Deregulatory Measures

In 1992, the Commission implemented a program to review its rules and guides regularly. The Commission's review program is patterned after provisions in the Regulatory Flexibility Act, 5 U.S.C. 601–612 and complies with the Small Business Regulatory Enforcement Fairness Act of 1996. The Commission's 10-year program also is consistent with section 5(a) of Executive Order 12866, which directs executive branch agencies to develop a plan to reevaluate periodically all of their significant existing regulations. 58 FR 51735 (Sept. 30, 1993). Under the Commission's program, rules are reviewed on a 10-year schedule that results in more frequent reviews than are generally required by Section 610 of the Regulatory Flexibility Act. This program is also broader than the review contemplated under the Regulatory Flexibility Act, in that it provides the Commission with an ongoing systematic approach for seeking information about the costs and benefits of its rules and guides and whether there are changes that could minimize any adverse economic effects, not just a ''significant economic impact upon a substantial number of small entities.'' 5 U.S.C. 610. In each rule review, the Commission requests public comments on, among other things, the economic impact and benefits of the rule; possible conflict between the rule and state, local, or other federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes.

As part of its continuing 10-year review plan, the Commission examines the effect of rules and guides on small businesses and on the marketplace in general. These reviews may lead to the revision or rescission of rules and guides to ensure that the Commission's consumer protection and competition goals are achieved efficiently and at the least cost to business. Pursuant to this program, the Commission has rescinded 37 rules and guides promulgated under the FTC's general authority and updated dozens of others since the early 1990s.

The FTC continues to take a fresh look at its long-standing regulatory review process. In June 2017, the Commission issued a revised 10-year review schedule. The Commission is currently reviewing 16 of the 65 rules and guides within its jurisdiction. The FTC maintains a web page at *http://www.ftc.gov/regreview* that serves as a one-stop shop for the public to obtain information and provide comments on individual rules and guides under review as well as the Commission's regulatory review program generally.

In 2018, the Commission proposes initiating reviews of four of its rules or guides: (1) Test Procedures and Labeling Standards for Recycled Oil, 16 CFR 311; (2) Disclosure Requirements and Prohibitions Concerning Franchising, 16 CFR 436; and (3) Identity Theft [Red Flags] Rules, 16 CFR 681, and (4) The Nursery Guides, 16 CFR 18.

Ongoing Rule and Guide Reviews

The Commission is continuing review of a number of rules and guides, which are discussed below.

(a) Rules

CAN–SPAM Rule, 16 CFR 316. As part of its ongoing systematic review of its rules and guides, the Commission initiated a periodic review of the Rule on June 28, 2017 82 FR 29254. The public comment period closed on August 31, 2017. Commission staff anticipates sending a recommendation to the Commission by January 2018. The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (''CAN–SPAM Rule'') sets rules for commercial email, establishes requirements for commercial messages, gives recipients the right to have senders of commercial email stop emailing them, and provides for penalties for violations. The FTC issued the CAN–SPAM Rule to implement the Act, as authorized by the statute.

Care Labeling Rule, 16 CFR 423. Promulgated in 1971, the Rule on Care Labeling of Textile Apparel and Certain Piece Goods as Amended (the Care Labeling Rule) makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating ''what regular care is needed for the ordinary use of the product.'' The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions and allows the use of approved care symbols in lieu of words to disclose care instructions. After reviewing the comments from a periodic rule review (76 FR 41148, July 13, 2011), the Commission concluded on September 20, 2012, that the Rule continued to benefit consumers and would be retained, and sought comments on potential updates to the Rule, including changes that would allow garment manufacturers and marketers to include instructions for professional wetcleaning on labels; permit the use of ASTM Standard D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' or ISO 3758:2005(E), ''Textiles—Care labeling code using symbols,'' in lieu of terms; clarify what can constitute a reasonable basis for care instructions; and update the definition of ''dryclean.'' 77 FR 58338. On March 28, 2014, the Commission hosted a public roundtable in Washington, DC, that analyzed proposed changes to the Rule. Staff anticipates Commission action by January 2018.

Contact Lens Rule, 16 CFR 315. As part of the systematic rule review process, on September 3, 2015, the Commission issued a **Federal Register** notice seeking public comments about the Contact Lens Rule. 80 FR 53272. The comment period closed on October 26, 2015. After Commission staff completed review of the 660 comments received from consumers, eye care professionals, industry members, trade associations, and consumer advocacy groups, the Commission published a notice of proposed rulemaking on December 7, 2016, seeking comment on its proposal to amend the Rule to require contact lens prescribers to obtain a signed acknowledgement after releasing a contact lens prescription to a patient, and to maintain it for at least three years. In addition, to conform language

of the Rule to the language of the FCLCA, the Commission proposed to amend section 315.5(e) of the Rule to remove the words ''private label.'' The Commission also sought comment on this proposal. The comment period closed on January 30, 2017, and staff is reviewing more than 4000 comments that were received, and anticipates the Commission taking next action by early 2018. The Contact Lens Rule requires contact lens prescribers to provide prescriptions to their patients upon the completion of a contact lens fitting, and to verify contact lens prescriptions to contact lens sellers authorized by consumers to seek such verification. Sellers may provide contact lenses only in accordance with a valid prescription that is directly presented to the seller or verified with the prescriber.

Energy Labeling Rule, 16 CFR 305. The Energy Labeling Rule is officially known as the Rule concerning Energy and Water Use Labeling for Consumer Products Under the Energy Policy and Conservation Act. On November 9, 2017, the Commission issued proposed rule changes containing scheduled, routine updates to the comparability ranges and unit energy cost figures on EnergyGuide labels for dishwashers, furnaces, room air conditioners, and pool heaters. The Commission also proposed to set a compliance date for EnergyGuide labels on room air conditioner boxes. The comment period will close on December 4, 2017.[16]

Eyeglass Rule, 16 CFR 456. As part of the systematic rule review process, on September 3, 2015, the Commission issued a **Federal Register** notice seeking public comments about the Eyeglass Rule (or Trade Regulation Rule on Ophthalmic Practice Rules). 80 FR 53274. The comment period closed on October 26, 2015. Commission staff has completed the review of 831 comments on the Eyeglass Rule and is formulating next steps. Commission staff anticipates Commission action on the Eyeglass Rule by early 2018. The Eyeglass Rule requires that an optometrist or ophthalmologist must give the patient, at no extra cost, a copy of the eyeglass prescription immediately after the examination is completed. The Rule also prohibits optometrists and ophthalmologists from conditioning the availability of an eye examination, as defined by the Rule, on a requirement that the patient agree to purchase ophthalmic goods from the optometrist or ophthalmologist.

[16] See *Final Actions* below for information about a separate completed rulemaking proceeding for the Energy Labeling Rule.

Franchise Rule, 16 CFR 436. During 2018, the Commission plans to initiate periodic review of the Franchise Rule (officially titled Disclosure Requirements and Prohibitions Concerning Franchising). The Rule gives prospective purchasers of franchises the material information they need in order to weigh the risks and benefits of such an investment. The Rule requires franchisors to provide all potential franchisees with a disclosure document containing 23 specific items of information about the offered franchise, its officers, and other franchisees. Required disclosure topics include, for example: The franchise's litigation history, past and current franchisees and their contact information, any exclusive territory that comes with the franchise, assistance the franchisor provides franchisees, and the cost of purchasing and starting up a franchise.

Holder in Due Course Rule, 16 CFR 433. On December 1, 2015, the Commission initiated a periodic review of this Rule, officially the Preservation of Consumers' Claims and Defenses Rule. 80 FR 75018. The comment period closed on February 12, 2016. Staff is reviewing the comments and anticipates sending a recommendation to the Commission by June 2018. The Holder in Due Course Rule requires sellers to include language in consumer credit contracts that preserves consumers' claims and defenses against the seller. This rule eliminated the holder in due course doctrine as a legal defense for separating a consumer's obligation to pay from the seller's duty to perform by requiring that consumer credit and loan contracts contain one of two clauses to preserve the buyer's right to assert sales-related claims and defenses against any ''holder'' of the contracts.

Identity Theft [Red Flags] Rules, 16 CFR 681. During 2018, the Commission expects to initiate periodic review of the Identity Theft Rules. The Rules require financial institutions and creditors to develop and implement a written identity theft prevention program (a Red Flags Program). By identifying red flags for identity theft in advance, businesses can be better equipped to spot suspicious patterns that may arise—and take steps to prevent potential problems from escalating into a costly episode of identity theft.

Picture Tube Rule, 16 CFR 410. As part of the systematic review of its rules and guides, the Commission initiated a periodic review of this rule on June 28, 2017. 82 FR 29256. The comment period closed on August 31, 2017. Commission staff anticipates sending a recommendation to the Commission by June 2018. The Picture Tube Rule, officially the Rule on Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets, became effective in 1967 and sets forth appropriate methods for measuring television screens when that measure is included in any advertisement or promotional material for the television set. If the measurement of the screen size is based on a measurement other than the horizontal dimension of the actual viewable picture area, the method of measurement must be clearly and conspicuously disclosed in close proximity to the size designation.

Premerger Notification Rules and Report Form (or HSR Rules), 16 CFR 801–803. The HSR Rules and the Antitrust Improvements Act Notification and Report Form (HSR Form) were adopted pursuant to section 7(A) of the Clayton Act which requires firms of a certain size contemplating mergers, acquisitions or other transactions of a specified size to file notification with the Federal Trade Commission (FTC) and the U.S. Department of Justice (DOJ) and to wait a designated period of time before consummating the transaction. These Rules are continually reviewed in order to improve the program's effectiveness and to reduce the paperwork burden on the business community.

Staff anticipates sending a recommendation to the Commission by early 2018 that would clarify the definition of foreign issuer in the HSR Rules. The definition in the HSR Rules for U.S. and Foreign persons and issuers focuses on three tests: (1) Location of incorporation, (2) country whose laws organized under and (3) principal offices. The term ''principal offices'' is not defined in the rules and is often a source of confusion for parties. This rulemaking would provide a definition.

Privacy Rule, 16 CFR 313. The Privacy Rule or Privacy of Consumer Financial Information Rule requires, among other things, that certain motor vehicle dealers provide an annual disclosure of their privacy policies to their customers by hand delivery, mail, electronic delivery, or through a website, but only with the consent of the consumer. On June 24, 2015, the Commission proposed amending the Rule to allow motor vehicle dealers instead to notify their customers that a privacy policy is available on their website, under certain circumstances. 80 FR 36267. The proposed amendment would also revise the scope and definitions in the Rule in light of the transfer of part of the Commission's rulemaking authority to the Consumer Financial Protection Bureau in the Dodd-Frank Wall Street Reform and Consumer Protection Act.

The comment period closed on August 31, 2015. Since the Commission proposed amending the Rule, Congress enacted the Fixing America's Surface Transportation Act (FAST Act) which included a provision amending the Gramm-Leach-Bliley Act to create a new exception to the annual notice requirement. Staff anticipates that the Commission will issue a final rule, to include changes reflecting the FAST Act amendment, by January 2018.

Recycled Oil Rule, 16 CFR 311. During 2018, the Commission anticipates initiating its periodic review of the Rule (officially the Rule on Test Procedures and Labeling Standards for Recycled Oil) by publishing a notice seeking public comments on the effectiveness and impact of the Rule. This Rule governs labeling of containers for recycled or ''re-refined'' oil intended for use as engine oil. The Rule, which implemented statutory requirements designed to encourage the use of recycled oil, permits manufacturers and other sellers to represent on a recycled engine-oil container label that the oil is substantially equivalent to new engine oil, as long as the determination of equivalency is based on National Institute of Standards and Technology test procedures prescribed by the Rule.

R-value Rule, 16 CFR 460. On April 6, 2016, the Commission initiated a periodic review of the R-value Rule, officially the Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation, as part of its ongoing systematic review of all rules and guides. 81 FR 19936. The comment period was later extended to September 6, 2016. 81 FR 35661 (June 3, 2016). Staff anticipates the next Commission action before the end of 2017. The R-value Rule is designed to assist consumers in evaluating and comparing the thermal performance characteristics of competing home insulation products by specifically requiring manufacturers of home insulation products to provide information about the product's degree of resistance to the flow of heat (R-value). The Rule also establishes uniform standards for testing, information disclosure, and substantiation of product performance claims.

Safeguards Rule (or Standards for Safeguarding Customer Information), 16 CFR 314. On September 7, 2016, the Commission initiated a periodic review of the Safeguards Rule as part of its ongoing systematic review of all rules and guides. 81 FR 61632. The comment period closed on November 7, 2016, and staff anticipates that the Commission will take its next action by January 2018. The FTC's Safeguards Rule, as directed by the Gramm-Leach-Bliley Act (GLB), requires each financial institution subject to the FTC's jurisdiction to develop a written information security program that is appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of the customer information at issue.

Telemarketing Sales Rule (TSR), 16 CFR 308. On August 11, 2014, the Commission initiated a periodic review of the TSR as set out on the 10-year review schedule.[17] 79 FR 46732. The comment period as extended closed on November 13, 2014. 79 FR 61267 (Oct. 10, 2014). Staff anticipates making a recommendation to the Commission by June 2018.

Textile Rules, 16 CFR 303. On June 28, 2017, the Commission proposed amending the Textile Rules (or Rules and Regulations Under the Textile Fiber Identification Act) to delete the requirement that an owner of a registered word trademark furnish the FTC with a copy of the mark's registration with the United States Patent and Trademark Office (USPTO) before using the mark on labels, and to no longer restrict the use of such trademarks to only those also employed as house marks. 82 FR 29251. The comment period closed on July 31, 2017. Staff anticipates submitting a recommendation to the Commission by early 2018.

The Textile Fiber Products Identification Act requires wearing apparel and other covered household textile articles to be marked with (1) the generic names and percentages by weight of the constituent fibers present in the textile fiber product; (2) the name under which the manufacturer or another responsible USA company does business, or in lieu thereof, the registered identification number (RN) of such a company; and (3) the name of the country where the textile product was processed or manufactured. The implementing rules are set forth at 16 CFR 303.

(b) Guides

Fuel Economy Guide, 16 CFR 259. On September 19, 2017, the Commission published final amendments to the Guide Concerning Fuel Economy Advertising for New Automobiles (''Fuel Economy Guide'' or ''Guide'') to address advertising claims prevalent in the market and harmonize with current Environmental Protection Agency (''EPA'') and National Highway Traffic Safety Administration (''NHTSA'') fuel economy labeling rules. 82 FR 43682. [81 FR 36216, June 6, 2016 (proposed amendments) (extended comment period closed on September 8, 2016)]. The Fuel Economy Guide was adopted in 1975 to prevent deceptive fuel economy advertising and to facilitate the use of fuel economy information in advertising.

Jewelry Guides, 16 CFR 23. On July 2, 2012, the Commission sought public comments on its Guides for the Jewelry, Precious Metals, and Pewter Industries, which are commonly known as the Jewelry Guides. 77 FR 39202. The Guides explain to businesses how to avoid making deceptive claims about precious metal, pewter, diamond, gemstone, and pearl products and when they should make disclosures to avoid unfair or deceptive trade practices. Based on comments received, and on information obtained during a public roundtable in June 2013, the FTC proposed revisions to the Guides on January 12, 2016, regarding below-threshold alloys, precious metal content of products containing more than one precious metal, surface application of precious metals, lead-glass filled stones, ''cultured'' diamonds, pearl treatments, varietals, and misuse of the word ''gem.'' 81 FR 1349. The extended comment period closed on June 3, 2016, and Commission staff anticipates forwarding a recommendation to the Commission before the end of 2017.

Nursery Guides, 16 CFR 18. The Commission plans to initiate periodic review of the Guides for the Nursery Industry during 2018. Adopted in 1979 and last reviewed in 2007, the Guides address a number of sales practices for outdoor plants, trees and flowers and prohibit deception as to such things as size, grade, age, condition, price, origin or the place where the products were grown.

Final Actions

Since the publication of the 2016 Regulatory Plan, the Commission has issued the following final rules or taken other actions to close other rulemaking proceedings. These final rules continue to be consistent with the President's Statement of Regulatory Philosophy and Principles contained in Executive Order 12866 and Executive Order 13771.

Disposal Rule, 16 CFR 682. On September 15, 2016, the Commission initiated a periodic review of the Disposal Rule (formally the Disposal of Consumer Report Information and Records) as part of its ongoing systematic review of all rules and guides. 81 FR 63435. The comment

[17] *See Final Actions* below for information about a separate completed rulemaking proceeding for the Telemarketing Sales Rule.

period closed on November 21, 2016. During November 2017, the Commission announced the completion of the review of the Disposal Rule and that the rule is being retained in its current form.

The Disposal Rule requires any person or entity that maintains or otherwise possesses consumer information for a business purpose to properly dispose of the information to protect against unauthorized access to or use of the information. Consumer information means any record about an individual that is a consumer report or is derived from a consumer report, or a compilation of such records. This Rule implements section 216 of the Fair and Accurate Credit Transactions Act of 2003, which is designed to reduce the risk of consumer fraud and related harms, including identity theft, created by improper disposal of consumer information.

Energy Labeling Rule, 16 CFR 305. On June 28, 2017, the Commission issued a final rule amending the Energy Labeling Rule to eliminate certain marking requirements for plumbing products and to exempt certain ceiling fans from labeling requirements. 82 FR 29230. Additionally, the amendments updated the Rule to include labeling requirements for electric instantaneous water heaters. The Commission also made non-substantive, conforming changes to the testing provisions for LED (or light-emitting diode) covered lamps and minor corrections to other provisions.[18]

Fur Rules, 16 CFR 301, Textile Rules, 16 CFR 303, and Wool Rules, 16 CFR 300. On September 15, 2017, the Commission announced the streamlining of requirements under the Fur,[19] Textile and Wool Labeling[20] Rules as part of the regulatory reform agenda. 83 FR 43690 (Sept. 19, 2017). Effective October 19, 2017, these three rules were updated to require the public in most instances to submit via the FTC's website any requests to obtain, update, or cancel registered identification numbers (RN) used on fur, textile and wool product labels. Use of the web-based RN system streamlines the application process for participating businesses and greatly increases the agency's efficiency in delivering RN services to the public.

Premerger Notification Rules and Report Form (or HSR Rules), 16 CFR 801–803. On July 12, 2017, the Commission issued a final rule making ministerial changes to the HSR Form. Among other things, the changes eliminated certain language about the filing fee to conform to previously published amendments to the associated Instructions, changed the Form version dates from 2011/2012 to 2017, updated the minimum penalty for failure to file, and updated the Premerger Notification Office's Constitution Center address.[21] 82 FR 32123.

Used Car Rule (or Used Motor Vehicle Trade Regulation Rule), 16 CFR 455. On November 18, 2016, the Commission issued a final rule that added a Buyer's Guide statement recommending that consumers obtain a vehicle history report (''VHR''), and directing them to an FTC website for more information about VHRs and safety recalls; revised the Buyers Guide statement describing the meaning of an ''As Is'' sale in which a dealer offers a vehicle for sale without a warranty; added boxes to the front of the Buyers Guide where dealers can indicate additional warranty and service contract coverage; added a Spanish statement to the English Buyers Guide advising consumers to ask for a copy of the Buyers Guide in Spanish if the dealer is conducting the sale in Spanish (and providing a Spanish translation of the optional consumer acknowledgment of receipt of the Buyers Guide); and added air bags and catalytic converters to the list of major defects on the back of the Buyers Guide. 81 FR 81664. The final rule was effective on January 27, 2017.

This Rule sets out the general duties of a used vehicle dealer and requires that a completed Buyers Guide be posted at all times on the side window of each used car a dealer offers for sale. Dealers must disclose on the Buyers Guide whether the vehicle is covered by a warranty, and if so, the type and duration of the warranty coverage, or whether the vehicle is being sold ''as is no warranty.''

Summary

The actions under consideration inform and protect consumers, while minimizing the regulatory burdens on legitimate businesses. The Commission continues to identify and weigh the costs and benefits of proposed regulatory actions and possible alternative actions and to seek and consider the broadest practicable array of comment from affected consumers, businesses, and the public at large. In sum, the Commission's regulatory actions are aimed at efficiently and fairly promoting the ability of ''private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people.'' Executive Order 12866, section 1.

II. Regulatory and Deregulatory Actions

The Commission has no proposed rules that would be a ''significant regulatory action'' under the definition in Executive Order 12866.[22] The Commission also has no proposed rules that would have significant international impacts or any international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations as defined in Executive Order 13609.

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NATIONAL INDIAN GAMING COMMISSION (NIGC)

Statement of Regulatory Priorities

In 1988, Congress adopted the Indian Gaming Regulatory Act (IGRA) (Pub L. 100–497, 102 Stat. 2475) with a primary purpose of providing ''a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.'' IGRA established the National Indian Gaming Commission (NIGC or the Commission) to protect such gaming, amongst other things, as a means of generating tribal revenue.

At its core, Indian gaming is a function of sovereignty exercised by tribal governments. In addition, the Federal government maintains a government-to-government relationship with the tribes—a responsibility of the NIGC. Thus, while the Agency is committed to strong regulation of Indian gaming, the Commission is equally committed to strengthening government-to-government relations by

[18] Please see *Ongoing Rule and Guide Reviews (a) Rules* above for information about a separate and ongoing rulemaking under the Energy Labeling Rule.

[19] This is officially the Rules and Regulations Under the Fur Products Labeling Act.

[20] This is officially the Rules and Regulations Under the Wool Products Labeling Act of 1939.

[21] Please see *Ongoing Rule and Guide Reviews (a) Rules* above for information about a separate and ongoing rulemaking under the HSR Rules.

[22] Section 3(f) of Executive Order 12866 defines a regulatory action to be ''significant'' if it 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.

engaging in meaningful consultation with tribes to fulfill IGRA's intent. The NIGC's vision is to adhere to principles of good government, including transparency to promote agency accountability and fiscal responsibility, to operate consistently to ensure fairness and clarity in the administration of IGRA, and to respect the responsibilities of each sovereign in order to fully promote tribal economic development, self-sufficiency, and strong tribal governments. The NIGC is fully committed to working with tribes to ensure the integrity of the industry by exercising its regulatory responsibilities through technical assistance, compliance, and enforcement activities.

Retrospective Review of Existing Regulations

As an independent regulatory agency, the NIGC has been performing a retrospective review of its existing regulations well before Executive Order 13771 was issued on January 30, 2017. The NIGC, however, recognizes the importance of Executive Order 13771 and its regulatory review is being conducted in the spirit of Executive Order 13771, to identify those regulations that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with input from the public. In addition, as required by Executive Order 13175, issued on November 6, 2000, the Commission has been conducting government-to-government consultations with tribes regarding each regulation's relevancy, consistency in application, and limitations or barriers to implementation, based on the tribes' experiences. The consultation process is also intended to result in the identification of areas for improvement and needed amendments, if any, new regulations, and the possible repeal of outdated regulations.

The following Regulatory Identifier Numbers (RINs) have been identified as associated with the review:

RIN	Title
3141–AA32	Definitions.
3141–AA55	Minimum Internal Control Standards.
3141–AA58	Management Contracts.
3141–AA60	Class II Minimum Internal Control Standards.
3141–AA62	Buy Indian Goods and Services (BIGS) Rule.
3141–AA64	Class II Minimum Technical Standards.
3141–AA66	Freedom of Information Act Procedures.
3141–AA67	Fees.

More specifically, the NIGC is currently considering promulgating new regulations in the following areas: (i) Amendments to its regulatory definitions to conform to the newly promulgated rules; (ii) the suspension of the existing minimum internal control standards (MICS) in part 542; (iii) updates or revisions to its management contract regulations to address the current state of the industry; (iv) the review and revision of the minimum internal control standards for Class II gaming updates; (v) regulation that would provide a preference to qualified Indian-owned businesses when purchasing goods or services for the Commission at a fair market price; (vi) revisions to the minimum technical standards for gaming equipment used with the play of Class II games; (vii) revisions to the existing Freedom of Information Act procedures in part 517 as a means to bring them into full compliance with the Freedom of Information Act; and (viii) revisions to the NIGC's fee publication schedule to provide for one, yearly publication no later than November 1st each year.

The NIGC anticipates that the ongoing consultations with tribes will continue to play an important role in the development of the NIGC's rulemaking efforts.

NIGC

Proposed Rule Stage

137. Class II Minimum Internal Control Standards

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 25 U.S.C. 2706(b)(1) to (4); 25 U.S.C. 2706(b)(10); 25 U.S.C. 2710(d)(7)(B)(vii)

CFR Citation: 25 CFR 543.

Legal Deadline: None.

Abstract: The NIGC continues to review and revise the minimum internal control standards (MICS) for Class II gaming. The NIGC anticipates proposing minor but substantive corrections to the Class II MICS, including adding clarifying language and reinserting critical key controls that were inadvertently removed by the last revisions.

Statement of Need: Periodic review and revision of existing standards based on input by a wide array of tribal entities ensures that the MICS remain relevant and appropriate. Recent review has uncovered a need for correction and clarification to specific provisions of the MICS, as well as a need to re-insert standards that were accidentally overwritten when kiosk standards were added.

Summary of Legal Basis: The NIGC is charged with monitoring class II gaming conducted on Indian lands 25 U.S.C. 2706(b)(1). With regard to Class II gaming, NIGC's responsibility includes inspecting and examining the premises located on Indian lands on which Class II gaming is conducted and auditing all papers, books, and records respecting gross revenues of Class II gaming conducted on Indian lands, and any other matters necessary to carry out the duties of the NIGC pursuant to the Indian Gaming Regulatory Act of 1988 (IGRA). 25 U.S.C. 2706(b)(2), (4).

Alternatives: Maintain the current regulations.

Anticipated Cost and Benefits: There are no anticipated cost increases to the Federal Government or to tribal governments as a result of this regulatory action.

Risks: There are no known risks to this regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Tribal.

Sectors Affected: 92115 American Indian and Alaska Native Tribal Governments; 72112 Casino Hotels; 71321 Casinos (except Casino Hotels).

Agency Contact: Michael Hoenig, General Counsel, National Indian Gaming Commission, 1849 C Street NW, Mailstop #1621, Washington, DC 20240, *Phone:* 202 632–7003.

Related RIN: Split from 3141–AA56

RIN: 3141–AA60

NIGC

Final Rule Stage

138. Minimum Internal Control Standards

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 25 U.S.C. 2706(b)(1) to (4); 25 U.S.C. 2706(b)(10); 25 U.S.C. 2710(d)(7)(B)(vii)

CFR Citation: 25 CFR 542.

Legal Deadline: None.

Abstract: The NIGC is considering suspending the existing Class III minimum internal control standards (MICS) in part 542 and issuing guidance.

Statement of Need: The NIGC cannot enforce Class III MICS.

Summary of Legal Basis: The D.C. Circuit Court's decision in Colorado River Indian Tribes v. National Indian Gaming Commission 383 F.Supp.2d 123 (D.D.C. 2005), affd., 466 F.3d 134 (D.C. Cir. 2006), held that the NIGC cannot enforce Class III control standards.

Alternatives: The NIGC has a number of options: (1) Retain the status quo; (2) remove the standards; or (3) remove the standards and publish updated standards as guidance documents. At this time, the NIGC has decided to suspend the standards provided in the regulations and publish updated standards as guidance documents.

Anticipated Cost and Benefits: There are no anticipated cost increases to the Federal Government or to tribal governments as a result of this regulatory action.

Risks: There are no known risks to this regulatory action.

Timetable:

Action	Date	FR Cite
First NPRM	12/01/04	69 FR 69847
First NPRM Comment Period End.	01/18/05	
Second NPRM	03/10/05	70 FR 11893
Second NPRM Comment Period End.	04/25/05	
Final Action on First NPRM.	05/04/05	70 FR 23011
Final Action on Second NPRM.	08/12/05	70 FR 47097
Third NPRM	11/15/05	70 FR 69293
Third NPRM Comment Period End.	12/30/05	
Final Action on Third NPRM.	05/11/06	71 FR 27385
Final Rule; Delay of Effective Date and Request for Comments.	08/30/12	77 FR 53817
Final Rule; Delay of Effective Date and Request for Comments.	10/04/12	77 FR 60625
Effective Date Delayed.	04/22/14	
Final Action	01/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal, Tribal.

Sectors Affected: 92115 American Indian and Alaska Native Tribal Governments; 72112 Casino Hotels; 71321 Casinos (except Casino Hotels).

Agency Contact: Michael Hoenig, General Counsel, National Indian Gaming Commission, 1849 C Street NW, Mailstop #1621, Washington, DC 20240, *Phone:* 202 632–7003.

Related RIN: Split from 3141–AA27

RIN: 3141–AA55

BILLING CODE 7565–01–P

NUCLEAR REGULATORY COMMISSION

Statement of Regulatory Priorities for Fiscal Year 2018

I. Introduction

Under the authority of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the U.S. Nuclear Regulatory Commission (NRC) regulates the possession and use of source, byproduct, and special nuclear material. Our regulatory mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, and promote the common defense and security. As part of our mission, we regulate the operation of nuclear power plants and fuel-cycle plants; the safeguarding of nuclear materials from theft and sabotage; the safe transport, storage, and disposal of radioactive materials and wastes; the decommissioning and safe release for other uses of licensed facilities that are no longer in operation; and the medical, industrial, and research applications of nuclear material. In addition, we license the import and export of radioactive materials.

As part of our regulatory process, we routinely conduct comprehensive regulatory analyses that examine the costs and benefits of contemplated regulations. We have developed internal procedures and programs to ensure that we impose only necessary requirements on our licensees and to review existing regulations to determine whether the requirements imposed are still necessary.

Our regulatory priorities for fiscal year (FY) 2018 reflect our complex mission and will enable us to achieve our two strategic goals described in NUREG–1614, Volume 6, ''Strategic Plan: Fiscal Years 2014–2018'' (*http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1614/v6/*): (1) To ensure the safe use of radioactive materials, and (2) to ensure the secure use of radioactive materials.

II. Regulatory Priorities

This section contains information on some of our most important and significant regulatory actions that we are considering issuing in proposed or final form during FY 2018. For additional information on these regulatory actions and on a broader spectrum of our upcoming regulatory actions, see our portion of the Unified Agenda of Regulatory and Deregulatory Actions. We also provide additional information on planned rulemaking and petition for rulemaking activities, including priority and schedule, on our website at *https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html*.

A. Proposed Rules

Cyber Security for Fuel Facilities (RIN 3150–AJ64): This proposed rule would assure that NRC-licensed fuel cycle facilities provide reasonable assurance that digital assets associated with safety, security, emergency preparedness, and safeguards are adequately protected from cyber-attacks.

Regulatory Guide (RG) 1.84, Rev. 38; RG 1.147, Rev. 19; and RG 1.192, Rev. 3; Approval of American Society of Mechanical Engineers Code Cases (RIN 3150–AJ93; NRC–2017–0024): This proposed rule would incorporate by reference the American Society of Mechanical Engineers Code Cases that the NRC finds to be acceptable or conditionally acceptable in the *Code of Federal Regulations* (CFR).

U.S. Advanced Boiling Water Reactor (US–ABWR) Design Certification Renewal (RIN 3150–AK04; NRC–2017–0090): This rule would amend the NRC's regulations in Appendix A to 10 CFR part 52 to renew the certification of the US–ABWR design.

Enhanced Security for Special Nuclear Material (formerly Physical Protection for Category I, II, and III Special Nuclear Material) (RIN 3150–AJ41; NRC–2014–0018): This proposed rule would update fuel cycle and special nuclear material security regulations to make generically applicable security requirements imposed in post-September 11, 2001, security orders, and enhance existing security requirements through continued monitoring of threat information and updated technical analyses. This rulemaking is on hold pending completion of interagency interactions.

B. Final Rules

The following rulemaking activities meet the requirements of a significant regulatory action in Executive Order 12866, ''Regulatory Planning and Review,'' because they are likely to have an annual effect on the economy of $100 million or more.

Mitigation of Beyond Design Basis Events (RIN 3150–AJ49; NRC–2011–0189, NRC–2014–0240): This final rule would enhance mitigation strategies for

nuclear power reactors for beyond-design-basis external events.

Revision of Fee Schedules: Fee Recovery for FY 2018 (RIN 3150–AJ95; NRC–2017–0026): This final rule would amend the NRC's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees.

[FR Doc. 2017–28207 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Fall 2017

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of the significant and not significant regulatory and deregulatory actions being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (E.O.) 12866 ''Regulatory Planning and Review,'' 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' 13777 ''Enforcing the Regulatory Reform Agenda,'' and 13563 ''Improving Regulation and Regulatory Review.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with E.O. 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov.* Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

For this edition of the USDA regulatory agenda, the most important regulatory and deregulatory actions are summarized in a Statement of Regulatory Priorities that is included in the Regulatory Plan, which appears in both the online regulatory agenda and in part II of the **Federal Register** that includes the abbreviated regulatory agenda.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: November 28, 2017.

Michael Poe,

Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
139	National Bioengineered Food Disclosure Standard **(Reg Plan Seq No. 1)**	0581–AD54
140	NOP: Organic Livestock and Poultry Practices **(Reg Plan Seq No. 2)**	0581–AD75

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
141	NOP; Organic Livestock and Poultry Practices	0581–AD44
142	Growers' Trust Protection Eligibility and the Clarification of ''Written Notifications'' as Set Forth in Section 6(b) of the PACA.	0581–AD50
143	Organic Research, Promotion, and Information Order/Referendum Procedures	0581–AD55

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
144	Sunset 2017 Amendments to the National List	0581–AD52
145	NOP; Organic Livestock and Poultry Practices	0581–AD74

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
146	Plant Pest Regulations; Update of General Provisions	0579–AC98
147	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10
148	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables.	0579–AD71

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
149	Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States	0579–AD95
150	Animal Welfare; Establishing De Minimis Exemptions From Licensing **(Reg Plan Seq No. 5)**	0579–AD99
151	VSTA Records and Reports Specific to International Standards for Pharmacovigilance	0579–AE11

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
152	Importation of Fresh Pitahaya Fruit From Ecuador Into the Continental United States	0579–AE12
153	Importation of Hass Avocados From Colombia	0579–AE29

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
154	Clarification of Scope	0580–AB25
155	Unfair Practices and Unreasonable Preference	0580–AB27
156	Scope of Sections 202(a) and (b) of the Packers and Stockyards Act	0580–AB28

FOOD SAFETY AND INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
157	Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations.	0583–AD59

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

139. National Bioengineered Food Disclosure Standard

Regulatory Plan: This entry is Seq. No. 1 in part II of this issue of the **Federal Register**.

RIN: 0581–AD54

140. • NOP: Organic Livestock and Poultry Practices

Regulatory Plan: This entry is Seq. No. 2 in part II of this issue of the **Federal Register**.

RIN: 0581–AD75

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

141. NOP; Organic Livestock and Poultry Practices

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 6501 to 6522

Abstract: This action would establish standards that support additional practice standards for organic livestock and poultry production. This action would add provisions to the USDA organic regulations to address and clarify livestock and poultry living conditions (for example, outdoor access, housing environment and stocking densities), health care practices (for example physical alterations, administering medical treatment, euthanasia), and animal handling and transport to and during slaughter.

Timetable:

Action	Date	FR Cite
NPRM	04/13/16	81 FR 21955
Comment Period Extended.	06/08/16	81 FR 36810
NPRM Comment Period End.	07/13/16	
Final Rule	01/19/17	82 FR 7042
Final Rule Effective.	05/14/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, Associate Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 720–3252.

RIN: 0581–AD44

142. Growers' Trust Protection Eligibility and the Clarification of ''Written Notifications'' as Set Forth in Section 6(B) of the PACA

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 7 U.S.C. 499

Abstract: The proposed revisions to the regulations would provide greater direction to growers that employ growers' agents on how they may preserve their trust rights under the Perishable Agricultural Commodities Act (PACA). The proposed revisions would also clarify the definition of written notification and the jurisdiction of the USDA to investigate alleged violations under the PACA.

Timetable:

Action	Date	FR Cite
NPRM	12/14/16	81 FR 90255
NPRM Comment Period End.	02/13/17	
Comment Period Extended.	02/17/17	82 FR 10966
Comment Period End.	03/15/17	
Final Action	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Judith Wey Rudman, Director PACA Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, Washington, DC 20250, *Phone:* 202 720–9404, *Email: judithw.rudman@ams.usda.gov.*

RIN: 0581–AD50

143. Organic Research, Promotion, and Information Order/Referendum Procedures

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 7 U.S.C. 7411 to 7425; 7 U.S.C. 7401

Abstract: This rule invites comments on a proposed national research and promotion (R&P) program for certified organic products. The proposed program would cover the range of organic products that are certified and sold per the Organic Foods Production Act and its implementing regulations as well as organic products imported into the U.S. under an organic equivalency arrangement.

Timetable:

Action	Date	FR Cite
NPRM	01/18/17	82 FR 5438
Comment Period End.	03/20/17	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Heather Pichelman, Director, Promotion and Economics, Specialty Crops Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue, Washington, DC 20250, *Phone:* 202 720–9915.

RIN: 0581–AD55

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

144. Sunset 2017 Amendments to the National List

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 7 U.S.C. 6501 to 6522

Abstract: This rule addresses eleven 2017 sunset review recommendations submitted to the Secretary by the National Organic Standards Board (NOSB) following their October 2015 meeting.

Completed:

Reason	Date	FR Cite
Final Rule	07/06/17	82 FR 31241
Final Action Effective.	08/07/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles V. McEvoy, *Phone:* 202 720–3252.

RIN: 0581–AD52

145. NOP; Organic Livestock and Poultry Practices

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 6501 to 6522

Abstract: Because of significant policy and legal issues within the final rule (0581–AD44), the public was asked to comment on which of the following four actions they believed would be best for USDA to take with regard to the disposition of the final rule (0581–AD44). The options were:

- Let the rule become effective on November 14, 2017;
- Suspend the rule indefinitely;
- Delay the effective date of the rule further, beyond the effective date of November 14, 2017; and
- Withdraw the rule so that USDA would not pursue implementation of the rule.

Comments were received on all four options. Based on the content of the comments received and the evaluation those comments generated, this action will determine the disposition of the Organic Livestock and Poultry Practices rule published on January 19, 2017. The option chosen was to Delay the effective date of the rule further, beyond the effective date of November 14, 2017.

Completed:

Reason	Date	FR Cite
NPRM	05/10/17	82 FR 21742
Final Rule; Delay of Effective Date.	11/14/17	82 FR 52643

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 720–3252.

RIN: 0581–AD74

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

146. Plant Pest Regulations; Update of General Provisions

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 19 U.S.C. 136; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332

Abstract: We are revising our regulations regarding the movement of plant pests. We are establishing criteria regarding the movement and environmental release of biological control organisms, and establishing regulations to allow the importation and movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. We are also revising our regulations regarding the movement of soil. This action clarifies the factors that would be considered when assessing the risks associated with the movement of certain organisms and facilitates the movement of regulated organisms and articles in a manner that also protects U.S. agriculture.

Timetable:

Action	Date	FR Cite
Notice of Intent To Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	01/19/17	82 FR 6980
NPRM Comment Period Extended.	02/13/17	82 FR 10444
NPRM Comment Period End.	04/19/17	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Colin Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2237.

RIN: 0579–AC98

147. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking amends the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and

wild ruminants and their embryos, semen, products, and byproducts. The scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	07/18/16	81 FR 46619
NPRM Comment Period End.	09/16/16	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Langston Hull, Senior Staff Veterinary Medical Officer, Animal Permitting and Negotiating Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AD10

148. Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136(a)

Abstract: This rulemaking will amend our regulations governing the importations of fruits and vegetables by broadening our existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process. Rather than authorizing new imports through proposed and final rules and specifying import conditions in the regulations, the notice-based process uses **Federal Register** notices to make risk analyses available to the public for review and comment, with authorized commodities and their conditions of entry subsequently being listed on the internet. It also will remove the region- or commodity-specific phytosanitary requirements currently found in these regulations. Likewise, we are proposing an equivalent revision of the performance standard in our regulations governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This action will allow for the consideration of requests to authorize the importation or interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It will not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.

Timetable:

Action	Date	FR Cite
NPRM	09/09/14	79 FR 53346
NPRM Comment Period End.	11/10/14	
NPRM Comment Period Re-opened.	12/04/14	79 FR 71973
NPRM Comment Period End.	01/09/15	
NPRM Comment Period Re-opened.	02/06/15	80 FR 6665
NPRM Comment Period End.	03/10/15	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicole Russo, Assistant Director, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2159.

RIN: 0579–AD71

149. • Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the fruits and vegetables regulations to allow the importation of several varieties of fresh citrus fruit, as well as citrus hybrids, into the continental United States from areas in the Republic of South Africa where citrus black spot has been known to occur. As a condition of entry, the fruit will have to be produced in accordance with a systems approach that includes shipment traceability, packinghouse registration and procedures, and phytosanitary treatment. The fruit will also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of South Africa with an additional declaration confirming that the fruit has been produced in accordance with the systems approach. This action will allow for the importation of fresh citrus fruit, including citrus hybrids, from the Republic of South Africa while continuing to provide protection against the introduction of plant pests into the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/28/14	79 FR 51273
NPRM Comment Period End.	10/27/14	
Final Action	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marc Phillips, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231, *Phone:* 301 851–2114.

RIN: 0579–AD95

150. Animal Welfare; Establishing De Minimis Exemptions From Licensing

Regulatory Plan: This entry is Seq. No. 5 in part II of this issue of the **Federal Register**.

RIN: 0579–AD99

151. • VSTA Records and Reports Specific to International Standards for Pharmacovigilance

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 21 U.S.C. 151 to 159

Abstract: This rulemaking will amend the Virus-Serum-Toxin Act regulations concerning records and reports. This change requires veterinary biologics licensees and permittees to record and submit reports concerning adverse events associated with the use of biological products they produce or distribute. The information that must be included in the adverse event reports submitted to the Animal and Plant Health Inspection Service will be provided in separate guidance documents. These records and reports will help ensure that APHIS can provide complete and accurate information to consumers regarding adverse reactions or other problems associated with the use of licensed biological products.

Timetable:

Action	Date	FR Cite
NPRM	09/04/15	80 FR 53475

Action	Date	FR Cite
NPRM Comment Period End.	11/03/15	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna L. Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 148, Riverdale, MD 20737–1231, *Phone:* 301 851–3426.

RIN: 0579–AE11

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

152. Importation of Fresh Pitahaya Fruit From Ecuador Into the Continental United States

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking amends the fruits and vegetables regulations to allow the importation of fresh pitahaya fruit into the continental United States from Ecuador. As a condition of entry, the fruit will have to be produced in accordance with a systems approach that includes requirements for fruit fly trapping, pre-harvest inspections, approved production sites, and packinghouse procedures designed to exclude quarantine pests. The fruit will also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of Ecuador stating that the consignment was produced and prepared for export in accordance with the requirements of the systems approach. This action allows for the importation of fresh pitahaya fruit from Ecuador while continuing to provide protection against the introduction of plant pests into the United States.

Completed:

Reason	Date	FR Cite
Final Rule	06/20/17	82 FR 27967
Final Rule Effective.	07/20/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Claudia Ferguson, *Phone:* 301 851–2352.

RIN: 0579–AE12.

153. • Importation of Hass Avocados From Colombia

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking amends the regulations to allow the importation of fresh Hass avocado fruit from Colombia into the continental United States. As a condition of entry, fresh Hass avocado fruit from Colombia will have to be produced in accordance with a systems approach that includes orchard and packinghouse requirements and port of entry inspection. The fruit will also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of Colombia with an additional declaration stating that the fruit has been produced in accordance with the requirements. This action allows for the importation of fresh Hass avocado fruit from Colombia while continuing to provide protection against the introduction of plant pests into the continental United States.

Timetable:

Action	Date	FR Cite
NPRM	10/27/16	81 FR 74722
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Re-opened.	01/17/17	82 FR 4798
NPRM Comment Period Extended.	02/10/17	82 FR 10312
Final Rule	08/15/17	82 FR 38591
Final Rule Effective.	09/14/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David B. Lamb, Senior Regulatory Policy Specialist, IRM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231, *Phone:* 301 851–2103.

RIN: 0579–AE29

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Grain Inspection, Packers and Stockyards Administration (GIPSA)

Completed Actions

154. Clarification of Scope

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 110–246; 7 U.S.C. 181 to 229c

Abstract: On December 20, 2016, the Grain Inspection, Packers and Stockyards Administration (GIPSA) published an interim final rule on the subject matter that was set to become effective on February 21, 2017. GIPSA published a notice in the **Federal Register** that extended the comment period of the interim final rule until March 24, 2017, and delayed its effective date until April 22, 2017. GIPSA sought additional comments through a new proposed rule on possible actions the Department may take that will result in delayed full implementation of the rule. GIPSA published a notice delaying the effective date of the interim final rule for an additional 180 days, until October 19, 2017.

Completed:

Reason	Date	FR Cite
Notice	04/12/17	82 FR 17531
Interim Final Rule Effective.	10/19/17	
Withdrawn	10/18/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Raymond Dexter Thomas, *Phone:* 202 720–6529, *Fax:* 202 690–2173, *Email: r.dexter.thomas@usda.gov.*

RIN: 0580–AB25

155. Unfair Practices and Unreasonable Preference

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 110–246; 7 U.S.C. 181–229c

Abstract: Title XI of the 2008 Farm Bill required the Secretary of Agriculture to issue a number of regulations under the P&S Act. Among these instructions, the 2008 Farm Bill directed the Secretary to identify criteria to be considered in determining whether an undue or unreasonable preference or advantage has occurred in violation of the P&S Act. In June of 2010, the Grain Inspection, Packers and Stockyards Administration (GIPSA) published a proposed rule addressing this statutory requirement along with several other rules required by the 2008 Farm Bill. Proposed 201.211 to the regulations under the P&S Act would

have established criteria that the Secretary may consider in determining if conduct would violate section 202(b) of the P&S Act (undue or unreasonable preference or advantage). While many commenters provided examples of similarly situated poultry growers and livestock producers receiving different treatment, other commenters were concerned about the impacts of the provision on marketing arrangements and other beneficial contractual agreements. Beginning with the FY 2012 appropriations act, USDA was precluded from working on certain proposed regulatory provisions related to the P&S Act, including criteria in this proposal regarding undue or unreasonable preferences or advantages. Consequently, GIPSA did not finalize this rule in 2011. The prohibitions are not included in the Consolidated Appropriations Act, 2016. This rulemaking is necessary to fulfill statutory requirements. Section 201.210 will illustrate by way of examples types of conduct GIPSA would consider unfair, unjustly discriminatory, or deceptive.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Raymond Dexter Thomas, *Phone:* 202 720–6529, *Fax:* 202 690–2173, *Email: r.dexter.thomas@usda.gov.*

RIN: 0580–AB27

156. Scope of Sections 202(A) and (B) of the Packers and Stockyards Act

E.O. 13771 Designation: Deregulatory.

Legal Authority: Pub. L. 110–246; 7 U.S.C. 181 to 229c

Abstract: Through this action, GIPSA sought additional comments on possible actions the Department may take on 0580–AB25.

Completed:

Reason	Date	FR Cite
NPRM	04/12/17	82 FR 17594
Final Action; Withdrawal.	10/18/17	82 FR 48594

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Raymond Dexter Thomas, *Phone:* 202 720–6529, *Fax:* 202 690–2173, *Email: r.dexter.thomas@usda.gov.*

RIN: 0580–AB28

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Final Rule Stage

157. Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 601 *et seq.;* 21 U.S.C. 451 *et seq.*

Abstract: The Food Safety and Inspection Service (FSIS) proposed to amend the Federal meat inspection regulations to eliminate the requirements for both ready-to-eat (RTE) and not-ready-to-eat (NRTE) pork and pork products to be treated to destroy trichina (Trichinella spiralis) because the regulations are inconsistent with the Hazard Analysis and Critical Control Point (HACCP) regulations, and these prescriptive regulations are no longer necessary. If this supplemental proposed rule is finalized, FSIS will end its Trichinella Approved Laboratory Program (TALP program) for the evaluation and approval of non-Federal laboratories that use the pooled sample digestion technique to analyze samples for the presence of trichina. FSIS also proposed to consolidate the regulations on thermally processed, commercially sterile meat and poultry products (*i.e.,* canned food products containing meat or poultry).

Timetable:

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17337
NPRM Comment Period End.	06/27/16	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Michael, Director, Issuances Staff, Department of Agriculture, Food Safety and Inspection Service, Office of Policy and Program Development, 1400 Independence Avenue SW, Washington, DC 20250–3700, *Phone:* 202 720–0345, *Fax:* 202 690–0486, *Email: matthew.michael@fsis.usda.gov.*

RIN: 0583–AD59

[FR Doc. 2017–28205 Filed 1–11–18; 8:45 am]

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Fall 2017 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 2017 agenda. The purpose of the agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce's fall 2017 regulatory agenda includes regulatory activities that are expected to be conducted during the period November 1, 2017, through October 31, 2018.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation, Regulation, and Oversight, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its fall 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq*. Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of August 18, 2017, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2017 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

In this edition of Commerce's regulatory agenda, a list of the most important significant regulatory and deregulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

In addition, beginning with the fall 2007 edition, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, Commerce's entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office, issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare Fishery Management Plans (FMPs) for the fisheries within their respective areas. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. In the development of FMPs, or amendments to FMPs, and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's fall 2017 regulatory agenda follows.

Peter B. Davidson,
General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
158	Covered Merchandise Referrals From the Customs Service	0625–AB10

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
159	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
160	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
161	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
162	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648–BF41
163	Omnibus Essential Fish Habitat Amendment 2	0648–BF82
164	Framework Adjustment 2 to the Tilefish Fishery Management Plan	0648–BF85
165	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648–BG04
166	Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories.	0648–BG36
167	Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Authorization of an Oregon Recreational Fishery for Midwater Groundfish Species.	0648–BG40
168	Commerce Trusted Trader Program (Reg Plan Seq No. 12)	0648–BG51
169	International Fisheries; Fishing Limits in Purse Seine Fisheries for 2017, Transshipment Prohibition, and Requirements to Safeguard Fishery Observers.	0648–BG66
170	Rule to Implement the For-Hire Reporting Amendments	0648–BG75
171	Amendment 41 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BG77
172	Amendment 36A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BG83
173	Rule to Modify the Number of Unrigged Hooks Carried Onboard Bottom Longline Vessels in the Gulf of Mexico.	0648–BG92
174	Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups	0648–BG94
175	Nontrawl Lead Level 2 Observers	0648–BG96
176	Rule to Modify Mutton Snapper and Gag Management Measures in the Gulf of Mexico	0648–BG99
177	Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.	0648–BH02
178	Amendment 47 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico	0648–BH07
179	Management Measures for Tropical Tunas in the Eastern Pacific Ocean	0648–BH13
180	Rule to Modify Greater Amberjack Allowable Harvest and Rebuilding Plan in the Gulf of Mexico	0648–BH14
181	Atlantic Highly Migratory Species; Individual Bluefin Quota Program; Quarterly Accountability	0648–BH17
182	Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment	0648–BC45
183	Amendment and Updates to the Pelagic Longline Take Reduction Plan	0648–BF90
184	Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals **(Reg Plan Seq No. 11)**.	0648–BG26
185	Regulatory Amendment to Authorize a Recreational Quota Entity	0648–BG57

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
186	Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule to Incorporate New Scientific Information.	0648–BE77
187	Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance	0648–BE90
188	Pacific Coast Groundfish Trawl Rationalization Program; Widow Rockfish Reallocation in the Individual Fishing Quota Fishery.	0648–BF12
189	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for the Pacific Whiting Fishery.	0648–BF52
190	Blueline Tilefish Amendment to the Golden Tilefish Fishery Management Plan	0648–BF86
191	Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures and Fishery Management Plan Amendment 27.	0648–BG17
192	Amendment 46 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico to Establish a Gray Triggerfish Rebuilding Plan.	0648–BG87
193	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine Fisheries for 2017.	0648–BG93
194	Regulation to Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries.	0648–BG45
195	Wisconsin-Lake Michigan National Marine Sanctuary Designation	0648–BG01
196	Mallows Bay-Potomac River National Marine Sanctuary Designation	0648–BG02

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
197	Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BD25
198	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
199	Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions	0648–AU02
200	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
201	Amendment 18 to the Northeast Multispecies Fishery Management Plan	0648–BF26
202	Amendment 26 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic.	0648–BG03
203	Amendment 43 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BG18
204	Protected Species Hard Caps for the California/Oregon Large-Mesh Drift Gillnet Fishery	0648–BG23
205	Amendment 37 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BG33
206	Unmanaged Forage Fish Omnibus Amendment	0648–BG42
207	Pacific Coast Groundfish; Establish an Interim 2017 Pacific Coast Tribal Pacific Whiting Allocation	0648–BG47
208	Fishing Year 2017 Recreational Fishing Measures for Gulf of Maine Cod and Haddock	0648–BG52
209	Framework Adjustment 56 to the Northeast Multispecies Fishery Management Plan	0648–BG53
210	Amendment 114 for Groundfish of the Bering Sea/Aleutian Islands Management Area and Amendment 104 for Groundfish of the Gulf of Alaska; Electronic Monitoring.	0648–BG54
211	Revisions to the Pacific Halibut Catch Sharing Plan, Codified Regulations, and Annual Management Measures for 2017 and Beyond.	0648–BG61
212	International Fisheries; Pacific Tuna Fisheries; Fishing Restriction on Tropical Tuna in the Eastern Pacific Ocean.	0648–BG67
213	2017 Summer Flounder and Scup Recreational Harvest Measures	0648–BG68
214	Designation of Critical Habitat for the Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic Distinct Population Segments of Atlantic Sturgeon.	0648–BF28

PATENT AND TRADEMARK OFFICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
215	Setting and Adjusting Patent Fees During Fiscal Year 2017	0651–AD02

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Proposed Rule Stage

158. Covered Merchandise Referrals From the Customs Service

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–125, sec. 421

Abstract: The Department of Commerce (the Department) is proposing to amend its regulations to set forth procedures to address covered merchandise referrals from U.S. Customs and Border Protection (CBP or the Customs Service).

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Emily Beline, Department of Commerce, International Trade Administration, 1401 Constitution Avenue NW, Washington, DC 20230, *Phone:* 202 482–1096, *Email: emily.beline@trade.gov.*

RIN: 0625–AB10

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

159. Comprehensive Fishery Management Plan for Puerto Rico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive Puerto Rico Fishery Management Plan. The Plan will incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. If approved, this new Puerto Rico Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD32

160. Comprehensive Fishery Management Plan for St. Croix

E.O. 13771 Designation: Not subject to, not significant

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

Abstract: This rule would implement a comprehensive St. Croix Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. If approved, this new St. Croix Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for Puerto Rico and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD33

161. Comprehensive Fishery Management Plan for St. Thomas/St. John

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive St. Thomas/St. John Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. If approved, this new St. Thomas/St. John Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and Puerto Rico, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD34

162. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BF41

163. Omnibus Essential Fish Habitat Amendment 2

E.O. 13771 Designation: Other.

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

Abstract: The New England Fishery Management Council voted to issue this updated rulemaking that would revise the essential fish habitat and habitat areas of particular concern designation based on recent groundfish data. This rule would update groundfish seasonal spawning closures and identify Habitat Research Areas. The proposed revisions include adding a habitat management area in the eastern Gulf of Maine and modifying the existing habitat management areas in the central and

western Gulf of Maine, while maintaining additional protections for large-mesh groundfish, including cod. In addition, the amendment would allow for the potential for development of a scallop access area within Georges Bank. A habitat management area would be established on Georges Shoal, with allowances for the clam dredge fishery. In Southern New England, a habitat management area in the Great South Channel would replace the current habitat protections further west. These revisions are intended to comply with the Magnuson-Stevens Act requirement to minimize to the extent practicable the adverse effects of fishing on essential fish habitat.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BF82

164. Framework Adjustment 2 to the Tilefish Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The Mid-Atlantic Fishery Management Council has developed a framework adjustment to its Tilefish Fishery Management Plan, which would modify management measures for the tilefish fishery to improve the management of the species. The proposed measures would: eliminate the current call-in reporting requirement; prohibit a vessel from fishing for more than one Individual Fishing Quota allocation at the same time; require tilefish to be landed with the head attached; clarify what fishing gears are allowed in the recreational fishery; and make an administrative change to how assumed discards are accounted for in the specifications setting process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BF85

165. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 973 *et seq.*

Abstract: Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BG04

166. Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Amendment 42 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico (Amendment 42) proposes to establish a catch share program for up to five species of reef fish for headboats with landings history in the Southeast Region Headboat Survey. This rule would inform the public of the procedures, schedule, and eligibility requirements that NOAA Fisheries would use in conducting the referendum that is required before the Gulf of Mexico Fishery Management Council (Council) can submit Amendment 42 for Secretarial review.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG36

167. Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Authorization of an Oregon Recreational Fishery for Midwater Groundfish Species

E.O. 13771 Designation: Deregulatory.

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

Abstract: This rule would authorize the use of midwater long-leader gear for recreational fishing in waters seaward of a line approximating 40 fathoms (73 m) off the coast of Oregon. Midwater long-leader gear would be allowed for both charter and private vessels seaward of the 40 fathom seasonal depth closure and monitored with the existing Oregon Ocean Recreational Boat Sampling program. The season would be limited and occur between the months of April and September, months currently subject to depth restrictions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BG40

168. Commerce Trusted Trader Program

Regulatory Plan: This entry is Seq. No. 12 in part II of this issue of the **Federal Register**.

RIN: 0648–BG51

169. International Fisheries; Fishing Limits in Purse Seine Fisheries for 2017, Transshipment Prohibition, and Requirements To Safeguard Fishery Observers

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This rule would establish a limit on fishing effort by U.S. purse seine fishing vessels in 2017; prohibit U.S. vessels used to fish for highly migratory species from transshipping catch in a particular area of high seas and remove certain reporting requirements applicable to such vessels in that area; and establish requirements to enhance the safety of fishery observers on highly migratory species fishing vessels. This rule would be issued under the authority of the Western and Central Pacific Fisheries Convention Implementation Act, and pursuant to decisions made by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. This action is necessary for the United States to satisfy its obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BG66

170. Rule To Implement the For-Hire Reporting Amendments

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule proposes to implement Amendment 39 for the Snapper-Grouper Fishery of the South Atlantic Region, Amendment 9 for the Dolphin and Wahoo Fishery of the Atlantic, and Amendment 27 to the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and Atlantic Regions (For-Hire Reporting Amendments). The For-Hire Reporting Amendments rule proposes mandatory weekly electronic reporting for charter vessel operators with a Federal for-hire permit in the snapper-grouper, dolphin wahoo, or coastal migratory pelagics fisheries; reduces the time allowed for headboat operators to complete their electronic reports; and requires location reporting by charter vessels with the same level of detail currently required for headboat vessels.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG75

171. Amendment 41 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: NMFS proposes regulations to implement Amendment 41. This amendment would update biological benchmarks, modify allowable fishing levels, and revise management measures for mutton snapper based on the latest stock assessment. Revisions to management measures include designation of ''spawning months,'' during which stricter regulations may apply, as well as modifications to the minimum size limit, recreational bag limit, and commercial trip limit.

Timetable:

Action	Date	FR Cite
Notice of Availability.	09/26/17	82 FR 44756
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG77

172. • Amendment 36A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implements Amendment 36A to the Fishery Management Plan for reef fish resources in the Gulf of Mexico by considering modifications to improve compliance and increase management flexibility in the red snapper and grouper-tilefish commercial individual fishing quota programs in the Gulf of Mexico. In accordance with Amendment 36A, this action proposes to improve compliance with the individual fishing quota program by requiring all commercial reef fish permit holders to hail-in at least 3 hours, but no more than 24 hours, in advance of landing. It also proposes to address non-activated individual fishing quota accounts and provide the regional administrator with authority to retain annual allocation if a quota reduction is expected to occur.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG83

173. • Rule To Modify the Number of Unrigged Hooks Carried Onboard Bottom Longline Vessels in the Gulf of Mexico

E.O. 13771 Designation: Deregulatory.

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

Abstract: This rule would modify the number of hooks a bottom longline vessel could carry on board in the Gulf of Mexico. Amendment 31 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico, originally implemented in February 2010, limited the number of hooks a bottom longline vessel could carry to 1,000 hooks of which no more than 750 could be fished or rigged to fish at any one time. Industry representatives have indicated that hook loss due to shark bites has increased over time observer data has also shown an increase in the number of hooks lost per trip since 2010. As recommended recently by the Gulf of Mexico Fishery Management

Council, this rule would remove the cap on the number of hooks per vessel while retaining the limit of 750 hooks that could be fished or rigged to fish.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG92

174. • Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1861 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This action would allow Western Alaska Community Development Quota groups to lease halibut individual fishing quota in the Bering Sea and Aleutian Islands in years of low halibut catch limits. The Community Development Quota Program is an economic development program that provides eligible western Alaska villages with the opportunity to participate and invest in fisheries. The Community Development Quota Program receives annual allocations of total allowable catches for a variety of commercially valuable species. In recent years, low halibut catch limits have hindered most Community Development Quota groups' ability to create a viable halibut fishing opportunity for their residents. This proposed rule would authorize Community Development Quota groups to obtain additional halibut quota from commercial fishery participants to provide Community Development Quota community residents more fishing opportunities in years when the halibut Community Development Quota allocation may not be large enough to present a viable fishery for participants. This proposed rule is intended to alleviate the adverse economic, social, and cultural impacts of decreasing available halibut resource on Western Alaskan communities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BG94

175. • Nontrawl Lead Level 2 Observers

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would modify regulations pertaining to the nontrawl lead level 2 observer deployment endorsement and require vessels to participate in a pre-cruise meeting when necessary. An observer deployed on a catcher/processor that participates in the Bering Sea and Aleutian Islands hook-and-line Pacific cod fishery or on a catcher/processor using pot gear to harvest groundfish in the Western Alaska Community Development Quota fisheries is required to have a nontrawl lead level 2 deployment endorsement. Since 2014, vessel owners and observer provider firms have reported an ongoing shortage of nontrawl lead level 2 endorsed observers that has delayed fishing trips and increased operational costs. This action would increase the pool of observers that could obtain the nontrawl lead level 2 endorsement by allowing sampling experience on trawl catcher/processors to count toward the minimum experience necessary to obtain a nontrawl lead level 2 deployment endorsement. The action would benefit the owners and operators of catcher/processor vessels required to carry an observer with a nontrawl lead level 2 endorsement, observer provider firms, and individuals serving as certified observers. This action also includes a revision to the observer coverage requirement for motherships receiving unsorted codends from catcher vessels groundfish Community Development Quota fishing and numerous housekeeping measures and technical corrections. These additional updates and corrections are necessary to improve terminology consistency throughout the regulations and, for operational consistency, to align mothership observer coverage requirements with Amendment 80 vessels consistent with the regulation of harvest provisions of the Magnuson-Stevens Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BG96

176. • Rule To Modify Mutton Snapper and Gag Management Measures in the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would establish annual catch limits from 2017 through 2020 for the Gulf of Mexico apportionment of mutton snapper and remove the annual catch target because this target is not currently used for management purposes. This rule would also establish a recreational bag limit for mutton snapper, modify the minimum size limit for commercial and recreational mutton snapper, and modify the commercial minimum size limit for gag. The majority of mutton snapper and gag landings are from waters adjacent to Florida, and the changes in bag and size limits would make these management measures consistent with those established for Florida state waters and in the case of gag, with South Atlantic Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG99

177. • Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would further limit access to the Bering Sea and

Aleutian Islands yellowfin sole Trawl Limited Access fishery by catcher vessels delivering to offshore motherships or catcher/processors. In recent years, an unexpected increase in participation in the offshore sector of this fishery by catcher vessels allowed under current regulations has resulted in an increased yellowfin sole catch rate and a shorter fishing season. The North Pacific Fishery Management Council recently determined that limiting the number of eligible licenses assigned to catcher vessels in this fishery could stabilize the fishing season duration, provide better opportunity to increase production efficiency, and help reduce bycatch of Pacific halibut. This action would modify the License Limitation Program by establishing eligibility criteria for licenses assigned to catcher vessels to participate in this fishery based on historic participation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BH02

178. • Amendment 47 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would revise the maximum sustainable yield proxy and adjust the annual catch limit for the vermilion snapper stock within the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico. The Gulf of Mexico Fishery Management Council (Council) approved this action at their June 2017 meeting in response to a 2016 stock assessment for vermilion snapper. The estimate of maximum sustainable yield is dependent upon the spawner-recruit relationship. For vermilion snapper, there is a high degree of variability in the data used and the Council's Scientific and Statistical Committee had little confidence in the resulting estimate of maximum sustainable yield. Instead, the SSC recommended the use of a maximum sustainable yield proxy. This action is necessary to establish: a maximum sustainable yield proxy and associated status determination criteria that are consistent with the best scientific information available, and an annual catch limit that does not exceed the acceptable biological catch yields from the 2016 stock.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BH07

179. • Management Measures for Tropical Tunas in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.*

Abstract: This proposed rule would implement the Inter-American Tropical Tuna Commission's Resolution C–17–02, which contains provisions intended to prevent the overfishing of tropical tuna (bigeye, yellowfin, and skipjack) in the eastern Pacific Ocean for fishing years 2018 to 2020. In addition to rolling over measures from the 2017 resolution, this resolution includes additional management measures related to fish aggregating devices, makes minor revisions to the definition of force majeure, includes provisions related to transferring longline catch limits for bigeye tuna between Inter-American Tropical Tuna Commission members, and increases the bigeye tuna catch limit U.S. longline vessels greater than 24 meters in overall length that fish in the Inter-American Tropical Tuna Commission Convention Area.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BH13

180. • Rule To Modify Greater Amberjack Allowable Harvest and Rebuilding Plan in the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would adjust the Gulf of Mexico greater amberjack rebuilding plan, modify through 2020—based on information from the 2017 stock assessment that indicated that the stock is not making adequate progress towards rebuilding—greater amberjack annual catch limits and annual catch targets (which equal the quotas) for both the commercial and recreational fisheries. The modifications are projected to rebuild the stock by 2027. In addition, the rule would change the recreational seasonal closure from June through July each year to January 1 through June 30 each year. This change would protect the stock during peak spawning and extend the season later in the fishing year, leading to a more reliable open season.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BH14

181. • Atlantic Highly Migratory Species; Individual Bluefin Quota Program; Quarterly Accountability

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This action would consider modifying the Atlantic highly migratory species regulations to require vessels in the pelagic longline fishery to account for bycatch of bluefin tuna using Individual Bluefin Quota on a quarterly basis instead of before commencing any fishing trip while in quota debt or with less than the minimum required Individual Bluefin Quota balance. Current regulations require permitted Atlantic Tunas Longline vessels to possess a minimum amount of Individual Bluefin Quota to depart on a fishing trip with pelagic longline gear onboard and account for bluefin tuna catch (fish retained or discarded dead) using Individual Bluefin Quota. At the end of a trip on which bluefin tuna are

caught, a vessel's Individual Bluefin Quota balance is reduced by the amount caught. If the trip catch exceeds the vessel's available quota, the vessel will incur quota debt (*i.e.,* exceeding its available Individual Bluefin Quota balance). In this case, the regulations currently require the vessel to obtain additional Individual Bluefin Quota through leasing to resolve that quota debt and to acquire the minimum Individual Bluefin Quota amount, before departing on a subsequent trip using pelagic longline gear. This action would implement accountability on a quarterly basis instead of after each trip to minimize constraints on fishing for target species and support business planning while accounting for all bluefin tuna catch and maintaining incentives to avoid bluefin catch. Quarterly accountability would require vessel owners to resolve quota debt and obtain the minimum amount of Individual Bluefin Tuna prior to fishing for the first time during each new calendar quarter. The annual U.S. Bluefin tuna quota would remain unaffected by this measure, as it results from International Commission for the Conservation of Atlantic Tunas recommendations. Through the proposed rule, NMFS would consider the potential impacts of this approach on the Individual Bluefin Tuna Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BH17

182. Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: In 2012, NMFS listed as endangered the main Hawaiian Islands (MHI) insular false killer whale (Pseudorca crassidens) Distinct Population Segment (DPS). The Endangered Species Act (ESA) requires NMFS to designate critical habitat to support the conservation and recovery of newly listed species. Accordingly, this proposed rule would designate critical habitat for the MHI insular false killer whale DPS in waters around the MHI. NMFS will consider the economic, national security, or other relevant impacts of the proposed designation, and would consider excluding areas where such negative impacts would outweigh the benefits of critical habitat designation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BC45

183. Amendment and Updates to the Pelagic Longline Take Reduction Plan

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: Serious injury and mortality of the Western North Atlantic short-finned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action will examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BF90

184. Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals

Regulatory Plan: This entry is Seq. No. 11 in part II of this issue of the **Federal Register**.

RIN: 0648–BG26

185. Regulatory Amendment To Authorize a Recreational Quota Entity

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 773 to 773k

Abstract: The proposed action would authorize a recreational quota entity in International Pacific Halibut Commission Regulatory Areas 2C and 3A in the Gulf of Alaska to purchase a limited amount of commercial halibut quota share for use in the charter halibut fishery. The recreational quota entity would provide a mechanism for a compensated reallocation of a portion of commercial halibut quota share from the Pacific Halibut and Sablefish Individual Fishing Quota Program to the charter halibut fishery in order to promote long-term planning and greater stability in the charter halibut fishery. Any halibut quota share from Area 2C or Area 3A purchased by the recreational quota entity would augment the amount of halibut available for harvest in the charter halibut fishery in that area. Underlying allocations to the charter and commercial halibut sectors would not change.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BG57

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

186. Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule To Incorporate New Scientific Information

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Pursuant to a recommendation of the Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act, the National Marine Fisheries Service is proposing to use a new temperature index to calculate the temperature parameter of the Pacific sardine harvest guideline control rule under the Fishery Management Plan. The harvest guideline control rule, in conjunction with the overfishing limit and acceptable biological catch control rules, is used to set annual harvest levels for Pacific sardine. The temperature parameter is calculated annually. The National Marine Fisheries Service determined that a new temperature index is more statistically sound and this action will adopt that index.

Timetable:

Action	Date	FR Cite
NPRM	08/23/17	82 FR 39977
NPRM Comment Period End.	09/22/17	
Final Action	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BE77

187. Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1861 *et seq.;* 5 U.S.C. 561 *et seq.*

Abstract: Congress enacted the 2015 National Defense Authorization Act to refinance the existing debt obligation funding the fishing capacity reduction program for the Pacific Coast Groundfish fishery implemented under section 212. Pending appropriation of funds to effect the refinance, the National Marine Fisheries Service issued proposed regulations to seek comment on the refinancing and to prepare for an industry referendum and final rule. However, a subsequent appropriation to fund the refinancing was never enacted. As a result, the National Marine Fisheries Service has no funds with which to proceed, and the refinancing authority cannot be implemented. The National Marine Fisheries Service is therefore withdrawing this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	08/06/15	80 FR 46941
NPRM Comment Period End.	09/08/15	
Withdrawal	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Pawlak, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8621, *Email: brian.t.pawlak@noaa.gov*.

RIN: 0648–BE90

188. Pacific Coast Groundfish Trawl Rationalization Program; Widow Rockfish Reallocation in the Individual Fishing Quota Fishery

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: In January 2011, the National Marine Fisheries Service implemented the groundfish trawl rationalization program (a catch share program) for the Pacific coast groundfish limited entry trawl fishery. The program was implemented through Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan and the corresponding implementing regulations. Amendment 20 established the trawl rationalization program, which includes an Individual Fishing Quota program for limited entry trawl participants, and Amendment 21 established fixed allocations for limited entry trawl participants. During implementation of the trawl individual fishing quota program, widow rockfish was overfished and the initial allocations were based on its overfished status and management as a non-target species. The National Marine Fisheries Service declared the widow rockfish rebuilt in 2011 and, accordingly, the Pacific Fishery Management Council has now recommended actions to manage the increased abundance of widow rockfish. The action would reallocate individual fishing quota widow rockfish quota share to facilitate directed harvest and would lift the moratorium on widow rockfish quota share trading.

Timetable:

Action	Date	FR Cite
NPRM	06/29/16	81 FR 42295
NPRM Comment Period End.	07/29/16	
Final Action	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BF12

189. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for the Pacific Whiting Fishery

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would implement a regulatory amendment to the Pacific Coast Groundfish Fishery Management Plan to allow Pacific whiting vessels the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. Vessels participating in the catch share program are required to carry an observer on all trips to ensure total accountability for at-sea discards. For some vessels, electronic monitoring may have lower costs than observers and a reduced logistical burden. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the Pacific whiting fleet.

Timetable:

Action	Date	FR Cite
NPRM	09/06/16	81 FR 61161
NPRM Comment Period End.	10/06/16	
Final Action	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BF52

190. Blueline Tilefish Amendment to the Golden Tilefish Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The Mid-Atlantic Fishery Management Council has developed an amendment to its Golden Tilefish Fishery Management Plan, which would implement management measures for the blueline tilefish fishery north of the Virginia/North Carolina border. This proposed action would establish the management framework for this fishery, including: Permitting, recordkeeping, and reporting requirements; trip limits for both the commercial and recreational sectors of the fishery; and the process for setting specifications and annual catch limits.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/14/17	82 FR 27223
NPRM	06/28/17	82 FR 29263
NPRM Comment Period End.	07/28/17	
Final Action	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BF86

191. Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures and Fishery Management Plan Amendment 27

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This final rule established the 2017–2018 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and the Pacific Coast Groundfish Fishery Management Plan (Fishery Management Plan), including harvest specifications consistent with default harvest control rules in the Fishery Management Plan. This action also included regulations to implement Amendment 27 to the Fishery Management Plan, which adds deacon rockfish to the Fishery Management Plan, reclassifies big skate as an actively managed stock, adds a new inseason management process for commercial and recreational groundfish fisheries in California, and makes several clarifications to existing regulations.

Timetable:

Action	Date	FR Cite
Notice of Availability.	09/30/16	81 FR 67287
NPRM	10/28/16	81 FR 75266
NPRM Comment Period End.	11/28/16	
Final Rule	02/07/17	82 FR 9634
Final Rule Effective.	02/07/17	
Correcting Amendment.	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BG17

192. • Amendment 46 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico To Establish a Gray Triggerfish Rebuilding Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Following a 2015 NMFS determination of the lack of adequate progress in rebuilding the Gulf gray triggerfish stock, the Gulf of Mexico Fishery Management Council had two years under the Magnuson Stevens Act to develop actions to rebuild the affected stock. The Council has now proposed to amend the Fishery Management Plan to focus on the stock's rebuilding. This proposed action would implement that amendment. The proposed action would establish a 9-year rebuilding time period; retain the current gray triggerfish annual catch limits and annual catch targets for the recreational and commercial sectors; modify the recreational fixed closed season; reduce the recreational bag limit; increase the recreational size limit; and modify the commercial trip limit.

Timetable:

Action	Date	FR Cite
Notice of Availability.	08/30/17	82 FR 41205
NPRM	09/25/17	82 FR 44551
NPRM Comment Period End.	10/25/17	
Final Action	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG87

193. • International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine Fisheries for 2017

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: As authorized under the Western and Central Pacific Fisheries Convention Implementation Act, this rule would enable NOAA Fisheries to implement a recent decision of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission). The rule would establish a limit for calendar year 2017 on fishing effort by U.S. purse seine vessels in the U.S. exclusive economic zone and on the high seas between the latitudes of 20 degrees N. and 20 degrees S. in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The limit is 1,828 fishing days. The rule also would make corrections to outdated cross-references in existing regulatory text. This action is necessary to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	09/20/17	82 FR 43926

Action	Date	FR Cite
NPRM Comment Period End.	10/05/17	
Final Action	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BG93

194. Regulation To Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The purpose of the proposed action is to aid in the protection and recovery of listed sea turtle populations by reducing incidental bycatch and mortality of small sea turtles in the Southeastern U.S. shrimp fisheries. As a result of new information on sea turtle bycatch in shrimp trawls and turtle excluder device testing, NMFS conducted an evaluation of the Southeastern U.S. shrimp fisheries that resulted in a draft environmental impact statement. This rule proposes to withdraw the alternative tow time restriction, which would require all vessels using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls), with the exception of vessels participating in the Biscayne Bay wing net fishery in Miami-Dade County, Florida, to use turtle excluder devices designed to exclude small sea turtles.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91097
NPRM Comment Period End.	02/14/17	
Final Action	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG45

NOS/ONMS

195. Wisconsin-Lake Michigan National Marine Sanctuary Designation

E.O. 13771 Designation: Other.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On December 2, 2014, pursuant to section 304 of the National Marine Sanctuaries Act (NMSA) and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate an area of Wisconsin's Lake Michigan waters as a national marine sanctuary. The area being considered for designation as a national marine sanctuary is a region that includes 875 square miles of Lake Michigan waters and bottomlands adjacent to Manitowoc, Sheboygan, and Ozaukee counties and the cities of Port Washington, Sheboygan, Manitowoc, and Two Rivers. It includes 80 miles of shoreline and extends 9 to 14 miles from the shoreline. The area contains an extraordinary collection of submerged maritime heritage resources (shipwrecks) as demonstrated by the listing of 15 shipwrecks on the National Register of Historic Places. The area includes 39 known shipwrecks, 123 reported vessel losses, numerous other historic maritime-related features, and is adjacent to communities that have embraced their centuries-long relationship with Lake Michigan. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on February 5, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the NMSA would allow NOAA to supplement and complement work by the State of Wisconsin and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2269
NPRM Comment Period End.	03/31/17	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov.*

RIN: 0648–BG01

196. Mallows Bay-Potomac River National Marine Sanctuary Designation

E.O. 13771 Designation: Other.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On September 16, 2014, pursuant to section 304 of the National Marine Sanctuaries Act (NMSA) and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate Mallows Bay-Potomac River as a national marine sanctuary. The Mallows Bay area of the tidal Potomac River being considered for designation as a national marine sanctuary is an area 40 miles south of Washington, DC, off the Nanjemoy Peninsula of Charles County, MD. The designation of a national marine sanctuary would focus on conserving the collection of maritime heritage resources (shipwrecks) in the area as well as expand the opportunities for public access, recreation, tourism, research, and education. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on January 12, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the NMSA would allow NOAA to supplement and complement work by the State of Maryland and other federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2254
NPRM Comment Period End.	03/31/17	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov.*

RIN: 0648–BG02

DEPARTMENT OF COMMERCE (DOC)

Long-Term Actions

National Oceanic and Atmospheric Administration (NOAA)

National Marine Fisheries Service

197. Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The purpose of this action is to facilitate management of the recreational red snapper component in the reef fish fishery by reorganizing the Federal fishery management strategy to better account for biological, social, and economic differences among the regions of the Gulf of Mexico. Regional management would enable regions and their associated communities to specify the optimal management parameters that best meet the needs of their local constituents, thereby addressing regional socio-economic concerns.

Timetable:

Action	Date	FR Cite
Notice	05/13/13	78 FR 27956
Next Stage Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD25

198. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BD59

199. Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: This action would implement regulatory measures under the Marine Mammal Protection Act to protect Hawaiian spinner dolphins that are resting in protected bays from take due to close approach interactions with humans.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/05	70 FR 73426
ANPRM Comment Period End.	01/11/06	
NPRM	08/24/16	81 FR 57854
NPRM Comment Period End.	10/23/16	
NPRM Comment Period Reopened.	11/16/16	81 FR 80629
NPRM Comment Period Reopened End.	12/01/16	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–AU02

200. Designation of Critical Habitat for the Arctic Ringed Seal

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71714
Proposed Rule	12/09/14	79 FR 73010
Notice of Public Hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BC56

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

201. Amendment 18 to the Northeast Multispecies Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Amendment 18 to the Northeast Multispecies Fishery Management Plan made necessary minor administrative adjustments to several groundfish sectors, as well as minor adjustments to fishing activity designed to protect fishery resources while maximizing flexibility and efficiency. Specifically, it included the following management measures: Created an accumulation limit for either the holdings of Potential Sector Contribution or of Northeast multispecies permits; created a sub-annual catch limit that Handgear A permits could enroll in and other measures pertaining to fishing with Handgear A permits; adjusted what fishery data are considered confidential, specifically the price of annual catch entitlement transferred within a sector or leased between sectors; established an inshore/offshore boundary within the Gulf of Maine with associated measures, including creation of a Gulf of Maine cod sub-annual catch limit; adjusted the Gulf of Maine Gear Restricted Area boundary to align with the inshore/offshore boundary; created declaration time periods for fishing in the inshore or offshore areas; and established a Redfish Exemption Area, in which vessels could fish with a smaller mesh

net than the standard mesh size, targeting redfish.

Timetable:

Action	Date	FR Cite
Notice of Availability.	12/06/16	81 FR 87862
NPRM	12/20/16	81 FR 92761
NPRM Comment Period End.	02/03/17	
Final Action	04/21/17	82 FR 18706
Correction	04/28/17	82 FR 19630
Final Action Effective.	05/22/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BF26

202. Amendment 26 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf Of Mexico and South Atlantic

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: As per Amendment 26, this rule modified the management/stock boundary for Gulf and Atlantic migratory groups of king mackerel; updated the biological reference points and revised the acceptable biological catch, optimum yield, annual catch limits, and annual catch targets for Gulf and Atlantic migratory group king mackerel; created an incidental catch allowance of Atlantic migratory group king mackerel caught in the shark gillnet fishery; established split season commercial quotas and a trip limit system for the Atlantic Southern Zone; revised the commercial quotas for Gulf zones; and modified the recreational bag limit for Gulf migratory group king mackerel.

Timetable:

Action	Date	FR Cite
Notice of Availability.	12/14/16	81 FR 90314
NPRM	12/29/16	81 FR 95941
NPRM Comment Period End.	01/30/17	
Final Action	04/11/17	82 FR 17387
Final Action Effective.	05/11/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG03

203. Amendment 43 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Based on a recent stock assessment and per the Magnuson-Stevens Fishery Conservation and Management Act, action was needed to adjust management measures for the Gulf of Mexico (Gulf) hogfish stock to prevent overfishing and achieve optimum yield. Consistent with the stock assessment, this action redefined the geographic range of the Gulf hogfish stock, set the status determination criteria, and set the annual catch limits. This action also revised the hogfish minimum size limit to reduce the likelihood of a season closure due to the annual catch limit being reached and removed the provision in the regulations that exempts hogfish from the prohibition on the use of powerheads to take Gulf reef fish in the Gulf stressed area.

Timetable:

Action	Date	FR Cite
Notice of Availability.	11/04/16	81 FR 76908
NPRM	11/23/16	81 FR 84538
NPRM Comment Period End.	12/23/16	
Final Action	07/25/17	82 FR 34574
Final Action Effective.	08/24/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG18

204. Protected Species Hard Caps for the California/Oregon Large–Mesh Drift Gillnet Fishery

E.O. 13771 Designation: Deregulatory.

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

Abstract: The National Marine Fisheries Service withdrew a proposed rule to establish strict limits, termed ''hard caps,'' for the California/Oregon large-mesh drift gillnet fishery on interactions with certain protected species under Magnuson-Stevens Fishery Conservation and Management Act authority. The National Marine Fisheries Service published the proposed rule in the **Federal Register** on October 13, 2016. After careful consideration, the National Marine Fisheries Service has decided that the changes discussed in the proposed rule are not warranted at this time.

Timetable:

Action	Date	FR Cite
NPRM	10/13/16	81 FR 70660
NPRM Comment Period Extended.	11/23/16	81 FR 84546
NPRM Comment Period End.	11/28/16	
NPRM Comment Period Extended End.	12/28/16	
Withdrawn	06/12/17	82 FR 26902

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BG23

205. Amendment 37 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Amendment 37 responded to the latest stock assessment for hogfish, which identified two stocks of hogfish for the South Atlantic Region (managed by the South Atlantic Fishery Management Council) and one stock of hogfish for the Gulf of Mexico (managed by the Gulf of Mexico Fishery Management Council). The purpose of Amendment 37 was to use the best scientific information available to modify the management unit for hogfish in the South Atlantic Region and establish two management units (stocks) for hogfish; establish a rebuilding plan for the Florida Keys/East Florida stock; specify fishing levels and modify or establish management measures for the Georgia through North Carolina and Florida Keys/East Florida stocks of hogfish; while minimizing, to the extent practicable, adverse social and economic effects.

Timetable:

Action	Date	FR Cite
Notice of Availability.	10/07/16	81 FR 69774
NPRM	12/16/16	81 FR 91104
NPRM Comment Period End.	01/17/17	
Final Action	07/25/17	82 FR 34584
Correction Final Rule.	08/24/17	82 FR 40075
Final Action Effective.	08/24/17	82 FR 34584

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG33

206. Unmanaged Forage Fish Omnibus Amendment

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This amendment was initiated to prohibit the development of new—and expansion of existing—commercial and recreational fisheries in mid-Atlantic Federal waters that would exploit unmanaged forage fish species. This action added unmanaged forage species as Ecosystem Component species to the relevant Mid-Atlantic Council fishery management plans. The Forage Amendment established: the list of forage species managed as Ecosystem Component species in the Mid-Atlantic region; Management measures for all forage Ecosystem Component species, except chub mackerel; Management measures for chub mackerel; a mechanism for establishing new fisheries or expansion of existing fisheries for Ecosystem Component species; and Administrative provisions for managing Ecosystem Component species (list of fisheries and fishing gear; permit requirement; monitoring; management unit; and framework measures).

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/28/17	82 FR 15311
NPRM	04/24/17	82 FR 18882
NPRM Comment Period End.	05/30/17	
Final Action	08/28/17	82 FR 40721
Final Action Effective.	09/27/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BG42

207. Pacific Coast Groundfish; Establish an Interim 2017 Pacific Coast Tribal Pacific Whiting Allocation

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action established an interim 2017 tribal whiting allocation. NMFS developed this final rule after discussions with the affected tribes and the non-tribal fisheries interests. As in prior years, this allocation was an ''interim'' allocation that was not intended to set precedent for future years.

Timetable:

Action	Date	FR Cite
NPRM	03/23/17	82 FR 14850
NPRM Comment Period End.	04/24/17	
Final Action	05/08/17	82 FR 21317
Final Action Effective.	05/08/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BG47

208. Fishing Year 2017 Recreational Fishing Measures for Gulf of Maine Cod and Haddock

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action set recreational measures (open season, possession limit, minimum size) for the recreational fishery for cod and haddock in the Gulf of Maine for the 2017 fishing year (May 1, 2017, through April 30, 2018). These were proactive accountability measures to prevent the annual catch limits from being exceeded, as authorized by the regulations implementing the Northeast Multispecies Fishery Management Plan. The measures were based on newly-available catch information and previously set quotas for fishing year 2017.

Timetable:

Action	Date	FR Cite
NPRM	05/25/17	82 FR 24086
NPRM Comment Period End.	06/09/17	
Final Action Effective.	07/27/17	
Final Action	07/31/17	82 FR 35457

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BG52

209. Framework Adjustment 56 to the Northeast Multispecies Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action set 2017 specifications for three U.S./Canada stocks (Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder), as well as 2017–2018 specifications for witch flounder. This action established an allocation for northern windowpane flounder for the scallop fishery, revised catch thresholds for implementing the scallop fishery's accountability measures for both its Georges Bank yellowtail flounder allocation and its new northern windowpane flounder allocation, and increased the Georges Bank haddock catch allocation for the midwater trawl fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/22/17	82 FR 28447
NPRM Comment Period End.	07/07/17	
Final Rule	08/01/17	82 FR 35660
Final Rule Effective.	08/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BG53

210. Amendment 114 for Groundfish of the Bering Sea/Aleutian Islands Management Area and Amendment 104 for Groundfish of the Gulf of Alaska; Electronic Monitoring

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This regulation made substantive improvements to the North Pacific Observer Program by giving certain vessels a choice to use electronic monitoring instead of observers for collecting fishery data. The North Pacific Fishery Management Council amended its fisheries research plan for the fixed gear groundfish and halibut fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands. The Council's fisheries research plan is implemented by the North Pacific Observer Program at the NMFS Alaska Fisheries Science Center, and its purpose is to collect data necessary for the conservation, management, and scientific understanding of the groundfish and halibut fisheries off Alaska. This action allowed an electronic monitoring system, which consists of a control center to manage the data collection, onboard vessels to monitor the harvest and discard of fish and other incidental catch at sea, as a supplement to existing human observer coverage.

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/10/17	82 FR 13302
NPRM	03/23/17	82 FR 14853
NPRM Comment Period End.	05/22/17	
Final Rule	08/08/17	82 FR 36991
Final Rule Effective.	09/07/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BG54

211. Revisions to the Pacific Halibut Catch Sharing Plan, Codified Regulations, and Annual Management Measures for 2017 and Beyond

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 2431 *et seq.;* 16 U.S.C. 951 *et seq.;* 18 U.S.C. 773 to 773k

Abstract: This action was NMFS' annual rulemaking regarding Pacific halibut fishing on the U.S. West Coast and implemented the Pacific Halibut Catch Sharing Plan (Plan). The Plan, in place since 1995, governs the allocation of the annual Pacific halibut total allowable catch to the domestic fisheries of the U.S. West Coast, including the Washington treaty tribes, directed and incidental commercial fisheries and sport fisheries in each of the three West Coast states. The total allowable catch is set by the International Pacific Halibut Commission and approved by the Secretary of State. Based on public comment, the Pacific Fishery Management Council (Council) recommends any revisions necessary to the Plan to achieve management objectives for any of the West Coast halibut fisheries to NMFS for implementation through annual management measures. This action thus implemented the Council's recommended 2017 revisions, which comprised minor changes to the portion of the Plan covering sport fishery monitoring, seasons, and retention rules.

Timetable:

Action	Date	FR Cite
NPRM	02/23/17	82 FR 11419
NPRM Comment Period End.	03/15/17	
Final Rule	04/20/17	82 FR 18581
Final Rule Effective.	04/20/17	
Final Rule Correction.	06/20/17	82 FR 28012

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BG61

212. International Fisheries; Pacific Tuna Fisheries; Fishing Restriction on Tropical Tuna in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 973 *et seq.*

Abstract: This action implemented domestically a resolution (C–17–01, Conservation of Tuna in the Eastern Pacific Ocean During 2017) adopted at the Inter-American Tropical Tuna Commission by the United States and other member nations. Domestic implementation of the resolution through NMFS rulemaking action is required under the Tuna Conventions Act in order for the United States to fulfill its international obligations as member nation of the Inter-American Tropical Tuna Commission (Commission). In implementing Resolution C–17–01, this action set 2017 total allowable catch limits for yellowfin and bigeye tuna harvested in purse seine sets on floating objects and in sets involving chase and encirclement of dolphins. The action also carried over management measures that were previously in place for 2016, including catch limits or prohibitions for certain large vessels, time-area closures, and retention requirements.

Timetable:

Action	Date	FR Cite
Final Action	04/11/17	82 FR 17382
Final Action Effective.	05/11/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BG67

213. 2017 Summer Flounder and Scup Recreational Harvest Measures

E.O. 13771 Designation: Not subject to, not significant

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

Abstract: This rule finalized management measures—such as recreational possession limits, minimum fish sizes, and seasonal closures—to achieve recreational harvest limits for the 2017 summer flounder and scup recreational fisheries. Specifically, this action established conservation equivalency in Federal waters for the 2017 recreational summer flounder fishery. Conservation equivalency means that management would defer to state management measures.

Timetable:

Action	Date	FR Cite
NPRM	04/19/17	82 FR 18411
NPRM Comment Period End.	05/04/17	
Final Action	07/07/17	82 FR 31491
Final Action Effective.	07/07/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BG68

214. Designation of Critical Habitat for the Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic Distinct Population Segments of Atlantic Sturgeon

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service listed four distinct population segments of Atlantic sturgeon as endangered—and one distinct population of Atlantic sturgeon as threatened—under the Endangered Species Act on February 6, 2012. This rule designated critical habitat for the Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic Distinct Population Segments of Atlantic sturgeon.

Timetable:

Action	Date	FR Cite
NPRM	06/03/16	81 FR 35701
NPRM Comment Period End.	09/01/16	
NPRM Comment Period Re-opened.	09/29/16	81 FR 66911
NPRM Comment Period Re-opened End.	10/14/16	
Final Action	08/17/17	82 FR 39160
Final Action Effective.	09/18/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BF28

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)

Final Rule Stage

215. Setting and Adjusting Patent Fees During Fiscal Year 2017

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 112–29

Abstract: The United States Patent and Trademark Office (Office) takes this action to set and adjust Patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of operations while helping the Office maintain a sustainable funding model, reduce the current patent application backlog, decrease patent pendency, improve quality, and upgrade the Office's business information technology capability and infrastructure.

Timetable:

Action	Date	FR Cite
NPRM	10/03/16	81 FR 68150
NPRM Comment Period End.	12/02/16	
Final Rule	11/00/17	
Final Rule Effective.	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Hourigan, Director, Office of Planning and Budget, Department of Commerce, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313–1450, *Phone:* 571 272–8966, *Fax:* 571 273–8966, *Email: brendan.hourigan@uspto.gov*.

RIN: 0651–AD02

[FR Doc. 2017–28208 Filed 1–11–18; 8:45 am]

BILLING CODE 3510–12–P

FEDERAL REGISTER

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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive order and other regulatory guidance. It contains DoD regulations initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD regulations listed in the agenda are of limited public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on August 24, 2017, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the spring of 2018.

The complete Unified Agenda will be available online at *www.reginfo.gov*.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571–372–0485, or write to Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 9010 Defense Pentagon, Washington, DC 20301–9010, or email: *patricia.l.toppings.civ@mail.mil.*

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600, or call 703–697–2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Morgan Park, telephone 571–372–0489, or write to Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Advisory Committee Division, 9010 Defense Pentagon, Washington, DC 20301–9010, or email: *morgan.e.park.civ@mail.mil.*

For general information on Office of the Secretary regulations which are procurement-related, contact Ms. Jennifer Hawes, telephone 571–372–6115, or write to Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, Defense Procurement and Acquisition Policy, Defense Acquisition Regulations System, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060, or email: *jennifer.l.hawes2.civ@mail.mil.*

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703–428–6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS–RDR–C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, Virginia 22315–3860, or *email: brenda.s.bowen.civ@mail.mil.*

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703–693–3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310–0108, or *email: charles.r.smith567.civ@mail.mil.*

For general information on Department of the Navy regulations, contact LCDR Audrey Nichols, telephone 703–614–7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE, Suite 3000, Washington, DC 20374–5066, or *email: Audrey.Nichols@navy.mil.*

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703–614–8500, or write the Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330–1800, or *email: usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil.*

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Military Departments. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies regulations that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act of 1995;

c. Unfunded Mandates Reform Act of 1995.

Those DoD regulations, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as

defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: September 18, 2017.

David Tillotson III,

Acting Deputy Chief Management Officer.

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
216	TRICARE; Reimbursement of Long-Term Care Hospitals and Inpatient Rehabilitation Facilities	0720–AB47

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Final Rule Stage

216. Tricare; Reimbursement of Long-Term Care Hospitals and Inpatient Rehabilitation Facilities

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch. 55

Abstract: The Department of Defense, Defense Health Agency, is revising its reimbursement of Long-Term Care Hospitals (LTCHs) and Inpatient Rehabilitation Facilities (IRFs). Revisions are in accordance with the statutory provision at title 10, United States Code, section 1079(i)(2) that requires TRICARE payment methods for institutional care be determined, to the extent practicable, in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under Medicare. 32 CFR 199.2 includes a definition for ''Hospital, long-term (tuberculosis, chronic care, or rehabilitation).'' This rule deletes this definition and creates separate definitions for ''Long Term Care Hospital'' and ''Inpatient Rehabilitation Facility'' in accordance with Centers for Medicare and Medicaid Services (CMS) classification criteria. Under TRICARE, LTCHs and IRFs (both freestanding rehabilitation hospitals and rehabilitation hospital units) are currently paid the lower of a negotiated rate (if they are a network provider) or billed charges (if they are a non-network provider). Although Medicare's reimbursement methods for LTCHs and IRFs are different, to the Defense Health Agency is adopting both the Medicare LTCH and IRF Prospective Payment System (PPS) methods simultaneously to align with our statutory requirement to reimburse like Medicare. This rule sets forth the regulation modifications that are necessary for TRICARE to adopt Medicare's LTCH and IRF Prospective Payment Systems and rates applicable for inpatient services provided by LTCHs and IRFs to TRICARE beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	01/26/15	80 FR 3926
NPRM Comment Period End.	03/27/15	
Second NPRM	08/31/16	81 FR 59934
Second NPRM Comment Period End.	10/31/16	
Final Action	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, *Phone:* 303–676–3803.

RIN: 0720–AB47

[FR Doc. 2017–28206 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part VI

Department of Energy

Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions

AGENCY: Department of Energy.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda), including its Regulatory Plan (Plan), pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by statute, including amendments contained in the Energy Independence and Security Act of 2007 and the American Energy Manufacturing Technical Corrections Act, and programmatic needs of DOE offices.

The internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's entire Fall 2017 Agenda can be accessed online by going to *www.reginfo.gov.*

Publication in the **Federal Register** is mandated by the Regulatory Flexibility Act (5 U.S.C. 602) only for Agenda entries that require either a regulatory flexibility analysis or periodic review under section 610 of that Act. DOE's regulatory flexibility agenda is made up of two rulemakings that will set energy conservation standards for the following products:

- General Service Fluorescent Lamps (1904–AD09).
- Residential Conventional Cooking Products (1904–AD15).

The Plan appears in both the online Agenda and the **Federal Register** and includes the most important of DOE's significant regulatory actions and a Statement of Regulatory and Deregulatory Priorities.

John T. Lucas,

Acting, General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
217	Modifying the Energy Conservation Program to Implement a Market-Based Approach	1904–AE11

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
218	Energy Conservation Standards and Definition for General Service Lamps **(Reg Plan Seq No. 23)**	1904–AD09
219	Energy Conservation Standards for Residential Conventional Cooking Products **(Reg Plan Seq No. 24)**	1904–AD15

References in boldface appear in The Regulatory Plan in part II of this issue of the FEDERAL REGISTER.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
220	Energy Conservation Standards for Commercial Packaged Boilers	1904–AD01
221	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces.	1904–AD20
222	Energy Conservation Standards for Commercial Water Heating Equipment	1904–AD34

ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
223	Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers	1904–AD59
224	Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps	1904–AD71
225	Energy Conservation Program: Test Procedures for Walk-In Cooler and Freezer Refrigeration Systems	1904–AD72

DEPARTMENTAL AND OTHERS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
226	Small-Scale Natural Gas Exports (Section 610 Review)	1901–AB43

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Prerule Stage

217. Modifying the Energy Conservation Program to Implement a Market–Based Approach

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 6291

Abstract: The U.S. Department of Energy (DOE) is evaluating the potential use of some form of a market-based approach such as an averaging, trading, fee-base or other type of market-based policy mechanism for the U.S. Appliance and Equipment Energy Conservation Standards (ECS) program.

Timetable:

Action	Date	FR Cite
Request for Information.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Building Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AE11

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Proposed Rule Stage

218. Energy Conservation Standards and Definition For General Service Lamps

Regulatory Plan: This entry is Seq. No. 23 in part II of this issue of the **Federal Register**.

RIN: 1904–AD09

219. Energy Conservation Standards for Residential Conventional Cooking Products

Regulatory Plan: This entry is Seq. No. 24 in part II of this issue of the **Federal Register**.

RIN: 1904–AD15

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Long-Term Actions

220. Energy Conservation Standards for Commercial Packaged Boilers

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6313(a)(6)(C); 42 U.S.C. 6311(11)(B)

Abstract: EPCA, as amended by AEMTCA, requires the Secretary to determine whether updating the statutory energy conservation standards for commercial packaged boilers is technically feasible and economically justified and would save a significant amount of energy. If justified, the Secretary will issue amended energy conservation standards for such equipment. DOE last updated the standards for commercial packaged boilers on July 22, 2009. DOE issued a NOPR pursuant to the 6-year-look-back requirement on March 24, 2016. Under EPCA, DOE has two years to issue a final rule after publication of the NOPR.

Timetable:

Action	Date	FR Cite
Notice of Proposed Determination (NOPD).	08/13/13	78 FR 49202
NOPD Comment Period End.	09/12/13	
Notice of Public Meeting and Framework Document Availability.	09/03/13	78 FR 54197
Framework Document Comment Period End.	10/18/13	
Notice of Public Meeting and Preliminary Analysis.	11/20/14	79 FR 69066
Preliminary Analysis Comment Period End.	01/20/15	
Withdrawal of NOPD.	08/25/15	80 FR 51487
NPRM	03/24/16	81 FR 15836
NPRM Comment Period End.	05/23/16	
NPRM Comment Period Extended.	05/04/16	81 FR 26747
NPRM Comment Period Extended End.	06/22/16	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raba, Phone: 202 586–8654, *Email: jim.raba@ee.doe.gov.*

RIN: 1904–AD01

221. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6295(f)(4)(C); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)

Abstract: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the DOE to periodically determine every six years whether more-stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy. DOE is considering amendments to its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces in partial fulfillment of a court-ordered remand of DOE's 2011 rulemaking for these products. DOE published a supplemental notice of proposed rulemaking on September 23, 2016.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM and Notice of Public Meeting.	03/12/15	80 FR 13120
NPRM Comment Period Extended.	05/20/15	80 FR 28851
NPRM Comment Period Extended End.	07/10/15	
Notice of Data Availability (NODA).	09/14/15	80 FR 55038
NODA Comment Period End.	10/14/15	
NODA Comment Period Reopened.	10/23/15	80 FR 64370
NODA Comment Period Reopened End.	11/06/15	
Supplemental NPRM and Notice of Public Meeting.	09/23/16	81 FR 65720
Supplemental NPRM Comment Period End.	11/22/16	
SNPRM Comment Period Reopened.	12/05/16	81 FR 87493
SNPRM Comment Period End.	01/06/17	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD20

222. Energy Conservation Standards for Commercial Water Heating Equipment

E.O. 13771 Designation: Regulatory.
Legal Authority: 42 U.S.C. 6313(a)(6)(C)(i) and (vi)
Abstract: Once completed, this rulemaking will fulfill DOE's statutory obligation under EPCA to either propose amended energy conservation standards for commercial water heaters and hot water supply boilers, or determine that the existing standards do not need to be amended. (Unfired hot water storage tanks and commercial heat pump water heaters are being considered in a separate rulemaking.) DOE must determine whether national standards more stringent than those that are currently in place would result in a significant additional amount of energy savings and whether such amended national standards would be technologically feasible and economically justified.
Timetable:

Action	Date	FR Cite
Request for Information (RFI).	10/21/14	79 FR 62899
RFI Comment Period End.	11/20/14	
NPRM	05/31/16	81 FR 34440
NPRM Comment Period End.	08/01/16	
NPRM Comment Period Reopened.	08/05/16	81 FR 51812
NPRM Comment Period Reopened End.	08/30/16	
Notice of Data Availability (NODA).	12/23/16	81 FR 94234
NODA Comment Period End.	01/09/17	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Catherine Rivest, *Phone:* 202 586–7335, *Email: catherine.rivest@ee.doe.gov*.
RIN: 1904–AD34

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Completed Actions

223. Energy Conservation Standards for Walk-In Coolers And Walk-In Freezers

E.O. 13771 Designation: Regulatory.
Legal Authority: 42 U.S.C. 6311; 42 U.S.C. 6313(f)
Abstract: In 2014, the Department of Energy (DOE) issued a rule setting performance-based energy conservation standards for a variety of walk-in cooler and freezer (walk-in) components. See 79 FR 32050 (June 3, 2014). That rule was challenged by a group of walk-in refrigeration system manufacturers and walk-in installers, which led to a settlement agreement regarding certain refrigeration equipment classes addressed in that 2014 rule and certain aspects related to that rule's analysis. See *Lennox Int'l* v. *DOE,* Case No. 14–60535 (5th Cir. 2014). Consistent with the settlement agreement, and in accordance with the Federal Advisory Committee Act, a working group was established under the Appliance Standards and Rulemaking Advisory Committee (ASRAC) to engage in a negotiated rulemaking to develop energy conservation standards to replace those that had been vacated by the U.S. Court of Appeals for the Fifth Circuit. As a result of those negotiations, a Term Sheet was produced containing a series of recommendations to ASRAC for its approval and submission to DOE for the agency's further consideration. Using the Term Sheet's recommendations, DOE is establishing energy conservation standards for the six equipment classes of walk-in coolers and walk-in freezers that were vacated by the Fifth Circuit and remanded to DOE for further action. Those standards at issue involve: (1) The two standards applicable to multiplex condensing refrigeration systems operating at medium and low temperatures; and (2) the four standards applicable to dedicated condensing refrigeration systems operating at low temperatures. Also consistent with the settlement agreement, DOE explicitly considered the potential impacts of these six standards on installers. DOE also considered and addressed the potential impacts of these six standards on installers in its Manufacturer Impact Analysis, consistent with its regulatory definition of ''manufacturer,'' and, as appropriate, in its analysis of impacts on small entities under the Regulatory Flexibility Act. As part of this rulemaking (and consistent with its obligations under the settlement agreement), DOE provided an opportunity for all interested parties to submit comments concerning any proposed standards.
Completed:

Reason	Date	FR Cite
Final Action	07/10/17	82 FR 31808
Final Action Effective.	09/08/17	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov*.
RIN: 1904–AD59

224. Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps

E.O. 13771 Designation: Other.
Legal Authority: 42 U.S.C. 6291 *et seq.*
Abstract: This rulemaking pertaining to test procedures for Central Air Conditioners and Heat Pumps includes revisions to the test methods to improve test repeatability and reduce the test burden of the test procedure. These revisions will be required for demonstration of compliance with the current energy conservation standards starting 180 days after publication of the final rule. These amendments include: (1) Establishing a delay time prior to off mode power measurements for some systems and limiting the internal volume of refrigerant pressure measurement lines; (2) requiring bin-by-bin EER and COP interpolations for all variable speed units; (3) requiring that the official test for a unit using the outdoor enthalpy method as a secondary check of capacity be the test without the outdoor enthalpy apparatus connected.

DOE is also amending the test procedure to improve field representativeness. These amendments will take effect coincident with updated energy conservation standards and would be part of a new Appendix M1. The new Appendix M1 includes: (1) New higher external static pressure requirements for all units, including unique minimum external static pressure requirements for certain kinds of products; (2) new default fan power values for rating coil-only units; revisions to the heating load line in the calculation of HSPF; and (3) amendments to the test procedures for variable speed heat pumps to allow better representation of their low-ambient-temperature performance, including an optional 5 °F heating mode test.
Completed:

Reason	Date	FR Cite
Final Rule Effective.	07/08/17	
Final Rule; Delay of Effective Date.	02/02/17	82 FR 8985

Reason	Date	FR Cite
Final Rule; Delay of Effective Date Effective.	03/21/17	
Final Rule; Further Delay of Effective Date.	03/21/17	82 FR 14425
Final Rule; Correction to Delayed Effective Date.	03/29/17	82 FR 15457
Final Rule; Further Delay of Effective Date Effective.	07/03/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashley Armstrong, *Phone:* 202 586–6590, *Email: ashley.armstrong@ee.doe.gov*.

RIN: 1904–AD71

225. Energy Conservation Program: Test Procedures for Walk-In Cooler and Freezer Refrigeration Systems

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6311 *et seq.*

Abstract: DOE established a Working Group to negotiate amended energy conservation standards for six classes of walk-in cooler and freezer (walk-in) refrigeration systems. After holding a series of meetings as part of a negotiated rulemaking, the Working Group developed a Term Sheet containing a series of recommendations regarding potential energy conservation standards for these refrigeration systems and the current test procedure for evaluating the energy efficiency of a walk-in refrigeration system. This rulemaking proposed several test procedure amendments to implement these recommendations. These amendments include certain changes to improve test procedure clarity, updating related certification and enforcement provisions to address the performance-based energy conservation standards for walk-in cooler and freezer equipment, and establishing labeling requirements that will aid manufacturers in determining which components would be considered for compliance purposes as intended for walk-in cooler and freezer applications. The rule also adds certain equipment-specific definitions, removes the test method for refrigeration systems with hot gas defrost, and includes a method to accommodate refrigeration equipment that use adaptive defrost and on-cycle variable-speed evaporator fan control.

Completed:

Reason	Date	FR Cite
Final Rule	12/28/16	81 FR 95758
Final Rule Effective.	01/27/17	
Final Rule; Delay of Effective Date.	03/21/17	82 FR 8805
Final Rule; Delay of Effective Date Effective.	03/21/17	
Final Rule; Further Delay of Effective Date.	03/21/17	82 FR 14426
Final Rule; Further Delay of Effective Date Effective.	06/26/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashley Armstrong, *Phone:* 202 586–6590, *Email: ashley.armstrong@ee.doe.gov*.

RIN: 1904–AD72

DEPARTMENT OF ENERGY (DOE)

Departmental and Others (ENDEP)

Final Rule Stage

226. Smal-Scale Natural Gas Exports (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 15 U.S.C. 717b(a); 42 U.S.C. 7151(b), 7172(f), and 7254

Abstract: This rule would revise DOE regulations implementing section 3(a) of the Natural Gas Act, 15 U.S.C. 717b(a), for ''qualifying small-scale'' exports of natural gas, including liquefied natural gas. Under this rule, DOE would issue an order upon receipt of any application that seeks to export natural gas to non-FTA countries, provided the application meets the criteria for small-scale exports. In promulgating this rule, DOE would clarify its interpretation of ''public interest'' under NGA section 3(a). The intent of the rule is to improve DOE's application procedures related to natural gas exports, reduce the administrative burdens associated with the small-scale natural gas export market, and result in more efficient processing of applications for small-scale natural gas exports.

Timetable:

Action	Date	FR Cite
NPRM	09/01/17	82 FR 41570
NPRM Comment Period End.	10/16/17	
Final Action	02/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Betsy Kohl, Attorney Advisor, Department of Energy, 1000 Independence Avenue SW, Room 6A–179, Washington, DC 20585, *Phone:* 202 586–7796, *Email: elizabeth.kohl@hq.doe.gov*.

RIN: 1901–AB43

[FR Doc. 2017–28209 Filed 1–11–18; 8:45 am]

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Part VII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (E.O.) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT: Ann C. Agnew, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal government's lead agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the regulatory activities that the Department expects to undertake in the foreseeable future to advance this mission. HHS has an agency-wide effort to support the Agenda's purpose of encouraging more effective public participation in the regulatory process. For example, to encourage public participation, we regularly update our regulatory web page (*http://www.HHS.gov/regulations*) which includes links to HHS rules currently open for public comment, and also provides a ''regulations toolkit'' with background information on regulations, the commenting process, how public comments influence the development of a rule, and how the public can provide effective comments. HHS also actively encourages meaningful public participation in its retrospective review of regulations through a comment form on the HHS retrospective review web page (*http://www.HHS.gov/RetrospectiveReview*).

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.RegInfo.gov.*

Ann C. Agnew,

Executive Secretary to the Department.

Office for Civil Rights—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
227	HIPAA Privacy Rule: Changing Requirement to Obtain Acknowledgment of Receipt of the Notice of Privacy Practices.	0945–AA08

Office of the National Coordinator for Health Information Technology—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
228	Health Information Technology: Interoperability and Certification Enhancements **(Reg Plan Seq No. 26)**	0955–AA01

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

Food and Drug Administration—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
229	Sunscreen Drug Products For Over-The-Counter-Human Use; Tentative Final Monograph	0910–AF43
230	Laser Products; Amendment to Performance Standard	0910–AF87
231	Mammography Quality Standards Act; Regulatory Amendments **(Reg Plan Seq No. 29)**	0910–AH04
232	Medication Guides; Patient Medication Information **(Reg Plan Seq No. 32)**	0910–AH68

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

Food and Drug Administration—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
233	Postmarketing Safety Reporting Requirements for Human Drug and Biological Products	0910–AA97
234	Label Requirement for Food That Has Been Refused Admission Into the United States	0910–AF61
235	Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices	0910–AG48
236	Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods	0910–AH00
237	Safety and Effectiveness of Healthcare Antiseptics; Topical Antimicrobial Drug Products for Over-the-Counter Human Use.	0910–AH40

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
238	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
239	Over-the-Counter (OTC) Drug Review—External Analgesic Products	0910–AF35
240	Over-the-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
241	Over-the-Counter (OTC) Drug Review—Laxative Drug Products	0910–AF38
242	Over-the-Counter (OTC) Drug Review—Weight Control Products	0910–AF45
243	Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products	0910–AG12
244	Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products.	0910–AG18
245	Investigational New Drug Applications Requirements for Conventional Foods, Dietary Supplements, and Cosmetics.	0910–AH07
246	General and Plastic Surgery Devices: Sunlamp Products	0910–AH14
247	Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use.	0910–AH16

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
248	Current Good Manufacturing Practice in Manufacturing, Packing, Labeling, or Holding Operations for Dietary Supplements.	0910–AB88
249	Updated Standards for Labeling of Pet Food	0910–AG09
250	Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products	0910–AG94
251	Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System	0910–AH03

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
252	CY 2019 Notice of Benefit and Payment Parameters (CMS–9930–P) **(Section 610 Review)**	0938–AT12
253	Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3346–P) **(Reg Plan Seq No. 37)**.	0938–AT23
254	FY 2019 Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities (SNFs) **(CMS–1696–P)**.	0938–AT24
255	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates (CMS–1694–P) **(Section 610 Review) (Reg Plan Seq No. 38)**.	0938–AT27
256	CY 2019 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1695–P) **(Section 610 Review)**.	0938–AT30
257	CY 2019 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1693–P) **(Section 610 Review)**.	0938–AT31

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
258	Durable Medical Equipment Fee Schedule, Adjustments to Resume the Transitional 50/50 Blended Rates to Provide Relief in Non-Competitive Bidding Areas (CMS–1687–IFC) **(Section 610 Review)**.	0938–AT21

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
259	Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AS21

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
260	Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year 2018 Rates (CMS–1677–F) (Completion of a Section 610 Review).	0938–AS98
261	CY 2018 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B; Medicare Shared Savings Program Requirements; Medicare Diabetes Prevention Program (CMS–1676–F) (Completion of a Section 610 Review).	0938–AT02
262	CY 2018 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1678–FC) (Completion of a Section 610 Review).	0938–AT03

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office for Civil Rights (OCR)

Proposed Rule Stage

227. • HIPAA Privacy Rule: Changing Requirement To Obtain Acknowledgment of Receipt of the Notice of Privacy Practices

E.O. 13771 Designation: Deregulatory.

Legal Authority: Health Insurance Portability and Accountability (HIPAA) Act of 1996, Pub. L. 104–191

Abstract: The propsed rule would change the requirement that health care providers make a good faith effort to obtain from individuals a written acknowledgment of receipt of the provider's notice of privacy practices, and if not obtained, to document its good faith efforts and the reason the acknowledgment was not obtained.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andra Wicks, Health Information Privacy Specialist, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 202 774–3081, *TDD Phone:* 800 537–7697, *Email: andra.wicks@hhs.gov*.

RIN: 0945–AA08

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the National Coordinator for Health Information Technology (ONC)

Proposed Rule Stage

228. • Health Information Technology: Interoperability and Certification Enhancements

Regulatory Plan: This entry is Seq. No. 26 in part II of this issue of the **Federal Register**.

RIN: 0955–AA01

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Proposed Rule Stage

229. Sunscreen Drug Products for Over-the-Counter-Human Use; Tentative Final Monograph

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The proposed rule will address the general recognition of safety and effectiveness (GRASE) status of the 16 sunscreen monograph ingredients and describe data gaps that FDA believes need to be filled in order for FDA to permit the continued marketing of these ingredients without submitting new drug applications for premarket review. Consistent with the Sunscreen Innovation Act, we also expect to address sunscreen dosage forms and maximum SPF values.

Timetable:

Action	Date	FR Cite
ANPRM (Sunscreen and Insect Repellent).	02/22/07	72 FR 7941
ANPRM Comment Period End.	05/23/07	
NPRM (UVA/UVB).	08/27/07	72 FR 49070
NPRM Comment Period End.	12/26/07	
Final Action (UVA/UVB).	06/17/11	76 FR 35620
NPRM (Effectiveness).	06/17/11	76 FR 35672
NPRM (Effectiveness) Comment Period End.	09/15/11	
ANPRM (Dosage Forms).	06/17/11	76 FR 35669
ANPRM (Dosage Forms) Comment Period End.	09/15/11	
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sharon Coleman, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 6212, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–2490, *Fax:* 301 796–9899, *Email: sharon.coleman@fda.hhs.gov*.

RIN: 0910–AF43

230. Laser Products; Amendment to Performance Standard

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: FDA is proposing to amend the 2013 proposed rule for the performance standard for laser products, which will amend the performance standard for laser products to achieve closer harmonization between the current standard and the recently amended International Electrotechnical Commission (IEC) standard for laser products and medical laser products. The amendment is intended to update FDA's performance standard to reflect advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	06/24/13	78 FR 37723

Action	Date	FR Cite
NPRM Comment Period End.	09/23/13	
NPRM (Reproposal).	10/00/18	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Blake-Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 5522, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov*.

RIN: 0910–AF87

231. Mammography Quality Standards Act; Regulatory Amendments

Regulatory Plan: This entry is Seq. No. 29 in part II of this issue of the **Federal Register**.

RIN: 0910–AH04

232. • Medication Guides; Patient Medication Information

Regulatory Plan: This entry is Seq. No. 32 in part II of this issue of the **Federal Register**.

RIN: 0910–AH68

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

233. Postmarketing Safety Reporting Requirements for Human Drug and Biological Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 242a; 42 U.S.C. 262 and 263; 42 U.S.C. 263a to 263n; 42 U.S.C. 264; 42 U.S.C. 300aa; 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 360b to 360j; 21 U.S.C. 361a; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 375; 21 U.S.C. 379e; 21 U.S.C. 381

Abstract: The final rule would amend the postmarketing safety reporting regulations for human drugs and biological products including blood and blood products in order to better align FDA requirements with guidelines of the International Council on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH); and to update reporting requirements in light of current pharmacovigilance practice and safety information sources and enhance the quality of safety reports received by FDA . These revisions were proposed as part of a single rulemaking (68 FR 12406) to clarify and revise both premarketing and postmarketing safety reporting requirements for human drug and biological products. Premarketing safety reporting requirements were finalized in a separate final rule published on September 29, 2010 (75 FR 59961). This final rule applies to postmarketing safety reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12406
NPRM Comment Period Extended.	06/18/03	
NPRM Comment Period End.	07/14/03	
NPRM Comment Period Extension End.	10/14/03	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jane E. Baluss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6278, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3469, *Fax:* 301 847–8440, *Email: jane.baluss@fda.hhs.gov*.

RIN: 0910–AA97

234. Label Requirement for Food That Has Been Refused Admission Into the United States

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 15 U.S.C. 1453 to 1455; 21 U.S.C. 321; 21 U.S.C. 342 and 343; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 42 U.S.C. 216; 42 U.S.C. 264

Abstract: The final rule will require owners or consignees to label imported food that is refused entry into the United States. The label will read, ''UNITED STATES: REFUSED ENTRY.'' The proposal describes the label's characteristics (such as its size) and processes for verifying that the label has been affixed properly. We are taking this action to prevent the introduction of unsafe food into the United States, to facilitate the examination of imported food, and to implement section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) (Pub. L. 107–188).

Timetable:

Action	Date	FR Cite
NPRM	09/18/08	73 FR 54106
NPRM Comment Period End.	12/02/08	
Final Action	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony C. Taube, Branch Chief, Department of Health and Human Services, Food and Drug Administration, Office of Regulatory Affairs, Office of Regional Operations, 12420 Parklawn Drive, ELEM–4051, Rockville, MD 20857, *Phone:* 240 420–4565, *Fax:* 703 261–8625, *Email: anthony.taube@fda.hhs.gov*.

RIN: 0910–AF61

235. Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360i; 21 U.S.C. 360j; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264; 42 U.S.C. 271; . . .

Abstract: This rule updates FDA's requirements for accepting clinical data used to bring new medical devices to market as part of fulfilling FDA's mission. While helping to ensure the quality and integrity of clinical trial data and the protection of study participants, this rule should generally reduce burden on industry by avoiding the need for on-site inspections. This rule parallels the drug regulation, which should further reduce burden by having a harmonized approach.

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12664
NPRM Comment Period End.	05/28/13	
Final Action	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Soma Kalb, Biomedical Engineer, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Heath, Building 66, Room 1534, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6359, *Email: soma.kalb@fda.hhs.gov*.

RIN: 0910–AG48

236. Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods

E.O. 13771 Designation: Regulatory.

Legal Authority: Sec. 206 of the Food Allergen Labeling and Consumer Protection Act; 21 U.S.C. 343(a)(1); 21 U.S.C. 321(n); 21 U.S.C. 371(a)

Abstract: FDA was required by statute to establish criteria for the voluntary labeling of food as ''gluten-free'' to assist consumers with celiac disease who must avoid gluten in their diet. In 2013, FDA issued a final rule on gluten-free'' labeling that established criteria for when food may be labeled ''gluten-free.'' The final rule included methods that FDA would use for testing for the presence of gluten, which are appropriate for many food types, but not for fermented and hydrolyzed foods. FDA then issued a proposed rule entitled ''Gluten-Free Labeling of Fermented or Hydrolyzed Foods'' to propose requirements for maintenance of certain records that provide alternative means for the agency to verify that manufacturers of fermented and hydrolyzed foods have complied with the federal criteria for foods voluntarily labeled ''gluten-free.''

Timetable:

Action	Date	FR Cite
NPRM	11/18/15	80 FR 71990
NPRM Comment Period Reopened.	01/22/16	81 FR 3751
NPRM Comment Period End.	02/16/16	
NPRM Comment Period Reopened.	02/22/16	81 FR 8869
NPRM Comment Period Reopened End.	04/25/16	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol D'Lima, Staff Fellow, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Room 4D022, HFS 820, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2371, *Fax:* 301 436–2636, *Email: carol.dlima@fda.hhs.gov.*

RIN: 0910–AH00

237. Safety and Effectiveness of Healthcare Antiseptics; Topical Antimicrobial Drug Products for Over-the-Counter Human Use

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360b–360f; 21 U.S.C. 371; 21 U.S.C. 374 to 375; 21 U.S.C. 379e; 21 U.S.C. 360j; 42 U.S.C. 241; 42 U.S.C. 262; 21 U.S.Cl. 360hh–360ss; . . .

Abstract: This rulemaking addresses whether FDA considers certain active ingredients in over the counter (OTC) healthcare antiseptic hand wash and healthcare antiseptic products to be generally recognized as safe and effective. If FDA determines that the ingredient is not generally recognized as safe and effective, a manufacturer will not be able to market the product unless it submits and receives approval of a new drug application.

Timetable:

Action	Date	FR Cite
NPRM	05/01/15	80 FR 25166
NPRM Comment Period End.	10/28/15	
Final Action	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Jackson, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–0923, *Email: michelle.jackon@fda.hhs.gov.*

RIN: 0910–AH40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

238. Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council (RCC) as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF31

239. Over-the-Counter (OTC) Drug Review—External Analgesic Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action addresses the 2003 proposed rule on patches, plasters, and poultices.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF35

240. Over-the-Counter (OTC) Drug Review—Internal Analgesic Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC

drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The action addresses acetaminophen safety.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling).	12/26/06	71 FR 77314
NPRM Comment Period End.	05/25/07	
Final Action (Required Warnings and Other Labeling).	04/29/09	74 FR 19385
Final Action (Correction).	06/30/09	74 FR 31177
Final Action (Technical Amendment).	11/25/09	74 FR 61512
NPRM (Amendment) (Acetaminophen).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301–796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF36

241. Over-the-Counter (OTC) Drug Review—Laxative Drug Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final rule listed will address the professional labeling for sodium phosphate drug products.

Timetable:

Action	Date	FR Cite
Final Action (Granular Psyllium).	03/29/07	72 FR 14669
NPRM (Professional Labeling—Sodium Phosphate).	02/11/11	76 FR 7743
NPRM Comment Period End.	03/14/11	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301–796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF38

242. Over-the-Counter (OTC) Drug Review—Weight Control Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first final rule finalizes the 2005 proposed rule for weight control products containing phenylpropanolamine. The second final rule will finalize the proposed rule for weight control products containing benzocaine.

Timetable:

Action	Date	FR Cite
NPRM (Phenylpropanolamine).	12/22/05	70 FR 75988
NPRM Comment Period End.	03/22/06	
NPRM (Benzocaine).	03/09/11	76 FR 12916
NPRM Comment Period End.	06/07/11	
Final Action (Phenylpropanolamine).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF45

243. Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AG12

244. Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products with limited exceptions, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	12/18/14	79 FR 75506
NPRM Comment Period Extended.	03/09/15	80 FR 12364
NPRM Comment Period End.	03/18/15	
NPRM Comment Period Extended End.	05/18/15	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Emily Gebbia, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6226, Silver Spring, MD 20993, *Phone:* 240 402–0980, *Email: emily.gebbia@fda.hhs.gov*.

Michael Bernstein, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6240, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3478, *Fax:* 301 847–8440, *Email: michael.bernstein@fda.hhs.gov*.

RIN: 0910–AG18

245. Investigational New Drug Applications Requirements for Conventional Foods, Dietary Supplements, and Cosmetics

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355(i); 21 U.S.C. 371(a); 42 U.S.C. 262(a)

Abstract: Researchers conducting studies of FDA-regulated products involving human subjects must, in some circumstances, meet requirements set out in FDA's Investigational New Drug (IND) Application regulations. The proposed rule would exempt sponsors of certain studies that evaluate a drug use of a product that is lawfully marketed as a conventional food, dietary supplement, or cosmetic from being required to submit an IND application under circumstances when the study does not present a potential for significant risk to the health, safety, or welfare of the human subjects. The proposed rule is intended to broaden the regulatory criteria for studies exempt from IND requirements and provide clarity and consistency regarding when studies evaluating drug uses of products that are lawfully marketed as conventional foods, dietary supplements, or cosmetics are subject to IND review. The proposed rule would also streamline some IND application requirements for certain studies that do not qualify for the new exemption.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ebla Ali Ibrahim, Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 6302, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3691, *Email: ebla.ali-ibrahim@fda.hhs.gov*.

RIN: 0910–AH07

246. General and Plastic Surgery Devices: Sunlamp Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360j(e)

Abstract: This rule would apply device restrictions to sunlamp products. The incidence of skin cancer, including melanoma, has been increasing, and a large number of skin cancer cases are attributable to the use of sunlamp products. The devices may cause about 400,000 cases of skin cancer per year, and 6,000 of which are melanoma. Beginning sunlamp product use at young ages, as well as frequently using sunlamp products, both increase the risk of developing skin cancers and other illnesses, and sustaining other injuries. Even infrequent use, particularly at younger ages, can significantly increase these risks.

Sunlamp products incorporate ultraviolet (UV) lamps and include devices such as UV tanning beds and booths. People who use sunlamp products are at increased risk of developing skin cancer and other illnesses, and sustaining injuries.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79493
NPRM Comment Period End.	03/21/16	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Building 66, Room 5515, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–5678, *Email: ian.ostermiller@fda.hhs.gov*.

RIN: 0910–AH14

247. Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any expectorant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AH16

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

248. Current Good Manufacturing Practice in Manufacturing, Packing, Labeling, or Holding Operations for Dietary Supplements

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 342; 21 U.S.C. 343; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264

Abstract: The Food and Drug Administration published a final rule in the **Federal Register** of June 25, 2007 (72 FR 34752), on current good manufacturing practice (CGMP) regulations for dietary supplements. FDA also published an Interim Final Rule in the same **Federal Register** (72 FR 34959) that provided a procedure for requesting an exemption from the final rule requirement that the manufacturer conduct at least one appropriate test or examination to verify the identity of any component that is a dietary ingredient. This IFR allows for submission to, and review by, FDA of an alternative to the required 100 percent identity testing of components that are dietary ingredients, provided certain conditions are met. This IFR also establishes a requirement for retention of records relating to the FDA's response to an exemption request.

Completed:

Reason	Date	FR Cite
Withdrawn	10/18/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Kahl, *Phone:* 240 402–2784, *Fax:* 240–402–2657, *Email: linda.kahl@fda.hhs.gov*.

RIN: 0910–AB88

249. Updated Standards for Labeling of Pet Food

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371; Pub. L. 110–85, sec 1002(a)(3)

Abstract: FDA is proposing updated standards for the labeling of pet food that include nutritional and ingredient information, as well as style and formatting standards. FDA is taking this action to provide pet owners and animal health professionals more complete and consistent information about the nutrient content and ingredient composition of pet food products.

Completed:

Reason	Date	FR Cite
Withdrawn	11/22/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Burkholder, *Phone:* 240 402–5900, *Email: william.burkholder@fda.hhs.gov*.

RIN: 0910–AG09

250. Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; . . .

Abstract: This rule would amend the regulations regarding new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license application (BLAs) to revise and clarify procedures for changes to the labeling of an approved drug to reflect certain types of newly acquired information in advance of FDA's review of such change.

Completed:

Reason	Date	FR Cite
Withdrawn	09/29/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice L. Weiner, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: janice.weiner@fda.hhs.gov*.

RIN: 0910–AG94

251. Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 360c

Abstract: The proposed rule would establish special controls for the computed tomography (CT) X-ray system. A CT X-ray system is a diagnostic X-ray imaging system intended to produce cross-sectional images of the body through use of a computer to reconstruct an image from the same axial plane taken at different angles. High doses of ionizing radiation can cause acute (deterministic) effects such as burns, reddening of the skin, cataracts, hair loss, sterility, and, in extremely high doses, radiation poisoning. The design of a CT X-ray system should balance the benefits of the device (*i.e.,* the ability of the device to produce a diagnostic quality image) with the known risks (*e.g.,* exposure to ionizing radiation). FDA is establishing proposed special controls, which are necessary to provide reasonable assurance of the safety and effectiveness of a class II CT X-ray system.

Completed:

Reason	Date	FR Cite
Withdrawn	09/29/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Blake-Payne, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov*.

RIN: 0910–AH03

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

252. CY 2019 Notice of Benefit and Payment Parameters (CMS–9930–P) (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: Pub. L. 111–148, Title I

Abstract: This proposed rule sets forth payment parameters and provisions related to the risk adjustment and risk adjustment data validation programs; cost-sharing parameters and cost-sharing reductions; and user fees for Federally-facilitated Exchanges and State-based Exchanges on the Federal platform. It proposes changes that would enhance the role of States related to essential health benefits and qualified health plan (QHP) certification; and would provide States with additional flexibility in the operation and establishment of Exchanges, including the Small Business Health Options Program (SHOP) Exchanges. It includes proposed changes to the required functions of the Small Business Health Options Programs; actuarial value for stand-alone dental plans; the rate review program; the medical loss ratio program; eligibility and enrollment; exemptions; and other related topics.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lindsey Murtagh, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information and Insurance Oversight, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 301 492–4106, *Email: lindsey.murtagh@cms.hhs.gov*.

RIN: 0938–AT12

253. • Regulatory Provisions To Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3346–P)

Regulatory Plan: This entry is Seq. No. 37 in part II of this issue of the **Federal Register**.

RIN: 0938–AT23

254. • FY 2019 Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities (SNFS) (CMS–1696–P)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would update the payment rates used under the prospective payment system for SNFs for fiscal year 2019.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bill Ullman, Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–06–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–5667, *Fax:* 410 786–0765, *Email: william.ullman@cms.hhs.gov*.

RIN: 0938–AT24

255. • Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates (CMS–1694–P) (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 38 in part II of this issue of the **Federal Register**.

RIN: 0938–AT27

256. • CY 2019 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1695–P) (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lela Strong, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–05–13, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3213, *Email: lela.strong@cms.hhs.gov*.

RIN: 0938–AT30

257. • CY 2019 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1693–P) (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2019.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ryan Howe, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3355, *Email: ryan.howe@cms.hhs.gov*.

RIN: 0938–AT31

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

258. • Durable Medical Equipment Fee Schedule, Adjustments To Resume the Transitional 50/50 Blended Rates To Provide Relief in Non-Competitive Bidding Areas (CMS–1687–IFC) (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 1302, 1395hh, and 1395rr(b)(l)); Pub. L. 114–255, sec. 5004(b), 16007(a), 16008

Abstract: This interim final rule with comment period extends the end of the transition period for phasing in adjustments to the fee schedule amounts for certain durable medical equipment (DME) and enteral nutrition paid in areas not subject to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program (CBP) from June 30, 2016, to December 31, 2016. In addition, this interim final rule with comment period amends the regulation to resume the transition period for items furnished from August 1, 2017, through December 31, 2018. This interim final rule with comment period also makes technical amendments to existing regulations for DMEPOS items and services to exclude infusion drugs used with DME from the DMEPOS CBP. Finally, this interim final rule with comment period also requests information on issues related to adjustments to DMEPOS fee schedules, alternatives for ensuring budget neutrality of oxygen payment classes, and current rules under the DMEPOS CBP.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/17	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Alexander Ullman, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–07–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9671, *Email: alexander.ullman@cms.hhs.gov*.

RIN: 0938–AT21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

259. Hospital and Critical Access Hospital (CAH) Changes To Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh and 1395rr

Abstract: This final rule updates the requirements that hospitals and critical access hospitals (CAHs) must meet to participate in the Medicare and Medicaid programs. These final requirements are intended to conform the requirements to current standards of practice and support improvements in quality of care, reduce barriers to care,

and reduce some issues that may exacerbate workforce shortage concerns.

Timetable:

Action	Date	FR Cite
NPRM	06/16/16	81 FR 39447
NPRM Comment Period End.	08/15/16	
Final Action	06/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: CDR Scott Cooper, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–01–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9465, *Email: scott.cooper@cms.hhs.gov.*

RIN: 0938–AS21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

260. Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year 2018 Rates (CMS–1677–F) (Completion of a Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh; Pub. L. 114–255; . . .

Abstract: We are revising the Medicare hospital inpatient prospective payment systems (IPPS) for operating and capital-related costs of acute care hospitals to implement changes arising from our continuing experience with these systems for FY 2018. Some of these changes implement certain statutory provisions contained in the Pathway for Sustainable Growth Rate (SGR) Reform Act of 2013, the Improving Medicare Post-Acute Care Transformation Act of 2014, the Medicare Access and CHIP Reauthorization Act of 2015, the 21st Century Cures Act, and other legislation. We also are making changes relating to the provider-based status of Indian Health Service (IHS) and Tribal facilities and organizations and to the low-volume hospital payment adjustment for hospitals operated by the IHS or a Tribe. In addition, we are providing the market basket update that will apply to the rate-of-increase limits for certain hospitals excluded from the IPPS that are paid on a reasonable cost basis subject to these limits for FY 2018. We are updating the payment policies and the annual payment rates for the Medicare prospective payment system (PPS) for inpatient hospital services provided by long-term care hospitals (LTCHs) for FY 2018.

In addition, we are establishing new requirements or revising existing requirements for quality reporting by specific Medicare providers (acute care hospitals, PPS-exempt cancer hospitals, LTCHs, and inpatient psychiatric facilities). We also are establishing new requirements or revising existing requirements for eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) participating in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs. We are updating policies relating to the Hospital Value-Based Purchasing (VBP) Program, the Hospital Readmissions Reduction Program, and the Hospital-Acquired Condition (HAC) Reduction Program.

We also are making changes relating to transparency of accrediting organization survey reports and plans of correction of providers and suppliers; electronic signature and electronic submission of the Certification and Settlement Summary page of the Medicare cost reports; and clarification of provider disposal of assets.

Timetable:

Action	Date	FR Cite
NPRM	04/28/17	82 FR 19796
NPRM Comment Period End.	06/13/17	
Final Action	08/14/17	82 FR 37990
Final Action Effective.	10/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov.*

RIN: 0938–AS98

261. CY 2018 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B; Medicare Shared Savings Program Requirements; Medicare Diabetes Prevention Program (CMS–1676–F) (Completion of a Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule revises payment polices under the Medicare physician fee schedule, and makes other policy changes to payment under Medicare Part B. These changes apply to services furnished beginning January 1, 2018.

Timetable:

Action	Date	FR Cite
NPRM	07/21/17	82 FR 33950
NPRM Comment Period End.	09/11/17	
Final Action	11/15/17	82 FR 52976
Final Action Effective.	01/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ryan Howe, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3355, *Email: ryan.howe@cms.hhs.gov.*

RIN: 0938–AT02

262. CY 2018 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1678–FC) (Completion of a Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh; Pub. L. 114–255

Abstract: This annual final rule revises the Medicare hospital outpatient prospective payment system (OPPS) and the Medicare ambulatory surgical center (ASC) payment system for CY 2018 to implement changes arising from our continuing experience with these systems and certain provisions under the 21st Century Cures Act. In this rule, we describe the changes to the amounts and factors used to determine the payment rates for Medicare services paid under the OPPS and those paid under the ASC payment system. In addition, this rule updates and refines the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM	07/20/17	82 FR 33558
NPRM Comment Period End.	09/11/17	
Final Action	11/13/17	82 FR 52356
Final Action Effective.	01/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lela Strong, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–05–13, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3213, *Email: lela.strong@cms.hhs.gov*.

RIN: 0938–AT03

[FR Doc. 2017–28220 Filed 1–11–18; 8:45 am]

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Part VIII

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of projected regulations, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory and deregulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory and deregulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual actions identified in this agenda to the individual listed in the summary portion as the point of contact for that action.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 ''Regulatory Planning and Review'' (Sept. 30, 1993) as incorporated in Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011) and Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs'' (Jan. 30, 2017), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of existing and projected regulations as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on August 24, 2017, at 82 FR 40290.

Beginning in fall 2007, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: September 29, 2017.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
263	Ammonium Nitrate Security Program	1601–AA52
264	Chemical Facility Anti-Terrorism Standards (CFATS)	1601–AA69
265	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees.	1601–AA72
266	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001).	1601–AA76
267	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002).	1601–AA78
268	Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)	1601–AA79

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
269	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations **(Reg Plan Seq No. 44)**.	1615–AB71
270	Requirements for Filing Motions and Administrative Appeals	1615–AB98
271	EB–5 Immigrant Investor Regional Center Program **(Reg Plan Seq No. 46)**	1615–AC11
272	Removing H–4 Dependent Spouses from the Class of Aliens Eligible for Employment Authorization **(Reg Plan Seq No. 48)**.	1615–AC15

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Citizenship and Immigration Services—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
273	EB–5 Immigrant Investor Program Modernization **(Reg Plan Seq No. 49)**	1615–AC07

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Coast Guard—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
274	Financial Responsibility—Vessels; Superseded Pollution Funds (USCG–2017–0788)	1625–AC39

U.S. Coast Guard—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
275	Seafarers' Access to Maritime Facilities	1625–AC15

U.S. Coast Guard—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
276	Outer Continental Shelf Activities	1625–AA18
277	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85

U.S. Customs and Border Protection—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
278	Importer Security Filing and Additional Carrier Requirements (Section 610 Review)	1651–AA70
279	Implementation of the Guam-CNMI Visa Waiver Program (Section 610 Review)	1651–AA77

U.S. Customs and Border Protection—Completed Actions

Sequence No.	Title	Regulation Identifier No.
280	Waiver of Passport and Visa Requirements Due to an Unforeseen Emergency	1651–AA97

Transportation Security Administration—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
281	General Aviation Security and Other Aircraft Operator Security	1652–AA53

Transportation Security Administration—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
282	Security Training for Surface Transportation Employees **(Reg Plan Seq No. 57)**	1652–AA55

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Immigration and Customs Enforcement—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
283	Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches.	1653–AA67

FEDERAL EMERGENCY MANAGEMENT AGENCY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
284	Updates to Floodplain Management and Protection of Wetlands Regulations to Implement Executive Order 13690 and the Federal Flood Risk Management Standard.	1660–AA85

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Long-Term Actions

263. Ammonium Nitrate Security Program

E.O. 13771 Designation: Other.
Legal Authority: 6 U.S.C. 488 *et seq.*
Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.''
Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*
RIN: 1601–AA52

264. Chemical Facility Anti-Terrorism Standards (CFATS)

E.O. 13771 Designation: Other.
Legal Authority: 6 U.S.C. 621 to 629
Abstract: The Department of Homeland Security (DHS) previously invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking.
Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*
RIN: 1601–AA69

265. Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees

E.O. 13771 Designation: Other.
Legal Authority: Sec. 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, (Pub. L. 112–239, enacted January 2, 2013); 41 U.S.C. 1302(a)(2); 41 U.S.C. 1707
Abstract: The Department of Homeland Security (DHS) is proposing to amend its Homeland Security Acquisition Regulation (HSAR) parts 3003 and 3052 to implement section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) for the United States Coast Guard (USCG). Section 827 of the NDAA for FY 2013 established enhancements to the Whistleblower Protections for Contractor Employees for all agencies subject to section 2409 of title 10, United States Code, which includes the USCG.
Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*
RIN: 1601–AA72

266. Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001)

E.O. 13771 Designation: Fully or Partially Exempt.
Legal Authority: 5 U.S.C. 301 to 302; 41 U.S.C. 1302; 41 U.S.C. 1303; 41 U.S.C. 1707
Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would implement adequate security and privacy measures to safeguard Controlled Unclassified Information (CUI), such as Personally Identifiable Information (PII), for DHS contractors. Specifically, the rule would define key terms, outline security requirements and inspection provisions for contractor information technology (IT) systems that store or process sensitive information, institute incident notification and response procedures, and identify post-incident credit monitoring requirements.
Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6429
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy

and Legislation, Room 3114, 245 Murray Lane, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov*.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov*.

RIN: 1601–AA76

267. Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1302; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would standardize information technology security awareness training and DHS Rules of Behavior requirements for contractor and subcontractor employees who access DHS information systems and information resources or contractor-owned and/or operated information systems and information resources capable of collecting, processing, storing or transmitting controlled unclassified information (CUI).

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6446
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3114, 245 Murray Lane, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov*.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov*.

RIN: 1601–AA78

268. Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1702; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would require contractors to complete training that addresses the protection of privacy, in accordance with the Privacy Act of 1974, and the handling and safeguarding of Personally Identifiable Information and Sensitive Personally Identifiable Information.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6425
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Candace Lightfoot, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0082, *Email: candace.lightfoot@hq.dhs.gov*.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov*.

RIN: 1601–AA79

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

269. Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations

Regulatory Plan: This entry is Seq. No. 44 in part II of this issue of the **Federal Register**.

RIN: 1615–AB71

270. Requirements for Filing Motions and Administrative Appeals

E.O. 13771 Designation: Other.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

Abstract: This rule proposes to revise the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office (AAO). The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components. The proposed changes are intended to promote simplicity, accessibility, and efficiency in the administration of USCIS appeals and motions. The Department also solicits public comment on proposed changes to the AAO's appellate jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles ''Locky'' Nimick, Deputy Chief, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, 20 Massachusetts Avenue NW, Washington, DC 20529–2090, *Phone:* 703 224–4501, *Email: charles.nimick@usics.dhs.gov*.

RIN: 1615–AB98

271. EB–5 Immigrant Investor Regional Center Program

Regulatory Plan: This entry is Seq. No. 46 in part II of this issue of the **Federal Register**.

RIN: 1615–AC11

272. • Removing H–4 Dependent Spouses From the Class of Aliens Eligible for Employment Authorization

Regulatory Plan: This entry is Seq. No. 48 in part II of this issue of the **Federal Register**.

RIN: 1615–AC15

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Final Rule Stage

273. EB–5 Immigrant Investor Program Modernization

Regulatory Plan: This entry is Seq. No. 49 in part II of this issue of the **Federal Register**.

RIN: 1615–AC07

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Proposed Rule Stage

274. • Financial Responsibility—Vessels; Superseded Pollution Funds (USCG–2017–0788)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 2704; 33 U.S.C. 2716 and 2716a; 42 U.S.C. 9607 to 9609; 6 U.S.C. 552; E.O. 12580; sec. 7(b), 3 CFR, 1987; Comp., p. 193; E.O. 12777, secs. 4 and 5, 3 CFR, 1991 Comp., p. 351, as amended by E.O. 13286, Sec. 89, 3; 3 CFR, 2004 Comp., p. 166, and by E.O. 13638, sec. 1, 3 CFR, 2014 Comp., p. 227; Department of Homeland; Security Delegation Nos. 0170.1 and 5110, Revision 01

Abstract: The Coast Guard proposes to amend its rule on vessel financial responsibility to include tank vessels greater than 100 gross tons, to clarify and strengthen the rule's reporting requirements, to conform its rule to current practice, and to remove two superseded regulations. This rulemaking will ensure the Coast Guard has current information when there are significant changes in a vessel's operation, ownership, or evidence of financial responsibility, and reflect current best practices in the Coast Guard's management of the Certificate of Financial Responsibility program. This rulemaking will also promote the Coast Guard's missions of maritime stewardship, maritime security and maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, NPFC MS 7100, 4200 Wilson Boulevard, Arlington, VA 20598–7100, *Phone:* 202 493–6863, *Email: benjamin.h.white@uscg.mil.*

RIN: 1625–AC39

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

275. Seafarers' Access to Maritime Facilities

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; Pub. L. 111–281, sec. 811

Abstract: This regulatory action will implement section 811 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281), which requires the owner/operator of a facility regulated by the Coast Guard under the Maritime Transportation Security Act of 2002 (Pub. L. 107–295) (MTSA) to provide a system that enables seafarers and certain other individuals to transit between vessels moored at the facility and the facility gate in a timely manner at no cost to the seafarer or other individual. Ensuring that such access through a facility is consistent with the security requirements in MTSA is part of the Coast Guard's Ports, Waterways, and Coastal Security (PWCS) mission.

Timetable:

Action	Date	FR Cite
NPRM	12/29/14	79 FR 77981
NPRM Comment Period Reopened.	05/27/15	80 FR 30189
NPRM Comment Period End.	07/01/15	
Final Rule	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Yamaris Barril, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Commandant (CG–FAC–2) STOP 7501, Washington, DC 20593, *Phone:* 202 372–1151, *Email: yamaris.d.barril@uscg.mil.*

RIN: 1625–AC15

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

276. Outer Continental Shelf Activities

E.O. 13771 Designation: Other.

Legal Authority: 43 U.S.C. 1333(d)(1); 43 U.S.C. 1348(c); 43 U.S.C. 1356; DHS Delegation No 0170.1

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health on facilities and vessels engaged in the exploration for, or development, or production of, minerals on the Outer Continental Shelf (OCS), other than for matters generally related to drilling and production that are regulated by the Bureau of Safety and Environmental Enforcement (BSEE). This project would revise the regulations on OCS activities by: (1) Adding new requirements, for OCS units for lifesaving, fire protection, training, and helidecks; (2) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and (3) requiring foreign vessels engaged in OCS activities to comply with rules similar to those imposed on U.S. vessels similarly engaged. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

Timetable:

Action	Date	FR Cite
Request for Comments.	06/27/95	60 FR 33185
Comment Period End.	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended.	03/16/00	65 FR 14226
NPRM Comment Period Extended.	06/30/00	65 FR 40559
NPRM Comment Period End.	11/30/00	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Rawson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–ENG–2), 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1390, *Email: charles.e.rawson@uscg.mil.*

RIN: 1625–AA18

277. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–281

Abstract: The Coast Guard proposes to implement those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect

upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
NPRM	06/21/16	81 FR 40437
NPRM Comment Period Extended.	08/15/16	81 FR 53986
NPRM Comment Period End.	10/19/16	
Second NPRM Comment Period End.	12/18/16	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jack Kemerer, Project Manager, CG–CVC–3, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1249, *Email: jack.a.kemerer@uscg.mil.*

RIN: 1625–AB85

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Long-Term Actions

278. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 109–347, sec. 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

Abstract: This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, Customs and Border Protection (CBP) published an interim final rule (CBP Dec. 08–46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the NPRM. It requires carrier and importers to provide to CBP, via a CBP approved electronic data interchange system, certain advance information pertaining to cargo brought into the United States by vessel to enable CBP to identify high-risk shipments to prevent smuggling and ensure cargo safety and security. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. (See 73 FR 71782–85 for regulatory text and 73 CFR 71733–34 for general discussion.) The remaining requirements of the rule were adopted as final.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Branch Chief, Advance Data Programs and Cargo Initiatives, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AA70

279. Implementation of the Guam-CNMI Visa Waiver Program (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 110–229, sec. 702

Abstract: The interim final rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Stephanie Watson, Supervisory Program Manager, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW, 2.5B–38, Washington, DC 20229, *Phone:* 202 325–4548, *Email: stephanie.e.watson@cbp.dhs.gov.*

RIN: 1651–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Completed Actions

280. Waiver of Passport and VISA Requirements Due to an Unforeseen Emergency

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 212(a)(7)(B) INA 8 U.S.C. 1182(a)(7)

Abstract: This rule reinstates a 1996 amendment to 8 CFR 212.1(g) regarding a waiver of documentary requirements for nonimmigrants seeking admission to the United States. The 1996 amendment allowed the former Immigration and Naturalization Service (INS) to waive passport and visa requirements due to an unforeseen emergency while preserving its ability to fine carriers for unlawfully transporting aliens to the United States who do not have a valid passport or visa. On November 20, 2009, the United States Court of Appeals for the Second Circuit invalidated the 1996 amendment based on procedural grounds.

Timetable:

Action	Date	FR Cite
NPRM	03/08/16	81 FR 12032
NPRM Comment Period End.	05/09/16	
Final Rule	09/05/17	82 FR 41867
Final Rule Effective.	10/05/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph R. O'Donnell, Program Manager, Fines, Penalties and Forfeitures Division, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 344–1691, *Email: joseph.r.odonnell@dhs.gov.*

RIN: 1651–AA97

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Proposed Rule Stage

281. General Aviation Security and Other Aircraft Operator Security

E.O. 13771 Designation: Deregulatory.

Legal Authority: 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

Abstract: On October 30, 2008, the Transportation Security Administration (TSA) issued a notice of proposed rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs. TSA has decided to not pursue this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Notice of Withdrawal.	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Knott, Branch Manager, Industry Engagement Branch—Aviation Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–4370, *Email: kevin.knott@tsa.dhs.gov.*

Alex Moscoso, Chief Economist, Economic Analysis Branch—Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

Mardi Ruth Thompson, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 202 365–1850, *Fax:* 571 227–1379, *Email: mardi.thompson@tsa.dhs.gov.*

RIN: 1652–AA53

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Final Rule Stage

282. Security Training for Surface Transportation Employees

Regulatory Plan: This entry is Seq. No. 57 in part II of this issue of the **Federal Register**.

RIN: 1652–AA55

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Proposed Rule Stage

283. Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 8 U.S.C. 1103

Abstract: U.S. Immigration and Customs Enforcement (ICE) proposes to set forth standards and procedures ICE will follow before making a determination to stop accepting immigration bonds posted by a surety company that has been certified to issue bonds by the Department of the Treasury when the company does not cure deficient performance. Treasury administers the Federal corporate surety program and, in its current regulations, allows agencies to prescribe ''for cause'' standards and procedures for declining to accept bonds from Treasury-certified sureties. ICE would also require surety companies seeking to overturn a breach determination to file an administrative appeal raising all legal and factual defenses.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Beth Cook, Deputy Chief, Office of the Principal Legal Advisor, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Suite 200, 166 Sycamore Street, Williston, VT 05495, *Phone:* 802 288–7742, *Email: beth.e.cook@ice.dhs.gov.*

Molly Stubbs, ICE Regulatory Coordinator, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536, *Phone:* 202 732–6202, *Email: molly.stubbs@ice.dhs.gov.*

Brad Tuttle, Attorney Advisor, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536, *Phone:* 202 732–5000, *Email: bradley.c.tuttle@ice.dhs.gov.*

RIN: 1653–AA67

DEPARTMENT OF HOMELAND SECURITY (DHS)

Federal Emergency Management Agency (FEMA)

Proposed Rule Stage

284. Updates to Floodplain Management and Protection of Wetlands Regulations To Implement Executive Order 13690 and the Federal Flood Risk Management Standard

E.O. 13771 Designation: Deregulatory.

Legal Authority: E.O. 11988, as amended; 42 U.S.C. 5201; 6 U.S.C. 101 *et seq.;* . . .

Abstract: The Federal Emergency Management Agency (FEMA) plans to withdraw a notice of proposed rulemaking (NPRM) that published on August 22, 2016. The NPRM proposed changes to FEMA's ''Floodplain Management and Protection of Wetlands'' regulations to implement Executive Order 13690, which established the Federal Flood Risk Management Standard (FFRMS). FEMA also plans to withdraw a proposed supplementary policy (FEMA Policy: 078–3), which clarified how FEMA would apply the FFRMS. On August 15, 2017, the President issued Executive Order 13807, which revoked Executive Order 13690. Accordingly, FEMA plans to withdraw the NPRM and proposed supplementary policy.

Timetable:

Action	Date	FR Cite
NPRM	08/22/16	81 FR 57401
NPRM Comment Period End.	10/21/16	
Notice of Withdrawal.	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristin Fontenot, Office of Environmental and Historic Preservation, Department of Homeland Security, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, *Phone:* 202 646–2741, *Email: kristin.fontenot@fema.dhs.gov.*

RIN: 1660–AA85

[FR Doc. 2017–28212 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. FR–6028–N–02]

Semiannual Regulatory Agenda

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual regulatory agenda.

SUMMARY: In accordance with section 4(b) of Executive Order 12866, ''Regulatory Planning and Review,'' as amended, HUD is publishing its agenda of regulations already issued or that are expected to be issued during the next several months. The agenda also includes rules currently in effect that are under review and describes those regulations that may affect small entities, as required by section 602 of the Regulatory Flexibility Act. The purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with advance information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500; telephone number 202–708–3055. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 800–877–8339 (Federal Relay Service).

SUPPLEMENTARY INFORMATION: Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735), as amended, requires each department or agency to prepare semiannually an agenda of: (1) Regulations that the department or agency has issued or expects to issue, and; (2) rules currently in effect that are under departmental or agency review. The Regulatory Flexibility Act (5 U.S.C. 601–612) requires each department or agency to publish semiannually a regulatory agenda of rules expected to be proposed or promulgated that are likely to have a significant economic impact on a substantial number of ''small entities,'' meaning small businesses, small organizations, or small governmental jurisdictions. Executive Order 12866 and the Regulatory Flexibility Act permit incorporation of the agenda required by these two authorities with any other prescribed agenda.

HUD's regulatory agenda combines the information required by Executive Order 12866 and the Regulatory Flexibility Act. As in the past, HUD's complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

The Department is subject to certain rulemaking requirements set forth in the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight of HUD (the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services), a semiannual agenda of all rules or regulations that are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. Section 7(o) provides that if, within that period, either committee notifies the Secretary that it intends to review any rule or regulation that appears on the agenda, the Secretary must submit to both committees a copy of the rule or regulation, in the form that it is intended to be proposed, at least 15 calendar days before it is to be published for comment. The semiannual agenda posted on *www.reginfo.gov* is the agenda transmitted to the committees in compliance with the above requirements.

HUD has attempted to list in this agenda all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently omitted, or may have arisen too late to be included in the published agenda. There is no legal significance to the omission of an item from this agenda. Also, where a date is provided for the next rulemaking action, the date is an estimate and is not a commitment to act on or by the date shown.

In some cases, HUD has withdrawn rules that were placed on previous agendas for which there has been no publication activity. Withdrawal of a rule does not necessarily mean that HUD will not proceed with the rulemaking. Withdrawal allows HUD to assess the subject matter further and determine whether rulemaking in that area is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate. If that determination is made, such rules will be included in a succeeding semiannual agenda.

In addition, for a few rules that have been published as proposed or interim rules and which, therefore, require further rulemaking, HUD has identified the timing of the next action stage as ''undetermined.'' These are rules that are still under review by HUD for which a determination and timing of the next action stage have not yet been made.

Since the purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about the Department's future regulatory actions, HUD invites all interested members of the public to comment on the rules listed in the agenda.

Beth Zorc,

Principal Deputy General Counsel.

OFFICE OF HOUSING—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
285	24 CFR 3280 Manufactured Home Construction and Safety Standards 3rd Set (FR–5739)	2502–AJ34

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Long-Term Actions

285. Manufactured Home Construction and Safety Standards 3RD SET (FR–5739)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 5401 *et seq.;* 42 U.S.C. 3535(d)

Abstract: This proposed rule would amend the Federal Manufactured Home Construction and Safety Standards by adopting certain recommendations made to HUD by the Manufactured Housing Consensus Committee (MHCC). The National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act) requires HUD to publish all proposed revised construction and safety standards submitted by the MHCC. This proposed rule is based on the third set of MHCC recommendations to update and improve various aspects of the Manufactured Housing Construction and Safety Standards. HUD has reviewed those proposals and has made several editorial revisions to the proposals which were reviewed and accepted by the MHCC. This rule proposes to add new standards that would establish requirements for carbon monoxide detection, stairways, fire safety considerations for attached garages, and for duplexes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard Mendlen, Structural Engineer, Office of Manufactured Housing Programs, Office of Housing, Department of Housing and Urban Development, Office of Housing, 451 Seventh Street SW, Washington, DC 20410, *Phone:* 202–708–6423.

RIN: 2502–AJ34

[FR Doc. 2017–28214 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

[167D0102DM; DS6CS00000; DLSN00000.00000; DX6CS25]

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between fall 2017 and fall 2018. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: You should direct all comments and inquiries about these rules to the appropriate agency contact. You should direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at 202–208–3181.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Department's Statement of Regulatory Priorities is included in the Plan.

Mark Lawyer,

Federal Register Liaison Officer.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
286	Revisions to the Blowout Preventer Systems and Well Control Rule	1014–AA39
287	Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf	1014–AA40

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
288	Migratory Bird Hunting; 2018–2019 Migratory Game Bird Hunting Regulations	1018–BB73

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
289	Stream Protection Rule	1029–AC63

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Proposed Rule Stage

286. • Revisions to the Blowout Preventer Systems and Well Control Rule

E.O. 13771 Designation: Deregulatory.

Legal Authority: 43 U.S.C. 1331 to 1356a

Abstract: This rulemaking would revise specific provisions of the final well control rule, 81 FR 25888 (April 29, 2016), for drilling, workover, completion and decommissioning activities based on stakeholder input from the final rule implementation and in accordance with section 4 of Secretary's Order 3350, America-First Offshore Energy Strategy, Executive Order (E.O.) 13783, Promoting Energy Independence and Economic Growth, and section 7 of E.O. 13795, Implementing an America-First Offshore Energy Strategy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lakeisha Harrison, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1552, *Fax:* 703 787–1555, *Email: lakeisha.harrison@bsee.gov.*

RIN: 1014–AA39

287. • Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf

E.O. 13771 Designation: Deregulatory.

Legal Authority: 43 U.S.C. 1331 to 1356a

Abstract: This proposed rule would revise specific provisions of the final Arctic Rule 81 FR 46478 (July 15, 2016) that established a regulatory framework for exploratory drilling and related operations on the Outer Continental Shelf (OCS) of Alaska, focusing solely on the OCS within the Beaufort Sea and Chukchi Sea Planning Areas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bryce Barlan, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 717–1126, *Email: bryce.barlan@bsee.gov.*

RIN: 1014–AA40

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

288. Migratory Bird Hunting; 2018–2019 Migratory Game Bird Hunting Regulations

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 16 U.S.C. 703 to 711; 16 U.S.C. 742a–j

Abstract: We propose to establish annual hunting regulations for certain migratory game birds for the 2018–2019 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2018–2019 duck hunting seasons, requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands, and requests proposals for the 2018 spring and summer migratory bird subsistence season in Alaska. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	06/15/17	82 FR 27521
Public Meeting	06/21/17	82 FR 27521
NPRM	08/03/17	82 FR 36308
NPRM Comment Period End.	09/05/17	
NPRM Supplemental.	10/03/17	82 FR 46011
NPRM Supplemental Comment Period End.	01/15/18	
NPRM; Proposed Frameworks.	12/00/17	
NPRM; Proposed Tribal Regulations.	01/00/18	
Final Rule; Final Frameworks.	03/00/18	
Final Rule; Final Tribal Regulations.	05/00/18	
Final Rule; Final Season Selections.	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald Kokel, Wildlife Biologist, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3808, *Phone:* 703 358–1714, *Email: ronald_kokel@fws.gov*.

RIN: 1018–BB73

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Completed Actions

289. Stream Protection Rule

E.O. 13771 Designation: Deregulatory.

Legal Authority: 30 U.S.C. 1201 *et seq.*

Abstract: The final rule published December 20, 2016 (81 FR 93066) and became effective January 19, 2017. The final rule was nullified by a joint resolution of disapproval under the Congressional Review Act, signed by the President on February 16, 2017 (Pub. L. 115–5). This action conforms to Public Law 115–5 by changing the Code of Federal Regulations to reflect the regulations as they existed before the effective date of the final rule that was nullified under the Congressional Review Act.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/09	74 FR 62664
ANPRM Comment Period End.	12/30/09	
NPRM	07/27/15	80 FR 44436
NPRM Comment Period Extended.	09/10/15	80 FR 54590
NPRM Comment Period End.	09/25/15	
NPRM Comment Period Extended End.	10/26/15	
Final Action	12/20/16	81 FR 93066
Final Action Effective.	01/19/17	
Final Rule; CRA Revocation.	11/17/17	82 FR 54924

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW, Washington, DC 20240, *Phone:* 202 208–2829, *Email: drice@osmre.gov*.

RIN: 1029–AC63

[FR Doc. 2017–28216 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its fall 2017 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Department of Justice's Statement of Regulatory Priorities is included in the Plan.

Beginning with the fall 2007 edition, the internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. Members of the public who wish to comment on proposed regulations that are open for comment may do so at the government-wide website *www.regulations.gov.*

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Justice's regulatory plan.

Dated: September 18, 2017.

Beth A. Williams,

Assistant Attorney General, Office of Legal Policy.

CIVIL RIGHTS DIVISION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
290	Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments.	1190–AA65

DEPARTMENT OF JUSTICE (DOJ)

Civil Rights Division (CRT)

Completed Actions

290. Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments

E.O. 13771 Designation:

Legal Authority: 42 U.S.C. 12101 *et seq.*

Abstract: The Department published an ANPRM on July 26, 2010, RIN 1190–AA61, that addressed issues relating to proposed revisions of both the title II and title III ADA regulations in order to provide guidance on the obligations of covered entities to make programs, services and activities offered over the Web accessible to individuals with disabilities. The Department has now divided the rulemakings in the next step of the rulemaking process so as to proceed with separate notices of proposed rulemakings for title II and title III. The title III rulemaking on Web accessibility will continue under RIN 1190–AA61 and the title II rulemaking will continue under the new RIN 1190–AA65. This rulemaking will provide specific guidance to State and local governments in order to make services, programs, or activities offered to the public via the Web accessible to individuals with disabilities. The ADA requires that State and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. 42. U.S.C. 12132. The internet as it is known today did not exist when Congress enacted the ADA; yet today the internet is dramatically changing the way that governmental entities serve the public. Taking advantage of new technology, citizens can now use State and local government websites to correspond online with local officials; obtain information about government services; renew library books or driver's licenses; pay fines; register to vote; obtain tax information and file tax returns; apply for jobs or benefits; and complete numerous other civic tasks. These Government websites are important because they allow programs and services to be offered in a more dynamic, interactive way in order to increase citizen participation; increase convenience and speed in obtaining information or services; reduce costs in providing information about Government services and administering programs; reduce the amount of paperwork; and expand the possibilities of reaching new sectors of the community or offering new programs or services. Many States and localities have begun to improve the accessibility of portions of their websites. However, full compliance with the ADA's promise to provide an equal opportunity for individuals with disabilities to participate in and benefit from all aspects of the programs, services, and activities provided by State and local governments in today's technologically advanced society will only occur if it is clear to public entities that their websites must be accessible. Consequently, the Department intends to publish a Notice of Proposed Rulemaking (NPRM) to amend its title II regulations to expressly address the obligations of public entities to make the websites they use to provide programs, activities, or services or information to the public accessible to

and usable by individuals with disabilities under the legal framework established by the ADA. The proposed regulation will propose the scope of the obligation to provide accessibility when persons with disabilities access public websites, as well as propose the technical standards necessary to comply with the ADA.

Completed:

Reason	Date	FR Cite
Withdrawn for Further Review.	10/30/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne Raish, *Phone:* 800 514–0301.

RIN: 1190–AA65

[FR Doc. 2017–28223 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

Vol. 83 Friday,

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Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: The internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT: Laura M. Dawkins, Director, Office of Regulatory and Programmatic Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. The Department's Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

R. Alexander Acosta,

Secretary of Labor.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
291	Occupational Exposure to Beryllium **(Reg Plan Seq No. 69)**	1218–AB76

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
292	Infectious Diseases	1218–AC46

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

291. Occupational Exposure to Beryllium

Regulatory Plan: This entry is Seq. No. 69 in part II of this issue of the **Federal Register**.

RIN: 1218–AB76

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

292. Infectious Diseases

E.O. 13771 Designation: Regulatory.

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-Resistant Staphylococcus Aureus (MRSA), and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is developing a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/05/11	76 FR 39041
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC46

[FR Doc. 2017–28225 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part XIII

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[DOT–OST–1999–5129]

Department Regulatory and Deregulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Unified Agenda of Federal Regulatory and Deregulatory Actions (Regulatory Agenda).

SUMMARY: The Regulatory and Deregulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to more effectively participate in the Department's regulatory process. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Jonathan Moss, Assistant General Counsel for Regulation, Office of General Counsel, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B.

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Appendix C—Public Rulemaking Dockets
Appendix D—Review Plans for Section 610 and Other Requirements

SUPPLEMENTARY INFORMATION:

Background

A primary goal of the Department of Transportation (Department or DOT) is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. As such, it is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested stakeholder. The Department also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified.

To help the Department achieve its goals and in accordance with Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory and deregulatory agenda. It summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Agenda.

In addition, this Agenda was prepared in accordance with three new Executive orders issued by President Trump, which directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under Section 2(a) of the Executive order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, Enforcing the Regulatory Reform Agenda. Under this Executive order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. While each regulatory and deregulatory action is evaluated on its own merits, the RRTF augments the Department's consideration of prospective rulemakings by conducting monthly reviews across all OAs to identify appropriate deregulatory actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered. Further information on the RRTF can be found online at: *https://www.transportation.gov/regulations/regulatory-reform-task-force-report.*

The Department's ongoing regulatory effort is guided by four fundamental principles—safety, innovation, investment in infrastructure, and reducing unnecessary regulatory burdens. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and be sure that we do not regress from the successes already achieved. Our planned regulatory actions reflect a careful balance that emphasizes the

Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe, reliable, and sustainable transportation system.

The Agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by OST.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the internet.

Significant Rulemakings

The Agenda covers all rules and regulations of the Department. Subsets of these rules have been classified as significant rules under E.O. 12866 and will be subject to review by the Office of Management and Budget (OMB).

Explanation of Information on the Agenda

An Office of Management and Budget memorandum, dated August 18, 2017, requires the format for this Agenda.

First, the Agenda is divided by initiating offices. Then the Agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the Agenda provides the following information: (1) Its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (*e.g.,* NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for when a rulemaking document may publish; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

Request for Comments

General

Our Agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as making the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D.

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an accountable process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: November 9, 2017.

Elaine L. Chao,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the internet at *http://www.regulations.gov.* See appendix C for more information.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Lirio Liu, Director, Office of Rulemaking, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–7833.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–2992.

FRA—Elliott Gillooly, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 493–6047.

FTA—Chaya Koffman, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–3101.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.

PHMSA—Stephen Gordon, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–1101.

MARAD—Gabriel Chavez, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–2621.

OST—Jonathan Moss, Assistant General Counsel for Regulation, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov.* The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at or deliver comments on proposed rulemakings to the Dockets Office at 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9:00 a.m. to 5:00 p.m.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our Regulatory Policies and Procedures require such reviews. We also have responsibilities under E.O. 12866, ''Regulatory Planning and Review,'' E.O. 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (January 18, 2011), E.O. 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' E.O. 13777, ''Enforcing the Regulatory Agenda,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the designation of a Regulatory Reform Officer, the establishment of a Regulatory Reform Task Force, and the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to revise them. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. The Department will begin a new 10-year review cycle with the Fall 2018 Agenda.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years, and (2) have a ''significant economic impact on a substantial number of small entities'' (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Most agencies provide historical information about the reviews that have occurred over the past 10 years. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. The exception to this general rule is the FAA, which provides information about the reviews it completed for this year and prospective information about the reviews it intends to complete in the next 10 years. Thus, for FAA Year 1 (2017) begins in the fall of 2017 and ends in the fall of 2018; Year 2 (2018) begins in the fall of 2018 and ends in the fall of 2019, and so on. We request

public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (*e.g.,* ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the pre-rulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review)'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov.* For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

Office of the Secretary

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 10 (2017) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 30—Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to US Contractors

49 CFR part 31—Program Fraud Civil Remedies

49 CFR part 32—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

49 CFR part 33—Transportation Priorities and Allocation System

49 CFR part 37—Transportation Services for Individuals With Disabilities (ADA)

49 CFR part 38—Americans With Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles

49 CFR part 39—Transportation for Individuals With Disabilities: Passenger Vessels

49 CFR part 41—Seismic Safety

49 CFR part 71—Standard Time Zone Boundaries

49 CFR part 79—Medals of Honor

49 CFR part 80—Credit Assistance for Surface Transportation Projects

49 CFR part 89—Implementation of Federal Claims Collection Act

Year 9 (2016) List of Rules Analyzed and a Summary of Results

49 CFR part 17—Intergovernmental Review of Department of Transportation Programs and Activities

• *Section 610:* No SEIOSNOSE. This rule, which implements a 1982 Executive order, is based on an OMB model rule. It establishes procedures to ensure that DOT agency actions are appropriately coordinated with state and local governments. It imposes no burdens on State and local governments of whatever size, and the coordination of various policies or projects could help to reduce burdens on small units of government.

• *General:* There is no current need to revise this rule. Any future revision would have to be Governmentwide. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 20—New Restrictions on Lobbying

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* During its review of part OST has concluded that this part needs to update definitions and subsections on compilation of semi-annual certifications. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 21—Nondiscrimination in Federally-Assisted Programs of the Department of Transportation

Effectuation of Title VI of the Civil Rights Act 1964

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* During its review of part OST has concluded that this part needs to be updated to reflect changes to listed authorities and to DOT's structure and organization. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 22—Short-Term Lending Program (STLP)

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* During its review of part OST has concluded that further analysis is needed to determine the applicability of this part. Once determined, OST may initiate a rulemaking to remove these regulations. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 23—Participation of Disadvantaged Business Enterprise in Airport Concessions

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* During its review of part OST has concluded that this part needs to updated to reflect adjustments in business size standards, personal net worth ceilings, updates to instructions, definitions of several terms, good faith efforts by car rental companies, inclusion of a section on joint ventures, accurate listing of firms in UCP directories, and goal setting requirements, among other things. OST's plain language review indicates no need for substantial revision.

49 CFR part 24—Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Updating these regulations are statutorily required and require interagency coordination. OST would initiate a rulemaking to updates these regulations. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 25—Nondiscrimination on The Basis of Sex In Education Programs Or Activities Receiving Federal Financial Assistance

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* During its review of part OST has concluded that this part needs to be updated to reflect changes to several noted legal authorities and to DOT's structure and organization. OST may initiate a rulemaking in the future to make these updates. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 26—Participation by Disadvantaged Business Enterprises In Department of Transportation Financial Assistance Programs.

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* During its review of part OST has concluded that this part needs to be updated in the following areas: Errors in regulatory provisions; removal of provisions that are routinely misunderstood by UCPs and recipients; various technical corrections; increased goal-setting threshold; addressing design-build agreements; and recipient failure to meet overall goals. OST may initiate a rulemaking in the future to make these updates. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 27—Nondiscrimination on The Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* During its review of part OST has concluded that this part needs to be updated to change obsolete language, reflect changes to several noted legal authorities, and to reflect changes to the American With Disabilities Act (ADA) Amendments Act, Public Law 110–325 (2008). OST may initiate a rulemaking in the future to make these updates. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 28—Enforcement of Nondiscrimination on The Basis of Handicap In Programs or Activities Conducted by The Department of Transportation.

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* During its review of part OST has concluded that this part needs to be updated to change obsolete language, reflect changes to several noted legal authorities, and to reflect changes to the American With Disabilities Act (ADA) Amendments Act, Public Law 110–325 (2008). OST may initiate a rulemaking in the future to make these updates. OST's plain language review of this rule indicates the part does not need a substantial revision.

Year 8 (2015) List of Rules Analyzed and a Summary of Results

14 CFR part 399—Statements of General Policy

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the recodification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

49 CFR part 1—Organization and Delegation of Power and Duties

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.

• *General:* OST reviewed these regulations and found that the part needs to be updated to reflect changes made in the Fixing America's Surface Transportation (FAST) Act, Public Law 114–94 (2015). OST may initiate a rulemaking in the future to make these updates. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 3—Official Seal

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.

• *General:* OST has reviewed these regulations and found that the part needs to be updated to reduce costs and ensure the regulations accurately describe the actual design of the seal. OST may initiate a rulemaking in the future to make these updates. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 5—Rulemaking Procedures

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.

• *General:* OST has reviewed these regulations and found that the part needs to be updated to reflect current Departmental procedures. OST may initiate a rulemaking for these purposes. OST's plain language review of the rule indicates a potential need for revision.

49 CFR part 6—Implementation of Equal Access to Justice Act in Agency Proceedings

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.

• *General:* OST has reviewed these regulations and found that the part needs to be updated to reflect the current content of the relevant statute. OST may initiate a rulemaking for these purposes. OST's plain language review of the rule indicates a potential need for revision.

49 CFR part 7—Public Availability of Information

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.

• *General:* OST has reviewed these regulations and recently updated this part to reflect recent statutory changes to the Freedom of Information Act (82 FR 21139, May 5, 2017). OST's plain language review indicates no need for revision.

49 CFR part 8—Classified Information: Classification/Declassification/Access

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* OST has reviewed these regulations and recently updated this part to reflect organization changes and updates to the legal authorities and references (82 FR 40076, July 15, 2016). OST's plain language review indicates no need for further revision at this time.

49 CFR part 9—Testimony of Employees of the Department and Production of Records in Legal Proceedings

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.

• *General:* OST has reviewed these regulations and found that the part needs to be updated to reflect organizational and other changes since the last publication of the part. OST may initiate a rulemaking for these purposes. OST's plain language review of the rule indicates a potential need for revision.

49 CFR part 10—Maintenance of and Access to Records Pertaining to Individuals

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.

• *General:* OST has reviewed these regulations and found that the part needs to be updated to reflect organizational and statutory changes since the last publication of this rule. OST has initiated a rulemaking for these purposes. OST's plain language review of this rule indicates a need for revision.

49 CFR part 11—Protection of Human Subjects

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed at this time. OST reviewed these regulations and participated in a joint update to the Common Rule, in coordination with the U.S. Department of Health and Human Services, published at 82 FR 7149 (January 19, 2017). These regulations are cost effective and impose the least burden on the industries DOT regulates. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 15—Protection of Sensitive Security Information

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* When this rule was enacted, it paralleled 49 CFR part 1520, which creates an analogous Sensitive Security Information regime administered by the Transportation Security Administration (TSA). Since that time, parts 15 and 1520 have diverged due to the two agencies not coordinating amendments to the rules. OST and TSA are completing a rulemaking to eliminate inconsistencies between the two rules. See RIN 2105–AD59. OST's plain language review indicates no need for substantial revision on that basis.

Year 7 (2014) List of Rules Analyzed and Summary of Results

14 CFR part 374—Implementation of the Consumer Credit Protection Act with Respect to Air Carriers and Foreign Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* The reviews performed for the Aviation Clean-up Rule (RIN 2105–AD86) revealed general updates are needed. All changes are incorporated into this rule. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 374a—Extension of Credit by Airlines to Federal Political Candidates

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* The reviews performed for the Aviation Clean-up Rule (RIN 2105–AD86) revealed general updates are needed. All changes are incorporated into this rule. OST's plain language review indicated no need. All changes are incorporated into this rule. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 375—Navigation of Foreign Civil Aircraft within the United States

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 377—Continuance of Expired Authorizations by Operation of Law Pending Final Determination of Applications for Renewal Thereof

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 380—Public Charters

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 381—Special Event Tours

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 382—Nondiscrimination on The Basis Of Disability in Air Travel

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Part 382 implements the Air Carrier Access Act (49 U.S.C. 41705), which broadly prohibits discrimination against a qualified individual with a disability in air transportation. OST's review of Part 382 revealed a number of areas that could benefit from clarification by rulemaking, including: Deleting compliance dates that have passed and are no longer relevant; removal of antiquated conflict of laws waiver request filing requirements; clarification of assertion of defense to enforcement action when conflict of law waiver request is filed; clarification of medical certificate requirements; reordering of certain sections; clarifying that Subpart G requires prompt boarding deplaning and connecting assistance; clarification of requirements regarding baggage containing assistive devices; handling of complaints received via social media; correction of typos; and certain citation corrections. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 383—Civil Penalties

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, these regulations would be revised to implement a catch-up adjustment for inflation and the promulgation of a direct final rule to complete the required annual inflation adjustment to the maximum civil penalty amounts for violations of certain aviation economic statutes and the rules and orders issued pursuant to these statutes. OST would also make a technical correction to reflect a listed statutory authority. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 389—Fees and Charges for Special Services

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 398—Guidelines for Individual Determinations of Basic Essential Air Service

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

Year 7 (2014) List of Rules With Ongoing Analysis

14 CFR part 385—Staff Assignments and Review of Action under Assignments

Year 6 (2013) List of Rules Analyzed and a Summary of Results

14 CFR part 300—Rules of Conduct in DOT Proceedings Under This Chapter

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 302—Rules of Practice in Proceedings

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 303—Review of Air Carrier Agreements

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 305—Rules of Practice in Informal Nonpublic Investigations

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Section 305 should be updated to reflect current practice regarding procedures such as retention of evidence. The update will be made in a rulemaking addressing other updates to the rules. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 313—Implementation of the Energy Policy and Conservation Act

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* These regulations would need to be updated to conform with existing statute. However further analysis is needed because the statute applies only to certain Title 49 actions. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 323—Terminations, Suspensions, and Reductions of Service

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 325—Essential Air Service Procedures

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 330—Procedures For Compensation of Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Part 330 established procedures implementing the airline compensation section of the Air Transportation Safety and System Stabilization Act, which was enacted following the terrorist attacks of September 11, 2001, Public Law 107–42, (Sept. 22, 2001) (the Stabilization Act). Section 103 of the Stabilization Act appropriated up to $5 billion, to be administered by the Department of Transportation, to compensate air carriers for losses they incurred due to the attacks. Part 330 set out carrier eligibility criteria, forms for applying for the compensation payments, details on types of losses that would and would not be eligible for compensation, audit procedures, and details on a set-aside program for certain air taxis, commuter carriers, and other small carriers. Of the 427 applications processed, 407 applicants were deemed eligible under part 330. These carriers received payments in a total amount of $4.6 billion. All eligible appropriations have been completed and payments have now been processed and paid, and all functions and responsibilities under this section have been fulfilled. As a result, Part 330 serves no further purpose and should be removed. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 372—Overseas Military Personnel Charters

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* OST's general review of the regulations indicates that they may be duplicative of other DOT regulations governing charters. Therefore, OST will conduct a rulemaking to evaluate the necessity of part 372 and to rescind it if necessary. OST's plain language review of these rules indicates no need for substantial revision on that basis.

Year 5 (Fall 2012) List of Rules Analyzed and a Summary of Results

14 CFR part 255—Airline Computer Reservations Systems

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* This provision was promulgated with a termination date of July 31, 2004, unless extended. The rule was not extended; therefore, it is no longer in effect. These regulations were removed in a final rule under RIN–2105–AE11.

14 CFR part 256—Electronic Airline Information Systems

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 257—Disclosure of Code-Sharing Arrangements and Long Term Wet-Leases

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 259—Enhanced Protections for Airline Passenger

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* This regulation would need updating to conform with changes made in the FAA Extension, Safety, and Security Act of 2016. OST's plain language review indicates no need for substantial revision.

14 CFR part 271—Guidelines for Subsidizing Air Carriers Providing Essential Air Transportation

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 272—Essential Air Service to the Freely Associated States

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Part 272 established essential air service procedures for the Freely Associated States comprising the Federated States of Micronesia (Ponape, Truk and Yap), the Marshall Islands (Majuro and Kwajalein), and Koror in Palau. The procedures include requirements for airlines to file notice before suspending service, an obligation to continue to provide service when subsidy is available, and carrier-selection criteria. Section 272.12 states, ''These provisions shall terminate on October 1, 1998, unless the essential air service program to the Federated States of Micronesia, the Marshall Islands and Palau is specifically extended by Congress.'' Congress did not extend the program (Pub. L. 101–219, Sec. 110(b),

(Dec.12,1989)). Thus, the statutory basis for the regulation no longer exists and Part 272 should be removed. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 291—Cargo Operations in Interstate Air Transportation

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 293—International Passenger Transportation

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE

• *General:* No changes are needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 294—Canadian Charter Air Taxi Operators

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 296—Indirect Air Transportation of Property

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 297—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 298—Exemptions for Air Taxi and Commuter Air Carrier Operations

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

49 CFR part 40—Procedures for Transportation Workplace Drug and Alcohol Testing Programs

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* The OST review of this regulation indicated a need to harmonize it with the Department of Health and Human Services requirements by adding additional drugs requiring testing. OST's plain language review indicated no need for substantial revision on that basis.

Year 5 (Fall 2012) List of Rules With Ongoing Analysis

14 CFR part 258—Disclosure of Change-of-Gauge Services

14 CFR part 292—International Cargo Transportation

Year 4 (Fall 2011) List of Rules Analyzed and a Summary of Results

14 CFR part 234—Airline Service Quality Performance Reports

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* In December 2016, this part was reviewed as part of the rule for Enhancing Airline Passenger Protections (see RIN 2105–AE11). Also, OST is proposing a rulemaking action under RIN 2105–AE68 addressing how carriers would report cancelled flights that are satisfied by a partner airline. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 235—Reports by Air Carriers on the Incidents Involving Animals During Air Transport

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE

• *General:* No changes are needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 240—Inspection of Accounts and Property

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* The review revealed that general updates are needed. All changes are incorporated into the Aviation Clean-up Rule. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* The reviews performed for the Aviation Clean-up Rule (RIN 2105–AD86) revealed general updates are needed and all changes are incorporated into this rule. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 243—Passenger Manifest Information

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 244—Reporting Tarmac Delay Data

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* OST's review revealed that the language ''a tarmac delay of three hours or more,'' in section 244.3(a) is inaccurate and was the result of a drafting oversight. The language should be amended to, ''a tarmac delay of more than three hours.'' Also, there was a field omission regarding the information airlines must include as part of their Form 244 report. Subpart 244.3(a)(18) should be added with the language, ''Total length of tarmac delay over three hours.'' . As a result, OST will be conducting a rulemaking to update the regulation by modifying language. OST's plain language review of these rules indicates no need for substantial revision.

14 CFR part 247—Direct Airport-to-Airport Mileage Records

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 248—Submission of Audit Reports

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 249—Preservation of Air Carrier Records

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 250—Oversales

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* This part was last revised in August 2015 to adjust denied boarding compensation amounts for inflation (80 FR 30144). OST is considering revising several sections (250.5, 250.9, and 250.11) for plain language. OST is also considering general revisions to conform with new rules allowing for electronic payment of denied boarding compensation, and to account for the prevalence of e-ticketing.

14 CFR part 251—Carriage of Musical Instruments

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* This regulation implements section 403 of the FAA Modernization and Reform Act of 2012 regarding the carriage of musical instruments as carry-on baggage or checked baggage on commercial passenger flights operated by air carriers. The rule text implements the statute verbatim. There is no further action necessary.

14 CFR part 252—Smoking Aboard Aircraft

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* This part was thoroughly revised in March 2016 (81 FR 11415). There is no further action necessary at this time. The rule is currently being challenged in the D.C. Circuit (CEI vs. DOT; #16–1128). Revisions may be required if the suit is successful. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 253—Notice of Terms of Contract of Carriage

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* This part was last revised, in part, in April 2011 (76 FR 26163). OST has decided that additional editorial updates are needed and to remove certain outdated language. OST has determined that Sections 253.1, 253.2, and 253.10 should be revised for plain language.

14 CFR part 254—Domestic Baggage Liability

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* This part was last revised in August 2015 to adjust domestic baggage liability limits (80 FR 30144). OST is considering revising several sections (254.1 and 254.2) for plain language. No other revisions are necessary.

14 CFR part 259—Enhancing Protections for Airline Passengers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* This part was last revised in 2009, OST has determined that changes are needed to make sections 259.3 and 259.4 consistent with 49 U.S.C. 42301. OST has a proposed rulemaking action under RIN 2105–AE47 that would make the necessary updates to this regulation. OST's plain language review indicates no need for substantial revision on that basis.

Year 3 (Fall 2010) List of Rules Analyzed and a Summary of Results

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. OST plain language review of these rules indicates no need for substantial revision.

14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 216—Commingling of Blind Sector Traffic by Foreign Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* The reviews performed for the Aviation Clean-up Rule (RIN 2105–AD86) revealed general updates are needed. All changes are incorporated into this rule. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 221—Tariffs

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 223—Free and Reduced-Rate Transportation

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Part 232 established procedures for a party aggrieved by an order of the Postmaster General to request a review by DOT. In 2008, amendments to 49 U.S.C. 41902 removed from the statute the authority for the Secretary of Transportation to amend, modify, suspend, or cancel an order of the Postal Service (Pub. L. 110–405, Jan. 4, 2008). Accordingly, the statutory basis for part 232 regulations no longer exists and part 232 should be removed. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

Year 2 (Fall 2009) List of Rules With Ongoing Analysis

48 CFR part 1200—[Reserved]

48 CFR part 1201—Federal Acquisition Regulations System

48 CFR part 1202—Definitions of Words and Terms—

48 CFR part 1203—Improper Business Practices and Personal Conflicts of Interest

48 CFR part 1204—Administrative Matters

48 CFR part 1205—Publicizing Contract Actions

48 CFR part 1206—Competition Requirements

48 CFR part 1207—Acquisition Planning

48 CFR part 1208–1210—[Reserved]
48 CFR part 1211—Describing Agency Needs
48 CFR part 1212—[Reserved]
48 CFR part 1213—Simplified Acquisition Procedures
48 CFR part 1214—Sealed Bidding
48 CFR part 1215—Contracting By Negotiation
48 CFR part 1216—Types of Contracts
48 CFR part 1217—Special Contracting Methods
48 CFR part 1218—[Reserved]
48 CFR part 1219—Small Business Programs
48 CFR part 1220—1221—[Reserved]
48 CFR part 1222—Application of Labor Laws To Government Acquisitions
48 CFR part 1223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
48 CFR part 1224—Protection of Privacy and Freedom of Information
48 CFR part 1225–1226—[Reserved]
48 CFR part 1227—Patents, Data, and Copyrights
48 CFR part 1228—Bonds and Insurance
48 CFR part 1229–130—[Reserved]
48 CFR part 1231—Contract Cost Principles and Procedures
48 CFR part 1232—Contract Financing
48 CFR part 1233—Protests, Disputes, and Appeals
48 CFR part 1234—[Reserved]
48 CFR part 1235—Research and Development Contracting
48 CFR part 1236—Construction and Architect-Engineer Contracts
48 CFR part 1237—Service Contracting
48 CFR part 1238—[Reserved]
48 CFR part 1239—Acquisition of Information Technology
48 CFR part 1240–1241—[Reserved]
48 CFR part 1242—Contract Administration and Audit Services
48 CFR part 1243–1244—[Reserved]
48 CFR part 1245—Government Property
48 CFR part 1246—Quality Assurance
48 CFR part 1247—Transportation
48 CFR part 1248–1251—[Reserved]
48 CFR part 1252—Solicitation Provisions and Contract Clauses
48 CFR part 1253—Forms
48 CFR part 1254–1299—Reserved

Year 1 (Fall 2008) List of Rules Analyzed and a Summary of Results

49 CFR part 91—International Air Transportation Fair Competitive Practices

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the International Air Transportation Fair Competitive Practices Act of 1974 was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Furthermore, under the Airline Deregulation Act of 1978, the authority of the Civil Aeronautics Board was transferred to the Department of Transportation. As a result, OST will seek to conduct a rulemaking to rescind the rule. OST's plain language review indicates no need for substantial revision on that basis.

49 CFR part 92—Recovering Debts to the United States by Salary Offset

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Changes are needed to make the regulations current regarding certain administrative updates and removal of outdated language. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 93—Aircraft Allocation

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Upon OST review of this rule it is recommended that to regulation is repealed. However, before moving forward DOT will need to ascertain if this action would impact DOD's implementation of the Civil Reserve Air fleet Program. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* OST is considering a rulemaking to rescind this rule since there is already adequate procedure for referral of violations of the criminal post-Government employment rules to the Inspector General or the Department of Justice. See 5 CFR 2638.502.

49 CFR part 99—Employee Responsibilities and Conduct

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Recommend rulemaking to rescind this rule.

14 CFR part 200—Definitions and Instructions

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 204—Data to Support Fitness Determinations

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since

the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 205—Aircraft Accident Liability Insurance

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* OST's general review of the regulations indicates that they may be duplicative of the regulations of 14 CFR part 212. Therefore, OST will conduct a rulemaking to evaluate the necessity of part 207 and to rescind it if necessary. See RIN 2105–AD86. OST's plain language review of these rules indicates no need for substantial revision on that basis.

14 CFR part 208—Charter Trips by U.S. Charter Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* OST's general review of the regulations indicates that they may be duplicative of the regulations of 14 CFR part 212. Therefore, OST will conduct a rulemaking to evaluate the necessity of part 208 and to rescind it if necessary. See RIN 2105–AD86. OST's plain language review of these rules indicates no need for substantial revision on that basis.

14 CFR part 211—Applications for Permits to Foreign Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

Federal Aviation Administration

Section 610 and Other Reviews

Section 610 Review Plan and Summary

The Federal Aviation Administration (FAA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10% block of the regulations will be *analyzed* to identify those with a significant economic impact on a substantial number of small entities (SEISNOSE). During the second year (the ''*review year*''), each rule identified in the analysis year as having a SEISNOSE will be *reviewed* in accordance with Section 610 (b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 417 through 460	2017	2018
2	14 CFR parts 119 through 129 and parts 150 through 156	2018	2019
3	14 CFR parts 133 through 139 and parts 157 through 169	2019	2020
4	14 CFR parts 141 through 147 and parts 170 through 187	2020	2021
5	14 CFR parts 189 through 198 and parts 1 through 16	2021	2022
6	14 CFR parts 17 through 33	2022	2023
7	14 CFR parts 34 through 39 and parts 400 through 405	2023	2024
8	14 CFR parts 43 through 49 and parts 406 through 415	2014	2025
9	14 CFR parts 60 through 77	2025	2026
10	14 CFR parts 91 through 105	2026	2027

Background on the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 as amended (RFA), (§§ 601 through 612 of Title 5, United States Code (5 U.S.C.)) requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which includes small businesses, small organizations, and small governmental jurisdictions. The primary purpose of the RFA is to establish as a principle of regulatory issuance that Federal agencies endeavor, consistent with the objectives of the rule

and applicable statutes, to fit regulatory and informational requirements to the scale of entities subject to the regulation. The FAA performed the required RFA analyses of each final rulemaking action and amendment it has initiated since enactment of the RFA in 1980.

Section 610 of 5 U.S.C. requires government agencies to periodically review all regulations that will have a SEISNOSE. The FAA must analyze each rule within 10 years of its publication date.

Defining SEISNOSE

The RFA does not define ''significant economic impact.'' Therefore, there is no clear rule or number to determine when a significant economic impact occurs. However, the Small Business Administration (SBA) states that significance should be determined by considering the size of the business, the size of the competitor's business, and the impact the same regulation has on larger competitors.

Likewise, the RFA does not define ''substantial number.'' However, the legislative history of the RFA suggests that a substantial number must be at least one but does not need to be an overwhelming percentage such as more than half. The SBA states that the substantiality of the number of small businesses affected should be determined on an industry-specific basis.

This analysis consisted of the following three steps:

- Review of the number of small entities affected by the amendments to parts 417 through 460.
- Identification and analysis of all amendments to parts 417 through 460 since 2007 to determine whether any still have or now have a SEISNOSE.
- Review of the FAA Office of Aviation Policy, and Plans regulatory flexibility assessment of each amendment performed as required by the RFA.

Year 2 (2018) List of Rules To Be Analyzed the Next Year

14 CFR part 119—Certification: Air Carriers and Commercial Operators
14 CFR part 120—Drug and Alcohol Testing Program
14 CFR part 121—Operating Requirements: Domestic, Flag, and Supplemental Operations
14 CFR part 125—Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More; and Rules Governing Persons on Board Such Aircraft
14 CFR part 129—Operations: Foreign Air Carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage
14 CFR part 150—Airport Noise Compatibility Planning
14 CFR part 151—Federal Aid to Airports
14 CFR part 152—Airport Aid Program
14 CFR part 153—Airport Operations
14 CFR part 155—Release of Airport Property from Surplus Property Disposal Restriction
14 CFR part 156—State Block Grant Pilot Program

Year 1 (2017) List of Rules Analyzed and a Summary of Results

14 CFR part 417—Launch Safety

- *Section 610:* The agency conducted a Section 610 review of this part and found Amendment No. 417–5, 81 FR 59439, Aug. 30, 2016. Amendment 91–314, 75 FR 30193, May 28, 2010; Amendment 91–314, 75 FR 30193, May 28, 2010; and Amendment 91–330, 79 FR 9972, Feb. 21, 2014 trigger SEISNOSE within the meaning of the RFA.
- *General:* No changes are needed. The FAA has considered a number of alternatives in attempts to lower compliance costs for small entities, but could not go forward with the lower cost alternatives without compromising the safety for the industry. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 420—License to Operate a Launch Site

- *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.
- *General:* No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 431—Launch and Reentry of a Reusable Launch Vehicle (RLV)

- *Section 610:* Section 610: The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- *General:* No changes are needed. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 433—License to Operate a Reentry Site

- *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.
- *General:* No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 435—Reentry of a Reentry Vehicle Other Than a Reusable Launch Vehicle (RLV)

- *Section 610:* The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- *General:* No changes are needed. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 437—Experimental Permits

- *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.
- *General:* No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 440—Financial Responsibility

- *Section 610:* Section 610: The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- *General:* No changes are needed. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 460—Human Space Flight Requirements

- *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.
- *General:* No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

Federal Highway Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2008	2009
2	23 CFR parts 1 to 260	2009	2010
3	23 CFR parts 420 to 470	2010	2011

Year	Regulations to be reviewed	Analysis year	Review year
4	23 CFR part 500	2011	2012
5	23 CFR parts 620 to 637	2012	2013
6	23 CFR parts 645 to 669	2013	2014
7	23 CFR parts 710 to 924	2014	2015
8	23 CFR parts 940 to 973	2015	2016
9	23 CFR parts 1200 to 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highway is chapter I of title 23 of the U.S.C. 145 of title 23, expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 9 (Fall 2016) List of Rules Analyzed and a Summary of Results

23 CFR part 1200—Uniform Procedures for State Highway Safety Grant Programs

• *Section 610:* No SEIOSNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1208—National Minimum Drinking Age

• *Section 610:* No SEIOSNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1210—Operation of Motor Vehicles by Intoxicated Minors

• *Section 610:* No SEIOSNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1215—Use of Safety Belts—Compliance and Transfer-of-Funds Procedures

• *Section 610:* No SEIOSNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1225—Uniform System for Parking for Persons With Disabilities

• *Section 610:* No SEIOSNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1240—Safety Incentive Grants for Use of Seat Belts—Allocations Based on Seat Belt Use Rates

• *Section 610:* No SEIOSNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 10 (Fall 2017) List of Rules That Will be Analyzed During the Next Year

New Parts and Subparts since 2008 that have not undergone review

23 CFR part 490—National Performance Management Measures

23 CFR part 505—Projects of National and Regional Significance Evaluation and Rating

23 CFR part 511—Real-Time System Management Information Program

23 CFR part 650 Subpart E—National Tunnel Inspection Standards

Federal Motor Carrier Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 372, subpart A	2008	2009
2	49 CFR part 386	2009	2010
3	49 CFR parts 325 and 390 (General)	2010	2011
4	49 CFR parts 390 (Small Passenger-Carrying Vehicles), 391 to 393 and 396 to 399	2011	2012
5	49 CFR part 387	2012	2013
6	49 CFR parts 360, 365, 366, 368, 374, 377, and 378	2013	2014
7	49 CFR parts 356, 367, 369, 370, 371, 372 (subparts B and C)	2014	2015
8	49 CFR parts 373, 376, and 379	2015	2016
9	49 CFR part 375	2016	2017
10	49 CFR part 395	2017	2018

Year 8 (Fall 2014) List of Rules and a Summary of Results

49 CFR part 373—Receipts and Bills

• *Section 610:* There is no SEIOSNOSE. FMCSA requires certain motor carriers and freight forwarders to issue and retain a receipt or bill of lading for property tendered for transportation in interstate or foreign commerce.

• *General:* These regulations are cost effective and impose almost no additive financial burden upon the carrier. Retaining billing information constitutes a prudent business practice which would likely be required for tax and customer service purposes. The rule is

written in clear and unambiguous language, and should be retained.

49 CFR part 376—Lease and Interchange of Vehicles

• *Section 610:* There is no SEIOSNOSE. FMCSA requires certain authorized carriers that transport equipment (that it does not own) to retain a lease, and maintain appropriate equipment records.

• *General:* These regulations are cost effective and impose almost no additive financial burden upon the carrier. The rule principally defines the conditions by which certain carriers must retain leasing documents, insurance, financial and other related documentation. The stipulations in the rule are consistent with prudent business practices in support of customer service, accident liability, and financial matters. The rule takes great pains to ''exempt'' carriers, is written in clear and unambiguous language, and should be retained.

49 CFR part 379—Preservation of Records

• *Section 610:* There is no SEIOSNOSE. The rule requires certain companies to retain, protect, store, and as appropriate, dispose of records in accordance with minimum retention periods stipulated in appendix A of part 379.

• *General:* These regulations are cost effective and impose almost no additive financial burden upon the carrier. Retaining financial, contractual, property/equipment, taxes, shipping and other supporting business documents represent a prudent business practice which the carrier should already be doing. The rule is written in clear and unambiguous language and should be retained.

Year 9 (2015) List of Rules With Ongoing Analysis

49 CFR part 375—Transportation of household goods in interstate commerce; consumer protection regulations

Year 10 (2016) List of Rules That Will be Analyzed During the Next Year

49 CFR part 395—Hours of Service of Drivers

National Highway Traffic Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 through 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.138, and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR parts 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR parts 571.201 through 571.212	2015	2016
9	49 CFR parts 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 9 (Fall 2016) List of Rules With Ongoing Analysis

49 CFR part 571.214—Side Impact Protection

49 CFR part 571.215—[Reserved]

49 CFR part 571.216—Roof Crush Resistance; Applicable Unless a Vehicle Is Certified to 571.216a

49 CFR part 571.216a—Roof Crush Resistance; Upgraded Standard

49 CFR part 571.218—Motorcycle Helmets

49 CFR part 571.219—Windshield Zone Intrusion

Year 10 (Fall 2017) List of Rules That Will be Analyzed During the Next Year

Part 591 Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards

Part 592 Registered Importers of Vehicles not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards

Part 593 Determinations That a Vehicle not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards Is Eligible for Importation

Part 594 Schedule of Fees Authorized by 49 U.S.C. 30141

Part 595 Make Inoperative Exemptions

Federal Railroad Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, and 240	2017	2018

Year 9 (Fall 2016) List of Rules Analyzed and a Summary of Results

49 CFR part 222—Use of Locomotive Horns at Public Highway-Rail Grade Crossings

• *Section 610*: There is no SEIOSNOSE.

• *General:* The purpose of this rule is to provide for safety at public highway-rail grade crossings by requiring locomotive horn use at public highway-rail grade crossings except in quiet zones established and maintained in accordance with this rule. FRA's plain language review of this rule indicates no need of substantial revision.

49 CFR part 227—Occupational Noise Exposure

• *Section 610:* There is no SEIOSNOSE.

• *General:* The main objective of the rule is to protect the occupational health and safety of employees whose predominant noise exposure occurs in the locomotive cab. The rule prescribes minimum Federal health and safety noise standards for locomotive cab occupants. This rule does not restrict a railroad or railroad contractor from adopting and enforcing additional or more stringent requirements. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 235—Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements of Part 236

• *Section 610:* There is no SEIOSNOSE.

• *General:* Since the rule prescribes instructions regarding applications for approval of a discontinuance or material modification of a signal system or relief from the requirements of Part 236, it promotes and enhances the safety of railroad operations. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 236—Rules, Standards and Instructions Governing the Installation, Inspection, Maintenance and Repair of Signal and Train Control Systems, Devices and Appliances

• *Section 610:* There is no SEIOSNOSE.

• *General:* Since the rule prescribes standards and instructions about the installation, inspection, maintenance and repair of signal and train control systems, devices and appliances, and performance-based safety standards for PTC systems, it will promote and enhance the safety of railroad operations. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 250—Guarantee of Certificates of Trustees of Railroads in Reorganization

• *Section 610:* There is no SEIOSNOSE.

• *General:* The purpose of this rule is to describe the requirements regarding form and content of applications, required exhibits, fees, execution and filing of applications and general instructions to obtain guarantee of certificates by the Secretary of Transportation for trustees of railroads in reorganization under the former Section 77 of the Bankruptcy Act. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 260—Regulations Governing Loans and Loan Guarantees Under the Railroad Rehabilitation and Improvement Financing Program

• *Section 610:* The Railroad Rehabilitation and Improvement Financing Program, which operates under regulations in 49 CFR part 260 ''Regulations Governing Loans and Loan Guarantees under the Railroad Rehabilitation and Improvement Financing Program'', are now administered by the Executive Director of the Build America Bureau. The Build America Bureau is reviewing the regulations to determine what updates are necessary.

• *General:* The purpose of this rule is to provide direct loans and loan guarantees to eligible applicants, including State and local governments, government sponsored authorities and corporations and railroads. FRA is assessing in, consultation with the Build America Bureau, how to revise 49 CFR part 260 to reflect the RRIF program transfer. FRA is not rescinding the regulations at this time because the Build America Bureau necessarily relies on certain sections under Part 260 in administering the RRIF program.

49 CFR part 266—Assistance to States for Local Rail Service Under Section 5 of the Department of Transportation Act

• *Section 610:* There is no SEIOSNOSE.

• *General:* The purpose of the rule is to provide assistance to States for local rail service which includes: Rail service continuation assistance; acquisition assistance; rehabilitation or improvement assistance; substitute service assistance; rail facility construction assistance; planning assistance; and program operations assistance.

However, there are special limitations on planning assistance and program operations assistance. No appropriations are currently available for providing the assistance. FRA is currently evaluating whether 49 CFR part 266 should be rescinded because FRA does not anticipate future funding of the programs concerned.

Year 10 (Fall 2017) List of Rule(s) That Will be Analyzed During Next Year

49 CFR part 213—Track Safety Standards

49 CFR part 220—Railroad Communications

49 CFR part 230—Steam Locomotive Inspection and Maintenance Standards

49 CFR part 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End of Train Devices

49 CFR part 239—Passenger Train Emergency Preparedness

49 CFR part 240—Qualification and Certification of Locomotive Engineers

Federal Transit Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 9 (Fall 2016) List of Rules Analyzed and Summary of Results

49 CFR part 659—Rail Fixed Guideway Systems; State Safety Oversight

• *Section 610:* The agency has determined that the rule continues to not have a significant effect on a substantial number of small entities. Pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, July 6, 2012), FTA has established a comprehensive public transportation safety program, one element of which is the State Safety Oversight (SSO) Program. (See 49 U.S.C. 5329). FTA has issued a revised SSO Program regulation (49 CFR part 674) which became effective April 15, 2016; however, Part 659 will remain in effect until April 14, 2019 at which time it will sunset. In the interim, SSO Agencies will revise their programs to meet the requirements of Part 674. Prior to publication of the final rule (81 FR 14229, March 16, 2016), FTA evaluated the likely effect of the proposals as required by the Regulatory Flexibility Act, and determined that this rule will have no SEISNOSE. Like Part 659, the parties subject to the rule are those states that must carry out the oversight of rail fixed guideway public transportation systems within their jurisdictions.

• *General:* Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, July 6, 2012). FTA promulgated a new rule, 49 CFR part 674, to implement the MAP–21 requirements which require a state to oversee the safety and security of rail fixed guideway systems within its jurisdiction. Pursuant to MAP–21, Part 659 will be rescinded in April 2019; that is, three-years following the effective date of the Part 674. Meanwhile, states will revise their SSO programs to conform to the new MAP–21 requirements. Part 674 specifies that a state must have its new program standard certified by FTA. In addition, a state must demonstrate its SSOA's financial and legal independence from the RTAs it oversees and demonstrate its ability to effectively oversee the safety of the rail fixed guideway public transportation systems throughout the state. FTA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 663—Pre-Award and Post-Delivery Audits of Rolling Stock Purchases

• *Section 610:* FTA conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* The rule was promulgated to assist transit agencies conducting pre-award and post-delivery audits of rolling stock procurements, as required under 49 U.S.C. 5323(m). The agency has determined that the rule is cost-effective and imposes the least possible burden on small entities. FTA's plain language review of this rule indicates no need for substantial revision.

Year 10 (Fall 2017)—List of Rule(s) That Will be Analyzed This Year

49 CFR part 665—Bus Testing

Maritime Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR parts 221, 298, 308, and 309	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 8 (2015) List of Rules With Ongoing Analysis

46 CFR part 345—Restrictions upon the transfer or change in use or in terms governing utilization of port facilities

46 CFR part 346—Federal port controllers

46 CFR part 370—Claims

46 CFR part 381—Cargo preference—U.S.-flag vessels

Year 9 (2016) List of Rules With Ongoing Analysis

46 CFR part 382—Determination of fair and reasonable rates for the carriage of bulk and packaged preference cargoes on U.S.-flag commercial vessels

46 CFR part 385—Research and development grant and cooperative agreements regulations

46 CFR part 386—Regulations governing public buildings and grounds at the United States Merchant Marine Academy

46 CFR part 387—Utilization and disposal of surplus Federal real property for development or operation of a port facility

46 CFR part 388—Administrative waivers of the Coastwise Trade Laws

46 CFR part 389—Determination of availability of coast-wise-qualified vessels for transportation of platform jackets

Year 10 (2017) List of Rules That Will be Analyzed During the Next Year

46 CFR part 390—Capital Construction Fund implementing regulations

46 CFR part 391—Federal Income Tax Aspects of the Capital Construction Fund

46 CFR part 393—America's Marine Highway Program implementing regulations

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2008	2009
2	49 CFR parts 178 through 180	2009	2010
3	49 CFR parts 172 and 175	2010	2011
4	49 CFR part 171, sections 171.15 and 171.16	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195	2012	2013
6	49 CFR parts 174, 177, 191, and 192	2013	2014

Year	Regulations to be reviewed	Analysis year	Review year
7	49 CFR parts 176 and 199	2014	2015
8	49 CFR parts 172 and 178	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2016	2017
10	49 CFR parts 173 and 194	2017	2018

Year 9 (Fall 2017) List of Rules Analyzed and a Summary of Results

49 CFR parts 172, 173, 174, 176, and 177—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans; Shippers—General Requirements for Shipments and Packagings; Carriage by Rail; Carriage by Vessel; and Carriage by Public Highway.

• *Section 610:* There is no SEIOSNOSE. A substantial number of small entities may be affected by this rule, but the economic impact on those entities is not significant. Plain Language: PHMSA's plain language review of this rule indicates no need for substantial revision. Where confusing or wordy language has been identified, revisions will be proposed in the upcoming biennial international harmonization rulemaking.

• *General:* On March 30, 2017, PHMSA issued a final rule titled ''Hazardous Materials: Harmonization with International Standards'' that amended the Hazardous Materials Regulations (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements (82 FR 15796). These revisions were necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods (IMDG) Code, the International Civil Aviation Organization's Technical Instructions (ICAO TI) for the Safe Transport of Dangerous Goods by Air, and the United Nations (UN) Recommendations on the Transport of Dangerous Goods—Model Regulations. Additionally, PHMSA adopted several amendments to the HMR that resulted from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

This rulemaking action is part of our ongoing biennial process to harmonize the HMR with international regulations and standards. Federal law and policy strongly favor the harmonization of domestic and international standards for hazardous materials transportation. The Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 *et seq.*) directs PHMSA to participate in relevant international standard-setting bodies and promotes consistency of the HMR with international transport standards to the extent practicable. Federal hazmat law permits PHMSA to depart from international standards where appropriate, including to promote safety or other overriding public interests. However, Federal hazmat law otherwise encourages domestic and international harmonization (see 49 U.S.C. 5120).

Harmonization facilitates international trade by minimizing the costs and other burdens of complying with multiple or inconsistent safety requirements for transportation of hazardous materials. Safety is enhanced by creating a uniform framework for compliance, and as the volume of hazardous materials transported in international commerce continues to grow, harmonization becomes increasingly important.

The impact that it will have on small entities is not expected to be significant. The final rule clarified provisions based on PHMSA's initiatives and correspondence with the regulated community and domestic and international stakeholders. The changes are generally intended to provide relief and, as a result, marginal positive economic benefits to shippers, carriers, and packaging manufacturers and testers, including small entities. These benefits are not at a level that can be considered economically significant.

Consequently, this final rule will not have a significant economic impact on a substantial number of small entities. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 193—Liquefied Natural Gas Facilities: Federal Safety Standards

• *Section 610:* There is no SEIOSNOSE.

• *General:* This rule prescribes safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the pipeline safety laws (49 U.S.C. 60101 *et seq.*) and Part 192. PHMSA's plain language review of this rule indicates no need for substantial revision.

Year 10 (fall 2018) List of Rules That Will be Analyzed During the Next Year

49 CFR part 173—Shippers—General Requirements for Shipments and Packagings

49 CFR part 194—Response Plans for Onshore Oil Pipelines

Saint Lawrence Seaway Development Corporation

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	33 CFR parts 401 through 403	2017	2018

Year 1 (Fall 2008) List of Rules With Ongoing Analysis

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

FEDERAL AVIATION ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
293	+ Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization).	2120–AK26

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
294	Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120–AK09
295	+ Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization).	2120–AK22
296	+ Pilot Records Database (HR 5900) **(Reg Plan Seq No. 71)**	2120–AK31
297	+ Aircraft Registration and Airmen Certification Fees	2120–AK37
298	+ Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review).	2120–AK77
299	+ Operations of Small Unmanned Aircraft Over People **(Reg Plan Seq No. 73)**	2120–AK85

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
300	+ Airport Safety Management System	2120–AJ38
301	Updates to Rulemaking and Waiver Procedures and Expansion of the Equivalent Level of Safety Option (Section 610 Review).	2120–AK76
302	+Registration and Marking Requirements for Small Unmanned Aircraft **(Reg Plan Seq No. 76)**	2120–AK82

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
303	+ Regulation Of Flight Operations Conducted By Alaska Guide Pilots	2120–AJ78
304	+ Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization)	2120–AK57

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
305	Motorcoach Lap/Shoulder Seat Belts (Section 610 Review)	2126–AC08
306	Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License (Section 610 Review).	2126–AC11

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
307	Commercial Learner's Permit Validity (Section 610 Review)	2126–AB98
308	Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (Section 610 Review).	2126–AC01
309	Fees for the Unified Carrier Plan and Agreement (Section 610 Review)	2126–AC03

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
310	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126–AA35

+DOT-designated significant regulation.

FEDERAL RAILROAD ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
311	+Train Crew Staffing and Location	2130–AC48

+DOT-designated significant regulation.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
312	Seaway Regulations and Rules: Periodic Update, Various Categories (Rulemaking Resulting From a Section 610 Review).	2135–AA43
313	Tariff of Tolls (Rulemaking Resulting From a Section 610 Review)	2135–AA44

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
314	Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137–AF06

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
315	+Pipeline Safety: Safety of Hazardous Liquid Pipelines **(Reg Plan Seq No. 83)**	2137–AE66
316	Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry (RRR)	2137–AE93
317	+Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains **(Reg Plan Seq No. 85)**.	2137–AF08

+DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Prerule Stage

293. +Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

Abstract: This rulemaking would require a flightcrew member employed by an air carrier conducting operations under part 135 and accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–5749, *Email:* *dale.roberts@faa.gov*.

RIN: 2120–AK26

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

294. Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public. This rulemaking is a statutory mandate under section 308(d) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicky Dunne, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8522, *Email: vicky.dunne@faa.gov.*

RIN: 2120–AK09

295. +Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717

Abstract: This rulemaking would require a flightcrew member who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times. This rule is necessary as it will make part 121 flight, duty, and rest limits applicable to tail-end ferries that follow an all-cargo flight.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–5749, *Email: dale.roberts@faa.gov.*

RIN: 2120–AK22

296. +Pilot Records Database (HR 5900)

Regulatory Plan: This entry is Seq. No. 71 in part II of this issue of the **Federal Register**.

RIN: 2120–AK31

297. +Aircraft Registration and Airmen Certification Fees

E.O. 13771 Designation: Regulatory.

Legal Authority: 31 U.S.C. 9701; 4 U.S.C. 1830; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Pub. L. 108–297, 118 Stat. 1095

Abstract: This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This rulemaking is intended to recover the estimated costs of the various services and activities for which fees would be established or revised.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8994, *Email: isra.raza@faa.gov.*

RIN: 2120–AK37

298. +Requirements To File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 40103

Abstract: This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers at a height of 50 feet above ground level (AGL) up to 200 feet AGL to file notice of construction with the FAA. This rule also requires sponsors of wind turbines to provide certain specific data when filing notice of construction with the FAA. This rulemaking is a statutory mandate under section 2110 of the FAA Extension, Safety, and Security Act of 2016 (Pub. L. 114–190).

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Sheri Edgett–Baron, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–9354.

RIN: 2120–AK77

299. +Operations of Small Unmanned Aircraft Over People

Regulatory Plan: This entry is Seq. No. 73 in part II of this issue of the **Federal Register**.

RIN: 2120–AK85

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

300. +Airport Safety Management System

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and

mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies.

Timetable:

Action	Date	FR Cite
NPRM	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Second NPRM	07/14/16	81 FR 45871
Second NPRM Comment Period End.	09/12/16	
Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Keri Lyons, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8972, *Email: keri.lyons@faa.gov.*

RIN: 2120–AJ38

301. Updates to Rulemaking and Waiver Procedures and Expansion of the Equivalent Level of Safety Option (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 51 U.S.C. 50901; 51 U.S.C. 50903; 51 U.S.C. 50904; 51 U.S.C. 50905

Abstract: This rulemaking would streamline and improve commercial space transportation's general rulemaking and petition procedures by reflecting current practice; reorganizing the regulations for clarity and flow; and allowing petitioners to file their petitions electronically. This action would expand the option to satisfy commercial space transportation requirements by demonstrating an equivalent level of safety. These changes are necessary to ensure the regulations are current, accurate, and are not unnecessarily burdensome. The intended effect of these changes is to improve the clarity of the regulations and reduce burden on the industry and on the FAA.

Timetable:

Action	Date	FR Cite
NPRM	06/01/16	81 FR 34919
NPRM Comment Period End.	08/01/16	
Final Rule	11/00/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Shirley McBride, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–7470, *Email: shirley.mcbride@faa.gov.*

RIN: 2120–AK76

302. +Registration and Marking Requirements for Small Unmanned Aircraft

Regulatory Plan: This entry is Seq. No. 76 in part II of this issue of the **Federal Register**.

RIN: 2120–AK82

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

303. +Regulation of Flight Operations Conducted by Alaska Guide Pilots

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g) ; 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44015 to 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 to 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 to 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; articles 12 and 29 of 61 Statue 1180; Pub. L. 106–181, sec. 732

Abstract: The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks, reports, or records. This rulemaking is a statutory mandate under section 732 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, (Pub. L. 106–181).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20785, *Phone:* 202 385–9615, *Email: jeffrey.smith@faa.gov.*

RIN: 2120–AJ78

304. +Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709; 49 U.S.C. 44711 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44730; 49 U.S.C. 45101 to 45105

Abstract: This rulemaking would develop training requirements for crew resource management, flight risk evaluation, and operational control of the pilot in command, as well as to develop standards for the use of flight simulation training devices and line-oriented flight training. Additionally, it would establish requirements for the use of safety equipment for flight crewmembers and flight nurses. These changes will aide in the increase in aviation safety and increase survivability in the event of an accident. Without these changes, the Helicopter Air Ambulance industry may continue to see the unacceptable high rate of aircraft accidents. This rulemaking is a statutory mandate under section 306(e) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Holliday, Department of Transportation, Federal Aviation Administration, 801 Pennsylvania Avenue NW, Washington, DC 20024, *Phone:* 202 267–4552, *Email: chris.holliday@faa.gov.*

RIN: 2120–AK57

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

305. • Motorcoach Lap/Shoulder Seat Belts (Section 610 Review)

E.O. 13771 Designation: Regulatory.
Legal Authority: Not Yet Determined
Abstract: The Federal Motor Carrier Safety Administration proposes to amend the Federal motor carrier safety regulations to require all over-the-road buses manufactured on or after November 28, 2016, and other buses with a gross vehicle weight rating greater than 26,000 pounds and manufactured during the same timeframe to be equipped with lap/shoulder seat belts in accordance with Federal Motor Vehicle Safety Standard No. 208 accommodating each passenger seating position, with certain exclusions. This rule will be a companion rule to the final rule published by the National Highway Traffic Safety Administration's final rule published in November 2013.
Timetable:

Action	Date	FR Cite
NPRM	03/00/18	

Regulatory Flexibility Analysis Required: No.
Agency Contact: Larry W. Minor, Director, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4009, *Email: larry.minor@dot.gov.*
RIN: 2126–AC08

306. • Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License (Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.
Legal Authority: 49 U.S.C. 31136(a); 49 U.S.C. 31305(a)
Abstract: The Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) final rule (81 FR 87686 (Dec. 5, 2016), requires State Driver Licensing Agencies (SDLAs) to check the Clearinghouse before issuing, renewing, transferring, or upgrading a Commercial Driver's License (CDL) to determine whether the driver is qualified to operate a commercial motor vehicle. FMCSA proposes to amend the Clearinghouse final rule to require SDLAs to downgrade the CDL of any driver for whom a verified positive controlled substances (drug) test result, an alcohol confirmation test with a concentration of .04 or higher, a refusal to submit to a drug or alcohol test, or an employer's actual knowledge of prohibited drug or alcohol use is reported to the Clearinghouse. Under this NPRM, the CDL downgrade, currently defined in 49 CFR 383.5 as the removal of the CDL privilege from the driver's license, will remain in effect until the driver complies with return to duty requirements set forth in 49 CFR part 40, subpart O. SDLAs will have electronic access to relevant information in the CDL holder's Clearinghouse record through the Commercial Driver's License Information System (CDLIS), which will enable them to initiate the downgrade process and to restore the CDL privilege to the driver's license upon his or her completion of return to duty requirements. This proposal is intended to improve highway safety by establishing a means to enforce the existing requirement that CDL holders who test positive or refuse to test, or engage in other drug and alcohol program violations, must not perform safety-sensitive functions, including driving a commercial motor vehicle in intrastate or interstate commerce. This NPRM does not propose any other changes to the Clearinghouse final rule, nor does it propose any changes to the drug and alcohol testing requirements in part 382 and part 40.
Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Undetermined.
Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 202 366–4844, *Email: juan.moya@dot.gov.*
RIN: 2126–AC11

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

307. Commercial Learner's Permit Validity (Section 610 Review)

E.O. 13771 Designation: Deregulatory.
Legal Authority: 49 U.S.C. 31305; 49 U.S.C. 31308
Abstract: This rulemaking would amend Commercial Driver's License (CDL) regulations to allow a commercial learner's permit to be issued for one year, without renewal, rather than for no more than 180 days with an additional 180 day renewal. This change would reduce costs to CDL applicants who are unable to complete the required training and testing within the current validity period, with no expected negative safety benefits.
Timetable:

Action	Date	FR Cite
NPRM	06/12/17	82 FR 26888
NPRM Comment Period End.	08/11/17	
NPRM Comment Period End.	08/11/17	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: No.
Agency Contact: Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4325, *Email: tom.yager@dot.gov.*
RIN: 2126–AB98

308. • Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (Section 610 Review)

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 5105; 49 U.S.C. 5109
Abstract: This action will update an existing incorporation by reference (by the Commercial Vehicle Safety Alliance) of the North American Standard Out-of-Service Criteria and level VI inspection procedures and out-of-service for commercial highway vehicles transporting transuranics and highway route controlled quantities of radioactive materials as defined in 49 CFR part 173.403.
Timetable:

Action	Date	FR Cite
Final Rule	11/00/17	

Regulatory Flexibility Analysis Required: No.
Agency Contact: Stephanie Dunlap, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–3536, *Email: stephanie.dunlap@dot.gov.*
RIN: 2126–AC01

309. • Fees for the Unified Carrier Plan and Agreement (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 14504a

Abstract: This rule will reset the registration fees and a fee bracket structure for the Unified Carrier Registration Agreement set to begin in calendar year 2018. The statute specifies that the fees are to be determined by the Federal Motor Carrier Safety Administration based upon the recommendation of the Unified Carrier Registration Board of Directors.

Timetable:

Action	Date	FR Cite
NPRM	09/21/17	82 FR 44143
NPRM Comment Period End.	10/02/17	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Frederic Wood, Attorney, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–8542, *Email: frederic.wood@dot.gov.*

RIN: 2126–AC03

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

310. +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 107–87, sec. 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional certificate of registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional certificates of registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY–2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the Agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003. FMCSA will determine the next steps to be taken after the pilot program on the long haul trucking provisions of NAFTA is completed.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent To Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ms. Dolores Macias, Acting Division Chief, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–2995, *Email: dolores.macias@dot.gov.*

RIN: 2126–AA35

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Final Rule Stage

311. +Train Crew Staffing and Location

E.O. 13771 Designation: Regulatory.

Legal Authority: 28 U.S.C. 2461, note; 49 CFR 1.89; 49 U.S.C. 20103; 49 U.S.C. 20107; 49 U.S.C. 21301 and 21302; 49 U.S.C. 21304

Abstract: This rule would establish requirements to appropriately address known safety risks posed by train operations that use fewer than two crewmembers. FRA is considering options based on public comments on the proposed rule and other information.

Timetable:

Action	Date	FR Cite
NPRM	03/15/16	81 FR 13918
NPRM Comment Period End.	05/16/16	
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elliott Gillooly, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4000, *Email: elliott.gillooly@dot.gov.*

RIN: 2130–AC48

DEPARTMENT OF TRANSPORTATION (DOT)

Saint Lawrence Seaway Development Corporation (SLSDC)

Final Rule Stage

312. • Seaway Regulations and Rules: Periodic Update, Various Categories (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway regulations and rules in various categories. These amendments are necessary to take account of updated procedures and will enhance the safety of transits through the Seaway.

Timetable:

Action	Date	FR Cite
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 315 764–3231, *Email: carrie.mann@dot.gov.*

RIN: 2135–AA43

313. • Tariff of Tolls (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising its regulations to reflect the fees and charges levied by the SLSMC in Canada, starting in the 2018 navigations season.

Timetable:

Action	Date	FR Cite
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 315 764–3231, *Email: carrie.mann@dot.gov*.

RIN: 2135–AA44

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

314. Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is proposing to revise the Pipeline Safety Regulations applicable to newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times in high consequence and select non-high consequence areas. The proposed rule defines certain pipeline events as ''ruptures'' and outlines certain performance standards related to rupture identification and pipeline segment isolation. PHMSA also proposes specific valve maintenance and inspection requirements, and 9–1–1 notification requirements to help operators achieve better rupture response and mitigation. These proposals address Congressional mandates, incorporate recommendations from the National Transportation Safety Board, and are necessary to reduce the serious consequences of large-volume, uncontrolled releases of natural gas and hazardous liquids.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Jagger, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, Washington, DC 20590, *Phone:* 202–366–4595, *Email: robert.jagger@dot.gov*.

RIN: 2137–AF06

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

315. +Pipeline Safety: Safety of Hazardous Liquid Pipelines

Regulatory Plan: This entry is Seq. No. 83 in part II of this issue of the **Federal Register**.

RIN: 2137–AE66

316. Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry (RRR)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is amending the Federal Pipeline Safety Regulations that govern the use of plastic piping systems in the transportation of natural and other gas. These amendments are necessary to enhance pipeline safety, adopt innovative technologies and best practices, and respond to petitions from stakeholders. The amendments include an increased design factor for polyethylene (PE) pipe; stronger mechanical fitting requirements; new and updated riser standards; new accepted uses of Polyamide-11 (PA-11) thermoplastic pipe; authorization to use Polyamide-12 (PA-12) thermoplastic pipe; and new or updated consensus standards for pipe, fittings, and other components.

Timetable:

Action	Date	FR Cite
NPRM	05/21/15	80 FR 29263
NPRM Comment Period End.	07/31/15	
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–8553, *Email: cameron.satterthwaite@dot.gov*.

RIN: 2137–AE93

317. +Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains

Regulatory Plan: This entry is Seq. No. 85 in part II of this issue of the **Federal Register**.

RIN: 2137–AF08

[FR Doc. 2017–28231 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part XIV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda and Fiscal Year 2017 Regulatory Plan

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda and annual regulatory plan.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order (E.O.) 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations. E.O. 12866 also requires the publication by the Department of a regulatory plan for the upcoming fiscal year. The purpose of the agenda is to provide advance information about pending regulatory activities and encourage public participation in the regulatory process.

FOR FURTHER INFORMATION CONTACT: The Agency Contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review. For this edition of the regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** publication that includes the Unified Agenda.

Beginning with the fall 2007 edition, the internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* and *www.regulations.gov,* in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years.

The Department has listed in this agenda all regulations and regulatory reviews pending at the time of publication, except for technical, minor, and routine actions. On occasion, a regulatory matter may be inadvertently left off of the agenda or an emergency may arise that requires the Department to initiate a regulatory action not yet on the agenda. There is no legal significance to the omission of an item from this agenda. For most entries, Treasury includes a projected date for the next rulemaking action; however, the date is an estimate and is not a commitment to publish on the projected date. In addition, some agenda entries are marked as ''withdrawn'' when there has been no publication activity. Withdrawal of a rule from the agenda does not necessarily mean that a rule will not be included in a future agenda but may mean that further consideration is warranted and that the regulatory action is unlikely in the next 12 months.

Public participation in the rulemaking process is the foundation of effective regulations. For this reason, the Department invites comments on all regulatory and de-regulatory items included in the agenda and invites input on items that should be included in the semiannual agenda.

Brian J. Sonfield,

Assistant General Counsel for General Law and Regulation.

CUSTOMS REVENUE FUNCTION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
318	Enforcement of Copyrights and the Digital Millennium Copyright Act	1515–AE26

DEPARTMENT OF THE TREASURY (TREAS)

Customs Revenue Function (CUSTOMS)

Proposed Rule Stage

318. Enforcement of Copyrights and the Digital Millennium Copyright Act

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: Not Yet Determined

Abstract: This rule amends the U.S. Customs and Border Protection (CBP) regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws in accordance with title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and certain provisions of the Digital Millennium Copyright Act (DMCA).

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Steuart, Chief, Intellectual Property Rights Branch, Department of the Treasury, Customs Revenue Function, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, *Phone:* 202 325–0093, *Fax:* 202 325–0120, *Email: charles.r.steuart@cbp.dhs.gov.*

RIN: 1515–AE26

[FR Doc. 2017–28232 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part XV

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESS: Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Gretchen Jacobs, General Counsel, (202) 272–0040 (voice) or (202) 272–0062 (TTY).

David M. Capozzi,

Executive Director.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
319	Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels	3014–AA11
320	Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way	3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Long-Term Actions

319. Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 12204, Americans with Disabilities Act of 1990

Abstract: This rulemaking would establish accessibility guidelines to ensure that newly constructed and altered passenger vessels covered by the Americans with Disabilities Act (ADA) are accessible to and usable by individuals with disabilities. The U.S. Department of Transportation and U.S. Department of Justice are expected to adopt the guidelines as enforceable standards in separate rulemakings for the construction and alteration of passenger vessels covered by the ADA.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	03/30/98	63 FR 15175
Establishment of Advisory Committee.	08/12/98	63 FR 43136
Availability of Draft Guidelines.	11/26/04	69 FR 69244
ANPRM	11/26/04	69 FR 69246
ANPRM Comment Period Extended.	03/22/05	70 FR 14435
ANPRM Comment Period Extended End.	07/28/05	
Availability of Draft Guidelines.	07/07/06	71 FR 38563
Notice of Intent to Establish Advisory Committee.	06/25/07	72 FR 34653
Establishment of Advisory Committee.	08/13/07	72 FR 45200
NPRM	06/25/13	78 FR 38102
NPRM Comment Period Extended.	08/13/13	78 FR 49248
NPRM Comment Period Extended End.	01/24/14	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov.*

RIN: 3014–AA11

320. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 12204, Americans With Disabilities Act; 29 U.S.C. 792, Rehabilitation Act

Abstract: This rulemaking would establish accessibility guidelines to ensure that sidewalks and pedestrian facilities in the public right-of-way are accessible to and usable by individuals with disabilities. A Supplemental Notice of Proposed Rulemaking consolidated this rulemaking with RIN 3014–AA41; accessibility guidelines for shared use paths (which are multi-use paths designed primarily for use by bicyclists and pedestrians—including persons with disabilities—for transportation and recreation purposes). The U.S. Department of Justice, U.S. Department of Transportation, and other Federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-of-way and for shared use paths, as enforceable standards in separate rulemakings for the construction and alteration of facilities covered by the Americans With Disabilities Act, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

Timetable:

Action	Date	FR Cite
Notice of Intent to Form Advisory Committee.	08/12/99	64 FR 43980
Notice of Appointment of Advisory Committee Members.	10/20/99	64 FR 56482
Availability of Draft Guidelines.	06/17/02	67 FR 41206
Availability of Draft Guidelines.	11/23/05	70 FR 70734
NPRM	07/26/11	76 FR 44664
NPRM Comment Period End.	11/23/11	
NPRM Comment Period Reopened.	12/05/11	76 FR 75844
NPRM Comment Period Reopened End.	02/02/12	
Second NPRM	02/13/13	78 FR 10110
Second NPRM Comment Period End.	05/14/13	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–

0062, *Fax:* 202 272–0081, *Email:* *jacobs@access-board.gov*.

RIN: 3014–AA26

[FR Doc. 2017–28233 Filed 1–11–18; 8:45 am]

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Part XVI

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–9968–33–OP]

Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at *http://www.reginfo.gov* and at *www.regulations.gov* to update the public. This document contains information about:

- Regulations in the semiannual regulatory agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov;* 202–564–2855).

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SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is committed to a regulatory strategy that effectively achieves the Agency's mission of protecting the environment and the health, welfare, and safety of Americans while also supporting economic growth, job creation, competitiveness, and innovation. EPA publishes the Semiannual Regulatory Agenda to update the public about regulatory activity undertaken in support of this mission. In the Semiannual Regulatory Agenda, EPA provides notice of our plans to review, propose, and issue regulations.

Additionally, EPA's Semiannual Regulatory Agenda includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act, as amended.

In this document, EPA explains in greater detail the types of actions and information available in the Semiannual Regulatory Agenda and actions that are currently undergoing review specifically for impacts on small entities.

A. EPA's Regulatory Information

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register**. Currently, this information is only available through an online database, at both *www.reginfo.gov/* and *www.regulations.gov.*

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish this document in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at *https://www.gpo.gov/fdsys/search/home.action.*

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Service Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both EPA's Regulatory Flexibility Agenda and the e-Agenda.

''610 Review'' as required by the Regulatory Flexibility Act means a periodic review within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. EPA maintains a list of these actions at *https://www.epa.gov/reg-flex/section-610-reviews.*

B. What key statutes and Executive Orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: the Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (82 FR 9339, Feb. 3, 2017); 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments through *https://www.regulations.gov* are provided in

each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternative(s) to that proposed by EPA.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to environmental problems. EPA encourages you to become involved in its rule and policymaking process. For more information about EPA's efforts to increase transparency, participation and collaboration in EPA activities, please visit *https://www.epa.gov/open.*

II. Semiannual Regulatory Agenda

A. What actions are included in the E-Agenda and the Regulatory Flexibility agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under RCRA: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA. EPA has one ongoing 610 review at this time.

B. How is the E-Agenda organized?

Online, you can choose how to sort the agenda entries by specifying the characteristics of the entries of interest in the desired individual data fields for both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency (such as Office of Water); stage of rulemaking as described in the following paragraphs; alphabetically by title; or the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Prerule Stage—EPA's prerule actions generally are intended to determine whether the agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking; this would include Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action.

2. Proposed Rule Stage— Proposed rulemaking actions include EPA's Notice of Proposed Rulemakings (NPRMs); these proposals are scheduled to publish in the **Federal Register** within the next year.

3. Final Rule Stage—Final rulemaking actions are those actions that EPA is scheduled to finalize and publish in the **Federal Register** within the next year.

4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action (such as publication of a NPRM or final rule) is twelve or more months into the future. We urge you to explore becoming involved even if an action is listed in the Long-Term category.

5. Completed Actions—EPA's completed actions are those that have been promulgated and published in the **Federal Register** since publication of the spring 2017 Agenda. The term completed actions also includes actions that EPA is no longer considering and has elected to ''withdraw'' and also the results of any RFA section 610 reviews.

C. What information is in the Regulatory Flexibility agenda and the E-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) replicates each of these actions with more extensive information, described below.

E-Agenda entries include:

Title: a brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Each entry is placed into one of the five following categories:

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or

3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (*e.g.,* certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Pesticide Tolerances and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is

reviewed by the Office of Management and Budget (OMB) under E.O. 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of E.O. 12866.

E.O. 13771 Designation: Each entry is placed into one of the following categories:

a. Deregulatory: When finalized, an action is expected to have total costs less than zero;

b. Regulatory: The action is either

(i) a significant regulatory action as defined in Section 3(f) of E.O. 12866, or

(ii) a significant guidance document (*e.g.,* significant interpretive guidance) reviewed by OMB's Office of Information and Regulatory Affairs (OIRA) under the procedures of E.O. 12866 that, when finalized, is expected to impose total costs greater than zero;

c. Fully or Partially Exempt: The action has been granted, or is expected to be granted, a full or partial waiver under one or more of the following circumstances:

(i) It is expressly exempt by E.O. 13771 (issued with respect to a ''military, national security, or foreign affairs function of the United States''; or related to ''agency organization, management, or personnel''), or

(ii) it addresses an emergency such as critical health, safety, financial, or non-exempt national security matters (offset requirements may be exempted or delayed), or

(iii) it is required to meet a statutory or judicial deadline (offset requirements may be exempted or delayed), or

(iv) expected to generate de minimis costs;

d. Not subject to, not significant: Is a NPRM or final rule AND is neither an E.O. 13771 regulatory action nor an E.O. 13771 deregulatory action;

e. Other: At the time of designation, either the available information is too preliminary to determine E.O. 13771 status or other reasonable circumstances preclude a preliminary E.O. 13771 designation.

f. Independent agency: Is an action an independent agency anticipates issuing and thus is not subject to E.O. 13771.

Major: A rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, the agency prepare a written statement on federal mandates addressing costs, benefits, and intergovernmental consultation.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 10/00/18 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the affected governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Energy Impacts: Indicates whether the action is a significant energy action under E.O. 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov.* Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

D. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. Federal Regulatory Dashboard

The *https://www.reginfo.gov/* searchable database, maintained by the Regulatory Information Service Center and OIRA, allows users to view the Regulatory Agenda database (*https://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA websites

Some actions listed in the Agenda include a URL for an EPA-maintained website that provides additional information about the action.

3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically

establishes a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to that particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov.*

III. Review of Regulations under 610 of the Regulatory Flexibility Act

A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. At this time, EPA has one ongoing 610 review.

Review Title	RIN	Docket ID #	Status
Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3).	2070–AK17	EPA–HQ–OPPT–2016–0126.	Ongoing.

EPA established an official public docket for this 610 Review. EPA is no longer accepting comment on the review itself, but comments received in 2016 can be accessed at *https://www.regulations.gov/* with docket identification number EPA–HQ–OPPT–2016–0126.

B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given to whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit EPA's RFA/SBREFA website at *www.epa.gov/reg-flex.*

IV. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: October 2, 2017.

Samantha K. Dravis,

Associate Administrator, Office of Policy.

10—Completed Actions

Sequence No.	Title	Regulation Identifier No.
321	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act	2050–AG82

35—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
322	Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3) (Section 610 Review).	2070–AK17

35—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
323	N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(a)	2070–AK07
324	Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(a); Vapor Degreasing	2070–AK11

35—Completed Actions

Sequence No.	Title	Regulation Identifier No.
325	Formaldehyde Emission Standards for Composite Wood Products	2070–AJ44

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Completed Actions

321. Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 42 U.S.C. 7412(r)

Abstract: The EPA, in response to Executive Order 13650, has amended its Risk Management Program regulations. Such revisions include several changes to the accident prevention program requirements including an additional analysis of safer technology and alternatives for the process hazard analysis for some Program 3 processes, third-party audits and incident investigation root cause analysis for Program 2 and Program 3 processes, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions and data elements submitted in risk management plans. Such amendments are intended to improve chemical process safety, assist local emergency authorities in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated sources.

Timetable:

Action	Date	FR Cite
NPRM	03/14/16	81 FR 13637
Final Rule	01/13/17	82 FR 4594
Final Rule Effective.	02/19/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Belke, Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Avenue NW, Mail Code 5104A, Washington, DC 20460, *Phone:* 202 564–8023, *Fax:* 202 564–8444, *Email: belke.jim@epa.gov*.

Kathy Franklin, Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Avenue NW, Mail Code 5104A, Washington, DC 20460, *Phone:* 202 564–7987, *Fax:* 202 564–2625, *Email: franklin.kathy@epa.gov*.

RIN: 2050–AG82

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Prerule Stage

322. Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3) (Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 5 U.S.C. 610

Abstract: EPA is continuing a review of the 2008 Lead; Renovation, Repair, and Painting Program (RRP) (73 FR 21692) pursuant to section 610 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 610). The rule was amended in 2010 (75 FR 24802) and 2011 (76 FR 47918) to eliminate a provision for contractors to opt-out of prescribed work practices and to affirm the qualitative clearance of renovated or repaired spaces, respectively. Although the section 610 review only needs to address the 2008 RRP Rule, EPA is exercising its discretion to consider relevant comments to the 2010 and 2011 amendments, including comments on lead test kits, field testing alternatives and other broader RRP rule concerns as referenced in 80 FR 79335 and 80 FR 27621. The RRP rule is intended to reduce exposure to lead hazard created by renovation, repair, and painting activities that disturb lead-based paint. The current rule establishes requirements for training renovators and dust sampling technicians; certifying renovators, dust sampling technicians, and renovation firms; accrediting providers of renovation and dust sampling technician training; and for renovation work practices. This entry in the regulatory agenda describes EPA's review of this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change, or should be rescinded or amended to minimize adverse impacts on small entities. As part of this review, EPA is considering comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The results of EPA's review will be summarized in a report and placed in the docket at the conclusion of this review. This review's Docket ID number is EPA–HQ–OPPT–2016–0126; the docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	04/22/08	73 FR 21691
Begin Review	06/09/16	81 FR 37373
Comment Period Extended.	08/08/16	81 FR 52393
End Review	04/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Jonathan Shafer, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–0789, *Email: shafer.jonathan@epa.gov.*

Michelle Price, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW., Mail Code 7404T, Washington, DC 20460, *Phone:* 202 566–0744, *Email: price.michelle@epa.gov.*

RIN: 2070–AK17

ENVIRONMENTAL PROTECTION AGENCY (EPA)

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Long-Term Actions

323. N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(A)

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: Section 6(a) of the Toxic Substances Control Act provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. Methylene chloride and N-methylpyrrolidone (NMP) are used in paint and coating removal in commercial processes, consumer products, and residential settings. In the August 2014 TSCA Work Plan Chemical Risk Assessment for methylene chloride and the March 2015 TSCA Work Plan Chemical Risk Assessment for NMP, EPA characterized risks from use of these chemicals in paint and coating removal. EPA determined that these are unreasonable risks. On January 19, 2017, EPA proposed prohibitions and restrictions on the use of methylene chloride in consumer and most types of

commercial paint and coating removal. EPA co-proposed two options for NMP in paint and coating removal. The first co-proposal would prohibit NMP in all consumer and commercial paint and coating removal. The second co-proposal would establish a worker protection program for commercial use of NMP in paint and coating removal; limit the concentration of NMP in all paint and coating removal products; and require warnings and instructions on any consumer paint and coating removal products containing NMP. Also in that proposal, EPA identified commercial furniture refinishing as an industry for which EPA would like more information before proposing regulations to address the risks presented by methylene chloride, and announced its intention to issue a separate proposal to address those risks. EPA held a public workshop on September 12, 2017, with representatives of federal and state government agencies, industry professionals, furniture refinishing experts, non-government organizations, academic experts, and others to discuss the role of methylene chloride in furniture refinishing, work practices employed when using methylene chloride in furniture refinishing, potential alternatives, economic impacts, and other issues identified in EPA's January 2017 proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 7464
NPRM Comment Period Extended.	05/01/17	82 FR 20310
Supplemental NPRM.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ana Corado, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7408M, Washington, DC 20460, *Phone:* 202 564–0140, *Email: corado.ana@epa.gov.*

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–2228, *Fax:* 202 566–0471, *Email: wolf.joel@epa.gov.*

RIN: 2070–AK07

324. Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(A); Vapor Degreasing

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: Section 6(a) of the Toxic Substances Control Act (TSCA) provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. In the June 2014 TSCA Work Plan Chemical Risk Assessment for TCE, EPA characterized risks from the use of TCE in commercial degreasing and in some consumer uses. EPA determined that these are unreasonable risks. On January 19, 2017, EPA proposed to prohibit the manufacture, processing, distribution in commerce, or commercial use of TCE in vapor degreasing. A separate action (RIN 2070–AK03), published on December 16, 2016, proposes to address the unreasonable risks from TCE when as a spotting agent in dry cleaning and in commercial and consumer aerosol spray degreasers.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 7432
NPRM Comment Period Extended.	02/15/17	82 FR 10732
NPRM Comment Period Extended.	05/01/17	82 FR 20310
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 566–0484, *Email: wheeler.cindy@epa.gov.*

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–2228, *Fax:* 202 566–0471, *Email: wolf.joel@epa.gov.*

RIN: 2070–AK11

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Completed Actions

325. Formaldehyde Emission Standards for Composite Wood Products

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 15 U.S.C. 2697 Toxic Substances Control Act

Abstract: On December 12, 2016, the EPA issued a final rule to implement the Formaldehyde Standards for Composite Wood Products Act, which added Title VI to the Toxic Substances Control Act (TSCA). The purpose of TSCA Title VI is to reduce formaldehyde emissions from composite wood products, which will reduce exposures to formaldehyde and result in benefits from avoided adverse health effects. This final rule includes formaldehyde emission standards applicable to hardwood plywood, medium-density fiberboard, and particleboard, and finished goods containing these products, that are sold, supplied, offered for sale, or manufactured (including imported) in the United States. This final rule includes provisions relating to, among other things, laminated products, products made with no-added formaldehyde resins or ultra low-emitting formaldehyde resins, testing requirements, product labeling, chain of custody documentation and other recordkeeping requirements, enforcement, import certification, and product inventory sell-through provisions, including a product stockpiling prohibition. This final rule also establishes a third-party certification program for hardwood plywood, medium-density fiberboard, and particleboard and includes procedures for the accreditation of third-party certifiers and general requirements for accreditation bodies and third-party certifiers.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/08	73 FR 73620
Second ANPRM	01/30/09	74 FR 5632
NPRM	06/10/13	78 FR 34795
NPRM Comment Period Extended.	07/23/13	78 FR 44090
NPRM Comment Period Extended.	08/21/13	78 FR 51696
Final Rule	12/12/16	81 FR 89674
Final Rule Effective.	05/22/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Courtnage, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 566–1081, *Email: courtnage.robert@epa.gov.*

Erik Winchester, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–6450, *Email: winchester.erik@epa.gov*.

RIN: 2070–AJ44

[FR Doc. 2017–28234 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part XVII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 102, 105, 300, 301, 302, 303, and 304

48 CFR Chapter 5

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual Regulatory Agenda.

SUMMARY: We are publishing our fall 2017 regulatory agenda pursuant to Executive Order 12866 ''Regulatory Planning and Review,'' 58 FR 51735 (1993), with particular adherence to E.O. 13771, ''Reducing Regulation and Controlling Costs,'' 82 FR 9339 (2017), E.O. 13777, ''Enforcing the Regulatory Reform Agenda,'' 82 FR 12285, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612. The purpose of publishing this agenda is to give notice of regulatory activity being undertaken by GSA in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Please direct all general comments and inquiries to Francis Poe, Acting Division Director, Regulatory Secretariat Division at 202–501–4755. For comments on specific regulatory actions, please contact the person identified as the point of contact for that action.

SUPPLEMENTARY INFORMATION: The information provided in the Unified Agenda (Agenda) previews the rulemaking activities that we expect to undertake in the immediate future. The Agenda focuses primarily on those actions expected to result in publication of Advanced Notices of Proposed Rulemaking, Notices of Proposed Rulemaking, or Final Rules within the next 12 months.

GSA is not a major regulatory agency outside of its work as a member of the Federal Acquisition Regulatory Council and does not have regulatory actions that are likely to have a significant economic impact on a substantial number of small entities.

A fully searchable e-Agenda is available for viewing in its entirety at *www.reginfo.gov.* Agenda information is also available at *www.regulations.gov,* the government-wide website for submission of comments on proposed regulations. Our fall 2017 agenda follows.

FOR FURTHER INFORMATION CONTACT: Francis Poe, Acting Division Director, Regulatory Secretariat Division at (202) 501–4755.

Dated: September 29, 2017.

Allison Fahrenkopf Brigati,

Associate Administrator, Office of Government-wide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
326	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G506, Construction Manager as Constructor Contracting.	3090–AJ64
327	General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Information and Information Systems Security.	3090–AJ84
328	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting.	3090–AJ85

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
329	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G503, Construction Contract Administration.	3090–AJ63
330	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G512, Unenforceable Commercial Supplier Agreement Terms.	3090–AJ67
331	General Services Administration Acquisition Regulation (GSAR); GSAR 2016–G506, Federal Supply Schedule, Order-Level Materials.	3090–AJ75
332	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes).	3090–AJ41

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Proposed Rule Stage

326. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G506, Construction Manager as Constructor Contracting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c)

Abstract: GSA is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to add new sections to GSAR part 536, Construction and Architect-Engineer Contracts, to incorporate contracting policies and procedures for different construction project delivery methods, focused on construction manager as constructor (CMc).

The current FAR and GSAR do not have detailed coverage differentiating for various construction project delivery methods, although there is some guidance regarding source selection. GSA unique policies on CMc have been previously issued through other means. By incorporating these policies into the GSAR and differentiating for various construction methods, the GSAR will provide centralized guidance to ensure consistent application of construction project principles across the organization.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	
NPRM Comment Period End.	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christina Mullins, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–4966, *Email: christina.mullins@gsa.gov.*

RIN: 3090–AJ64

327. General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Information and Information Systems Security

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
Abstract: GSA is proposing to update the General Services Administration Acquisition Regulation (GSAR) to update existing GSA cybersecurity requirements that did not previously go through the rulemaking process and integrate these updated requirements within the GSAR. Integrating these requirements into the GSAR will allow GSA to benefit from public comments received during the rulemaking process. The GSA cybersecurity requirements mandate contractors protect the confidentiality, integrity, and availability of unclassified GSA information and information systems from cybersecurity vulnerabilities,and threats in accordance with the Federal Information Security Modernization Act of 2014 and associated Federal cybersecurity requirements. This rule will require contracting officers to incorporate applicable GSA cybersecurity requirements within the statement of work to ensure compliance with Federal cybersecurity requirements and implement best practices for preventing cyber incidents. These GSA requirements mandate applicable controls and standards (*e.g.* U.S. National Institute of Standards and Technology, U.S. National Archive and Records Administration Controlled Unclassified Information standards).

Cybersecurity requirements for internal contractor systems, external contractor systems, cloud systems, and mobile systems will be covered by this rule. It will also update existing GSAR provision 552.239–70, Information Technology Security Plan and Security Authorization and GSAR clause 552.239–71, Security Requirements for Unclassified Information Technology Resources to only require the provision and clause when the contract will involve information or information systems connected to a GSA network.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Michelle Bohm, Contract Specialist, General Services Administration, 100 S Independence Mall W Room: 9th Floor, Philadelphia, PA 19106–2320, *Phone:* 215 446–4705, *Email: michelle.bohm@gsa.gov*.
RIN: 3090–AJ84

328. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
Abstract: GSA is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to update requirements for GSA contractors to report cyber incidents that could potentially affect GSA or its customer agencies. The rule updates the existing cyber incident reporting policy within GSA Order CIO 9297.2, GSA Information Breach Notification Policy that did not previously go through the rulemaking process and integrates these updated cyber incident reporting requirements into the GSAR. Integrating these requirements into the GSAR will allow GSA to benefit from public comments received during the rulemaking process. It instructs GSA contracting officers to include cyber incident reporting requirements within GSA contracts and orders placed against GSA multiple award contracts. The rule outlines the roles and responsibilities of the GSA contracting officer, contractors, and agencies ordering off of GSA's contracts in the reporting of a cyber incident.

This rule establishes a contractor's responsibility to report any cyber incident where the confidentiality, integrity, or availability of GSA information or information systems are potentially compromised or where the confidentiality, integrity, or availability of information or information systems owned or managed by or on behalf of the U.S. Government is potentially compromised. It establishes an explicit timeframe for reporting cyber incidents, details the required elements of a cyber incident report, and provides the required Government's points of contact for submitting the cyber incident report.

The rule also outlines the additional contractor requirements that may apply for any cyber incidents involving personally identifiable information. In addition, the rule clarifies both GSA and ordering agencies' authority to access contractor systems in the event of a cyber incident. It also establishes the role of GSA in the cyber incident reporting process and outlines how the primary response agency for a cyber incident is determined. In addition, it establishes the requirement for the contractor to preserve images of affected systems and ensure contractor employees receive appropriate training for reporting cyber incidents. The rule also outlines how contractor attributional/proprietary information provided as part of the cyber incident reporting process will be protected and used.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	
NPRM Comment Period End.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Kevin Funk, Sustainability Program Specialist, General Services Administration, 20 N 8th Street, Room 08S23G, Philadelphia, PA 19107–3101, *Phone:* 215 446–4860, *Email: kevin.funk@gsa.gov*.
RIN: 3090–AJ85

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Final Rule Stage

329. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G503, Construction Contract Administration

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
Abstract: GSA is amending the General Services Administration Acquisition Regulation (GSAR) to revise sections of GSAR part 536, Construction and Architect-Engineer Contracts, and related parts, to maintain consistency with the Federal Acquisition Regulation (FAR) and to incorporate updated construction contract administration policies and procedures.

The changes fall into five categories: (1) Incorporating existing Agency policy previously issued through other means, (2) reorganizing to better align with the FAR, (3) incorporating Agency unique clauses, (4) incorporating supplemental material, and (5) editing for clarity.

Timetable:

Action	Date	FR Cite
NPRM	09/09/16	81 FR 62434
NPRM Comment Period End.	11/08/16	
Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Christina Mullins, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–4966, *Email: christina.mullins@gsa.gov*.

RIN: 3090–AJ63

330. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G512, Unenforceable Commercial Supplier Agreement Terms

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c)

Abstract: GSA is amending the General Services Administration Acquisition Regulation (GSAR) to streamline the evaluation process to award contracts containing commercial supplier agreements. Government and industry often spend significant time negotiating elements common in almost every commercial supplier agreement where the terms conflict with Federal law. Past negotiations would always lead to deleting the terms from the contract, but only after several rounds of legal review by both parties. This case would explore methods for automatically nullifying these common terms out of contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/31/16	81 FR 34302
NPRM Comment Period End.	08/01/16	
Final Rule	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 3090–AJ67

331. General Services Administration Acquisition Regulation (GSAR); GSAR 2016–G506, Federal Supply Schedule, Order–Level Materials

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to clarify the authority to acquire order-level materials when placing a task order or establishing a Blanket Purchase Agreement (BPA) against a Federal Supply Schedule (FSS) contract. This proposed rule seeks to provide clear and comprehensive implementation of the ability to acquire order-level materials through the FSS program to create parity between FSS contracts and commercial indefinite-delivery/indefinite-quantity (IDIQ) contracts, reduce the need to conduct less efficient procurement transactions, lower barriers of entry to the Federal marketplace, and make it easier to do business with the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	09/09/16	81 FR 62445
NPRM Comment Period End.	11/08/16	
Final Rule	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Leah Price, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2558, *Email: leah.price@gsa.gov*.

RIN: 3090–AJ75

OFFICE OF GOVERNMENTWIDE POLICY

332. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes)

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to clarify and update the contracting by negotiation GSAR section and incorporate existing Federal Supply Schedule Contracting policies and procedures, and corresponding provisions and clauses.

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 54126
NPRM Comment Period End.	11/10/14	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L. Munson, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov*.

RIN: 3090–AJ41

[FR Doc. 2017–28236 Filed 1–11–18; 8:45 am]

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Part XVIII

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This semiannual Regulatory Agenda (Agenda) is a summary of current and projected regulatory and deregulatory actions and completed actions of the Small Business Administration (SBA). SBA expects that this summary information will enable the public to be more aware of, and effectively participate in, SBA's regulatory and deregulatory activities. SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416, (202) 205–6849, *imelda.kish@sba.gov.*

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation. Timely public comment for any rule may be submitted at the government-wide e-government website, *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: SBA is fully committed to implementing the Administration's regulatory reform policies, as established by Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs (January 30, 2017) and Executive Order 13777, Enforcing the Regulatory Reform Agenda (February 24, 2017). In order to fully implement the goal of these executive orders, SBA seeks feedback from the public in identifying any SBA regulations that affected parties believe impose unnecessary burdens or costs that exceed their benefits; eliminate jobs or inhibit job creation; or are ineffective or outdated.

The Regulatory Flexibility Act requires SBA to publish in the **Federal Register** a semiannual regulatory flexibility agenda describing those rules SBA expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The rules published in the **Federal Register** with this notice include only those that meet this requirement.

Additional information on these rules and on all other rulemakings SBA expects to consider is included in the Federal Government's complete Unified Agenda, which will be available online at *www.reginfo.gov* in a format that offers users enhanced ability to obtain information about SBA's rules from the Agenda database.

Dated: September 19, 2017.

Linda E. McMahon,

Administrator.

SMALL BUSINESS ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
333	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245–AG16

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
334	Small Business Development Center Program Revisions	3245–AE05
335	Small Business HUBZone Program; Government Contracting Programs; Office of Hearings and Appeals	3245–AG38
336	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification (**Reg Plan Seq No. 120**).	3245–AG75
337	Disaster Loan Programs; Federal Flood Risk Management Standard	3245–AG77
338	Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns	3245–AG85
339	National Defense Authorization Acts of 2016 and 2017, RISE After Disaster Act of 2015, and Other Small Business Government Contracting Amendments.	3245–AG86
340	Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services.	3245–AG88
341	Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction.	3245–AG89
342	Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing.	3245–AG90
343	Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services.	3245–AG91

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
344	Miscellaneous Amendments to Business Loan Programs and Surety Bond Guarantee Program	3245–AF85
345	Small Business Timber Set-Aside Program	3245–AG69

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
346	Agent Revocation and Suspension Procedures	3245–AG40
347	Small Business Investment Companies; Passive Business Expansion & Technical Clarifications	3245–AG67

SMALL BUSINESS ADMINISTRATION (SBA)

Prerule Stage

333. Small Business Size Standards; Alternative Size Standard for 7(A), 504, and Disaster Loan Programs

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–240, sec. 1116

Abstract: SBA will request public comment on options to amend its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the eventual amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG16

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

334. Small Business Development Center Program Revisions

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: Updates the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) Procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new or renewal applications for SBDC grants, including the requirements for electronic submission through the approved electronic Government submission facility; (5) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC's cooperative agreement; and (6) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/15	80 FR 17708
ANPRM Comment Period End.	06/01/15	
NPRM	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Adriana Menchaca–Gendron, Associate Administrator for Small Business Development Centers, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 205–6988, *Email: adriana.menchaca-gendron@sba.gov*.

RIN: 3245–AE05

335. Small Business Hubzone Program; Government Contracting Programs; Office of Hearings and Appeals

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 657a

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Orders 12866, 13771 and 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mariana Pardo, Director, Office of HUBZone, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 205–2985, *Fax:* 202 481–2675, *Email: mariana.pardo@sba.gov*.

RIN: 3245–AG38

336. Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification

Regulatory Plan: This entry is Seq. No. 120 in part II of this issue of the **Federal Register**.

RIN: 3245–AG75

337. Disaster Loan Programs; Federal Flood Risk Management Standard

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 634(b)(6); E.O. 11988

Abstract: This rule would describe which disaster loans are subject to federal flood risk managements standards. It would apply to disaster loans that meet one of the following conditions: (1) SBA funds will be used

for total real estate reconstruction at the damaged site that is located in the Special Flood Hazard Area (SFHA); (2) SBA funds will be used for new real estate construction at a relocation site that is located in the SFHA; or (3) SBA funds will be used for code required elevation at the damaged site that is located in the SFHA.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alejandro Contreras, Program Analyst, Office of Disaster Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–6674, *Email: alejandro.contreras@sba.gov*.

RIN: 3245–AG77

338. Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–328, sec. 1832, 1835

Abstract: Section 1832 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA), Public Law 114–328, Dec. 23, 2016, provides for a government-wide, uniform definition of a small business concern owned and controlled by a service-disabled veteran. Section 1835 requires the Small Business Administration (SBA) and the Department of Veterans Affairs (VA) to issue guidance, not later than 180 days after the date of enactment of the NDAA of 2017. The proposed rule will propose to amend SBA's regulations to create a uniform definition of a small business owned and controlled by a service-disabled veteran to be used for purposes of eligibility for government procurements by agencies other than the VA under the authority of 15 U.S.C. 657f, and by the VA for VA procurements in accordance with 38 U.S.C. 8127. These changes will include addressing ownership by an employee stock ownership plan (ESOP) and ownership and control by a surviving spouse. Section 1835 provides that the SBA and VA shall provide notice and opportunity for comment for at least 60 days.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov*.

RIN: 3245–AG85

339. National Defense Authorization Acts of 2016 and 2017, Rise After Disaster Act of 2015, and Other Small Business Government Contracting Amendments

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 637(d)(17); Pub. L. 114–328, sec. 1811, 1821; Pub. L. 114–92, sec. 863; Pub. L. 114–88, sec. 2105, 2108

Abstract: Section 1811 of the of the National Defense Authorization Act (NDAA) for Fiscal Year 2017, Public Law 114–328, Dec. 23, 2016, (NDAA) of 2017 limits the scope of review of Procurement Center Representatives for certain Department of Defense procurements performed outside of the United States. Section 1821 of the NDAA of 2017 establishes that failure to act in good faith in providing timely subcontracting reports shall be considered a material breach of the contract. Section 863 of the NDAA for FY 2016, Public Law 114–92, Nov. 25, 2015, establishes procedures for the publication of acquisition strategies if the acquisition involves consolidation or substantial bundling. SBA also intends to request comment on various proposed changes requested by industry or other agencies, including those pertaining to exclusions from calculating compliance with the limitations on subcontracting, an agency's ability to set aside orders under set-aside contracts, and a contracting officer's authority to request reports on a prime contractor's compliance with the limitations on subcontracting. Sections 2105 and 2108 of Public Law 114–88 provide agencies with double credit when they award to a local small business in a disaster area and provide local small businesses with access to federal surplus property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov*.

RIN: 3245–AG86

340. • Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate size standards for all industries in North American Industry Classification System (NAICS) Sector 61 (Educational Services), Sector 62 (Health Care and Social Assistance), Sector 71 (Arts, Entertainment and Recreation), Sector 72 (Accommodation and Food Services), and Sector 81 (Other Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG88

341. • Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil And Gas Extraction; Utilities; Construction

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification

System (NAICS) Sector 11 (Agriculture, Forestry, Fishing and Hunting), Sector 21 (Mining, Quarrying, and Oil and Gas Extraction), Sector 22 (Utilities), and Sector 23 (Construction), and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG89

342. • Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 48–49 (Transportation and Warehousing), Sector 51 (Information), Sector 52 (Finance and Insurance), and Sector 53 (Real Estate and Rental and Leasing) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG90

343. • Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 54 (Professional, Scientific and Technical Services), Sector 55 (Management of Companies and Enterprises), and Sector 56 (Administrative and Support, Waste Management and Remediation Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG91

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

344. Miscellaneous Amendments to Business Loan Programs and Surety Bond Guarantee Program

E.O. 13771 Designation: Deregulatory.

Legal Authority: 15 U.S.C. 636(a); 15 U.S.C. 694b

Abstract: Certain lenders have been delegated the authority to make loan decisions without prior approval from SBA under certain circumstances. SBA has formalized such delegated authorities in this rule. The rule makes several minor modifications to the 504 Loan Program and governance rules for Certified Development Company (CDC) in a follow-on to the Final Rule: 504 and 7(a) Loan Program Updates (March 21, 2014). The rule also aligns terminology for 7(a) lenders that are federally regulated to synchronize with existing industry requirements. SBA is also making several other miscellaneous amendments to improve oversight and operations of its finance programs.

This rule makes four changes to the Surety Bond Guarantee (SBG) Program. The first changes the threshold for notification to SBA of changes in the contract or bond amount. Second, the change requires sureties to submit quarterly contract completion reports. Third, SBA is increasing the eligible contract limit for the Quick Bond Application and Agreement from $250,000 to $400,000. Finally, the rule increases the guarantee percentage in the Preferred Surety Bond program to reflect the statutory change made by the National Defense Authorization Act of 2016. The guarantee percentage increases from 70 percent to 80 percent or 90 percent, depending on contract size and socioeconomic factors currently in effect in the Prior Approval Program.

Timetable:

Action	Date	FR Cite
NPRM	08/09/16	81 FR 52595
NPRM Comment Period End.	10/11/16	
Final Rule	08/21/17	82 FR 39491
Final Rule Effective.	09/20/17	
Final Action	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dianna L. Seaborn, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–3645, *Email: dianna.seaborn@sba.gov*.

RIN: 3245–AF85

345. Small Business Timber Set-Aside Program

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total

sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA considered comments received during the Advance Notice of Proposed Rulemaking and Notice of Proposed Rulemaking processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM	09/27/16	81 FR 66199
NPRM Comment Period End.	11/28/16	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David W. Loines, Area Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7311, *Email: david.loines@sba.gov*.

RIN: 3245–AG69

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

346. Agent Revocation and Suspension Procedures

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 634; 15 U.S.C. 642

Abstract: SBA is withdrawing this rule which proposed to establish detailed procedures for the suspension and revocation of an Agent's privilege to do business with the United States Small Business Administration (SBA) within a single part of the Code of Federal Regulations; clarify existing and related regulations as to suspension, revocation, and debarment; and remove Office of Hearings and Appeals jurisdiction over Agent suspensions and revocations and government-wide debarment and suspension actions.

Completed:

Reason	Date	FR Cite
Withdrawn	09/11/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Debra Mayer, *Phone:* 202 205–7577, *Email: debra.mayer@sba.gov*.

RIN: 3245–AG40

347. Small Business Investment Companies; Passive Business Expansion & Technical Clarifications

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 15 U.S.C. 681 *et seq.*

Abstract: The SBA revised the regulations for the Small Business Investment Company (SBIC) program to further expand the use of Passive Businesses and provide needed protections for SBA with regard to such investments. SBICs are generally prohibited from investing in passive businesses under the Small Business Investment Act of 1958 as amended as well as by regulations. Current program regulations provided for two exceptions that allow an SBIC to structure an investment utilizing a passive small business as a pass-through. The first exception identified in 107.720(b)(2) provides that an SBIC may structure an investment utilizing two pass-through entities to make an investment into an active business. The second exception identified in 107.720(b)(3) allows partnership SBICs with SBA prior approval to invest in a wholly owned passive business that in turn provides financing to an active small business only if a direct financing would cause its investors to incur Unrelated Business Taxable Income (UBTI). The second exception is commonly known as a blocker corporation. The rule clarifies the first exception and further expands the second exception, while providing additional protection to SBA from the risk posed by passive investment structures. As part of the rule, SBA will also make technical corrections and clarifications, including conforming the regulation to the new ''family of funds'' statutory provision.

Completed:

Reason	Date	FR Cite
Final Rule	12/28/16	81 FR 95419
Final Rule Effective.	01/27/17	
Delay of Effective Date Opportunity for Public Comment.	01/26/17	82 FR 8499
Comment Period End.	02/19/17	
Final Rule Effective.	03/21/17	
Delay of Effective Date.	03/21/17	82 FR 14428
Final Rule Effective.	05/20/17	
Delay of Effective Date and Request for Comment.	05/02/17	82 FR 20433
Comment Period End.	06/01/17	
Final Rule Effective.	08/18/17	
Final Rule and Withdrawal of Final Rule.	08/18/17	82 FR 39335
Final Rule Effective.	09/18/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Theresa M. Jamerson, *Phone:* 202 205–7563, *Email: theresa.jamerson@sba.gov*.

RIN: 3245–AG67

[FR Doc. 2017–28235 Filed 1–11–18; 8:45 am]

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Part XIX

Department of Defense

General Services Administration

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council pursuant to Executive Order 12866 ''Regulatory Planning and Review,'' 58 FR 51735 (1993), with particular adherence to EO 13771, ''Reducing Regulation and Controlling Costs,'' 82 FR 9339 (2017), EO 13777, ''Enforcing the Regulatory Reform Agenda,'' 82 FR 12285, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612. The purpose of publishing this agenda is to give notice of regulatory activity being undertaken by FAR Council in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 2nd Floor, Washington, DC 20405–0001, 202–501–2735.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 1303) and the agencies' several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at *http://www.acquisition.gov/far.*

The information provided in the Unified Agenda (Agenda) previews the rulemaking activities that we expect to undertake in the immediate future. The Agenda focuses primarily on those actions expected to result in publication of Advanced Notices of Proposed Rulemaking, Notices of Proposed Rulemaking, or Final Rules within the next 12 months.

A fully searchable e-Agenda is available for viewing in its entirety at *www.reginfo.gov.* Agenda information is also available at *www.regulations.gov,* the government-wide website for submission of comments on proposed regulations. Our fall 2017 agenda follows.

Dated: November 29, 2017.

William F. Clark,

Director, Office of Government-wide, Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

DOD/GSA/NASA (FAR)—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
348	Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 to Encourage Vendor Feedback.	9000–AN43

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
349	Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts.	9000–AM94
350	Federal Acquisition Regulation (FAR); FAR Case 2015–014; Prohibition on Providing Funds to the Enemy	9000–AN03
351	FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance	9000–AN31
352	Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees.	9000–AN32
353	Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States.	9000–AN34
354	Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement	9000–AN38
355	Federal Acquisition Regulation (FAR); FAR Case 2017–003; Individual Sureties	9000–AN39
356	Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification.	9000–AN40
357	Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information.	9000–AN44
358	Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508-Based Standards in Information and Communication Technology.	9000–AN46
359	Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions.	9000–AN47
360	Federal Acquisition Regulation (FAR); FAR Case 2015–037, Definition of ''Information Technology''	9000–AN48
361	Federal Acquisition Regulation (FAR); FAR Case 2015–028, Performance-Based Payments	9000–AN49
362	Federal Acquisition Regulation (FAR); Far Case 2015–004, Provisions and Clauses for Acquisitions of Commercial Items and Acquisitions That do not Exceed the Simplified Acquisition Threshold.	9000–AN51
363	Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements-Adequate Price Competition.	9000–AN53
364	Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts.	9000–AN54
365	Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)	9000–AN56
366	Federal Acquisition Regulation (FAR); FAR Case 2017–018, Violation of Arms Control Treaties or Agreements with the United States.	9000–AN57
367	Federal Acquisition Regulation (FAR); FAR 2017–020, Ombudsman for Indefinite-Delivery Contracts	9000–AN58
368	Federal Regulation Acquisition (FAR); FAR Case 2017–019, Policy on Joint Ventures	9000–AN59

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
369	Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting.	9000–AN61
370	Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance **(Reg Plan Seq No. 136)**.	9000–AN62

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
371	Federal Acquisition Regulation (FAR); FAR Case 2013–002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program.	9000–AM58
372	Federal Acquisition Regulation (FAR); FAR Case 2015–015; Strategic Sourcing Documentation	9000–AM89
373	Federal Acquisition Regulation (FAR); FAR Case 2013–018; Clarification of Requirement for Justifications for 8(a) Sole Source Contracts.	9000–AM90
374	Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts	9000–AM93
375	Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of "Recruitment Fees".	9000–AN02
376	Federal Acquisition Regulation (FAR); FAR Case 2016–007, Non-Retaliation for Disclosure of Compensation Information.	9000–AN10
377	Federal Acquisition Regulation (FAR); FAR Case 2015–005, System for Award Management Registration	9000–AN19
378	Federal Acquisition Regulation (FAR); FAR Case 2015–039, Audit of Settlement Proposals	9000–AN26
379	Federal Acquisition Regulation (FAR); FAR Case 2017–001, Paid Sick Leave for Federal Contractors	9000–AN27
380	Federal Acquisition Regulation (FAR); FAR Case 2015–033, Sustainable Acquisition	9000–AN28
381	Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry.	9000–AN29
382	Federal Acquisition Regulation (FAR); FAR Case 2016–011, (S) Revision of Limitations on Subcontracting	9000–AN35
383	Federal Acquisition Regulation (FAR); FAR Case 2017–004, Rate Adjustment of Liquidated Damages	9000–AN37
384	Federal Acquisition Regulation (FAR); FAR Case 2017–007, Task- and Delivery-Order Protests	9000–AN41
385	Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority	9000–AN45
386	Federal Acquisition Regulation (FAR); FAR Case 2017–012, Increased Micro-Purchase Threshold for Certain Procurement Activities.	9000–AN50

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
387	Federal Acquisition Regulation (FAR); FAR Case 2015–031, Policy on 8(a) Joint Ventures	9000–AN33
388	Federal Acquisition Regulation (FAR); FAR Case 2017–015, Removal of Fair Pay and Safe Workplaces Rule.	9000–AN52

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Prerule Stage

348. Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 To Encourage Vendor Feedback

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to address the solicitation of contractor feedback on both contract formation and contract administration activities. Agencies would consider this feedback, as appropriate, to improve the efficiency and effectiveness of their acquisition activities. The rule would create FAR policy to encourage regular feedback in accordance with agency practice (both on contract formation and administration activities) and a standard FAR solicitation provision to support a sustainable model for broadened use of Acquisition 360 survey to elicit feedback on the pre-award and debriefing processes in a consistent and standardized manner. Agencies would be able to use the solicitation provision to notify interested sources that a procurement is part of the Acquisition 360 survey and encourage stakeholders to voluntarily provide feedback on their experiences on the pre-award process.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/18	
ANPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN43

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

349. Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to direct ordering activity contracting officers to make a determination of fair and reasonable pricing when placing an order against using GSA's Federal Supply Schedules (FSS). The Federal Acquisition Streamlining Act (FASA) of 1994 established a preference for the types of information used to assess price reasonableness.

This rule establishes a practice that will ensure that prices are fair and reasonable at the time the order is placed under the GSA's Federal Supply Schedules. This government-wide FAR rule will ensure uniform implementation of this FAR change across FAR-based contracts and avoid the proliferation of agency-wide rules and actions (*e.g.* revisions to FAR supplements or issuance of policy guidance) implementing this requirement.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	
NPRM Comment Period End.	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AM94

350. Federal Acquisition Regulation (FAR); FAR Case 2015–014; Prohibition on Providing Funds to the Enemy

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement subtitle E of title VIII of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015, which prohibits the Government from providing funds to the enemy. The Act requires the Secretary of Defense to notify executive agencies of persons or entities providing funds under certain contracts to persons or entities that are actively opposing the United States or coalition forces where the Armed Forces are actively engaged in a contingency operation; or has failed to exercise due diligence to ensure that none of the funds under certain contracts are provided to those persons or entities. After receiving such notification, the executive agency's Head of the Contracting Activity (HCA) may rescind, void the contract or terminate for default. The HCA's decision is entered into the Federal Awardee Performance and Integrity Information System (FAPIIS), or other formal system of records. Since, review of FAPIIS is required before making certain award decision, this rule helps to prevent the flow of funds to such persons or entities. The statute does not apply to contracts that are equal to or less than $50,000, and contracts performed inside the United States or its outlying areas, or contracts subject to a national security exception.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	
NPRM Comment Period End.	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN03

351. FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement policies addressing the effective use of reverse auctions. Reverse auctions involve offerors lowering their pricing over rounds of bidding in order to win federal contracts. This change incorporates guidance from the Office of Federal Procurement Policy (OFPP) memorandum, ''Effective Use of Reverse Auctions,'' which was issued in response to recommendations from the GAO report, *Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings* (GAO–14–108). Reverse auctions are one tool used by federal agencies to increase competition and reduce the cost of certain items. Reverse auctions differ from traditional auctions in that sellers compete against one another to provide the lowest price or highest-value offer to a buyer. This change to the FAR will include guidance that will standardize agencies' use of reverse auctions help agencies maximize competition and savings when using reverse auctions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	
NPRM Comment Period End.	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN31

352. Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement 41 U.S.C. 4712, Enhancement of contractor protection from reprisal for disclosure of certain information and makes the pilot program permanent. The pilot was enacted on January 2, 2013, by section 828 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013. The rule makes clear that contractors and subcontractors are prohibited from discharging, demoting, or otherwise discriminating against an employee as a reprisal for disclosing, to any of the entities such as agency Inspector Generals and Congress, information the employee reasonably believes is evidence of gross mismanagement of a Federal contract; a gross waste of Federal funds; an abuse of authority relating to a Federal contract; a substantial and specific danger to public health or safety; or violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract. This rule enhances

whistleblower protections for contractor employees, by making permanent the protection for disclosure of the aforementioned information, and ensuring that the prohibition on reimbursement for legal fees accrued in defense against reprisal claims applies to subcontractors, as well as contractors.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	
NPRM Comment Period End.	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN32

353. Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) consistent with SBA's regulation at 13 CFR 125.2 as finalized in their rule Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation'' issued on October 2, 2013, to clarify that overseas contracting is not excluded from agency responsibilities to foster small business participation (78 FR 61113).

In its final rule, SBA has clarified that, as a general matter, its small business contracting regulations apply regardless of the place of performance. In light of these changes, there is a need to amend the FAR both to bring its coverage into alignment with SBA's regulation and to give agencies the tools they need especially the ability to use set-asides to maximize opportunities for small businesses overseas.

SBA intends to include contracts performed outside of the United States in agencies' prime contracting goals beginning in FY 2016. Although inclusion for goaling purposes is not dependent on FAR changes, amending FAR part 19 will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States.

This rule will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States. This will make it easier for small businesses to receive additional opportunities for contracts performed outside of the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	
NPRM Comment Period End.	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AN34

354. Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 37; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a final rule issued by the Department of the Treasury (published at 81 FR 55133) that implements section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111347. This section imposes on any foreign person that receives a specified Federal procurement payment a tax equal to two percent of the amount such payment. This rule applies to Federal Government contracts for goods or services that are awarded to foreign persons.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405. *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN38

355. Federal Acquisition Regulation (FAR); FAR Case 2017–003; Individual Sureties

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

Abstract: DoD,GSA, and NASA are is proposing to amend the Federal Acquisition Regulation (FAR) to change the kinds of assets that individual sureties must use as security for their individual surety bonds. This change will implement section 874 of the NDAA for FY 2016 (Pub. L. 114–92), codified at 31 U.S.C. 9310, Individual Sureties. Individual sureties will no longer be able to pledge real property, corporate stocks, corporate bonds, or irrevocable letters of credit. The requirements of 31 U.S.C. 9310 are intended to strengthen the assets pledged by individual sureties, thereby mitigating risk to the Government.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN39

356. Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD FORM 254, Contract Security Classification Specification

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to require the use of Department of Defense (DoD) Wide Area Workflow (WAWF) for the electronic submission of the DD Form 254, Contract Security Classification Specification. This form is used to convey security requirements regarding classified information to contractors and subcontractors and must be submitted to the Defense Security Services (DSS) when contractors or subcontractors require access to classified information under contracts awarded by agencies covered by the National Industrial Security Program (NISP). By changing the submittal process of the form from a manual process to an automated one, the government will reduce the cost of maintaining the forms, while also providing a centralized repository for classified contract security requirements and supporting data.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	
NPRM Comment Period End.	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN40

357. Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to create and implement appropriate contract clauses and regulatory coverage to address contractor requirements for breach response consistent with the requirements. This FAR change will implement the requirements outlined in Office of Management and Budget (OMB) Memorandum, M–17–12 ''Preparing for and Responding to a Breach of Personally Identifiable Information'' section V part B.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	
NPRM Comment Period End.	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN44

358. Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508–Based Standards in Information and Communication Technology

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to incorporate revisions and updates to standards in section 508 of the Rehabilitation Act of 1973, developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the ''Access Board''). This FAR change incorporates the U.S. Access Board's final rule, Information and Communication Technology (ICT) Standards and Guidelines, published on January 18, 2017 , which implemented revisions and updates to the section 508-based standards and section 255-based guidelines. This rule is expected to impose additional costs on federal agencies. The purpose is to increase productivity for federal employees with disabilities, time savings due to improved accessibility of federal websites for members of the public with disabilities, and reduced call volumes to federal agencies. Additionally, this rule harmonizes standards with national and international consensus standards which would assist American ICT companies by helping to achieve economies of scale created by wider use of these technical standards.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	
NPRM Comment Period End.	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN46

359. Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to allow for incrementally funding of certain fixed-price contracting action to help minimize disruptions to agency operations, and provide Federal acquisition professionals with new funding flexibility for fixed-price contracting actions. The FAR addresses incremental funding on cost reimbursement contracts, however, does not provide coverage on fixed price contracts. Because the FAR is silent on the incremental funding of fixed-price contracts, contracting professionals endorse the full funding of fixed-price contracts as a best practice, however, in many cases full funding is not possible. Implementing this policy will provide the flexibility sought by several agencies. Although individual agencies have implemented policy changes for themselves, making this change to the FAR will provide consistency across Government agencies, from both policy and procedural perspectives.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	
NPRM Comment Period End.	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN47

360. Federal Acquisition Regulation (FAR); FAR Case 2015–037, Definition of ''Information Technology''

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to update the definition of ''information technology,'' as directed in the Office of Management and Budget Memo, M–15–14, entitled Management Oversight of Federal Information Technology.'' Specifically, the rule broadens the definition of information technology to include services such as cloud computing and to remove an exemption for information technology embedded in other systems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	
NPRM Comment Period End.	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN48

361. Federal Acquisition Regulation (FAR); FAR Case 2015–028, Performance-Based Payments

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the FAR Clause 52.232–32, Performance-Based Payments, to include the text for subcontract flowdown addressed at FAR 32.504(f), but not currently specified in the clause itself. No new requirements are added. This rule takes guidance to prime contractors on the terms and conditions for flowdown of performance-based payments currently in the FAR text and places it in the

applicable contract clause so that the contractor can readily see what language is to be used in subcontracts authoring performance-based payments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN49

362. Federal Acquisition Regulation (FAR); FAR Case 2015–004, Provisions and Clauses for Acquisitions of Commercial Items and Acquisitions That Do Not Exceed the Simplified Acquisition Threshold

E.O. 13771 Designation: Other.

Legal Authority: Not Yet Determined

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) with an internal administrative change to support the use of automated contract writing systems and reduce FAR maintenance when clauses are updated. Currently, the FAR provides a single, consolidated list of all provisions and clauses applicable to the acquisition of commercial items. When new clauses applicable to commercial items are added the FAR, a manual process of cross checking and renumbering of the list is employed to conform the FAR, The process is cumbersome and inefficient, and challenging to maintain, especially for contract writing systems. The proposed rule would propose a change to each clause prescription and each clause flowdown for commercial items to specify required information within the prescription/clause itself, without having to cross-check another clause, list or other parts of the FAR.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN51

363. Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements—Adequate Price Competition

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: The proposed rule implements section 822 of the NDAA for FY 2017 (Pub. L . 114–328) to modify the Federal Acquisition Regulation (FAR) for DoD, NASA, and the Coast Guard to amend the FAR to implement exceptions from certified cost or pricing data requirements when price is based on adequate price competition at FAR 15.403(c)(1). This rule also limits the exception for price based on adequate price competition to circumstances in which there is adequate competition that results in at least two or more responsive and viable competing bids.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN53

364. Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 825 of the NDAA for FY 17 (Pub. L. 114–328). Section 825 amends 10 U.S.C. 2305(a)(3) to change the requirement regarding the consideration of cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task order contracts awarded by DoD, NASA, or the Coast Guard. At the Government's discretion, solicitations for multiple-award contracts, which intend to award the same or similar services to each qualifying offeror, do not require price or cost as an evaluation factor for the base contract award. This will streamline the award of contracts for DoD, NASA, and Coast Guard because they won't have to consider cost or price in the evaluation of the award decision. Relieving the requirement to account for cost or price when evaluating proposals for these types of contracts, which feature competitive orders, will enable procurement officials to focus their energy on establishing and evaluating the non-price factors that will result in more meaningful distinctions among offerors.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN54

365. Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the National Archives and Records Administration (NARA) Controlled Unclassified Information (CUI) program of Executive Order 13556 of Nov 4, 2010. As the executive agent designated to oversee the Governmentwide CUI program, NARA issued implementing regulations in late 2016 designed to address agency policies for designating, safeguarding, disseminating, marking, decontrolling and disposing of CUI. The NARA rule affects contractors that handle, possess, use, share or receive CUI. The NARA regulation is codified at 32 CFR 2002. This FAR rule is necessary to ensure uniform implementation of the requirements of the CUI program in contracts across the government, thereby avoiding potentially inconsistent agency-level action.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington,

DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN56

366. • Federal Acquisition Regulation (FAR); FAR Case 2017–018, Violation of Arms Control Treaties or Agreements With the United States

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 1290(c)(3) of the NDAA for FY 2017, which requires the offeror to certify or any of its subsidiaries to certify that it does not engage in any activity that contributed to or is a significant factor in the determination that a country is not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments to which the United States is a participating state.

Timetable:

Action	Date	FR Cite
NPRM	03/00/18	
NPRM Comment Period End.	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN57

367. • Federal Acquisition Regulation (FAR); FAR 2017–020, Ombudsman for Indefinite-Delivery Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) by providing a new clause with contact information for the agency task and delivery order ombudsman as required by FAR.). Specifically, FAR 16.504(a)(4)(v) requires that the name, address, telephone number, facsimile number, and email address of the agency task and delivery order ombudsman be included in solicitations and contracts for an indefinite quantity requirement, if multiple awards may be made for uniformity and consistency.

Timetable:

Action	Date	FR Cite
NPRM	02/00/18	
NPRM Comment Period End.	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN58

368. • Federal Regulation Acquisition (FAR); FAR Case 2017–019, Policy on Joint Ventures

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration (SBA), Small Business Mentor Protégé Programs, published on July 25, 2016 (81 FR 48557), regarding joint ventures and to clarify policy on 8(a) joint ventures. The regulatory changes provide industry with a new way to compete for small business or socioeconomic set-asides using a joint venture made up of a mentor and a protégé. The 8(a) joint venture clarification prevents confusion on an 8(a) joint venture's eligibility to compete for an 8(a) competitive procurement.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	
NPRM Comment Period End.	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 9000–AN59

369. • Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to implement section 1614 of the National Defense Authorization Act of Fiscal Year 2014, as implemented in the Small Business Administration's final rule issued on December 23, 2016. Section 1614 allows other than small prime contractors to receive small business subcontracting credit for subcontracts their subcontractors award to small businesses.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	
NPRM Comment Period End.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 9000–AN61

370. • Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance

Regulatory Plan: This entry is Seq. No. 136 in part II of this issue of the **Federal Register**.

RIN: 9000–AN62

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

371. Federal Acquisition Regulation (FAR); FAR Case 2013–002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to expand Government and contractor requirements for reporting of nonconforming items. This rule partially implements section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 and implement requirements of the Office of Federal Procurement Policy (OFPP) Policy Letter 91–3, entitled Reporting Nonconforming Products,'' dated April 9, 1991. This change will help mitigate the growing threat that counterfeit items pose when used in systems vital to an agency's mission. The primary benefit of this rule is to reduce the risk of counterfeit items entering the supply chain by ensuring that contractors report suspect items to a widely available database. This will allow the

contracting officer to provide disposition instructions for counterfeit or suspect counterfeit items in accordance with agency policy. In some cases, agency policy may require the contracting officer to direct the contractor to retain such items for investigative or evidentiary purposes.

Timetable:

Action	Date	FR Cite
NPRM	06/10/14	79 FR 33164
NPRM Comment Period End.	08/11/14	
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AM58

372. Federal Acquisition Regulation (FAR); FAR Case 2015–015; Strategic Sourcing Documentation

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015. This section requires the contract file shall contain certain documentation if the Federal Government makes a purchase of supplies and services offered under the Federal Strategic Sourcing Initiative (FSSI), but the FSSI is not used. The contract file for the purchase shall include a brief analysis of the comparative value, including price and non-price factors, between the supplies and services offered under the FSSI and those offered under the source(s) to be used for the purchase.

The rule will raise the visibility of these strategic sourcing solutions, the analysis used when not using an FSSI contract vehicle, promote their use, and help to better leverage the Government's buying power when using FSSI vehicles. Strategic Sourcing drives both dollar savings and process improvements. The Federal Government, suppliers and ultimately the U.S. taxpayers benefit when government can better articulate its requirements and provide committed purchase volumes, and in return, industry suppliers can provide better pricing and more valuable solutions.

Timetable:

Action	Date	FR Cite
NPRM	06/20/16	81 FR 39883
NPRM Comment Period End.	08/19/16	
Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AM89

373. Federal Acquisition Regulation (FAR); FAR Case 2013–018; Clarification of Requirement for Justifications for 8(a) Sole Source Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to clarify the guidance for sole source 8(a) contract awards exceeding $22 million. This rule implements guidance from a Government Accountability Office (GAO) report entitled Federal Contracting: Slow Start to Implementation of Justifications for 8(a) Sole-Source Contracts'' (GA0–13–118, December 2012). Sole-source contracting regulations are statutory and are found in section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 11184) (see 77 FR 23369). These clarifications improve the contracting officer's ability to comply with the sole source contracts statutory requirements by providing guidance, including when justification is necessary, how contracting officers should comply, and when a separate sole-source justification is necessary for out-of-scope modifications to 8(a) sole-source contracts. The GAO report indicates that the FAR needed additional clarification of the justification requirement to help ensure that agencies are applying the requirement consistently.

Timetable:

Action	Date	FR Cite
NPRM	11/15/16	81 FR 80012
NPRM Comment Period End.	01/17/17	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM90

374. Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement regulatory changes regarding procedures for the use of small business partial set-asides, reserves, and orders placed under multiple-award contracts. This rule incorporates statutory requirements discussed at section 1331 of the Small Business Jobs Act of 2010 (15 U.S.C. 644(r)) and the Small Business Administration's final rule at 78 FR 61114, dated October 2, 2013.

Multiple-award contracts, due to their inherent flexibility, competitive nature, and administrative efficiency, are commonly used in Federal procurement. They have proven to be an effective means of contracting for large quantities of supplies and services for which the quantity and delivery requirements cannot be definitively determined at contract award. However, prior to 2011, the FAR was largely silent on the use of acquisition strategies to promote small business participation in conjunction with multiple-award contracts. This rule increases small business participation in Federal prime contracts by ensuring that small businesses have greater access to multiple award contracts and clarifying the procedures for partially setting aside and reserving multiple-award contracts for small business, and setting aside orders placed under multiple-award contracts for small business, thereby ensuring that small businesses have greater access to these commonly used vehicles.

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88072
NPRM Comment Period End.	02/06/17	
Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM93

375. Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of ''Recruitment Fees''

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts, and title XVII of the National Defense Authorization Act for Fiscal Year 2013. The rule adds a definition of ''recruitment fees'' to FAR subpart 22.17, Combating Trafficking in Persons, and the associated clauses in order to clarify how the Government uses recruitment fees in the treatment of this prohibited practice that has been associated with labor trafficking under contracts and subcontracts. The purpose of the rule is to provide a standardized definition that clarifies prohibited recruitment to help fight against human trafficking.

Timetable:

Action	Date	FR Cite
NPRM	05/11/16	81 FR 29244
NPRM Comment Period End.	07/11/16	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN02

376. Federal Acquisition Regulation (FAR); FAR Case 2016–007, Non-Retaliation for Disclosure of Compensation Information

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13665, entitled ''Non-Retaliation for Disclosure of Compensation Information,'' (79 FR 20749) and the final rule issued by the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL) at 80 FR 54934, entitled ''Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions.''

This rule provides for a uniform policy for the Federal Government to prohibit Federal contractors from discriminating against employees and job applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/16	81 FR 67732
Interim Final Rule Comment Period End.	11/29/16	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN10

377. Federal Acquisition Regulation (FAR); FAR Case 2015–005, System for Award Management Registration

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to update the instructions for System for Award Management (SAM) registration requirements and to correct an inconsistency with offeror representation and certification requirements. The language in the FAR was not consistent in terms of whether offerors need to register in SAM prior to submitting an offer or prior to award of a contract. This rule clarifies and makes the language consistent by requiring offerors' registration in SAM prior to submitting an offer. The rule does not place any new requirements on businesses and is considered administrative because the only change is when the requirement for registering in SAM must occur. Registering in SAM eliminates the need for potential offerors to complete representations and certifications multiple times a year when responding to solicitations, which reduces the burden on both the contractor and the government.

Timetable:

Action	Date	FR Cite
NPRM	05/20/16	81 FR 31895
NPRM Comment Period End.	07/19/16	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN19

378. Federal Acquisition Regulation (FAR); FAR Case 2015–039, Audit of Settlement Proposals

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amends the Federal Acquisition Regulation (FAR) to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from $100,000 to the Truth In Negotiation Act (TINA) threshold of $750,000 to help alleviate the backlog of contract close-outs and to enable contracting officers to more quickly deobligate excess funds from terminated contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/14/16	81 FR 63158
NPRM Comment Period End.	11/14/16	
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN26

379. Federal Acquisition Regulation (FAR); FAR Case 2017–001, Paid Sick Leave for Federal Contractors

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) requiring Federal Government contractors to ensure that employees on those contracts can earn up to seven days or more of paid sick leave annually, including paid sick leave for family care. This rule implements the objective of Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors and Department of Labor's final rule (81 FR 91627).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/16	81 FR 91627
Interim Final Rule Effective.	01/01/17	
Interim Final Rule Comment Period End.	02/14/17	

Action	Date	FR Cite
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN27

380. Federal Acquisition Regulation (FAR); FAR Case 2015–033, Sustainable Acquisition

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to add a new definition for sustainable products and services and update several existing definitions germane to sustainable acquisition. This rule will also provide two new websites to help contractors understand the sustainable acquisition requirements and gain access to a listing of sustainable products and services as determined by the Federal Government. The rule implements Executive Order 13693, Planning for Federal Sustainability in the Next Decade (supersedes Executive Orders 13423 and 13514), and the biobased product acquisition provisions of the Agricultural Act of 2014 (also known as the 2014 Farm Bill).

Timetable:

Action	Date	FR Cite
NPRM	01/18/17	82 FR 5490
NPRM Comment Period End.	03/20/17	
Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 795–6328, *Email: chuck.gray@gsa.gov*.

RIN: 9000–AN28

381. Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement section 887 of the NDAA for FY 2016 (Pub. L. 114–92). This law provides that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry. This change will permit and encourage government acquisition personnel to engage in responsible and constructive exchanges with industry as part of market research as long as those exchanges are consistent with existing laws, regulations, and promote a fair competitive environment.

Timetable:

Action	Date	FR Cite
NPRM	11/29/16	81 FR 85914
NPRM Comment Period End.	03/02/17	
Final Rule	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN29

382. Federal Acquisition Regulation (FAR); FAR Case 2016–011, (S) Revision of Limitations on Subcontracting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to revise and standardize the limitations on subcontracting (LOS), including the nonmanufacturer rule (NMR), which apply to small business concerns under FAR part 19 procurements. This FAR change incorporates SBA's final rule at 81 FR 34243, which implemented the statutory requirements of section 1651 of the National Defense Authorization Act for Fiscal Year 2013. This action is necessary to meet the Congressional intent of clarifying the limitations on subcontracting with which small businesses must comply, as well as the ways in which they can comply. The rule will benefits small businesses and agencies. Prompt implementation of this rule will allow small businesses to take advantage of subcontracts with similarly situated entities. As a result, these small businesses will be able to compete for larger contracts, which would positively affect their potential for growth as well as that of their potential subcontractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/18	
Interim Final Rule Comment Period End.	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AN35

383. Federal Acquisition Regulation (FAR); FAR Case 2017–004, Rate Adjustment of Liquidated Damages

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to adjust the civil monetary penalties for inflation pursuant to the Inflation Adjustment Act Improvements Act. This Act requires agencies to adjust the levels of civil monetary penalties with an initial catch-up adjustment, followed by the annual adjustment for inflation.

This rule implements the Department of Labor (DOL) interim final rule published in the **Federal Register** at 81 FR 43430 on July 1, 2016, finalized at 82 FR 5373 on January 18, 2017. The DOL rule adjusted the civil monetary penalties for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN37

384. Federal Acquisition Regulation (FAR); FAR Case 2017–007, Task– and Delivery–Order Protests

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to raise the threshold for task- and delivery-order protests from $10 million

to $25 million for DoD and make permanent the General Accountability Office's authority to hear protests on civilian task or delivery contracts valued in excess of $10 million. The rule implements sections 835 of the National Defense Authorization Act for FY 2017 (Pub. L. 114–328) and Public Law 114–260 835(a).

Timetable:

Action	Date	FR Cite
Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 795–6328, *Email: chuck.gray@gsa.gov*.

RIN: 9000–AN41

385. Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement sections 816 and 1641 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328). Section 816 adds international disaster assistance under the Foreign Assistance Act of 1961 and emergency or disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Section 1641 adds special emergency procurement authority to facilitate defense against or recovery from a cyber-attack. Adding these authorities enables a more effective and immediate response to emergency or major disasters, cyber attacks, and international disasters. For example, certain authorities would be available to the contracting officer based on agency procedures, the micropurchase threshold may be increased to $20,000 for any contract to be awarded and performed, or purchase to be made in support of the designated areas; and the simplified acquisition threshold (SAT) may be increased to $750,000, or $13,000,000 for commercial items, for any contract to be awarded and performed, or purchased in support of the designated areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN45

386. Federal Acquisition Regulation (FAR); FAR Case 2017–012, Increased Micro-Purchase Threshold for Certain Procurement Activities

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to update the definition of micro-purchase threshold'' in FAR 2.101 to implement the higher micro-purchase threshold provided by section 217(b) of the NDAA for FY 2017 (Pub. L. 114–328). Specifically, section 217(b) amends 41 U.S.C. 1902 to increase the micro-purchase threshold for acquisitions from institutions of higher education or related or affiliated nonprofit entities, or from nonprofit research organizations or independent research institutes, to $10,000, or a higher amount as determined appropriate by the head of the relevant executive agency and consistent with clean audit findings under 31 U.S.C. chapter 75, an internal institutional risk assessment, or state law. As a result of this rule, affected contractors will no longer receive a written request for quote (RFQ) and/or a Government purchase order for requirements valued between $3,501 and $10,000. Instead, the order can be placed online, by phone, in person, or by fax via the Government purchase card (GPC). Therefore, the contractor will no longer be required to read the RFQ and/or purchase order for various Government-provided information.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN50

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

387. Federal Acquisition Regulation (FAR); FAR Case 2015–031, Policy on 8(A) Joint Ventures

E.O. 13771 Designation:

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: This case has been merged into FAR Case 2017–019.

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to be consistent with the guidance in SBA regulations at 13 CFR 124 8(A) Business Development/ Small Disadvantaged Business Status Determinations (77 FR 28237). These clarifications are expected to relieve burden on both industry and government by reducing the number of protests related to inappropriate elimination from competition of offers from 8(a) joint ventures and inappropriate awards to ineligible 8(a) joint ventures. This will reduce the risk for fraud by clarifying the role of SBA as the authority for making eligibility determination. The rule is also expected to facilitate competition by clarifying the circumstances under which a joint venture is eligible for award under the 8(a) program.

Completed:

Reason	Date	FR Cite
Merged With Policy on Joint Ventures (2017–019).	09/12/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AN33

388. Federal Acquisition Regulation (FAR); FAR Case 2017–015, Removal of Fair Pay and Safe Workplaces Rule

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA plan to issue a final rule to repeal the implementation of Executive Order 13673 on Fair Pay and Safe Workplaces since Executive Order 13673 was officially nullified on March 27, 2017 (see Pub. L. 115–11). Additionally, Executive Order 13782 of March 30, 2017, revoked Executive Order 13673, section 3 of Executive Order 13683 of

December 11, 2014, and Executive Order 13738 of August 23, 2016. This action was made to have no force or effect by an enacted joint resolution of disapproval under the Congressional Review Act, H.J. Res.37 (Pub. L. 115–11).

Completed:

Reason	Date	FR Cite
Final Rule, CRA Revocation.	11/06/17	82 FR 51773

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov/.*

RIN: 9000–AN52

[FR Doc. 2017–28242 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part XX

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Commodity Futures Trading Commission (''Commission''), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rulemakings that the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

FOR FURTHER INFORMATION CONTACT: Christopher J. Kirkpatrick, Secretary of the Commission, (202) 418–5964, *ckirkpatrick@cftc.gov,* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601, *et seq.,* includes a requirement that each agency publish semiannually in the **Federal Register** a regulatory flexibility agenda. Such agendas are to contain the following elements, as specified in 5 U.S.C. 602(a):

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in the agenda.

Accordingly, the Commission has prepared an agenda of rulemakings that it presently expects may be considered during the course of the next year. Subject to a determination for each rule, it is possible as a general matter that some of these rules may have some impact on small entities.[1] The Commission notes also that, under the RFA, it is not precluded from considering or acting on a matter not included in the regulatory flexibility agenda, nor is it required to consider or act on any matter that is listed in the agenda. See 5 U.S.C. 602(d).

The Commission's Fall 2017 regulatory flexibility agenda is included in the *Unified Agenda of Federal Regulatory and Deregulatory Actions.* The complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users enhanced ability to obtain information from the Agenda database.

Issued in Washington, DC, on October 2, 2017, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

COMMODITY FUTURES TRADING COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
389	Indemnification Rulemaking	3038–AE44

COMMODITY FUTURES TRADING COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
390	Regulation Automated Trading	3038–AD52

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Final Rule Stage

389. Indemnification Rulemaking

E.O. 13771 Designation: Independent agency.

Legal Authority: 7 U.S.C. 12a and 24a

Abstract: The FAST Act repealed CEA 21(d)(2), added to the CEA by Dodd-Frank 728, which provided that domestic and foreign regulators that are otherwise eligible to, and that do, request data from an SDR (collectively, Regulators) agree to indemnify the SDR and the CFTC for expenses resulting from litigation relating to the information provided. When considered in light of the CFTC's current regulations addressing Regulators' access to SDR data, the removal of the indemnification requirement presents a number of issues, primarily related to the scope of Regulators' access to SDR data, and maintaining the confidentiality of such data consistent with CEA 8. The Commission addressed these issues in a notice of proposed rulemaking (NPRM) that revises the current approach to Regulators' access to SDRs' swap data and sets forth more information regarding the confidentiality agreement that is required by CEA 21(d).

Timetable:

Action	Date	FR Cite
NPRM	01/25/17	82 FR 8369
NPRM Comment Period End.	03/27/17	
Final Rule	12/00/17	
Final Action Effective.	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel J. Bucsa, Deputy Director, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–5435, *Email: dbucsa@cftc.gov.*

[1] The Commission published its definition of a ''small entity'' for purposes of rulemaking proceedings at 47 FR 18618 (April 30, 1982). Pursuant to that definition, the Commission is not required to list—but nonetheless does—many of the items contained in this regulatory flexibility agenda. *See also* 5 U.S.C. 602(a)(1). Moreover, for certain items listed in this agenda, the Commission has previously certified, under section 605 of the RFA, 5 U.S.C. 605, that those items will not have a significant economic impact on a substantial number of small entities. For these reasons, the listing of a rule in this regulatory flexibility agenda should not be taken as a determination that the rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. Rather, the Commission has chosen to publish an agenda that includes significant and other substantive rules, regardless of their potential impact on small entities, to provide the public with broader notice of new or revised regulations the Commission may consider and to enhance the public's opportunity to participate in the rulemaking process.

David E. Aron, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–6621, *Email: daron@cftc.gov*.

Owen Kopon, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–5360, *Email: okopon@cftc.gov*.

RIN: 3038–AE44

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Long-Term Actions

390. Regulation Automated Trading

E.O. 13771 Designation: Independent agency.

Legal Authority: 7 U.S.C. 1a(23), 7 U.S.C. 6c(a); 7 U.S.C. 7(d); and 7 U.S.C. 12(a)(5)

Abstract: On November 7, 2016, the Commodity Futures Trading Commission (''Commission'') approved a supplemental notice of proposed rulemaking for Regulation AT (''Supplemental NPRM''). The Supplemental NPRM modifies certain rules proposed in the Commission's December 2015 notice of proposed rulemaking for Regulation AT. The Supplemental NPRM was published in the **Federal Register** on November 25, 2016, with a 90-day comment period closing on January 24, 2017. The Commission subsequently extended the comment period until May 1, 2017.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/13	78 FR 56542
ANPRM Comment Period End.	12/11/13	
ANPRM Comment Period Extended.	01/24/14	79 FR 4104
ANPRM Comment Period Extended End.	02/14/14	
NPRM	12/17/15	80 FR 78824
NPRM Comment Period End.	03/16/16	
NPRM Comment Period Reopened.	06/10/16	81 FR 36484
NPRM Comment Period Reopened End.	06/24/16	
Supplemental NPRM.	11/25/16	81 FR 85334
Supplemental NPRM Comment Period End.	01/24/17	
Supplemental NPRM Comment Period Extended.	01/26/17	82 FR 8502
Supplemental NPRM Comment Period Extended End.	05/01/17	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilee Dahlman, *Phone:* 202 418–5264, *Email: mdahlman@cftc.gov*.

RIN: 3038–AD52

[FR Doc. 2017–28240 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part XXI

Bureau of Consumer Financial Protection

Semiannual Regulatory Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR CH. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB or Bureau) is publishing this agenda as part of the Fall 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions. The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from November 1, 2017 to October 31, 2018. The next agenda will be published in spring 2018 and will update this agenda through fall 2018. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of September 28, 2017.

ADDRESSES: Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein.

SUPPLEMENTARY INFORMATION: The CFPB is publishing its Fall 2017 Agenda as part of the Fall 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda lists the regulatory matters that the CFPB reasonably anticipates having under consideration during the period from November 1, 2017, to October 31, 2018, as described further below.[1] The CFPB's participation in the Unified Agenda is voluntary. The complete Unified Agenda is available to the public at the following website: *http://www.reginfo.gov.*

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act), the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws, which transferred to the CFPB from seven Federal agencies on July 21, 2011. The Bureau's general purpose, as specified in section 1021 of the Dodd-Frank Act, is to implement and enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.

The CFPB is working on a wide range of initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities. Section 1021 of the Dodd-Frank Act specifies the objectives of the Bureau, including providing consumers with timely and understandable information to make responsible decisions about financial transactions; protecting consumers from unfair, deceptive, or abusive acts and practices and from discrimination; addressing outdated, unnecessary, or unduly burdensome regulations; enforcing Federal consumer financial law consistently in order to promote fair competition, without regard to the status of a covered person as a depository institution; and promoting the transparent and efficient operation of markets for consumer financial products and services to facilitate access and innovation. The CFPB's regulatory work in pursuit of those objectives can be grouped into three main categories: (1) Implementing statutory directives; (2) other efforts to address market failures, facilitate fair competition among financial services providers, and improve consumer understanding; and (3) modernizing, clarifying, and streamlining consumer financial regulations to reduce unwarranted regulatory burdens.

Implementing Statutory Directives

Much of the Bureau's rulemaking work is focusing on implementing directives mandated in the Dodd-Frank Act and other statutes. As part of these rulemakings, the Bureau is working to achieve the consumer protection objectives of the statutes while minimizing regulatory burden on financial services providers and facilitating a smooth implementation process for both industry and consumers.

For example, the Bureau is continuing efforts to facilitate implementation of critical consumer protections under the Dodd-Frank Act that guard against mortgage market practices that contributed to the nation's most significant financial crisis in several decades. Since 2013, the Bureau has issued regulations as directed by the Dodd-Frank Act to implement certain protections for mortgage originations and servicing, integrate various Federal mortgage disclosures, and amend mortgage reporting requirements under the Home Mortgage Disclosure Act (HMDA). The Bureau is conducting follow-up rulemakings as warranted to address issues that have arisen during the implementation process for these rules and to provide greater clarification and certainty to financial services providers. The Bureau has three such efforts underway at this time:

- In August, the Bureau finalized amendments to Regulation C to facilitate implementation of a rule it issued in 2015 to effectuate Dodd-Frank Act amendments to HMDA. The amendments included a number of clarifications, technical corrections, and minor changes to the HMDA regulation, which largely takes effect in 2018, as well as temporarily changing the reporting threshold for open-end lines of credit. The Bureau issued a final rule in September amending Regulation B, which implements the Equal Credit Opportunity Act (ECOA), that also concerns data collection. The Bureau is also continuing to work closely with industry and other regulators to streamline and modernize HMDA data collection and reporting in conjunction with implementation of the Dodd-Frank amendments. For example, the Bureau in September sought comment on draft guidance for what HMDA information will be released to the general public in light of privacy concerns as specified in the Dodd-Frank Act.
- The Bureau is expecting to issue a proposed rule and an interim final rule in early October to address narrow issues concerning the timing of certain mortgage servicing disclosure requirements. The proposed rule and interim final rule relate to concerns raised by industry participants in connection with the mortgage servicing rule that the Bureau issued in August 2016, under Regulation X, which implements the Real Estate Settlement Procedures Act (RESPA) and Regulation Z, which implements the Truth in Lending Act (TILA).
- The Bureau is seeking comment on a follow up rulemaking concerning certain consolidated mortgage disclosures that consumers receive in connection with applying for and closing on a mortgage loan under the TILA and RESPA. The proposed amendments relate to when a creditor may compare charges paid by or imposed on the consumer to amounts disclosed on a Closing Disclosure, instead of a Loan Estimate, to determine

[1] The listing does not include certain routine, frequent, or administrative matters. Further, certain of the information fields for the listing are not applicable to independent regulatory agencies, including the CFPB, and, accordingly, the CFPB has indicated responses of ''no'' for such fields.

if an estimated closing cost was disclosed in good faith. The consolidated disclosures rule is the cornerstone of the Bureau's broader ''Know Before You Owe'' mortgage initiative.

The Bureau is also working to implement section 1071 of the Dodd-Frank Act, which amends ECOA to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. This rulemaking could provide critical information about how these businesses—which are critical engines for economic growth—access credit. The Bureau held a public hearing on this subject in spring 2017, and released a white paper summarizing preliminary research on the small business lending market. In May 2017, the Bureau also issued a Request for Information seeking public comment on, among other things, the types of credit products offered and the types of data currently collected by lenders in this market and the potential complexity, cost of, and privacy issues related to, small business data collection. The comment period closed on September 14, 2017. The information received will help the Bureau determine how to implement the rule efficiently while minimizing burdens on lenders.

Other Efforts To Address Market Failures, Facilitate Fair Competition Among Financial Services Providers, and Improve Consumer Understanding

The Bureau is considering rules in places where there are substantial market failures that make it difficult for consumers to engage in informed decision making and otherwise protect their own interests. In addition, the Dodd-Frank Act directs the Bureau to focus on activities that promote fair competition among financial services providers, which itself has substantial benefits for consumers.

For example, the Bureau released a Notice of Proposed Rulemaking in June 2016, building on several years of research documenting consumer harms from practices related to payday loans, auto title loans, and other similar credit products. In particular, the Bureau is concerned that product structure, lack of underwriting, and certain other lender practices are interfering with consumer decision making with regard to such products and trapping large numbers of consumers in extended cycles of debt that they do not expect. The Bureau is also concerned that certain lenders' payment collection practices are causing substantial harm to consumers, including substantial unexpected fees and heightened risk of losing their checking accounts. The Bureau received more than one million comments in response to the proposal and is carefully considering how best to address concerns raised in the proposal in a manner consistent with the Bureau's objectives under the Dodd-Frank Act.

The Bureau is also engaged in rulemaking activities regarding the debt collection market, which continues to be a top source of complaints to the Bureau. The Bureau is concerned that because consumers cannot choose their debt collectors or ''vote with their feet,'' they have less ability to protect themselves from harmful practices. In January 2017, the Bureau published the results of a survey of consumers about their experiences with debt collection. The Bureau has also received encouragement from industry to engage in rulemaking to resolve conflicts in case law and address issues of concern under the Fair Debt Collection Practices Act (FDCPA), such as the application of the 40-year-old statute to modern communication technologies. The Bureau released an outline of proposals under consideration in July 2016 concerning practices by companies that are ''debt collectors'' under the FDCPA, in advance of convening a panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy to consult with representatives of small businesses that might be affected by the rulemaking. The Bureau expects to release a proposed rule concerning FDCPA collectors' communications practices and consumer disclosures. The Bureau intends to follow up separately at a later time about concerns regarding information flows between creditors and FDCPA collectors and about potential rules to govern creditors that collect their own debts.

The Bureau is also engaged in policy analysis and further research initiatives in preparation for a potential rulemaking regarding overdraft programs on checking accounts. After several years of research, the Bureau believes that there are consumer protection concerns with regard to these programs. Consumers do not shop based on overdraft fee amounts and policies, and the market for overdraft services does not appear to be competitive. Under the current regulatory regime consumers can opt in to permit their financial institution to charge fees for ATM and point-of-sale debit overdrafts, but the complexity of the system may complicate consumer decision making. Despite widespread use of disclosure forms, the regime produces substantially different opt-in rates across different depository institutions and the Bureau's supervisory and enforcement work indicates that some institutions are aggressively steering consumers to opt in. The CFPB is engaged in consumer testing of revised opt-in forms and considering whether other regulatory changes may be warranted to enhance consumer decision making.

In addition, the Bureau is continuing rulemaking activities that will ensure meaningful supervision of non-bank financial services providers in order to create a more level playing field for depository and non-depository institutions. Under section 1024 of the Dodd-Frank Act, the CFPB is authorized to supervise ''larger participants'' of markets for various consumer financial products and services as defined by Bureau rule. The Bureau has defined the threshold for larger participants in several markets in past rulemakings, and is now working to develop a proposed rule that would define non-bank ''larger participants'' in the market for personal loans, including consumer installment loans and vehicle title loans. The Bureau is also considering whether rules to require registration of these or other non-depository lenders would facilitate supervision, as has been suggested to the Bureau by both consumer advocates and industry groups.

The Bureau's October 2016 rulemaking concerning prepaid financial products also advanced fairness and consistency objectives by creating a uniform disclosure regime and providing basic protections similar to those enjoyed by users of debit cards and credit cards. In April 2017, the Bureau extended the general effective date of the rule to April 1, 2018. In June 2017, the Bureau issued a proposal that would make targeted changes to the 2016 prepaid rule to reduce implementation and compliance burdens on the industry and ensure consumer understanding of and access to these products. The Bureau expects to issue a final rule in fall 2017.

Modernizing, Streamlining, and Clarifying Consumer Financial Regulations

The Bureau's third group of activities concerns modernizing, streamlining, and clarifying consumer financial regulations and other activities to reduce unwarranted regulatory burdens and facilitate consumer-friendly innovation and increased access to consumer financial markets as directed by the Dodd-Frank Act. Since most of

the Federal consumer financial laws that the Bureau administers were enacted in the 1960s and 1970s, there is often substantial demand for these activities from both industry and consumer advocates alike.

In addition to some of the projects mentioned above that advance these objectives, such as the HMDA processes modernization and debt collection rulemaking, the Bureau is pursuing a number of other research, policy, and rulemaking initiatives. For example, section 1022(d) of the Dodd-Frank Act specifically directs the Bureau to assess the effectiveness of significant rules five years after they are implemented, including seeking public comment. In spring and summer 2017, the Bureau published requests for comment on its plans to assess the effectiveness of mortgage servicing rules, rules implementing portions of the Dodd-Frank Act requiring mortgage lenders to assess consumers' ability to repay, and rules implementing provisions of the Dodd-Frank Act regulating remittance transfers sent by consumers located in the United States to international recipients. The Bureau has received comments on all three section 1022(d) assessment plans. The comments also included recommendations for modifying, expanding, or eliminating various aspects of the three rules at issue. The Bureau is conducting substantial research for each of the section 1022(d) assessments, collecting and analyzing quantitative data where feasible. It will publish reports of these section 1022(d) assessments by the statutory deadlines (October 2018 for remittance transfers, January 2019 for the mortgage rules described above). The findings in these reports will help the Bureau and the public evaluate the recommendations the Bureau received and inform the Bureau's decisions whether adjustments to rules are warranted.

The Bureau is also beginning work this fall on the first in a series of reviews of existing regulations that it inherited from other agencies through the transfer of authorities under the Dodd-Frank Act. The Bureau had previously sought feedback on the inherited rules as a whole,[2] and identified and executed several burden reduction projects from that undertaking.[3] The Bureau has largely completed those initial projects,[4] and believes that the next logical step is to review individual regulations—or portions of large regulations—in more detail to identify opportunities to clarify ambiguities, address developments in the marketplace, or modernize or streamline provisions. The Bureau notes that other Federal financial services regulators have engaged in these types of reviews over time, and believes that such an initiative would be a natural complement to its work to facilitate implementation of new regulations.

For its first review, the Bureau expects to focus primarily on subparts B and G of Regulation Z, which implement TILA with respect to open-end credit generally and credit cards in particular. As part of this general effort, the Bureau is considering rules to modernize the Bureau's database of credit card agreements to reduce burden on issuers that submit credit card agreements to the Bureau and make the database more useful for consumers and the general public. The Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) requires credit card issuers to post their credit card agreements to their internet site, and submit those agreements to the Bureau to be posted on an internet site maintained by the Bureau. The Bureau believes an improved submission process and database would be more efficient for both industry and the Bureau and would allow consumers and the general public to access and analyze information more easily.

The Bureau has also launched several initiatives focusing on ways to facilitate technological and product innovation that could benefit consumers. These include the CFPB's Trial Disclosure Waiver Program, which is designed to implement the Bureau's authority under section 1032 of the Dodd-Frank Act to grant financial services providers temporary waivers to conduct controlled field experiments of consumer disclosures. In addition, the Bureau has published a policy to facilitate the issuance of ''No Action Letters'' indicating that Bureau staff has no present intention to recommend enforcement or supervisory action with respect to specific applicants who wish to provide innovative financial products or services that promise substantial consumer benefit but raise substantial uncertainty as to application of existing consumer financial laws.[5] The Bureau has also recently published two ''Requests for Information'' (RFI) seeking to explore the potential benefits and risks to consumers of recent developments in the marketplace relating to use of consumer data. Specifically, one RFI focused on gathering information about the consumer benefits and risks associated with market developments related to the provision of products and services, based on the aggregation of a consumer's financial information maintained by multiple financial institutions that a consumer uses (*e.g.,* personal financial management services) and that rely on third-party entities referred to as data aggregators acting with consumer permission to collect consumer financial account and account-related information.[6] The other concerned use of so-called ''alternative data'' in the credit process, including to assess the creditworthiness of consumers who do not have substantial traditional credit histories.[7]

In light of the feedback received in response to the RFIs and various other outreach to industry, consumer advocates, and other stakeholders, the Bureau has decided to add two new entries to its long-term regulatory agenda.[8] This portion of the agenda, which focuses on potential regulatory actions that an agency may engage in beyond the current fiscal year, already contains entries concerning consumer reporting and student loan servicing. The Bureau is now adding entries concerning potential rulemakings to modernize Regulation E, which implements the Electronic Fund Transfer Act (EFTA), and to address issues of concern in connection with data aggregators, either under existing regulatory regimes such as EFTA and the Fair Credit Reporting Act or under the Dodd-Frank Act more generally. In both cases, the Bureau believes that technological and market developments may warrant rulemaking application to clarify the application of existing statutes and regulations, modernize and

[2] 76 FR 75825 (Dec. 5, 2011).

[3] See 79 FR 64057 (Oct. 28, 2014); 78 FR 25818 (May 3, 2013); 78 FR 18221 (Mar. 26, 2013). In some cases Congress took action related to the same topics identified as part of the Bureau's streamlining initiative. *See, e.g.,* 81 FR 44801 (July 11, 2016); 78 FR 18221 (Mar. 26, 2013).

[4] The Bureau expects to complete work later this year on a final rule amending certain requirements concerning annual privacy notices under the Gramm-Leach-Bliley Act. The Bureau conducted a prior rulemaking to create an exception to facilitate the ability of financial services providers to deliver such notices via their websites. 79 FR 64057 (Oct. 28, 2014). Congress then amended the underlying law to create a broader exception. That amendment took effect in December 2015, and the Bureau is completing certain conforming regulatory amendments to reflect the statutory change.

[5] *See, e.g.,* Press Release, Bureau of Consumer Fin. Prot., *CFPB Announces First No-Action Letter to Upstart Network* (Sept. 14, 2017), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-announces-first-no-action-letter-upstart-network/.*

[6] 81 FR 83806 (Nov. 22, 2016).

[7] 82 FR 11183 (Feb. 17, 2017).

[8] Further, the Bureau is moving Amendments to FIRREA Concerning Appraisals (Automated Valuation Models) into the Long-Term Actions based on continuing interagency discussions.

streamline those laws, and address emerging consumer protection concerns.

The Bureau has also launched an internal task force to coordinate and bolster the agency's continuing effort to fulfill its mandate to identify and relieve regulatory burdens, including with regard to small businesses, consistent with the Bureau's other objectives under section 1021 of the Dodd-Frank Act. The task force is currently engaged in reviewing ideas for reduction of regulatory burden that have been suggested by Bureau stakeholders.

Further Planning

Finally, the Bureau is continuing to conduct outreach and research to assess issues in various other markets for consumer financial products and services beyond those discussed above. As this work continues, the Bureau will evaluate possible policy responses, including possible rulemaking actions, taking into account the critical need for and effectiveness of various policy tools. The Bureau will update its regulatory agenda in spring 2018, to reflect the results of this further prioritization and planning.

Dated: September 28, 2017.

Kelly Thompson Cochran,

Assistant Director for Regulations, Bureau of Consumer Financial Protection.

CONSUMER FINANCIAL PROTECTION BUREAU—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
391	Business Lending Data (Regulation B)	3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
392	Payday, Vehicle Title, and Certain High-Cost Installment Loans	3170–AA40
393	Arbitration	3170–AA51

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Prerule Stage

391. Business Lending Data (Regulation B)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The amendments to ECOA made by the Dodd-Frank Act require that certain data be collected, maintained, and reported, including the number of the application and date the application was received; the type and purpose of the loan or credit applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue of the business; and the race, sex, and ethnicity of the principal owners of the business. The Dodd-Frank Act also provides authority for the CFPB to require any additional data that the CFPB determines would aid in fulfilling the purposes of this section. The Bureau is focusing on outreach and research to develop its understanding of the players, products, and practices in the small business lending market and of the potential ways to implement section 1071. The CFPB then expects to begin developing proposed regulations concerning the data to be collected, potential ways to minimize burdens on lenders, and appropriate procedures and privacy protections needed for information-gathering and public disclosure.

Timetable:

Action	Date	FR Cite
Prerule Activities	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Wylie, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Completed Actions

392. Payday, Vehicle Title, and Certain High-Cost Installment Loans

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 5531; 12 U.S.C. 5532; 12 U.S.C. 5512; 12 U.S.C. 5551

Abstract: The Bureau is conducting a rulemaking to address consumer harms from practices related to payday loans and other similar credit products, including failure to determine whether consumers have the ability to repay without default or re-borrowing and certain payment collection practices. The Bureau released a Notice of Proposed Rulemaking in June 2016 that would identify it as an abusive and unfair practice for a lender to make a covered loan without reasonably determining that the consumer has the ability to repay the loan. Among other things, the proposal would require that, before making a covered loan, a lender must reasonably determine that the consumer has the ability to repay the loan. The Bureau received more than 1 million comments on the proposal.

Timetable:

Action	Date	FR Cite
NPRM	07/22/16	81 FR 47863
Request For Information.	07/22/16	81 FR 47781
NPRM Comment Period End.	10/07/16	
Request For Information Comment Period End.	11/07/16	
Final Rule	11/17/17	82 FR 54472
Final Action Effective.	01/16/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Morelli, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA40

393. Arbitration

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 5512(b); 12 U.S.C. 5518(b)

Abstract: In July 2016, the Bureau finalized a rulemaking concerning the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of certain consumer financial products or services. The rulemaking followed on a report that the Bureau issued to Congress in March 2015 as required by the Dodd-Frank Act, as well as on preliminary results of arbitration research that were released by the Bureau in December 2013, and a May 2016 Notice of Proposed rulemaking. The Bureau received more than 110,000 comments in response to the proposal. The rule prohibited covered providers of certain consumer financial products and services from using an arbitration agreement to bar the consumer from filing or participating in a class action. Under the rule companies would still have been able to include arbitration clauses in their contracts. However, for contracts subject to the rule, the clauses would have had to say explicitly that they cannot be used to stop consumers from being part of a class action in court. The rule also required a covered provider that has an arbitration agreement and that is involved in arbitration pursuant to a pre-dispute arbitration agreement to submit specified arbitral records to the Bureau. Congress passed a joint resolution under the Congressional Review Act disapproving the arbitration rule; the President signed the joint resolution on November 1, 2017. Under the resolution, the arbitration rule shall have no force or effect.''

Timetable:

Action	Date	FR Cite
NPRM	05/24/16	81 FR 32830
NPRM Comment Period End.	08/22/16	
Final Rule	07/19/17	82 FR 33210
Final Rule Effective.	09/18/17	
Notice of CRA Revocation.	11/22/17	82 FR 55500

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eric Goldberg, Consumer Financial Protection Bureau, Office of Regulations, *Phone:* 202 435–7700.

RIN: 3170–AA51

[FR Doc. 2017–28241 Filed 1–11–18; 8:45 am]

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Part XXII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions that the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866. The Commission welcomes comments on the agenda and on the individual agenda entries.

DATES: Comments should be received in the Office of the Secretary on or before February 12, 2018.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned, ''Regulatory Flexibility Agenda,'' and emailed to: *cpsc-os@cpsc.gov.* Comments may also be mailed or delivered to the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda, in general, contact Charu Krishnan, Directorate for Economic Analysis, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408; *ckrishnan@cpsc.gov.* For further information regarding a particular item on the agenda, consult the individual listed in the column headed, ''Contact,'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated, which is likely to have a ''significant economic impact'' on a ''substantial number'' of small entities.

The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda also is required to contain the name and address of the agency official knowledgeable about the items listed. Furthermore, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish, twice each year, a regulatory agenda of regulations under development or review during the next year, and the executive order states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the spring 2017 agenda and have been completed by the Commission prior to publication of this agenda. Although CPSC, as an independent regulatory agency, is not required to comply with Executive Orders, the Commission does follow Executive Order 12866 regarding the publication of its regulatory agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

The internet is the basic means through which the Unified Agenda is disseminated. The complete Unified Agenda will be available online at: *www.reginfo.gov,* in a format that offers users the ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only:

(1) Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

The agenda reflects an assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in law may alter anticipated timing. In addition, no final determination by staff or the Commission regarding the need for, or the substance of, any rule or regulation should be inferred from this agenda.

Dated: September 18, 2017.

Alberta E. Mills,

Acting Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
394	Flammability Standard for Upholstered Furniture	3041–AB35
395	Regulatory Options for Table Saws	3041–AC31
396	Portable Generators	3041–AC36
397	Recreational Off-Road Vehicles	3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
398	Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates: Determinations Regarding Certain Plastics.	3041–AD59

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

394. Flammability Standard for Upholstered Furniture

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1193; 5 U.S.C. 801

Abstract: In October 2003, the Commission issued an advance notice of proposed rulemaking (ANPRM) to address the risk of fire associated with cigarette and small open-flame ignitions of upholstered furniture. The Commission published a notice of proposed rulemaking (NPRM) in March 2008, and received public comments. The Commission's proposed rule would require that upholstered furniture have cigarette-resistant fabrics or cigarette- and open flame-resistant barriers. The proposed rule would not require flame-resistant chemicals in fabrics or fillings. Since the Commission published the NPRM, CPSC staff has conducted testing of upholstered furniture, using both full-scale furniture and bench-scale models, as proposed in the NPRM. In FY 2016, staff was directed to prepare a briefing package summarizing the feasibility of adopting California's Technical Bulletin 117–2013 (TB 117–2013) as a mandatory standard. Staff submitted this briefing package to the Commission in September 2016 with staff suggestions to continue further development of the ASTM and NFPA voluntary standards. In the FY 2017 Operating Plan, the Commission directed staff to work with the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI) as well as voluntary standards development organizations, to improve upon and further refine the technical aspects of TB 117–2013.

Currently, staff is working with voluntary standards organizations, both ASTM and NFPA, and BEARHFTI to evaluate new provisions and improve the existing consensus standards related to upholstered furniture flammability. Depending upon progress of the various standards, in FY 2019, staff plans to prepare a briefing package with options for Commission consideration that includes continuing with or terminating rulemaking, pursuing alternative approaches to address the hazard and/or continuing with voluntary standards development.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame-Retardant Chemicals.	03/17/98	63 FR 13017
Meeting Notice	03/20/02	67 FR 12916
Notice of Public Meeting.	08/27/03	68 FR 51564
Public Meeting	09/24/03	
ANPRM	10/23/03	68 FR 60629
ANPRM Comment Period End.	12/22/03	
Staff Held Public Meeting.	10/28/04	
Staff Held Public Meeting.	05/18/05	
Staff Sent Status Report to Commission.	01/31/06	
Staff Sent Status Report to Commission.	11/03/06	
Staff Sent Status Report to Commission.	12/28/06	
Staff Sent Options Package to Commission.	12/22/07	
Commission Decision to Direct Staff to Prepare Draft NPRM.	12/27/07	
Staff Sent Draft NPRM to Commission.	01/22/08	
Commission Decision to Publish NPRM.	02/01/08	
NPRM	03/04/08	73 FR 11702
NPRM Comment Period End.	05/19/08	
Staff Published NIST Report on Standard Test Cigarettes.	05/19/09	
Staff Publishes NIST Report on Standard Research Foam.	09/14/12	
Notice of April 25 Public Meeting and Request for Comments.	03/20/13	78 FR 17140
Staff Holds Upholstered Furniture Fire Safety Technology Meeting.	04/25/13	
Comment Period End.	07/01/13	
Staff Sends Briefing Package to Commission on California's TB 117–2013.	09/08/16	
Staff Updates Options Package to Commission.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Lock, Project Manager, Directorate for Laboratory Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2099, *Email: alock@cpsc.gov*.

RIN: 3041–AB35

395. Regulatory Options for Table Saws

E.O. 13771 Designation: Independent agency.

Legal Authority: 5 U.S.C. 553(e); 15 U.S.C. 2051

Abstract: On July 11, 2006, the Commission voted to grant a petition requesting that the Commission issue a rule prescribing performance standards for a system to reduce or prevent injuries from contacting the blade of a table saw. The Commission also directed CPSC staff to prepare an advance notice of proposed rulemaking (ANPRM) initiating a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to: (1) Identify the risk of injury associated with table saw blade-contact injuries; (2) summarize regulatory alternatives, and (3) invite comments from the public. An ANPRM was published on October 11, 2011. The comment period ended on February 10, 2012. Staff participated in the Underwriters Laboratories (UL) working group to develop performance requirements for table saws, conducted performance tests on sample table saws, conducted survey work on blade guard use, and evaluated comments to the ANPRM. Staff prepared a briefing

package with a notice of proposed rulemaking (NPRM) and submitted the package to the Commission on January 17, 2017. The Commission voted to publish the NPRM and the comment period for the NPRM closed on July 26, 2017. Public oral testimony to the Commission was heard on August 9, 2017. Staff plans to prepare a Final Rule briefing package for Commission consideration in FY 2019.

Timetable:

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	
ANPRM	10/11/11	76 FR 62678
Notice of Extension of Time for Comments.	12/02/11	76 FR 75504
ANPRM Comment Period End.	12/12/11	
Comment Period End.	02/10/12	
Notice to Reopen Comment Period.	02/15/12	77 FR 8751
Reopened Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM	05/12/17	82–FR 22190
NPRM Comment Period End.	07/26/17	
Public Hearing	08/09/17	82 FR 31035
Staff Sends Draft Final Rule Briefing Package to Commission.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov*.

RIN: 3041–AC31

396. Portable Generators

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 2051

Abstract: On December 5, 2006, the Commission voted to issue an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discusses regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. The ANPRM was published in the **Federal Register** on December 12, 2006. Staff reviewed public comments and conducted technical activities. In FY 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also in FY 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST's test house. NIST's test house, a double-wide manufactured home, is designed for conducting residential indoor air quality (IAQ) studies, and the scenarios tested are typical of those involving consumer fatalities. These tests provide empirical data on CO accumulation in the garage and infiltration into the house; staff used these data to evaluate the efficacy of the prototype in reducing the risk of fatal or severe CO poisoning. Under this IAG, NIST also modeled the CO infiltration from the garage under a variety of other conditions, including different ambient conditions and longer generator run times. In FY 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. In 2011, staff prepared a package containing staff and contractor reports on the technology demonstration of the low CO-emission prototype portable generator. This included, among other staff reports, a summary of the prototype development and durability results, as well as end-of-life emission test results performed on the generator by an independent emissions laboratory. Staff's assessment of the ability of the prototype to reduce the CO poisoning hazard was also included. In September 2012, staff released this package and solicited comments from stakeholders.

In October 2016, staff delivered a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission. In November 2016, the Commission voted to approve the NPRM. The notice was published in the **Federal Register** on November 21, 2016, with a comment period deadline of February 6, 2017. In December 2016, the Commission voted to extend the comment period until April 24, 2017, in response to a request to extend the comment period an additional 75 days. The Commission held a public hearing on March 8, 2017, to provide an opportunity for stakeholders to present oral comments on the NPRM. Staff will review the comments on the NPRM and begin to prepare a Final Rule briefing package for Commission consideration in FY 2019. Staff continues to work on voluntary standards.

Timetable:

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM	12/12/06	71 FR 74472
ANPRM Comment Period End.	02/12/07	
Staff Releases Research Report for Comment.	10/10/12	
Staff Sends NPRM Briefing Package to Commission.	10/05/16	
NPRM	11/21/16	81 FR 83556
NPRM Comment Period Extended.	12/13/16	81 FR 89888
Public Hearing for Oral Comments.	03/08/17	82 FR 8907
NPRM Comment Period End.	04/24/17	
Staff Sends Final Rule Briefing Package to Commission.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2293, *Email: jbuyer@cpsc.gov*.

RIN: 3041–AC36

397. Recreational Off-Road Vehicles

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: The Commission is considering whether recreational off-road vehicles (ROVs) present an unreasonable risk of injury that should be regulated. ROVs are motorized vehicles having four or more low-pressure tires designed for off-road use and intended by the manufacturer primarily for recreational use by one or

more persons. The salient characteristics of an ROV include a steering wheel for steering control, foot controls for throttle and braking, bench or bucket seats, a roll-over protective structure, and a maximum speed greater than 30 mph. On October 21, 2009, the Commission voted to publish an advance notice of proposed rulemaking (ANPRM) in the **Federal Register**. The ANPRM was published in the **Federal Register** on October 28, 2009, and the comment period ended December 28, 2009. The Commission received two letters requesting an extension of the comment period. The Commission extended the comment period until March 15, 2010. Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. On October 29, 2014, the Commission voted to publish an NPRM proposing standards addressing vehicle stability, vehicle handling, and occupant protection. The NPRM was published in the **Federal Register** on November 19, 2014. On January 23, 2015, the Commission published a notice of extension of the comment period for the NPRM, extending the comment period to April 8, 2015. The Omnibus Appropriations Bill provides that during fiscal year 2016, none of the amounts made available by the Appropriations Bill may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the CPSC in the **Federal Register** on November 19, 2014 (79 FR 68964) (ROV NPRM) until after the National Academy of Sciences completes a study to determine specific information as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package in FY 2015 and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs, shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1–2016 and ANSI/OPEI B71.9–2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in **Federal Register**.	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	
Commission Decision Not to Terminate.	01/25/17	
Staff is Evaluating Voluntary Standards.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov*.

RIN: 3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

398. Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates: Determinations Regarding Certain Plastics

E.O. 13771 Designation: Independent agency.

Legal Authority: Sec. 3, Pub. L. 110–314, 122 Stat. 3016; 15 U.S.C. 2063(d)(3)(B)

Abstract: Section 14(i)(3) of the Consumer Product Safety Act requires the Commission to seek opportunities to reduce the cost of third party testing requirements consistent with assuring compliance with any applicable children's product safety rule. Staff prepared for Commission consideration a briefing package with a draft notice of proposed rulemaking (NPRM) regarding third-party testing of phthalates in four specified plastics. The Commission approved the NPRM on August 9, 2016. The Commission approved the rule on August 24, 2017, and the rule published in the **Federal Register** on August 30, 2017. The effective date will be September 29, 2017.

Timetable:

Action	Date	FR Cite
Staff Sent NPRM to the Commission.	08/03/16	
Commission Decision.	08/09/16	
NPRM Published in the **Federal Register**.	08/17/16	81 FR 54754
NPRM Comment Period End.	10/31/16	
Staff Sent Final Rule Briefing Package to Commission.	08/16/17	
Commission Approved Final Rule.	08/24/17	
Final Rule	08/30/17	82 FR 41163
Final Rule Effective.	09/29/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Randy Butturini, Project Manager, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, *Phone:* 301 504–7562, *Email: rbutturini@cpsc.gov*.

RIN: 3041–AD59

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Part XXIII

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2017

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the internet in a searchable format at *www.reginfo.gov.*

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Policy Specialist, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.,* Docket No. 96–1 or Docket No. 99–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MB Docket No. 96–222,'' which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (*e.g.,* Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Sheryl D. Todd,

Deputy Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
399	Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94–129).	3060–AG46
400	Implementation of the Telecom Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities (WT Docket No. 96–198).	3060–AG58
401	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
402	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
403	Closed-Captioning of Video Programming; CG Docket Nos. 05–231 and 06–181 (Section 610 Review)	3060–AI72
404	Accessibility of Programming Providing Emergency Information; MB Docket No. 12–107	3060–AI75
405	Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'') (CC Docket No. 98–170; CG Docket Nos. 09–158, 11–116).	3060–AJ72
406	Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213).	3060–AK00
407	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01
408	Transition From TTY to Real-Time Text Technology (GN Docket No. 15–178; CG Docket No. 1645)	3060–AK58
409	Advanced Methods to Target and Eliminate Unlawful Robocalls; (CG Docket No. 17–59)	3060–AK62

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
410	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
411	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
412	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)	3060–AJ68
413	Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115.	3060–AK09
414	Authorization of Radiofrequency Equipment; ET Docket No. 13–44	3060–AK10
415	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 15–26)	3060–AK29
416	Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)	3060–AK30

INTERNATIONAL BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
417	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
418	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
419	Expanding Broadband and Innovation Through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band; GN Docket No. 13–114.	3060–AK02
420	Update to Parts 2 and 25 Concerning NonGeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408.	3060–AK59

INTERNATIONAL BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
421	Establishment of Policies and Service Rules for the 17/24 GHz Broadcasting Satellite Service (IB Docket No. 06–123).	3060–AI84
422	Terrestrial Use of the 2473–2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213.	3060–AK16
423	Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended (Docket No. 15–236).	3060–AK47

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
424	Broadcast Ownership Rules	3060–AH97
425	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
426	Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)	3060–AJ27
427	Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154).	3060–AJ67
428	Noncommercial Educational Station Fundraising for Third-Party Nonprofit Organizations (MB Docket No. 12–106).	3060–AJ79
429	Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)	3060–AK11
430	Channel Sharing by Full Power and Class A Stations Outside of the Incentive Auction Context; (MB Docket No. 15–137).	3060–AK42
431	Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142).	3060–AK56
432	Elimination of Main Studio Rule; (MB Docket No. 17–106)	3060–AK61

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
433	Assessment and Collection of Regulatory Fees for Fiscal Year 2017; MD Docket No. 17–134	3060–AK64

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
434	Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114.	3060–AG60
435	Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)	3060–AI22
436	E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36).	3060–AI62
437	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
438	Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands; PS Docket No. 13–87.	3060–AK19
439	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
440	Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80.	3060–AK40
441	New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41
442	Wireless Emergency Alerts (WEA); PS Docket No. 15–91	3060–AK54
443	Blue Alert EAS Event Code	3060–AK63

WIRELESS TELECOMMUNICATIONS BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
444	Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)	3060–AK28

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
445	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers	3060–AH83
446	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35
447	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211).	3060–AI88
448	Amendment of the Commission's Rules to Improve Public Safety Communications in the 800 MHz Band, and to Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels.	3060–AJ22
449	Amendment of Part 90 of the Commission's Rules	3060–AJ37
450	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
451	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58
452	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59
453	Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110).	3060–AJ71
454	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; (GN Docket No. 12–268).	3060–AJ82
455	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
456	Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42).	3060–AJ88
457	Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; WT Docket No. 11–6.	3060–AK05
458	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111.	3060–AK06
459	Enabling Small Cell Use in the 3.5 GHz Band	3060–AK12
460	800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40	3060–AK13
461	Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112	3060–AK44

WIRELINE COMPETITION BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
462	Jurisdictional Separations	3060–AJ06

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
463	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements	3060–AH72
464	Numbering Resource Optimization	3060–AH80
465	IP-Enabled Services; WC Docket No. 04–36	3060–AI48
466	Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
467	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
468	Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51).	3060–AJ64
469	Rural Call Completion; WC Docket No. 13–39	3060–AJ89
470	Rates for Inmate Calling Services; WC Docket No. 12–375	3060–AK08
471	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)	3060–AK20
472	Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet; (GN Docket No. 14–28).	3060–AK21
473	Technology Transitions; GN Docket No 13–5, WC Docket No. 05–25	3060–AK32
474	Modernizing Common Carrier Rules, WC Docket No 15–33	3060–AK33
475	Numbering Policies for Modern Communications, WC Docket No. 13–97	3060–AK36
476	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AK57

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

399. Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94–129)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 258

Abstract: Section 258 of the Communications Act of 1934, as amended, makes it unlawful for any telecommunications carrier to submit or execute a change in a subscriber's selection of a provider of telecommunications exchange service or telephone toll service except in accordance with verification procedures that the Commission prescribes. Failure to comply with such procedures is known as ''slamming.'' In CC Docket No. 94–129, the Commission implements and interprets section 258 by adopting rules, policies, and declaratory rulings.

Timetable:

Action	Date	FR Cite
MO&O on Recon and FNPRM.	08/14/97	62 FR 43493
FNPRM Comment Period End.	09/30/97	
Second R&O and Second FNPRM.	02/16/99	64 FR 7745
First Order on Recon.	04/13/00	65 FR 47678
Third R&O and Second Order on Recon.	11/08/00	65 FR 66934
Third FNPRM	01/29/01	66 FR 8093
Order	03/01/01	66 FR 12877
First R&O and Fourth R&O.	06/06/01	66 FR 30334
Second FNPRM	03/17/03	68 FR 19176
Third Order on Recon.	03/17/03	68 FR 19152
Second FNPRM Comment Period End.	06/17/03	
First Order on Recon & Fourth Order on Recon.	03/15/05	70 FR 12605
Fifth Order on Recon.	03/23/05	70 FR 14567
Order	02/04/08	73 FR 6444
Fourth R&O	03/12/08	73 FR 13144
NPRM	08/14/17	82 FR 37830
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimberly Wild, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1324, *Email: kimberly.wild@fcc.gov.*

RIN: 3060–AG46

400. Implementation of the Telecom Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities (WT Docket No. 96–198)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 255; 47 U.S.C. 251(a)(2)

Abstract: These proceedings implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of telecommunications equipment and services to persons with disabilities.

Timetable:

Action	Date	FR Cite
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
NPRM	05/22/98	63 FR 28456
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	01/07/02	67 FR 678
R&O	08/06/07	72 FR 43546
Petition for Waiver	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Final Rule	04/21/08	73 FR 21251
Public Notice	08/01/08	73 FR 45008
Extension of Waiver.	05/15/08	73 FR 28057
Extension of Waiver.	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
Extension of Waiver.	07/29/09	74 FR 37624
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
FNPRM	12/30/11	76 FR 82240
Comment Period End.	03/14/12	
R&O	12/30/11	76 FR 82354
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov.*

RIN: 3060–AG58

401. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 227

Abstract: In this docket, the Commission considers rules and policies to implement the Telephone Consumer Protection Act of 1991 (TCPA). The TCPA places requirements on: robocalls (calls using an automatic telephone dialing system an ''autodialer'' or a prerecorded or artificial voice), telemarketing calls, and unsolicited fax advertisements.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Reconsideration.	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Reconsideration.	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Reconsideration.	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Reconsideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (release date).	11/29/12	
Declaratory Ruling (release date).	05/09/13	
Declaratory Ruling and Order.	10/09/15	80 FR 61129
NPRM	05/20/16	81 FR 31889
Declaratory Ruling	07/05/16	
R&O	11/16/16	81 FR 80594
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AI14

402. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98–67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Reconsideration.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/13/13	
FNPRM	07/05/13	78 FR 40407
FNPRM Comment Period End.	09/18/13	
R&O	07/05/13	78 FR 40582
R&O	08/15/13	78 FR 49693
FNPRM	08/15/13	78 FR 49717
FNPRM Comment Period End.	09/30/13	
R&O	08/30/13	78 FR 53684

Action	Date	FR Cite
FNPRM	09/03/13	78 FR 54201
NPRM	10/23/13	78 FR 63152
FNPRM Comment Period End.	11/18/13	
Petiton for Reconsideration; Request for Comment.	12/16/13	78 FR 76096
Petition for Reconsideration; Request for Comment.	12/16/13	78 FR 76097
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362
Petition for Reconsideration Comment Period End.	01/10/14	
NPRM Comment Period End.	01/21/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Public Notice	09/15/14	79 FR 54979
R&O and Order	10/21/14	79 FR 62875
FNPRM	10/21/14	79 FR 62935
FNPRM Comment Period End.	12/22/14	
Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Final Rule Effective.	10/30/14	
FNPRM	11/08/15	80 FR 72029
FNPRM Comment Period End.	01/01/16	
Public Notice	01/20/16	81 FR 3085
Public Notice Comment Period End.	02/16/16	
R&O	03/21/16	81 FR 14984
FNPRM	08/24/16	81 FR 57851
FNPRM Comment Period End.	09/14/16	
NOI and FNPRM	04/12/17	82 FR 17613
NOI and FNPRM Comment Period End.	05/30/17	
R&O	04/13/17	82 FR 17754
R&O	04/27/17	82 FR 19322
FNPRM	04/27/17	82 FR 19347
FNPRM Comment Period End.	07/11/17	
R&O	06/23/17	82 FR 28566
Public Notice	07/21/17	82 FR 33856
Public Notice—correction.	07/25/17	82 FR 34471
Public Notice Comment Period End.	07/31/17	
Public Notice -correction Comment Period End.	08/17/17	
R&O	08/22/17	82 FR 39673
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AI15

403. Closed-Captioning of Video Programming; CG Docket Nos. 05–231 and 06–181 (Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed-captioning rules are designed to make video programming more accessible to deaf and hard-of-hearing Americans. This proceeding resolves some issues regarding the Commission's closed-captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed-captioning rules should be applied to digital multicast broadcast channels.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Reconsideration.	10/20/98	63 FR 55959
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Correction.	09/11/09	74 FR 46703
Final Rule (Announcement of Effective Date).	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Interim Final Rule (Order).	11/01/11	76 FR 67376
Final Rule (MO&O).	11/01/11	76 FR 67377
NPRM	11/01/11	76 FR 67397
NPRM Comment Period End.	12/16/11	
Public Notice	05/04/12	77 FR 26550
Public Notice	12/15/12	77 FR 72348
Final Rule Effective.	03/16/15	
FNPRM	03/27/14	79 FR 17094
R&O	03/31/14	79 FR 17911
FNPRM Comment Period End.	07/25/14	
Final Action (Announcement of Effective Date).	12/29/14	79 FR 77916
2nd FNPRM	12/31/14	79 FR 78768
Comment Period End.	01/30/15	
2nd R&O	08/23/16	81 FR 57473
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AI72

404. Accessibility of Programming Providing Emergency Information; MB Docket No. 12–107

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 613

Abstract: In this proceeding, the Commission adopted rules detailing how video programming distributors must make emergency information accessible to persons with hearing and visual disabilities.

Timetable:

Action	Date	FR Cite
FNPRM	01/21/98	63 FR 3070
NPRM	12/01/99	64 FR 67236
NPRM Correction	12/22/99	64 FR 71712
Second R&O	05/09/00	65 FR 26757
R&O	09/11/00	65 FR 54805
Final Rule; Correction.	09/20/00	65 FR 5680
NPRM	11/28/12	77 FR 70970
NPRM Comment Period Extended.	12/20/12	77 FR 75404
NPRM Comment Period Extension End.	01/07/13	
R&O	05/24/13	78 FR 31770
FNPRM	05/24/13	78 FR 31800
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	08/07/13	
R&O	12/20/13	78 FR 77210
Petition for Reconsideration.	01/31/14	79 FR 5364
Comment Period End.	02/25/14	
Correcting Amendments.	02/10/14	79 FR 7590
Announcement of Effective Date.	04/16/14	79 FR 21399
Final Action (Announcement of Effective Date).	01/26/15	80 FR 3913
Final Action Effective.	01/26/15	
2nd R&O	07/10/15	80 FR 39698
2nd FNPRM	07/10/15	80 FR 39722

Action	Date	FR Cite
2nd FNPRM Comment Period End.	09/08/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AI75

405. Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (''Cramming'') (CC Docket No. 98–170; CG Docket Nos. 09–158, 11–116)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: Cramming is the placement of unauthorized charges on a telephone bill, an unlawful practice under the Communications Act. In these dockets, the Commission considers rules and policies to help consumers detect and prevent cramming.

Timetable:

Action	Date	FR Cite
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Extends Reply Comment Period).	11/30/11	76 FR 74017
NPRM Comment Period End.	12/05/11	
FNPRM	05/24/12	77 FR 30972
R&O	05/24/12	77 FR 30915
FNPRM Comment Period End.	07/09/12	
Order (Extends Reply Comment Period).	07/17/12	77 FR 41955
FNPRM Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71354
Correction of Final Rule.	11/30/12	77 FR 71353
NPRM	08/14/17	82 FR 37830
NPRM Comment Period End.	09/13/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ72

406. Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 255; 47 U.S.C. 617 to 619

Abstract: These proceedings implement sections 716, 717, and 718 of the Communications Act, which were added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), related to the accessibility of advanced communications services and equipment (section 716), recordkeeping and enforcement requirements for entities subject to sections 255, 716, and 718 (section 717), and accessibility of internet browsers built into mobile phones (section 718).

Timetable:

Action	Date	FR Cite
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
NPRM Comment Period End.	05/13/11	
FNPRM	12/30/11	76 FR 82240
R&O	12/30/11	76 FR 82354
FNPRM Comment Period End.	03/14/12	
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19738
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov.*

RIN: 3060–AK00

407. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: The FCC initiated this proceeding in its effort to ensure that IP CTS is available for eligible users only. In doing so, the FCC released an Interim Order and Notice of Proposed Rulemaking (NPRM) to address certain practices related to the provision and marketing of internet Protocol Captioned Telephone Service (IP CTS). IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, this new Order establishes several requirements on a temporary basis from March 7, 2013, to September 3, 2013.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petiton for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AK01

408. Transition From TTY to Real-Time Text Technology (GN Docket No. 15–178; CG Docket No. 1645)

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–260, sec. 106; 47 U.S.C. 154(i); 47 U.S.C. 225; 47 U.S.C. 255; 47 U.S.C. 151; 47 U.S.C. 301; 47 U.S.C. 303(r); 47 U.S.C. 316; 47 U.S.C. 403; 47 U.S.C. 615(c); 47 U.S.C. 616; 47 U.S.C. 617

Abstract: The Commission amended its rules to facilitate a transition from text telephone (TTY) technology to real-time text (RTT) as a reliable and interoperable universal text solution over wireless internet protocol (IP) enabled networks for people who are deaf, hard of hearing, deaf-blind, or have a speech disability. RTT, which allows text characters to be sent as they are being created, can be sent simultaneously with voice, and permits the use of off-the-shelf end user devices to make text telephone calls. The Commission also sought comment on the application of RTT to telecommunications relay services (TRS) and sought further comment on a sunset date for TTY support, as well as other matters pertaining to the deployment of RTT.

Timetable:

Action	Date	FR Cite
NPRM	05/25/16	81 FR 33170
NPRM Comment Period End.	07/25/16	
FNPRM	01/23/17	82 FR 7766
R&O	01/23/17	82 FR 7699
Public Notice	03/16/17	82 FR 13972
FNPRM Comment Period End.	03/24/17	
Public Notice Comment Period End.	04/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK58

409. • Advanced Methods To Target and Eliminate Unlawful Robocalls; (CG Docket No. 17–59)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 202; 47 U.S.C. 227; 47 U.S.C. 251(e)

Abstract: The Telephone Consumer Protection Act of 1991 restricts the use of robocalls autodialed or prerecorded calls in certain instances. In CG Docket No. 17–59, the Commission considers rules and policies aimed at eliminating unlawful robocalling. Among the issues it examines in this docket are whether to allow carriers to block calls that purport to be from unallocated or unassigned phone numbers through the use of spoofing; whether to allow carriers to block calls based on their own analyses of which calls are likely to be unlawful; and whether to establish a database of reassigned phone numbers to help prevent robocalls to consumers who did not consent to such calls.

Timetable:

Action	Date	FR Cite
NPRM/NOI	05/17/17	82 FR 22625
2nd NOI	07/13/17	
NPRM Comment Period End.	07/31/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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Karen Schroeder, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0654, *Email: karen.schroeder@fcc.gov*.

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RIN: 3060–AK62

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

410. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services. (This unused TV spectrum is often termed ''white spaces.'') This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary, correct any interference that may occur. The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well. This Order addressed five petitions for reconsideration of the Commission's decisions in the Second Memorandum Opinion and Order (''Second MO&O'') in this proceeding and modified rules in certain respects. In particular, the Commission: (1) Increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission's earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Reconsideration.	02/09/11	76 FR 7208
3rd MO&O and Order.	05/17/12	77 FR 28236
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov*.

RIN: 3060–AI52

411. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary Fixed and Mobile allocations to the existing Mobile-Satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service. The Commission also asked, in a notice of inquiry, about approaches for creating opportunities for full use of the 2 GHz band for standalone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

In the Report and Order, the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust mobile satellite service capabilities. First, the Commission adds co-primary Fixed and Mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system. Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Reconsideration.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov*.

RIN: 3060–AJ46

412. Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 302; 47 U.S.C. 303(f)

Abstract: The Commission proposed to amend its rules to enable enhanced vehicular radar technologies in the 76–77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. The Commission takes this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). The Report and Order amends the Commission's rules to provide a more efficient use of the 76–77 GHz band, and to enable the automotive and aviation industries to develop enhanced safety measures for drivers and the general public. Specifically, the Commission eliminated the in-motion and not-in-motion distinction for vehicular radars, and instead adopted new uniform emission limits for forward, side, and rear-looking vehicular radars. This will facilitate enhanced vehicular radar technologies to improve collision avoidance and driver safety. The Commission also amended its rules to allow the operation of fixed radars at airport locations in the 76–77 GHz band for purposes of detecting foreign object debris on runways and monitoring aircraft and service vehicles on taxiways and other airport vehicle service areas that have no public vehicle access. The Commission took this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). Petitions for Reconsideration were filed by Navtech Radar, Ltd. and Honeywell International Inc.

Navtech Radar, Ltd. and Honeywell International, Inc., filed petitions for reconsideration in response to the *Vehicular Radar R&O* that modified the Commission's part 15 rules to permit vehicular radar technologies and airport-based fixed radar applications in the 76–77 GHz band.

The Commission denied Honeywell's petition. Section 1.429(b) of the Commission's rules provides three ways in which a petition for reconsideration can be granted, and none of these have been met. Honeywell has not shown that its petition relies on facts regarding fixed radar use which had not previously been presented to the Commission, nor does it show that its petition relies on facts that relate to events that changed since Honeywell had the last opportunity to present its facts regarding fixed radar use.

The Commission stated in the Vehicular Radar R&O, ''that no parties have come forward to support fixed

radar applications beyond airport locations in this band,'' and it decided not to adopt provisions for unlicensed fixed radar use other than those for FOD detection applications at airport locations. Because Navtech first participated in the proceeding when it filed its petition well after the decision was published, its petition fails to meet the timeliness standard of section 1.429(d).

In connection with the Commission's decision to deny the petitions for reconsideration discussed above, the Commission terminates ET Docket Nos. 10–28 and 11–90 (pertaining to vehicular radar).

Timetable:

Action	Date	FR Cite
NPRM	06/16/11	76 FR 35176
R&O	08/13/12	77 FR 48097
Petition for Reconsideration.	11/11/12	77 FR 68722
Reconsideration Order.	03/06/15	80 FR 12120
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov*.

RIN: 3060–AJ68

413. Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking proposes to make spectrum allocation proposals for three different space-related purposes. The Commission makes two alternative proposals to modify the Allocation Table to provide interference protection for Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) earth stations operated by Federal agencies under authorizations granted by the National Telecommunications and Information Administration (NTIA) in certain frequency bands. The Commission also proposes to amend a footnote to the Allocation Table to permit a Federal MSS system to operate in the 399.9 to 400.05 MHz band; it also makes alternative proposals to modify the Allocation Table to provide access to spectrum on an interference protected basis to Commission licensees for use during the launch of launch vehicles (*i.e.* rockets). The Commission also seeks comment broadly on the future spectrum needs of the commercial space sector. The Commission expects that, if adopted, these proposals would advance the commercial space industry and the important role it will play in our Nation's economy and technological innovation now and in the future.

Timetable:

Action	Date	FR Cite
NPRM	07/01/13	78 FR 39200
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov*.

RIN: 3060–AK09

414. Authorization of Radiofrequency Equipment; ET Docket No. 13–44

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Commission is responsible for an equipment authorization program for radiofrequency (RF) devices under part 2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission rules. All RF devices subject to equipment authorization must comply with the Commission's technical requirement before they can be imported or marketed. The Commission or a Telecommunication Certification Body (TCB) must approve some of these devices before they can be imported or marketed, while others do not require such approval. The Commission last comprehensively reviewed its equipment authorization program more than 10 years ago. The rapid innovation in equipment design since that time has led to ever-accelerating growth in the number of parties applying for equipment approval. The Commission therefore believes that the time is now right for us to comprehensively review our equipment authorization processes to ensure that they continue to enable this growth and innovation in the wireless equipment market. In May of 2012, the Commission began this reform process by issuing an Order to increase the supply of available grantee codes. With this Notice of Proposed Rulemaking (NPRM), the Commission continues its work to review and reform the equipment authorization processes and rules. This Notice of Proposed Rulemaking proposes certain changes to the Commission's part 2 equipment authorization processes to ensure that they continue to operate efficiently and effectively. In particular, it addresses the role of TCBs in certifying RF equipment and post-market surveillance, as well as the Commission's role in assessing TCB performance. The NPRM also addressed the role of test laboratories in the RF equipment approval process, including accreditation of test labs and the Commission's recognition of laboratory accreditation bodies, and measurement procedures used to determine RF equipment compliance. Finally, it proposes certain modifications to the rules regarding TCBs that approve terminal equipment under part 68 of the rules that are consistent with our proposed modifications to the rules for TCBs that approve RF equipment. Specifically, the Commission proposes to recognize the National Institute for Standards and Technology (NIST) as the organization that designates TCBs in the United States and to modify the rules to reference the current International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) guides used to accredit TCBs.

This Report and Order updates the Commission's radiofrequency (RF) equipment authorization program to build on the success realized by its use of Commission-recognized Telecommunications Certification Bodies (TCBs). The rules the Commission is adopting will facilitate the continued rapid introduction of new and innovative products to the market while ensuring that these products do not cause harmful interference to each other or to other communications devices and services.

Timetable:

Action	Date	FR Cite
NPRM	05/03/13	78 FR 25916
R&O	06/12/15	80 FR 33425
Memorandum, Opinion & Order.	06/29/16	81 FR 42264

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov*.

RIN: 3060–AK10

415. Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 15–26)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 1; 47 U.S.C. 4(i); 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 332; 47 U.S.C. 337

Abstract: The Notice of Proposed Rulemaking proposes to authorize radar applications in the 76–81 GHz band. The Commission seeks to develop a flexible and streamlined regulatory framework that will encourage efficient, innovative uses of the spectrum and to allow various services to operate on an interference-protected basis. In doing so, it further seeks to adopt service rules that will allow for the deployment of the various radar applications in this band, both within and outside the U.S. The Commission takes this action in response to a petition for rulemaking filed by Robert Bosch, LLC (Bosch) and two petitions for reconsideration of the 2012 Vehicular Radar R&O.

Timetable:

Action	Date	FR Cite
NPRM	03/06/15	80 FR 12120
NPRM Comment Period End.	04/06/15	
NPRM Reply Comment Period End.	04/20/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov*.

RIN: 3060–AK29

416. Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Notice of Proposed Rule Making initiated a proceeding to address how to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and broadcast live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. Recent actions by the Commission, and in particular the repurposing of broadcast television band spectrum for wireless services set forth in the Incentive Auction R&O, will significantly alter the regulatory environment in which wireless microphones operate, which necessitates our addressing how to accommodate wireless microphone users in the future.

In the Report and Order, the Commission takes several steps to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. In particular, the Commission provide additional opportunities for wireless microphone operations in the TV bands following the upcoming incentive auction, and the Commission provide new opportunities for wireless microphone operations to access spectrum in other frequency bands where they can share use of the bands without harming existing users.

In the Order on Reconsideration, we address the four petitions for reconsideration of the Wireless Microphones R&O concerning licensed wireless microphone operations in the TV bands, the 600 MHz duplex gap,'' and several other frequency bands, as well as three petitions for reconsideration of the TV Bands Part 15 R&O concerning unlicensed wireless microphone operations in the TV bands, the 600 MHz guard bands and duplex gap, and the 600 MHz service band. Because these petitions involve several overlapping technical and operational issues concerning wireless microphones, we consolidate our consideration of them in this one order.

In the Further Notice, we propose to permit certain professional theater, music, performing arts, or similar organizations that operate wireless microphones on an unlicensed basis and that meet certain criteria to obtain a Part 74 license to operate in the TV bands (and the 600 MHz service band during the post-auction transition period), thereby allowing them to register in the white spaces databases for interference protection from unlicensed white space devices at venues where their events/productions are performed. In addition, we propose to permit these same users, based on demonstrated need, also to obtain a Part 74 license to operate on other bands available for use by Part 74 wireless microphone licensees provided that they meet the applicable requirements for operating in those bands.

Timetable:

Action	Date	FR Cite
NPRM	11/21/14	79 FR 69387
NPRM Comment Period End.	01/05/15	
NPRM Reply Comment Period End.	01/26/15	
R&O	11/17/15	80 FR 71702
FNPRM	09/01/17	82 FR 41583
Order on Recon	09/01/17	82 FR 41549
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Murray, Attorney Advisor, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0688, *Fax:* 202 418–7447, *Email: paul.murray@fcc.gov*.

RIN: 3060–AK30

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Final Rule Stage

417. Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303(c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to initiate a comprehensive review of part 25 of the Commission's rules, which governs the licensing and operation of space stations and earth stations. The Commission proposed amendments to modernize the rules to better reflect evolving technology, to eliminate unnecessary technical and information filing requirements, and to reorganize and simplify existing requirements. In the ensuing Report and Order, the Commission adopted most of its proposed changes and revised more than 150 rule provisions. Several proposals raised by commenters in the proceeding, however, were not within the scope of the original NPRM. To address these and other issues, the Commission released a Further Notice of Proposed Rulemaking (FNPRM). The FNPRM proposed additional rule changes to facilitate international coordination of proposed satellite networks, to revise system implementation milestones and the associated bond, and to expand the applicability of routine licensing standards. Following the FNPRM, the Commission issued a Second Report and Order adopting most of its proposals in the FNPNRM. Among other changes, the Commission established a two-step licensing procedure for most geostationary satellite applicants to facilitate international coordination, simplified the satellite development milestones, adopted an escalating bond requirement to discourage speculation, and refined the two-degree orbital spacing policy for most geostationary satellites to protect existing services. In addition, in May 2016, the International Bureau published a Public Notice inviting comment on the appropriate implementation schedule for a Carrier Identification requirement adopted in the first Report and Order in this proceeding. In July 2017, the Commission adopted a waiver of the Carrier Identification requirement for certain earth stations that cannot be suitably upgraded.

Timetable:

Action	Date	FR Cite
NPRM	11/08/12	77 FR 67172
NPRM Comment Period End.	02/13/13	
Report and Order	02/12/14	79 FR 8308
FNPRM	10/31/14	79 FR 65106
FNPRM Comment Period End.	03/02/15	
Public Notice	05/31/16	81 FR 34301
2nd R&O	08/18/16	81 FR 55316
Order on Recon	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov*.

RIN: 3060–AJ98

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

418. International Settlements Policy Reform (IB Docket No. 11–80)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154; 47 U.S.C. 201 to 205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: The FCC is reviewing the International Settlements Policy (ISP). It governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic, and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In 2011, the FCC released an NPRM which proposed to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposed to remove the ISP from all international routes, except Cuba. Second, the FCC sought comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. In 2012, the FCC adopted a Report and Order which eliminated the ISP on all routes, but maintained the nondiscrimination requirement of the ISP on the U.S.-Cuba route and codified it at 47 CFR 63.22(f). In the Report and Order the FCC also adopted measures to protect U.S. consumers from anticompetitive conduct by foreign carriers. In 2016, the FCC released an FNPRM seeking comment on removing the discrimination requirement on the U.S.-Cuba route.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order	02/15/13	78 FR 11109
FNPRM	03/04/16	81 FR 11500
FNPRM Comment Period End.	04/18/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Krech, Assoc. Chief, Telecommunications & Analysis Division, Federal Communications Commission, International Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7443, *Fax:* 202 418–2824, *Email: david.krech@fcc.gov*.

RIN: 3060–AJ77

419. Expanding Broadband and Innovation Through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band; GN Docket No. 13–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 303; 47 U.S.C. 324

Abstract: In this docket, the Commission establishes a secondary allocation for the Aeronautical Mobile Service in the 14.0–14.5 GHz band and establishes service, technical, and licensing rules for air-ground mobile broadband. The Notice of Proposed Rulemaking requests public comment on a secondary allocation and service, technical, and licensing rules for air-ground mobile broadband.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	05/09/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean O'More, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2453, *Email: sean.omore@fcc.gov*.

RIN: 3060–AK02

420. Update to Parts 2 and 25 Concerning Nongeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 316

Abstract: On January 11, 2017, the Commission began a rulemaking to update its rules and policies concerning non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) systems and related matters. The proposed changes would, among other things, provide for more flexible use of the 17.8–20.2 GHz bands for FSS, promote shared use of spectrum among NGSO FSS satellite systems, and remove unnecessary design restrictions on NGSO FSS systems.

Timetable:

Action	Date	FR Cite
NPRM	01/11/17	82 FR 3258
NPRM Comment Period End.	04/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov.*

RIN: 3060–AK59

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Completed Actions

421. Establishment of Policies and Service Rules for the 17/24 GHz Broadcasting Satellite Service (IB Docket No. 06–123)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 4; 47 U.S.C. 154

Abstract: The Commission proposes application processing and service rules for the 17/24 GHz Broadcasting Satellite Service (BSS). The Commission proposes and/or seeks comment on a number of issues, including: Licensing procedures, posting of performance bonds, milestone schedules, limits on pending applications, annual reporting, license terms, replacement satellites, access to the U.S. market from non-U.S. satellites; public interest obligations, copyright and broadcast carriage, equal employment opportunity, geographic service coverage, and emergency alert system participation; also use of internationally allocated spectrum by receiving stations located outside the United States; orbital spacing and antenna performance standards; technical requirements for intra-service sharing; other technical requirements, such as reverse band operations, tracking, telemetry, and command operations, polarization, and full frequency re-use requirements; and technical requirements for inter-service sharing in the 17 and 24 GHz bands.

Timetable:

Action	Date	FR Cite
NPRM	08/02/06	71 FR 43687
NPRM Comment Period End.	10/16/06	
R&O and FNPRM	05/04/07	72 FR 50000
Order on Reconsideration.	09/28/07	72 FR 60272
Order on Reconsideration.	03/16/11	76 FR 14297
R&O	06/14/11	76 FR 50425
Public Notice	10/26/15	80 FR 65174
Comment Period End.	12/11/15	
R&O	04/25/17	82 FR 37027

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Duall, Chief, Satellite Policy Branch, Federal Communications Commission, International Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1103, *Fax:* 202 418–0748, *Email: stephen.duall@fcc.gov.*

RIN: 3060–AI84

422. Terrestrial Use of the 2473–2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 302(a); 47 U.S.C. 303(c); 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(j); 47 U.S.C. 303(r)

Abstract: In this docket, the Commission proposes modified rules for the operation of the Ancillary Terrestrial Component of the single Mobile-Satellite Service system operating in the Big GEO S band. The changes would allow Globalstar, Inc. to deploy a low-power broadband network using its licensed spectrum at 2483.5–2495 MHz under certain limited technical criteria, and with the same equipment, utilize spectrum in the adjacent 2473–2483.5 MHz band, pursuant to technical rules for unlicensed operations in that band.

Timetable:

Action	Date	FR Cite
NPRM	02/19/14	79 FR 9445
NPRM Comment Period End.	05/05/14	
R&O	01/31/17	82 FR 8814
Withdrawn Deferred Portion of Rulemaking.	08/08/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Duall, Chief, Satellite Policy Branch, Federal Communications Commission, International Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1103, *Fax:* 202 418–0748, *Email: stephen.duall@fcc.gov.*

RIN: 3060–AK16

423. Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended (Docket No. 15–236)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 211; 47 U.S.C. 303(r); 47 U.S.C. 309 to 310; 47 U.S.C. 403

Abstract: The FCC extended its foreign ownership rules and procedures that apply to common carrier licensees to broadcast licensees, with certain modifications to tailor them to the broadcast context. The FCC also revised the methodology a licensee should use to assess its compliance with the 25 percent foreign ownership benchmark in section 310(b)(4) of the Communications Act of 1934, as amended, in order to reduce regulatory burdens on applicants and licensees. Finally, the FCC clarified and updated existing foreign ownership policies and procedures for broadcast, common carrier and aeronautical licensees. Notice of a petition for reconsideration of the proceeding was published in the **Federal Register** on February 1, 2017.

Timetable:

Action	Date	FR Cite
NPRM	11/06/15	80 FR 68815
NPRM Comment Period End.	01/20/16	
R&O	12/01/16	81 FR 86586
R&O PRA	12/29/16	81 FR 95993
Petition for Recon	02/01/17	82 FR 8907
Technical Amendment.	03/06/17	82 FR 12512
PRA Notice	03/06/17	82 FR 12592
Order on Recon	07/13/17	82 FR 32260

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK47

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

424. Broadcast Ownership Rules

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and determine whether any such rules are necessary in the public interest as the result of competition. Accordingly, every four years, the Commission undertakes a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule. The last review undertaken was the 2014 review. The Commission incorporated the record of the 2010 review, and sought additional data on market conditions and competitive indicators. The Commission also sought comment on whether to eliminate restrictions on newspaper/radio combined ownership and whether to eliminate the radio/television cross-ownership rule in favor of reliance on the local radio rule and the local television rule. Ultimately, the Commission retained the existing rules with modifications to account for the digital television transition. Petitions for reconsideration are pending.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Reconsideration.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/12	
FNPRM	05/20/14	79 FR 29010
2nd R&O	11/01/16	81 FR 76220
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2757, *Email: brendan.holland@fcc.gov*.

RIN: 3060–AH97

425. Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 309; 47 U.S.C. 336

Abstract: This proceeding initiated the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting.

The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations. The Second Report and Order takes steps to resolve the remaining issues in order to complete the low-power television digital transition. The third Notice of Proposed Rulemaking seeks comment on a number of issues related to the potential impact of the incentive auction and the repacking process.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O	07/07/11	76 FR 44821
3rd NPRM	11/28/14	79 FR 70824
NPRM Comment Period End.	12/29/14	
NPRM Comment Period End.	12/29/14	
NPRM Reply Comment Period End.	01/12/15	
3rd R&O	02/01/16	81 FR 5041
4th NPRM	02/01/16	81 FR 5086
Comment Period End.	02/22/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Video Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2324, *Fax:* 202 418–2827, *Email: shaun.maher@fcc.gov*.

RIN: 3060–AI38

426. Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and Third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and Fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. The Memorandum Opinion and Order addressed petitions for reconsideration of the rules, and also sought comment on a proposal to expand the reporting requirements to non-attributable interests. In 2016, the Commission made improvements to the collection of data reported on Forms 323 and 323–E. On reconsideration in 2017, the Commission provided NCE filers with alternative means to file required Form 323–E without submitting personal information.

Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules. The Commission sought additional comment in 2014. The Commission addressed the remand in the 2016 Second Report and Order in the Broadcast Ownership proceeding. The Commission developed a revenue-based definition of eligible entity in order to promote small business participation in the broadcast industry. The Commission failed to adopt a race or gender conscious eligible entity standard. The Commission found the record was not sufficient to satisfy the constitutional standards to adopt race or gender conscious measures.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
Third FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
Fourth FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
FNPRM	05/20/14	79 FR 29010
7th FNPRM	02/26/15	80 FR 10442
Comment Period End.	03/30/15	
Reply Comment Period End.	04/30/15	
R&O	04/04/16	81 FR 19432
2nd R&O	11/01/16	81 FR 76220
Order on Recon	05/10/17	82 FR 21718
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2757, *Email: brendan.holland@fcc.gov.*

RIN: 3060–AJ27

427. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 330(b); 47 U.S.C. 613; 47 U.S.C. 617

Abstract: Pursuant to the Commission's responsibilities under the Twenty-First Century Communications and Video Accessibility Act of 2010, this proceeding was initiated to adopt rules to govern the closed captioning requirements for the owners, providers, and distributors of video programming delivered using internet protocol.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 59963
R&O	03/20/12	77 FR 19480
Order on Recon, FNPRM.	07/02/13	78 FR 39691
2nd Order on Recon.	08/05/14	79 FR 45354
2nd FNPRM	08/05/14	79 FR 45397
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Maria Mullarkey, Attorney, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1067, *Email: maria.mullarkey@fcc.gov.*

RIN: 3060–AJ67

428. Noncommercial Educational Station Fundraising for Third-Party Nonprofit Organizations (MB Docket No. 12–106)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 399(b)

Abstract: The proceeding initiated to analyze the Commission's longstanding policy prohibiting noncommercial educational (NCE) broadcast stations from conducting on-air fundraising activities that interrupt regular programming for the benefit of third-party nonprofit organizations. In the Report and Order, the Commission revised its rules to allow NCEs to conduct on-air fundraising. The Commission determined limited on-air fundraising will serve the public interest by enabling NCE stations to support charities and other non-profit organizations in their fundraising efforts for worthy causes without undermining the non-commercial nature of NCE stations.

Timetable:

Action	Date	FR Cite
NPRM	06/22/12	77 FR 37638
NPRM Comment Period End.	07/23/12	
R&O	05/05/17	82 FR 21127
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Berthot, Attorney, Policy Division Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: kathy.berthot@fcc.gov.*

RIN: 3060–AJ79

429. Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 303(aa); 47 U.S.C. 303(bb)

Abstract: This proceeding was initiated to implement sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act. These sections generally require that user interfaces on digital apparatus and navigation devices used to view video programming be accessible to, and usable by, individuals who are blind or visually impaired.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	07/15/13	
R&O	12/20/13	78 FR 77210
FNPRM	12/20/13	78 FR 77074
2nd FNPRM	02/04/16	81 FR 5971
2nd R&O	02/04/16	81 FR 5921
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Maria Mullarkey, Attorney, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1067, *Email: maria.mullarkey@fcc.gov.*

RIN: 3060–AK11

430. Channel Sharing by Full Power and Class A Stations Outside of the Incentive Auction Context (MB Docket No. 15–137)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 338; 47 U.S.C. 403; 47 U.S.C. 614 to 615

Abstract: In this proceeding, the Commission establishes rules to enable full power and Class A television stations to share a channel with another licensee outside of the incentive auction context. The Commission also adopted rules to allow all low power TV and TV translator stations to share a channel with another secondary station or with a full power Class A station.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 40957
NPRM Comment Period End.	08/13/15	
NPRM Reply Comment Period End.	08/28/15	
1st Order on Recon.	11/02/15	80 FR 67337
2nd Order on Recon.	11/12/15	80 FR 67344
R&O	04/18/17	82 FR 18240
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Video Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–

2324, *Fax:* 202 418–2827, *Email: shaun.maher@fcc.gov.*

RIN: 3060–AK42

431. Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 325(b); 47 U.S.C. 336; 47 U.S.C. 399(b); 47 U.S.C. 403; 47 U.S.C. 534; 47 U.S.C. 535

Abstract: In this proceeding, the Commission proposes to authorize television broadcasters to use the ''Next Generation'' ATSC 3.0 broadcast television transmission standard on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast service to their viewers. The Commission seeks to adopt rules that will afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	03/10/17	82 FR 13285
NPRM Comment Period End.	05/09/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7142, *Email: evan.baranoff@fcc.gov.*

RIN: 3060–AK56

432. • Elimination of Main Studio Rule; (MB Docket No. 17–106)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 307(b); 47 U.S.C. 336(f)

Abstract: In this proceeding, the Commission proposes to eliminate its rule requiring each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license.

Timetable:

Action	Date	FR Cite
NPRM	06/02/17	82 FR 25590
NPRM Comment Period End.	07/03/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov.*

RIN: 3060–AK61

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

433. • Assessment and Collection of Regulatory Fees for Fiscal Year 2017; MD Docket No. 17–134

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	06/06/17	82 FR 26019
R&O	09/22/17	82 FR 44322
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0444, *Email: roland.helvajian@fcc.gov.*

RIN: 3060–AK64

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

434. Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The policies set forth in the Report and Order will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network. The public notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov.*

RIN: 3060–AG60

435. Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 155; 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 251

Abstract: The 2004 Report and Order extended the Commission's outage reporting requirements to non-wireline carriers and streamlined reporting through a new electronic template. A

Further Notice of Proposed Rulemaking regarding the unique communications needs of airports also remains pending. The 2012 Report and Order extended the Commission's outage reporting requirements to interconnected Voice over internet Protocol (VOIP) services where there is a complete loss of connectivity that has the potential to affect at least 900,000 user minutes. Interconnected VoIP services providers must now file outage reports through the same electronic mechanism as providers of other services. The Commission indicated that the technical issues involved in identifying and reporting significant outages of broadband internet services require further study. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also dockets 04–35 and 15–80). The FNPRM proposed rules to extend part 4 outage reporting to broadband services. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Announcement of Effective Date and Partial Stay.	12/30/04	69 FR 78338
Petition for Reconsideration.	02/15/05	70 FR 7737
Amendment of Delegated Authority.	02/21/08	73 FR 9462
Public Notice	08/02/10	
NPRM	06/09/11	76 FR 33686
NPRM Comment Period End.	08/08/11	
R&O	04/27/12	77 FR 25088
Final Rule; Correction.	01/30/13	78 FR 6216
R&O	07/12/16	81 FR 45055
FNPRM	07/12/16	81 FR 45095
FNPRM Comment Period End.	09/12/16	
Announcement of effective date for rule changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7005, *Email: brenda.villanueva@fcc.gov.*

RIN: 3060–AI22

436. E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 251(e); 47 U.S.C. 303(r)

Abstract: In this proceeding, the Commission adopted E911 requirements for interconnected Voice over internet Protocol (VoIP) service providers. The pending notices seek comment on what additional steps the Commission should take to ensure that VoIP providers interconnecting with the public switched telephone network, provide ubiquitous and reliable enhanced 911 service.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM	06/29/05	70 FR 37307
R&O	06/29/05	70 FR 37273
NPRM Comment Period End.	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
FNPRM, NOI	11/02/10	75 FR 67321
Order, Extension of Comment Period.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
2nd FNPRM, NPRM.	08/04/11	76 FR 47114
2nd FNPRM, NPRM Comment Period End.	11/02/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov.*

RIN: 3060–AI62

437. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This is related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy Enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
FNPRM; NOI	11/02/10	75 FR 67321
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (Release Date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Order granting waiver.	07/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov.*

RIN: 3060–AJ52

438. Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHZ Bands; PS Docket No. 13–87

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This proceeding seeks to amend the Commission's rules to promote spectrum efficiency, interoperability, and flexibility in 700 MHz public safety narrowband operations (769–775 and 799–805 MHz).

Timetable:

Action	Date	FR Cite
NPRM	04/19/13	78 FR 23529
Final Rule	12/20/14	79 FR 71321

Action	Date	FR Cite
Final Rule Effective.	01/02/15	
FNPRM	09/29/16	81 FR 65984
Order on Recon	09/29/16	81 FR 66830
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov.*

RIN: 3060–AK19

439. Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34 to 39; 47 U.S.C. 301

Abstract: This proceeding takes steps toward assuring the reliability and resiliency of submarine cables, a critical piece of the Nation's communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission's intent is to enhance national security and emergency preparedness by these actions.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	09/17/15	
R&O	06/24/16	81 FR 52354
Petitions for Recon.	09/08/16	
Petitions for Recon—Public Comment.	10/31/16	81 FR 75368
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Shroyer, Attorney Advisor, Federal Communications Commission, Public Safety Homeland Security Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 201 418–1575, *Email: peter.shroyer@fcc.gov.*

RIN: 3060–AK39

440. Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 CFR 0; 47 CFR 4; 47 CFR 63

Abstract: The 2004 Report and Order extended the Commission's communication disruptions reporting rules to non-wireline carriers and streamlined reporting through a new electronic template (see docket ET Docket 04–35). In 2015, this proceeding, PS Docket 15–80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with State and other Federal entities. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also dockets 11–82 & 04–35). The R&O adopted rules to update the part 4 requirements to reflect technology transitions. The FNPRM sought comment on sharing information in the reporting database. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
FNPRM Comment Period End.	09/12/16	
Announcement of effective date for rule changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7005, *Email: brenda.villanueva@fcc.gov.*

RIN: 3060–AK40

441. New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154 to 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

Abstract: The proceeding creates a new part 4 in title 47, and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly found in 47 CFR 63.100, and extends these rules to other non-wireline providers. Through this proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn. In 2015, seven were addressed in an Order on Reconsideration and in 2016 another petition was addressed in an Order on Reconsideration. One petition (CPUC Petition) remains pending regarding NORS database sharing with states, which is addressed in a separate proceeding, PS Docket 15–80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11–82.

In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see dockets 11–82 & 15–80). The Order on Reconsideration addressed outage reporting for events at airports, and the FNPRM sought comment on database sharing. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
R&O	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Interconnected VOIP Service Providers.	07/02/10	
Reply Period End	08/16/12	
R&O and Order on Recon.	06/16/15	80 FR 34321
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
Announcement of effective date for rule changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554,

Phone: 202 418–7005, *Email: brenda.villanueva@fcc.gov.*
RIN: 3060–AK41

442. Wireless Emergency Alerts (WEA); PS Docket No. 15–91

E.O. 13771 Designation: Independent agency.
Legal Authority: Pub. L. 109–347, title VI; 47 U.S.C. 151; 47 U.S.C. 154(i)
Abstract: This proceeding was initiated to improve WEA messaging, ensure that WEA alerts reach only those individuals to whom they are relevant, and establish an end-to-end testing program based on advancements in technology.
Timetable:

Action	Date	FR Cite
NPRM	11/19/15	80 FR 77289
NPRM Comment Period End.	01/13/16	
NPRM Reply Comment Period End.	02/12/16	
Order	11/01/16	81 FR 75710
FNPRM	11/08/16	81 FR 78539
Comment Period End.	12/08/16	
Reply Comment Period End.	01/07/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Lisa Fowlkes, Bureau Chief, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7452, *Email: lisa.fowlkes@fcc.gov.*
RIN: 3060–AK54

443. • Blue Alert EAS Event Code

E.O. 13771 Designation: Independent agency.
Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(o); 47 U.S.C. 301; 47 U.S.C. 303(r) and (v); 47 U.S.C. 307; 47 U.S.C. 309 ; 47 U.S.C. 335; 47 U.S.C. 403; 47 U.S.C.544(g); 47 U.S.C. 606 and 615
Abstract: In 2015, Congress adopted the Blue Alert Act to help the States provide effective alerts to the public and law enforcement when police and other law enforcement officers are killed or are in danger. To ensure that these state plans are compatible and integrated throughout the United States as envisioned by the Blue Alert Act, the Blue Alert Coordinator made a series of recommendations in a 2016 Report to Congress. Among these recommendations, the Blue Alert Coordinator identified the need for a dedicated EAS event code for Blue Alerts, and noted the alignment of the EAS with the implementation of the Blue Alert Act. On June 22, 2017, the FCC released an NPRM proposing to revise the EAS rules to adopt a new event code, which would allow transmission of ''Blue Alerts'' to the public over the EAS, and thus satisfy the stated need for a dedicated EAS event code.
Timetable:

Action	Date	FR Cite
NPRM	06/30/17	82 FR 29811
NPRM Comment Period End.	07/31/17	
NPRM Reply Comment Period End.	08/29/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Linda Pintro, Attorney Advisor, Policy and Licensing Division, PSHSB, Federal Communications Commission, 445 12th Street SW, Washington, DC 21043, *Phone:* 202 418–7490, *Email: linda.pintro@fcc.gov.*
Gregory Cooke, Deputy Chief, Policy and Licensing Division, PSHSB, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, *Phone:* 202 418–2351, *Email: gregory.cooke@fcc.gov.*
RIN: 3060–AK63

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Final Rule Stage

444. Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)

E.O. 13771 Designation: Independent agency.
Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316
Abstract: This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services. In July 2015, the Commission revised its competitive bidding rules, specifically adopting revised requirements for eligibility for bidding credits, a new rural service provider bidding credit, a prohibition on joint bidding agreements and other changes.
Timetable:

Action	Date	FR Cite
NPRM	11/14/14	79 FR 68172
Public Notice	03/16/15	80 FR 15715
Public Notice	04/23/15	80 FR 22690
R&O	09/18/15	80 FR 56764
Public Notice on Petitions for Reconsideration.	11/10/15	80 FR 69630
Order on Recon	12/00/17	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0660, *Email: kelly.quinn@fcc.gov.*
RIN: 3060–AK28

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

445. Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers

E.O. 13771 Designation: Independent agency.
Legal Authority: 47 U.S.C. 151; to 152(n); 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 251(a); 47 U.S.C. 253; 47 U.S.C. 303(r); 47 U.S.C. 332(c)(1)(B); 47 U.S.C. 309
Abstract: This rulemaking considers whether the Commission should adopt an automatic roaming rule for voice services for Commercial Mobile Radio Services and whether the Commission should adopt a roaming rule for mobile data services.
Timetable:

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Final Rule	04/28/10	75 FR 22263
FNPRM	04/28/10	75 FR 22338
2nd R&O	05/06/11	76 FR 26199
Order on Recon	06/25/14	79 FR 43956
Declaratory Ruling (release date).	12/18/14	
Comment Period End.	02/14/15	

Action	Date	FR Cite
Reply Comment Period End.	02/19/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Salhus, Attorney, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2823, *Email: jsalhus@fcc.gov*.

RIN: 3060–AH83

446. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
3rd FNPRM	01/30/13	78 FR 6276
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov*.

RIN: 3060–AI35

447. Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 155; 47 U.S.C. 155(c); 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 309(j); 47 U.S.C. 325(e); 47 U.S.C. 334; 47 U.S.C. 336; 47 U.S.C. 339; 47 U.S.C. 554

Abstract: This proceeding implements rules and procedures needed to comply with the Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing Federal agencies' out-of-spectrum auction proceeds for the cost of relocating their operations from certain ''eligible frequencies'' that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress' directives regarding designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992
Second R&O	04/25/06	71 FR 26245
Order on Reconsideration of Second R&O.	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
Second Order and Reconsideration of Second R&O.	04/04/08	73 FR 18528
Order	03/21/12	77 FR 16470
Order on Recon of 1st R&O, 3rd Order on Recon of 2nd R&O, and 3rd R&O.	09/18/15	80 FR 56764
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0660, *Email: kelly.quinn@fcc.gov*.

RIN: 3060–AI88

448. Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHz Band, and To Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 332

Abstract: This action adopts rules that retain the current site-based licensing paradigm for the 900 MHz B/ILT ''white space''; adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT licenses in September 2004—the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End.	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Petition for Reconsideration.	03/12/09	74 FR 10739
Order on Reconsideration.	07/17/13	78 FR 42701
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joyce Jones, Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1327, *Email: joyce.jones@fcc.gov*.

RIN: 3060–AJ22

449. Amendment of Part 90 of the Commission's Rules

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: This proceeding considers rule changes impacting miscellaneous part 90 Private Land Mobile Radio rules.

Timetable:

Action	Date	FR Cite
NPRM	06/13/07	72 FR 32582
FNPRM	04/14/10	75 FR 19340
Order on Reconsideration.	05/27/10	75 FR 29677
5th R&O	05/16/13	78 FR 28749
Petition for Reconsideration.	07/23/13	78 FR 44091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney P. Conway, Engineer, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554,

Phone: 202 418–2904, *Fax:* 202 418–1944, *Email: rodney.conway@fcc.gov*.

RIN: 3060–AJ37

450. Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov*.

RIN: 3060–AJ47

451. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund which provides an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
FNPRM	07/09/14	79 FR 39196
R&O, Declaratory Ruling, Order, MO&O, and 7th Order on Recon.	07/09/14	79 FR 39163
FNPRM Comment Period End.	09/08/14	
R&O	10/07/16	81 FR 69696
FNPRM	10/07/16	81 FR 69772
FNPRM	03/13/17	82 FR 13413
R&O	03/28/17	82 FR 15422
R&O Correction	04/04/17	82 FR 16297
Order on Recon and 2nd R&O.	09/08/17	82 FR 42473
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Audra Hale-Maddox, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2109, *Email: audra.hale-maddox@fcc.gov*.

RIN: 3060–AJ58

452. Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps making additional spectrum available for new investment in mobile broadband networks, while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth soon will test the limits of spectrum availability. Some 90 megahertz of spectrum allocated to the Mobile Satellite Service (MSS) in the 2 GHz band, Big LEO band, and L-band—are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use, and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market-wide MSS capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
R&O	04/06/11	76 FR 31252
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blaise Scinto, Chief, Broadband Division, WTB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1380, *Email: blaise.scinto@fcc.gov*.

RIN: 3060–AJ59

453. Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307 to 308

Abstract: This proceeding was initiated to allow EA-based 800 MHz SMR licensees in 813.5–824/858.5–869 MHz to exceed the channel spacing and bandwidth limitation in section 90.209 of the Commission's rules, subject to conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/29/12	77 FR 18991
NPRM Comment Period End.	04/13/12	
R&O	05/24/12	77 FR 33972

Action	Date	FR Cite
Petition for Recon Public Notice.	08/16/12	77 FR 53163
Petition for Recon PN Comment Period End.	09/27/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Chang, Associate Chief, Mobility Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1339, *Fax:* 202 418–7447, *Email: linda.chang@fcc.gov*.

RIN: 3060–AJ71

454. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; (GN Docket No. 12–268)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

Abstract: In February 2012, the Middle Class Tax Relief and Job Creation Act was enacted (Pub. L. 112–96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The Spectrum Act requires that the incentive auction consist of a reverse auction ''to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights and a forward auction'' that would allow mobile broadband providers to bid for licenses in the reallocated spectrum. Broadcast television licensees who elected to voluntarily participate in the auction had three basic options: Voluntarily go off the air, share spectrum, or move channels in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers.

In June 2014, the Commission adopted a Report and Order that laid out the general framework for the incentive auction. The incentive auction started on March 29, 2016, with the submission of initial commitments by eligible broadcast licensees that had submitted timely and complete applications. The incentive auction officially ended on April 13, 2017, with the release of the Auction Closing and Channel Reassignment Public Notice that also marked the start of the 39-month transition period during which broadcasters will transition their stations to their post-auction channel assignments in the reorganized television bands.

Timetable:

Action	Date	FR Cite
NPRM	11/21/12	77 FR 69933
R&O	08/15/14	79 FR 48441
Notice	01/29/15	80 FR 4816
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Kazan, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1500, *Email: rachel.kazan@fcc.gov*.

RIN: 3060–AJ82

455. Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules To Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Reconsideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM	11/28/14	79 FR 70837
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amanda Huetinck, Attorney Advisor, WTB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7090, *Email: amanda.huetinck@fcc.gov*.

RIN: 3060–AJ87

456. Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42)

E.O. 13771 Designation: Independent agency.

Legal Authority: 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e); 47 U.S.C. 151 to 156; 47 U.S.C. 301

Abstract: This action amends part 87 rules to authorize new ground station technologies to promote safety and allow use of frequency 1090 MHz by aeronautical utility mobile stations for airport surface detection equipment (commonly referred to as ''squitters'') to help reduce collisions between aircraft and airport ground vehicles.

Timetable:

Action	Date	FR Cite
NPRM	04/28/10	75 FR 22352
R&O	03/01/13	78 FR 61023
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov*.

RIN: 3060–AJ88

457. Amendment of Part 90 of the Commission's Rules To Permit Terrestrial Trunked Radio (Tetra) Technology; WT Docket No. 11–6

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 161; 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 332(c)(7)

Abstract: We modify our rules to permit the certification and use of

Terrestrial Trunked Radio (TETRA) equipment under part 90 of our rules. TETRA is a spectrally efficient digital technology with the potential to provide valuable benefits to land mobile radio users, such as higher security and lower latency than comparable technologies. It does not, however, conform to all of our current part 90 technical rules. In the Notice of Proposed Rule Making and Order (NPRM) in this proceeding, the Commission proposed to amend part 90 to accommodate TETRA technology. We conclude that modifying the part 90 rules to permit the certification and use of TETRA equipment in two bands—the 450–470 MHz portion of the UHF band (421–512 MHz) and Business/Industrial Land Transportation 800 MHz band channels (809–824/854–869 MHz) that are not in the National Public Safety Planning Advisory Committee (NPSPAC) portion of the band—will give private land mobile radio (PLMR) licensees additional equipment alternatives, without increasing the potential for interference or other adverse effects on other licensees.

Timetable:

Action	Date	FR Cite
NPRM	05/11/11	76 FR 27296
R&O	10/10/12	77 FR 61535
Order on Reconsideration.	08/09/13	78 FR 48627
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov*.

RIN: 3060–AK05

458. Promoting Technological Solutions To Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307 to 310; 47 U.S.C. 332

Abstract: In this proceeding, the Commission proposes rules to encourage development of multiple technological solutions to combat the use of contraband wireless devices in correctional facilities nationwide. The Commission proposes to streamline rules governing lease agreement modifications between wireless providers and managed access system operators. It also proposes to require wireless providers to terminate service to a contraband wireless device.

In the Report and Order, the Commission addresses the problem of illegal use of contraband wireless devices by inmates in correctional facilities by streamlining the process of deploying contraband wireless device interdiction systems (CIS)—systems that use radio communications signals requiring Commission authorization—in correctional facilities. In particular, the Commission eliminates certain filing requirements and provides for immediate approval of the lease applications needed to operate these systems.

In the Further Notice, the Commission seeks comment on a process for wireless providers to disable contraband wireless devices once they have been identified. The Commission also seeks comment on additional methods and technologies that might prove successful in combating contraband device use in correctional facilities, and on various other proposals related to the authorization process for CISs and their deployment.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
FNPRM	05/18/17	82 FR 22780
R&O	05/18/17	82 FR 22742
Final Rule Effective (except for rules requiring OMB approval which remain pending).	06/19/17	
FNPRM Comment Period End.	07/17/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2887, *Email: melissa.conway@fcc.gov*.

RIN: 3060–AK06

459. Enabling Small Cell Use in the 3.5 GHz Band

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j) ; 47 U.S.C. 302(a); 47 U.S.C. 303 to 304; 47 U.S.C. 307(e); 47 U.S.C. 316

Abstract: The NPRM proposed to create a Citizens Broadband Service, licensed-by-rule pursuant to section 307(e) of the Communications Act and classified as a Citizens Band Service under part 95 of the Commission's rules. Access to and use of the 3.5 GHz band would be managed by a spectrum access system (SAS), incorporating a geo-location enabled dynamic database (similar to TVWS).

The Further Notice of Proposed Rulemaking proposes to create a new Citizens Broadband Radio Service in the 3550 to 3650 MHz band to be governed by a new part 96 of the Commission's rules. Access to and use of the 3550 to 3650 MHz band would be managed by a spectrum access system, incorporating a geo-location enabled dynamic database.

The Report and Order and Second Further Notice of Proposed Rulemaking adopted by the Commission established a new Citizens Broadband Radio Service for shared wireless broadband use of the 3550 to 3700 MHz band. The Citizens Broadband Radio Service is governed by a three-tiered spectrum authorization framework to accommodate a variety of commercial uses on a shared basis with incumbent Federal and non-Federal users of the band. Access and operations will be managed by a dynamic spectrum access system. The three tiers are: Incumbent Access, Priority Access, and General Authorized Access. Rules governing the Citizens Broadband Radio Service are found in part 96 of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1188
NPRM Comment Period End.	03/19/13	
FNPRM	06/02/14	79 FR 31247
FNPRM Comment Period End.	08/15/14	
R&O and 2nd FNPRM.	06/15/15	80 FR 34119
2nd FNPRM Comment Period End.	08/14/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Powell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1613, *Email: paul.powell@fcc.gov*.

RIN: 3060–AK12

460. 800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i) to 154(j); 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; 47 CFR 157; 47 U.S.C. 332

Abstract: The proceeding was launched to revisit and update rules governing the 800 MHz cellular radiotelephone service (Cellular Service). On November 10, 2014, the FCC released a Report and Order (R&O) and a companion Further Notice of Proposed Rulemaking (FNPRM). In the R&O, the FCC eliminated or areas not yet licensed. In the FNPRM, the FCC proposed and sought comment on additional reforms of the Cellular rules, including radiated power and other technical rules, to promote flexibility and help foster deployment of new technologies such as LTE.

On March 24, 2017, the FCC released a Second Report and Order (second R&O) and a companion Second Further Notice of Proposed Rulemaking (second FNPRM). In the second R&O, the FCC revised the Cellular radiated power rules to permit compliance with limits based on power spectral density (PSD) as an option for licensees deploying wideband technologies such as LTE, while retaining the existing non-PSD limits for licensees that deploy narrowband technologies. This ensures that carriers are treated similarly regardless of technology choice, and aligns the Cellular power rules with those used to provide mobile broadband in other service bands. The second R&O also made conforming changes to cellular technical rules to accommodate PSD, additional licensing reforms. In the second FNPRM, the FCC seeks comment on other measures to give cellular licensees more flexibility and administrative relief, and on ways to consolidate and simplify the rules, not only for the cellular service, but also other geographically licensed wireless services.

Timetable:

Action	Date	FR Cite
NPRM	03/16/12	77 FR 15665
NPRM Comment Period End.	05/15/12	
NPRM Reply Comment Period End.	06/14/12	
R&O	12/05/14	79 FR 72143
FNPRM	12/22/14	79 FR 76268
Final Rule Effective (with 3 exceptions).	01/05/15	
FNPRM Comment Period End.	01/21/15	
FNPRM Reply Comment Period End.	02/20/15	
2nd R&O	04/12/17	82 FR 17570
2nd FNPRM	04/14/17	82 FR 17959
2nd FNPRM Comment Period End.	05/15/17	
2nd FNPRM Reply Comment Period End.	06/14/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nina Shafran, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2781, *Email: nina.shafran@fcc.gov*.

RIN: 3060–AK13

461. Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 301 to 302; 47 U.S.C. 302(a); 47 U.S.C. 303 to 304; 47 U.S.C. 307; 47 U.S.C. 309 to 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 1302

Abstract: In this proceeding, the Commission adopted service rules for licensing of mobile and other uses for millimeter wave (mmW) bands. These high frequencies previously have been best suited for satellite or fixed microwave applications; however, recent technological breakthroughs have newly enabled advanced mobile services in these bands, notably including very high speed and low latency services. This action will help facilitate Fifth Generation mobile services and other mobile services. In developing service rules for mmW bands, the Commission will facilitate access to spectrum, develop a flexible spectrum policy, and encourage wireless innovation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/16	81 FR 1802
NPRM Comment Period End.	02/26/16	
FNPRM	08/24/16	81 FR 58269
Comment Period End.	09/30/16	
FNPRM Reply Comment Period End.	10/31/16	
R&O	11/14/16	81 FR 79894
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov*.

RIN: 3060–AK44

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Proposed Rule Stage

462. Jurisdictional Separations

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of three years and sought comment on comprehensive reform. In 2009, the Commission adopted a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission adopted a Report and Order extending the separations freeze for an additional two years to June 2014. In 2014, the Commission adopted a Report and Order extending the separations freeze for an additional three years to June 2017.

On March 20, 2017, the Commission adopted a Further Notice of Proposed Rulemaking proposing to extend the separations freeze for an additional 18 months through December 2018 and to consider with the Separations Federal-State Joint Board comprehensive reform of the jurisdictional separations procedures in the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
R&O	05/23/12	77 FR 30410
R&O	06/13/14	79 FR 36232
FNPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Hunter, Attorney-Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1520, *Email: john.hunter@fcc.gov*.

RIN: 3060–AJ06

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

463. 2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 303(r); 47 U.S.C. 403

Abstract: The notice of proposed rulemaking (NPRM) proposed to eliminate our current service quality reports (Automated Reporting Management Information System (ARMIS) Report 43–05 and 43–06) and replace them with a more consumer-oriented report. The NPRM proposed to reduce the reporting categories from more than 30 to six, and addressed the needs of carriers, consumers, State public utility commissions, and other interested parties. On February 15, 2005, the Commission adopted an order that extended the Federal-State Joint Conference on Accounting Issues until March 1, 2007. On September 6, 2008, the Commission adopted a Memorandum Opinion and Order granting conditional forbearance from the ARMIS 43–05 and 43–06 reporting requirements to all carriers that are required to file these reports.

Timetable:

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Order	02/06/02	67 FR 5670
Order	03/22/05	70 FR 14466
MO&O	10/15/08	73 FR 60997
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH72

464. Numbering Resource Optimization

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 201 *et seq.;* 47 U.S.C. 251(e)

Abstract: In 1999, the Commission released the Numbering Resource Optimization Notice of Proposed Rulemaking (Notice) in CC Docket 99–200. The Notice examined and sought comment on several administrative and technical measures aimed at improving the efficiency with which telecommunications numbering resources are used and allocated. It incorporated input from the North American Numbering Council (NANC), a Federal advisory committee, which advises the Commission on issues related to number administration. In the Numbering Resource Optimization First Report and Order and Further Notice of Proposed Rulemaking (NRO First Report and Order), released on March 31, 2000, the Commission adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. In addition, the Commission adopted a single system for allocating numbers in blocks of 1,000, rather than 10,000, wherever possible, and established a plan for national rollout of thousands-block number pooling. The Commission also adopted numbering resource reclamation requirements to ensure that unused numbers are returned to the North American Numbering Plan (NANP) inventory for assignment to other carriers. Also, to encourage better management of numbering resources, carriers are required, to the extent possible, to first assign numbering resources within thousands blocks (a form of sequential numbering). In the NRO Second Report and Order, the Commission adopted a measure that requires all carriers to use at least 60 percent of their numbering resources before they may get additional numbers in a particular area. That 60 percent utilization threshold increases to 75 percent over the next three years. The Commission also established a five-year term for the national pooling administrator and an auditing program to verify carrier compliance with the Commission's rules. Furthermore, the Commission addressed several issues raised in the notice, concerning area code relief. Specifically, the Commission declined to amend the existing Federal rules for area code relief or specify any new Federal guidelines for the implementation of area code relief. The Commission also declined to state a preference for either all-services overlays or geographic splits as a method of area code relief. Regarding mandatory nationwide ten-digit dialing, the Commission declined to adopt this measure at the present time. Furthermore, the Commission declined to mandate nationwide expansion of the ''D digit'' (the ''N'' of an NXX or central office code) to include zero or one, or to grant State commissions the authority to implement the expansion of the ''D'' digit as a numbering resource optimization measure presently. In the NRO Third Report and Order, the Commission addressed national thousands-block number pooling administration issues, including declining to alter the implementation date for covered CMRS carriers to participate in pooling. The Commission also addressed Federal cost recovery for national thousands-block number pooling, and continued to require States to establish cost recovery mechanisms for costs incurred by carriers participating in pooling trials. The Commission reaffirmed the Months-To-Exhaust (MTE) requirement for carriers. The Commission declined to lower the utilization threshold established in the Second Report and Order, and declined to exempt pooling carriers from the utilization threshold. The Commission also established a safety valve mechanism to allow carriers that do not meet the utilization

threshold in a given rate center to obtain additional numbering resources. In the NRO Third Report and Order, the Commission lifted the ban on technology-specific overlays (TSOs), and delegated authority to the Common Carrier Bureau, in consultation with the Wireless Telecommunications Bureau, to resolve any such petitions. Furthermore, the Commission found that carriers who violate our numbering requirements, or fail to cooperate with an auditor conducting either a ''for cause'' or random audit, should be denied numbering resources in certain instances. The Commission also reaffirmed the 180-day reservation period, declined to impose fees to extend the reservation period, and found that State commissions should be allowed password-protected access to the NANPA database for data pertaining to NPAs located within their State. The measures adopted in the NRO orders will allow the Commission to monitor more closely the way numbering resources are used within the NANP, and will promote more efficient allocation and use of NANP resources by tying a carrier's ability to obtain numbering resources more closely to its actual need for numbers to serve its customers. These measures are designed to create national standards to optimize the use of numbering resources by: (1) Minimizing the negative impact on consumers of premature area code exhausts; (2) ensuring sufficient access to numbering resources for all service providers to enter into or to compete in telecommunications markets; (3) avoiding premature exhaust of the NANP; (4) extending the life of the NANP; (5) imposing the least societal cost possible, and ensuring competitive neutrality, while obtaining the highest benefit; (6) ensuring that no class of carrier or consumer is unduly favored or disfavored by the Commission's optimization efforts; and (7) minimizing the incentives for carriers to build and carry excessively large inventories of numbers. In NRO Third Order on Recon in CC Docket No. 99–200, Third Further Notice of Proposed Rulemaking in CC Docket No. 99–200 and Second Further Notice of Proposed Rulemaking in CC Docket No, 95–116, the Commission reconsidered its findings in the NRO Third Report and Order regarding the local Number portability (LNP) and thousands-block number pooling requirements for carriers in the top 100 Metropolitan Statistical areas (MSAs). Specifically, the Commission reversed its clarification that those requirements extend to all carriers in the largest 100 MSAs, regardless of whether they have received a request from another carrier to provide LNP. The Commission also sought comment on whether the Commission should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. The Commission also sought comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. In addition, the Commission sought comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs. In the NRO Fourth Report and Order and Further Notice of Proposed Rulemaking, the Commission reaffirmed that carriers must deploy LNP in switches within the 100 largest Metropolitan Statistical Areas (MSAs) for which another carrier has made a specific request for the provision of LNP. The Commission delegated the authority to state commissions to require carriers operating within the largest 100 MSAs that have not received a specific request for LNP from another carrier to provide LNP, under certain circumstances and on a case-by-case basis. The Commission concluded that all carriers, except those specifically exempted, are required to participate in thousands-block number pooling in accordance with the national rollout schedule, regardless of whether they are required to provide LNP, including commercial mobile radio service (CMRS) providers that were required to deploy LNP as of November 24, 2003. The Commission specifically exempted from the pooling requirement rural telephone companies and Tier III CMRS providers that have not received a request to provide LNP. The Commission also exempted from the pooling requirement carriers that are the only service provider receiving numbering resources in a given rate center. Additionally, the Commission sought further comment on whether these exemptions should be expanded to include carriers where there are only two service providers receiving numbering resources in the rate center. Finally, the Commission reaffirmed that the 100 largest MSAs identified in the 1990 U.S. Census reports, as well as those areas included on any subsequent U.S. Census report of the 100 largest MSAs. In the NRO Order and Fifth Further Notice of Proposed Rulemaking, the Commission granted petitions for delegated authority to implement mandatory thousands-block pooling filed by the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission. In granting these petitions, the Commission permitted these states to optimize numbering resources and further extend the life of the specific numbering plan areas. In the Further Notice of Proposed Rulemaking, the Commission sought comment on whether it should delegate authority to all states to implement mandatory thousands-block number pooling consistent with the parameters set forth in the NRO Order.

In its 2013 Notice of Proposed Rulemaking, the Commission proposed to allow interconnected Voice over internet Protocol (VOIP) providers to obtain telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator, subject to certain requirements. The Commission also sought comment on a forward-looking approach to numbers for other types of providers and uses, including telematics and public safety, and the benefits and number exhaust risks of granting providers other than interconnected VoIP providers direct access.

In its 2015 Report and Order, the Commission established an authorization process to enable interconnected VoIP providers that choose to obtain access to North American Numbering Plan telephone numbers directly from the North American Numbering Plan Administrator and/or the Pooling Administrator (Numbering Administrators), rather than through intermediaries. The Order also set forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system. Specifically, the Commission required interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. The requirements included any state requirements pursuant to numbering authority delegated to the states by the Commission, as well as industry guidelines and practices, among others. The Commission also required interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. In addition, as conditions to requesting and obtaining numbers directly from the Numbering Administrators, the

Commission required interconnected VoIP providers to (1) provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states, (2) request numbers from the Numbering Administrators under their own unique OCN, (3) file any requests for numbers with the relevant state commissions at least 30 days prior to requesting numbers from the Numbering Administrators, and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area. Finally, the Order also modified Commission's rules in order to permit VoIP Positioning Center providers to obtain pseudo-Automatic Number Identification codes directly from the Numbering Administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and FNPRM	06/16/00	65 FR 37703
Second R&O and Second FNPRM.	02/08/01	66 FR 9528
Third R&O and Second Order on Recon.	02/12/02	67 FR 643
Third O on Recon and Third FNPRM.	04/05/02	67 FR 16347
Fourth R&O and Fourth NPRM.	07/21/03	68 FR 43003
Order and Fifth FNPRM.	03/15/06	71 FR 13393
Order	06/19/13	78 FR 36679
NPRM & NOI	06/19/13	78 FR 36725
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH80

465. IP-Enabled Services; WC Docket No. 04–36

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; . . .

Abstract: The notice seeks comment on ways in which the Commission might categorize or regulate IP-enabled services. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then requests comment on whether the services comprising each category constitute ''telecommunications services'' or ''information services'' under the definitions set forth in the Act. Finally, noting the Commission's statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End.	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective.	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End.	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	07/29/09	74 FR 37624
R&O	08/07/09	74 FR 39551
Public Notice	10/14/09	74 FR 52808
Announcement of Effective Date.	03/19/10	75 FR 13235
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM, Order, & NOI.	06/19/13	78 FR 36679
R&O	10/29/15	80 FR 66454
Erratum	01/11/16	81 FR 1131
Announcement of Effective Date.	02/24/16	81 FR 5920
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov.*

RIN: 3060–AI48

466. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The Report and Order streamlined and reformed the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
NPRM	08/03/17	82 FR 40118
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chelsea Fallon, Assistant Division Chief, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7991, *Email: chelsea.fallon@fcc.gov.*

RIN: 3060–AJ15

467. Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission

should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Public Notice	12/21/11	76 FR 79607
Public Notice	06/06/13	78 FR 34015
R&O	05/26/15	80 FR 29978
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AJ32

468. Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 224

Abstract: In 2010, the Commission released an Order and Further Notice of Proposed Rulemaking that implemented certain pole attachment recommendations of the National Broadband Plan and sought comment regarding others. On April 7, 2011, the Commission adopted a Report and Order and Order on Reconsideration that sets forth a comprehensive regulatory scheme for access to poles, and modifies existing rules for pole attachment rates and enforcement. In 2015, the Commission issued an Order on Reconsideration that further harmonized the pole attachment rates paid by telecommunications and cable providers.

The 2015 Order on Reconsideration was upheld on appeal before the *U.S. Court of Appeals for the Eighth Circuit in Ameren Corporation, et al.* v. *FCC*, Case No: 16–1683.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6879
FNPRM	07/15/10	75 FR 41338
Declaratory Ruling	08/03/10	75 FR 45494
R&O	05/09/11	76 FR 26620
Order on Recon	02/03/16	81 FR 5605
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Ray, Attorney, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0357.

RIN: 3060–AJ64

469. Rural Call Completion; WC Docket No. 13–39

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 218; 47 U.S.C. 220(a); 47 U.S.C. 257(a); 47 U.S.C. 403

Abstract: The recordkeeping, retention, and reporting requirements in the Report and Order improve the Commission's ability to monitor problems with completing calls to rural areas, and enforce restrictions against blocking, choking, reducing, or restricting calls. The Further Notice of Proposed Rulemaking sought comment on additional measures intended to further ensure reasonable and nondiscriminatory service to rural areas. The Report and Order applies new recordkeeping, retention, and reporting requirements to providers of long-distance voice service that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines which, in most cases, is the calling party's long-distance provider. Covered providers are required to file quarterly reports and retain the call detail records for at least six calendar months. Qualifying providers may certify that they meet a Safe Harbor which reduces their reporting and retention obligations, or seek a waiver of these rules from the Wireline Competition Bureau, in consultation with the Enforcement Bureau. The Report and Order also adopts a rule prohibiting all originating and intermediate providers from causing audible ringing to be sent to the caller before the terminating provider has signaled that the called party is being alerted.

On February 13, 2015, the Wireline Competition Bureau provided additional guidance regarding how providers must categorize information. The Commission also adopted an Order on Reconsideration addressing petitions for reconsideration. Reports have been due quarterly beginning with the second quarter of 2015.

Timetable:

Action	Date	FR Cite
NPRM	04/12/13	78 FR 21891
Public Notice	05/07/13	78 FR 26572
NPRM Comment Period End.	05/28/13	
R&O and FNPRM	12/17/13	78 FR 76218
PRA 60 Day Notice.	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Public Notice	05/06/14	79 FR 25682
Order on Reconsideration.	12/10/14	79 FR 73227
Erratum	01/08/15	80 FR 1007
Public Notice	03/04/15	80 FR 11954
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ89

470. Rates for Inmate Calling Services; WC Docket No. 12–375

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i) to (j); 47 U.S.C. 225; 47 U.S.C. 276; 47 U.S.C. 303(r); 47 CFR 64

Abstract: In the Report and Order portion of this document, the Federal Communications Commission adopts rule changes to ensure that rates for both interstate and intrastate inmate calling services (ICS) are fair, just, and reasonable, as required by statute, and limits ancillary service charges imposed by ICS providers. In the Report and Order, the Commission sets caps on all interstate and intrastate calling rates for ICS, establishes a tiered rate structure based on the size and type of facility being served, limits the types of ancillary services that ICS providers may charge for and caps the charges for permitted fees, bans flat-rate calling, facilitates access to ICS by people with disabilities by requiring providers to offer free or steeply discounted rates for calls using TTY, and imposes reporting and certification requirements to facilitate continued oversight of the ICS market. In the Further Notice portion of the item, the Commission seeks comment on ways to promote competition for ICS, video visitation,

rates for international calls, and considers an array of solutions to further address areas of concern in the ICS industry. In an Order on Reconsideration, the Commission amends its rate caps and amends the definition of ''mandatory tax or mandatory fee.''

Timetable:

Action	Date	FR Cite
NPRM	01/22/13	78 FR 4369
FNPRM	11/13/13	78 FR 68005
R&O	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	
Announcement of Effective Date.	06/20/14	79 FR 33709
2nd FNPRM	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
3rd FNPRM	12/18/15	80 FR 79020
2nd R&O	12/18/15	80 FR 79136
3rd FNPRM Comment Period End.	01/19/16	
3rd FNPRM Reply Comment Period End.	02/08/16	
Order on Reconsideration.	09/12/16	81 FR 62818
Announcement of OMB Approval.	03/01/17	82 FR 12182
Correction to Announcement of OMB Approval.	03/08/17	82 FR 12922
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gil Strobel, Deputy Pricing Policy Division Chief, WCB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7084.

RIN: 3060–AK08

471. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219; 47 U.S.C. 220

Abstract: The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the Agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

On February 23, 2017, the Commission adopted an Report and Order that revised the part 32 USOA to substantially reduce accounting burdens for both price cap and rate-of-return carriers. First, the Order streamlines the USOA for all carriers. In addition, the USOA will be aligned more closely with generally accepted accounting principles, or GAAP. Second, the Order allows price cap carriers to use GAAP for all regulatory accounting purposes as long as they comply with targeted accounting rules, which are designed to mitigate any impact on pole attachment rates. Alternatively, price cap carriers can elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the part 32 accounts for pole attachment rates for up to 12 years. Third, the Order addresses several miscellaneous issues, including referral to the Federal-State Joint Board on Separations the issue of examining jurisdictional separations rules in light of the reforms adopted to part 32.

Timetable:

Action	Date	FR Cite
NPRM	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	
R&O	04/04/17	82 FR 20833
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robin Cohn, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2747, *Email: robin.cohn@fcc.gov*.

RIN: 3060–AK20

472. Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet (GN Docket No. 14–28)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201(b)

Abstract: In May 2017, the Commission adopted a Notice of Proposed Rulemaking (NPRM) that proposes to restore the internet to a light-touch regulatory framework by classifying broadband internet access service as an information service and seeks comment on the existing rules governing internet service providers' practices. The NPRM proposes to end title II regulation of the internet and return broadband internet access service to its longstanding classification as an information service; proposes to reinstate the determination that mobile broadband internet access service is not a commercial mobile service, and to return it to its original classification as a private mobile service; proposes to eliminate the internet conduct standard and the non-exhaustive list of factors intended to guide application of that standard; and seeks comment on whether the Commission should keep, modify, or eliminate the bright-line rules set forth in the title II Order.

Previously, in February 2015, the Commission adopted a Report and Order on Remand, Declaratory Ruling, and Order (Title II Order) that reclassified broadband internet access service under title II of the Communications Act. The Commission also adopted new bright-line rules under its Ttitle II authority, along with a general conduct standard applicable to broadband service providers, as well as additional reporting obligations. The rules became effective on June 12, 2015, with the exception of the additional reporting obligations, which became effective on January 17, 2017.

In March 2017, the Commission adopted an Order granting a five-year waiver to broadband internet access service providers with 250,000 or fewer broadband connections from the additional reporting obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	

Action	Date	FR Cite
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
NPRM	06/02/17	82 FR 25568
NPRM Comment Period End.	07/03/17	
Waiver Order 03/02/2017 (Not yet published).	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AK21

473. Technology Transitions; GN Docket No. 13–5, WC Docket No. 05–25

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 214; 47 U.S.C. 251

Abstract: On April 20, 2017, the Commission adopted a Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment (Wireline Infrastructure Item) seeking input on a number of actions designed to accelerate (1) the deployment of next-generation networks and services by removing barriers to infrastructure investment at the Federal, State, and local level; (2) the transition from legacy copper networks and services to next-generation fiber-based networks and services; and (3) the reduction of Commission regulations that raise costs and slow, rather than facilitate, broadband deployment.

The Wireline Infrastructure Item proposes revisions to the Commission's network change disclosure rules to allow providers greater flexibility in the copper retirement process and to reduce associated regulatory burdens, to facilitate more rapid deployment of next-generation networks. It also seeks comment on streamlining and/or eliminating provisions of the more generally applicable network change notification rules. Additionally, the Wireline Infrastructure Item seeks comment on several targeted measures to shorten timeframes and eliminate unnecessary process encumbrances that force carriers to maintain legacy services they seek to discontinue including: (1) Proposing to reduce the public comment and automatic grant periods to a uniform 10 days and 25 days, respectively, for all applications seeking to grandfather legacy low-speed services, regardless of whether the provider filing the application is a dominant or non-dominant carrier; and (2) proposing to adopt streamlined, uniform public comment and automatic grant periods of 10 days and 31 days, respectively, for any application seeking authorization to discontinue legacy data services that have previously been grandfathered for a period of no less than 180 days, regardless of whether the discontinuing carrier is dominant or non-dominant. The Wireline Infrastructure Item also seeks comment on other methods to streamline section 214(a) applications more generally, including reversal of the Commission's 2015 clarification'' of section 214(a) that substantially expanded the scope of end users that a carrier must consider in determining whether it is required to obtain section 214 discontinuance authority. Additionally, the Wireline Infrastructure Item requests comment on whether the Commission should revisit its 2014 Declaratory Ruling and subsequent 2015 Order on Reconsideration expanding what constitutes a service for purposes of section 214(a) discontinuance review. Comments on all portions of the Wireline Infrastructure Item were due on June 15, 2017, and reply comments were due on July 17, 2017.

Previously, in November 2014, the Commission adopted a Notice of Proposed Rulemaking and Declaratory Ruling that (i) Proposed new backup power rules; (ii) proposed new or revised rules for copper retirements and service discontinuances; and (iii) adopted a functional test in determining what constitutes a service'' for purposes of section 214(a) discontinuance review. In August 2015, the Commission adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking that: (i) Lengthened and revised the copper retirement process; (ii) determined that a carrier must obtain Commission approval before discontinuing a service used as a wholesale input if the carrier's actions will discontinue service to a carrier-customer's retail end users; (iii) Adopted an interim rule requiring incumbent LECs that seek to discontinue certain TDM-based wholesale services to commit to certain rates, terms, and conditions; (iv) proposed further revisions to the copper retirement discontinuance process; and (v) upheld the November 2014 Declaratory Ruling. In July 2016, the Commission adopted a Second Report and Order, Declaratory Ruling, and Order on Reconsideration that: (i) Adopted a new test for obtaining streamlined treatment when carriers seek Commission authorization to discontinue legacy services in favor of services based on newer technologies; (ii) set forth consumer education requirements for carriers seeking to discontinue legacy services in favor of services based on newer technologies; (iii) allowed notice to customers of discontinuance applications by email; (iv) required carriers to provide notice of discontinuance applications to Tribal entities; (v) made a technical rule change to create a new title for copper retirement notices and certifications; and (vi) harmonized the timeline for competitive LEC discontinuances caused by incumbent LEC network changes.

Timetable:

Action	Date	FR Cite
NPRM	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
FNPRM	09/25/15	80 FR 57768
R&O	09/25/15	80 FR 57768
FNPRM Comment Period End.	10/26/15	
FNPRM Reply Comment Period End.	11/24/15	
2nd R&O	09/12/16	81 FR 62632
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Levy Berlove, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1477, *Email: michele.berlove@fcc.gov*.

RIN: 3060–AK32

474. Modernizing Common Carrier Rules, WC Docket No. 15–33

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(j); 47 U.S.C. 154(i); 47 U.S.C. 160 to 161; 47 U.S.C. 201 to 205; 47 U.S.C. 214; 47 U.S.C. 218 to 221; 47 U.S.C. 225 to 228; 47 U.S.C. 254; 47 U.S.C. 303; 47 U.S.C. 308; 47 U.S.C. 403; 47 U.S.C. 410; 47 U.S.C. 571; 47 U.S.C. 1302; 52 U.S.C. 30141

Abstract: The Notice of Proposed Rulemaking (Notice) seeks to update our rules to better reflect current requirements and technology by removing outmoded regulations from the Code of Federal Regulations. The Notice proposes to update the CFR by (1) eliminating certain rules from which the Commission has forborn, and (2) eliminating references to telegraph

service in certain rules. We propose to eliminate several rules from which the Commission has granted unconditional forbearance for all carriers. These are: (1) Section 64.804(c)–(g), which governs a carrier's recordkeeping and other obligations when it extends to federal candidates unsecured credit for communications service; (2) sections 42.4, 42.5, and 42.7, which require carriers to preserve certain records; (3) section 64.301, which requires carriers to provide communications service to foreign governments for international communications; (4) section 64.501, governing telephone companies' obligations when recording telephone conversations; (5) section 64.5001(a)–(c)(2), and (c)(4), which imposes certain reporting and certification requirements for prepaid calling card providers; and (6) section 64.1, governing traffic damage claims for carriers engaged in radio-telegraph, wire-telegraph, or ocean-cable service. We also propose to remove references to telegraph from certain sections of the Commission's rules. This proposal is consistent with Recommendation 5.38 of the Process Reform Report. Specifically, we propose to remove telegraph from: (1) Section 36.126 (separations); (2) section 54.706(a)(13) (universal service contributions); and (3) sections 63.60(c), 63.61, 63.62, 63.65(a)(4), 63.500(g), 63.501(g), and 63.504(k) (discontinuance).

Timetable:

Action	Date	FR Cite
NPRM	05/06/15	80 FR 25989
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nirali Patel, Deputy Chief, Competition Policy Division, WCB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7830, *Email: nirali.patel@fcc.gov*.

RIN: 3060–AK33

475. Numbering Policies for Modern Communications, WC Docket No. 13–97

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153 to 154; 47 U.S.C. 201 to 205; 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the numbering administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a state certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the numbering administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the numbering administrators. Next, the Order sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system.

The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any state requirements pursuant to numbering authority delegated to the states by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the numbering administrators, interconnected VoIP providers are also required to: (1) Provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states; (2) request numbers from the numbering administrators under their own unique OCN; (3) file any requests for numbers with the relevant State commissions at least 30 days prior to requesting numbers from the numbering administrators; and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

Finally, the Order also modifies Commission's rules in order to permit VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p-ANI) codes directly from the numbering administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Jones, Senior Counsel, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2357, *Fax:* 202 418–2345, *Email: marilyn.jones@fcc.gov*.

RIN: 3060–AK36

476. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services such as high-speed internet for all consumers at just, reasonable and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed internet in the nation's schools, libraries and rural health care facilities. The FCC established four programs within the Universal Service Fund to implement the statute: Connect America Fund (formally known as High-Cost Support) for rural areas; Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans; Schools and Libraries (E-rate); and Rural Health Care.

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On December 20, 2016, the Commission adopted measures to

address the significant demand for Alternative Connect America Cost Model (A–CAM) support.

On March 2, 2017, the Commission implements Connect America Phase II auction in which service providers will compete to receive support to offer voice and broadband service in unserved high cost areas.

On April 21, 2017, the Commission granted a Petition for Reconsideration filed by NTCA.

On May 18, 2017, the Commission sought comments on whether to modify the methodology or eliminate the rate floor and related obligations.

On June 8, 2017, the Commission amended section 54.600(a) of its rules defining health care provider under the Rural Health Care Program to include Skilled Nursing Facilities (SNF's) as health care providers eligible to participate in the program.

Timetable:

Action	Date	FR Cite
R&O and FNPRM	01/13/17	82 FR 4275
NPRM Comment Period End.	02/13/17	
NPRM Reply Comment Period End.	02/27/17	
R&O and Order on Recon.	03/21/17	82 FR 14466
Order on Recon ..	05/19/17	82 FR 22901
Order on Recon ..	06/08/17	82 FR 26653
Memorandum, Opinion & Order.	06/21/17	82 FR 228224
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nakesha Woodward, Program Support Assistant, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1502, *Email: kesha.woodward@fcc.gov*.

RIN: 3060–AK57.

[FR Doc. 2017–28244 Filed 1–11–18; 8:45 am]

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Part XXIV

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period November 1, 2017, through April 30, 2018. The next agenda will be published in spring 2018.

DATES: Comments about the form or content of the agenda may be submitted any time during the next six months.

ADDRESSES: Comments should be addressed to Ann E. Misback, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its fall 2017 agenda as part of the Fall 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following website: *www.reginfo.gov.* Participation by the Board, as an independent Agency, in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into five sections. The first, Pre-rule Stage, reports on matters the Board is considering for future rulemaking. The second, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The third section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. The fourth section, Long-Term Actions, reports on matters where the next action is undetermined, 00/00/0000, or will occur more than 12 months after publication of the Agenda. And a fifth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda.

Yao-Chin Chao,

Assistant Secretary of the Board.

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
477	Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)	7100–AD68
478	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
479	Source of Strength (Section 610 Review)	7100–AE73

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

477. Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Board of Governors of the Federal Reserve System (the Board) proposed amendments to Regulation CC to facilitate the banking industry's ongoing transition to fully electronic interbank check collection and return, including proposed amendments to subpart C to condition a depositary bank's right of expeditious return on the depositary bank agreeing to accept returned checks electronically, either directly or indirectly, from the paying bank. The Board also proposed amendments to subpart B, the funds availability schedule provisions to reflect the fact that there are no longer any non-local checks. The Board proposed to revise the model forms in appendix C that banks may use in disclosing their funds availability policies to their customers and to update the preemption determinations in appendix F. Finally, the Board requested comment on whether it should consider future changes to the regulation to improve the check collection system, such as decreasing the time afforded to a paying bank to decide whether to pay a check in order to reduce the risk to a depositary bank of needing to make funds available for withdrawal before learning whether a deposited check has been returned unpaid.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/25/11	76 FR 16862
Board Requested Comment on Revised Proposal.	02/04/14	79 FR 6673
Board Expects Further Action on Subpart C.	06/15/17	82 FR 27552
Board Expects Further Action on Subpart B.	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clinton Chen, Attorney, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3952.

RIN: 7100–AD68

478. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429)

E.O. 13771 Designation: Independent agency.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (the Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters. Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: C. Tate Wilson, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3696.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Long-Term Actions

479. Source of Strength (Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 1831(o)

Abstract: The Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act by September 2018. Section 616(d) requires that bank holding companies, savings and loan holding companies, and other companies that directly or indirectly control an insured depository institution serve as a source of strength for the insured depository institution.

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking.	11/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Conni Allen, Counsel, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 912–4334.

Melissa Clark, Sr. Supervisory Financial Analyst, Federal Reserve System, Division of Supervision and Regulations, Washington, DC 20551, *Phone:* 202 452–2277.

Barbara Bouchard, Senior Associate Director, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–3072.

Jay Schwarz, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2970.

Will Giles, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3351.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AE73

[FR Doc. 2017–28245 Filed 1–11–18; 8:45 am]

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Part XXV

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0185]

10 CFR Chapter I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The Agenda is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 7 rulemaking activities since publication of our last Agenda on August 24, 2017. This issuance of our Agenda contains 30 active and 23 long-term rulemaking activities: 2 are Economically Significant; 8 represent Other Significant agency priorities; 39 are Substantive, Nonsignificant rulemaking activities; and 4 are Administrative rulemaking activities. In addition, 3 rulemaking activities impact small entities. This issuance also contains our annual regulatory plan, which contains information on some of our most important regulatory actions that we are considering issuing in proposed or final form during Fiscal Year 2018. Our regulatory plan was submitted to OMB in June 2017; updates have been reflected in the Agenda abstract for each rulemaking. We are requesting comment on the rulemaking activities as identified in this Agenda.

DATES: Submit comments on rulemaking activities as identified in this Agenda by February 12, 2018.

ADDRESSES: Submit comments on any rulemaking activity in the Agenda by the date and methods specified in any **Federal Register** notice on the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking website by going to *http://www.regulations.gov* and searching for Docket ID *NRC–2017–0185.* Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions on any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: *Cindy.Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

SUPPLEMENTARY INFORMATION:

Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID *NRC–2017–0185* when contacting the NRC about the availability of information for this document. You may obtain publically-available information related to this document by any of the following methods:

- *Reginfo.gov:*
  - For completed rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed,* select ''fall 2017 The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions'' from drop down menu, and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For active rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain* and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For long-term rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain,* select ''Current Long Term Actions'' link, and select ''Nuclear Regulatory Commission'' from drop down menu.
- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0185.
- *NRC's Public website:* Go to *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/unified-agenda.html* and select fall 2017.
- *NRC's Public Document Room:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0185 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into the Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: Completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency's last Agenda; active rulemaking activities are those that an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

We assign a ''Regulation Identifier Number'' (RIN) to a rulemaking activity when our Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission delegated

rulemaking [1] that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire ''lifecycle'' of a particular rulemaking activity. We report all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on August 24, 2017 (82 FR 40448). Specifically, the information in this Agenda has been updated through September 18, 2017.

The date for the next scheduled action under the heading ''Timetable'' is the date the next regulatory action for the rulemaking activity is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

Common Prioritization of Rulemaking

A key part of our regulatory program is an annual review of all ongoing and potential rulemaking activities. In conjunction with our budget and long-term planning process, we develop program budget estimates and determine the relative priority of rulemaking activities using our Common Prioritization of Rulemaking (CPR) methodology (ADAMS Accession No. ML15086A074). For the most up-to-date information on the NRC's rulemaking activities, including the CPR score for each planned rulemaking activity see the NRC's Rules and Petitions web page at *https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html.* The CPR methodology considers four factors and assigns a score to each factor. Factor A includes activities that support the NRC's Strategic Plan goals of ensuring the safe and secure use of radioactive materials. Factor B includes activities that support the Strategic Plan cross-cutting strategies of Regulatory Effectiveness and Openness. Specifically, this factor considers whether the rulemaking activity enhances regulatory effectiveness and/or openness in the way that the NRC conducts regulatory activities. Factor C is a governmental factor representing interest to the NRC, Congress, or other governmental bodies. Factor D is an external factor representing interest to members of the public, non-governmental organizations, the nuclear industry, vendors, and suppliers. The overall priority is determined by adding the factor scores together for each rulemaking activity.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, we do not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, we have not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of our regulations that impact small entities and related Small Entity Compliance Guides are available from the NRC's website at *http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html.*

Public Comments Received on the NRC's Unified Agenda

The comment period on the NRC's last Agenda (published on August 24, 2017 (82 FR 40448)) will close on September 25, 2017. The NRC will address any written comments on our 2017 Agenda issuances in our next Agenda update.

Dated at Rockville, Maryland, this 18th day of September 2017.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Federal Register Liaison Officer, U.S. Nuclear Regulatory Commission.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
480	Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026]	3150–AJ95

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
481	Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]	3150–AJ99

NUCLEAR REGULATORY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
482	Revision of Fee Schedules; Fee Recovery for FY 2017 [NRC–2016–0081]	3150–AJ73

[1] For information on delegated rulemakings see ADAMS Accession No. ML16040A011.

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

480. Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This proposed rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission (NRC) to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC's cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	
Final Rule	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ95

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

481. Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission (NRC) to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC's cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ99

NUCLEAR REGULATORY COMMISSION (NRC)

Completed Actions

482. Revision of Fee Schedules; Fee Recovery for FY 2017 [NRC–2016–0081]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing and generic homeland security activities, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the Nuclear Regulatory Commission's cost of providing services to identifiable applicants and licensees. Examples of services provided by the Nuclear Regulatory Commission for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Completed:

Reason	Date	FR Cite
Final Rule	06/30/17	82 FR 30682
Final Rule Effective.	08/29/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ73

[FR Doc. 2017–28246 Filed 1–11–18; 8:45 am]

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Part XXVI

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–10424, 34–81839, IA–4789, IC–32857, File No. S7–07–17]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing the Chairman's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sep. 19, 1980). The items listed in the Regulatory Flexibility Agenda for autumn 2017 reflect only the priorities of the Chairman of the U.S. Securities and Exchange Commission, and do not necessarily reflect the view and priorities of any individual Commissioner.

Information in the agenda was accurate on October 6, 2017, the date on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before February 12, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–07–17 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. S7–07–17. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/other.shtml*). Comments are also available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Mykaila DeLesDernier, Office of the General Counsel, 202–551–5129.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''— Securities Act of 1933

''Exchange Act''— Securities Exchange Act of 1934

''Investment Company Act''— Investment Company Act of 1940

''Investment Advisers Act''— Investment Advisers Act of 1940

''Dodd Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

''JOBS Act''—Jumpstart Our Business Startups Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: October 6, 2017.

Brent J. Fields,

Secretary.

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
483	Amendments to Interactive Data (XBRL) Program	3235–AL59
484	Amendments to Smaller Reporting Company Definition	3235–AL90
485	Modernization of Property Disclosures for Mining Registrants	3235–AL81
486	Disclosure Update and Simplification	3235–AL82

DIVISION OF CORPORATION FINANCE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
487	Disclosure of Hedging by Employees, Officers and Directors	3235–AL49
488	Listing Standards for Recovery of Erroneously Awarded Compensation	3235–AK99
489	Pay Versus Performance	3235–AL00
490	Universal Proxy	3235–AL84

DIVISION OF CORPORATION FINANCE—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
491	Form 10–K Summary	3235–AL89

DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
492	Amendments to Regulation D, Form D and Rule 156 Under the Securities Act	3235–AL46

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
493	Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports	3235–AL42

DIVISION OF INVESTMENT MANAGEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
494	Reporting of Proxy Votes on Executive Compensation and Other Matters	3235–AK67
495	Use of Derivatives by Registered Investment Companies and Business Development Companies	3235–AL60

DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
496	Adviser Business Continuity and Transition Plans	3235–AL62

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
497	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

483. Amendments to Interactive Data (XBRL) Program

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77g; 15 U.S.C. 78w(a); 15 U.S.C. 80a–37

Abstract: The Commission proposed amendments to the XBRL rules to provide for companies to use Inline XBRL to file a single combined document.

Timetable:

Action	Date	FR Cite
NPRM	03/17/17	82 FR 14282
NPRM Comment Period End.	05/16/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark W. Green, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–0301, *Phone:* 202 551–3430, *Fax:* 202 772–9207.

RIN: 3235–AL59

484. Amendments to Smaller Reporting Company Definition

E.O. 13771 Designation: Independent agency.

Legal Authority: Not Yet Determined

Abstract: The Commission proposed revisions to the ''smaller reporting company'' definitions and related provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/01/16	81 FR 43130
NPRM Comment Period End.	08/30/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Reischauer, Securities and Exchange Commission, 110 F Street NE, Washington, DC 20549, *Phone:* 202 551–3460, *Email:* *reischauerp@sec.gov*.

RIN: 3235–AL90

485. Modernization of Property Disclosures for Mining Registrants

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77c(b); 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 78c(b); 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o(d)

Abstract: The Commission proposed rules to modernize and clarify the

disclosure requirements for companies engaged in mining operations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/16	81 FR 41652
NPRM Comment Period End.	08/26/16	
NPRM Comment Period Extended.	08/26/16	81 FR 58877
NPRM Comment Period Extended End.	09/26/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elliot Staffin, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3450, *Email: staffine@sec.gov*.

RIN: 3235–AL81

486. Disclosure Update and Simplification

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a–1 *et seq.;* Pub. L. 114–94

Abstract: The Commission proposed rules to update certain disclosure requirements in Regulations S–X and S–K that may have become redundant, duplicative, overlapping, outdated or superseded in light of other Commission disclosure requirements, U.S. Generally Accepted Accounting Principles, International Financial Reporting Standards, or changes in the information environment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/16	81 FR 51607
NPRM Comment Period Extended.	09/29/16	81 FR 66898
NPRM Comment Period End.	10/03/16	
NPRM Comment Period Extended End.	11/02/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lindsay McCord, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3255, *Email: mccordl@sec.gov*.

RIN: 3235–AL82

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Long-Term Actions

487. Disclosure of Hedging by Employees, Officers and Directors

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203

Abstract: The Commission proposed rules to implement section 955 of the Dodd-Frank Act, which added section 14(j) to the Exchange Act to require annual meeting proxy statement disclosure of whether employees or members of the board of directors are permitted to engage in transactions to hedge or offset any decrease in the market value of equity securities granted to the employee or board member as compensation, or held directly or indirectly by the employee or board member.

Timetable:

Action	Date	FR Cite
NPRM	02/17/15	80 FR 8486
NPRM Comment Period End.	04/20/15	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carolyn Sherman, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500, *Email: shermanc@sec.gov*.

RIN: 3235–AL49

488. Listing Standards for Recovery of Erroneously Awarded Compensation

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 954; 15 U.S.C. 78j–4

Abstract: The Commission proposed rules to implement section 954 of the Dodd-Frank Act, which requires the Commission to adopt rules to direct national securities exchanges to prohibit the listing of securities of issuers that have not developed and implemented a policy providing for disclosure of the issuer's policy on incentive-based compensation and mandating the clawback of such compensation in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 41144
NPRM Comment Period End.	09/14/15	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne M. Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AK99

489. Pay Versus Performance

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec.953(a); 15 U.S.C. 78c(b); 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed rules to implement section 953(a) of the Dodd-Frank Act, which added section 14(i) to the Exchange Act to require issuers to disclose information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

Timetable:

Action	Date	FR Cite
NPRM	05/07/15	80 FR 26329
NPRM Comment Period End.	07/06/15	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov*.

RIN: 3235–AL00

490. Universal Proxy

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 78n; 15 U.S.C. 78w(a)

Abstract: The Commission proposed to amend the proxy rules to expand shareholders' ability to vote by proxy to select among duly-nominated candidates in a contested election of directors.

Timetable:

Action	Date	FR Cite
NPRM	11/10/16	81 FR 79122
NPRM Comment Period End.	01/09/17	

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov.*

RIN: 3235–AL84

491. Form 10–K Summary

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 114–94; 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w

Abstract: The Commission adopted an interim final amendment to implement Section 72001 of the FAST Act by permitting an issuer to include a summary in its Form l0–K and also requested comment on the interim final amendment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/16	81 FR 37132
Interim Final Rule Effective.	06/09/16	
Interim Final Rule Comment Period End.	07/11/16	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Fax:* 202 772–9207, *Email: harrisons@sec.gov.*

RIN: 3235–AL89

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Completed Actions

492. Amendments to Regulation D, Form D and Rule 156 Under the Securities Act

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77a *et seq.*

Abstract: The Commission proposed rule and form amendments to enhance the Commission's ability to evaluate the development of market practices in offerings under Rule 506 of Regulation D and address concerns that may arise in connection with permitting issuers to engage in general solicitation and general advertising under new paragraph (c) of Rule 506.

Timetable:

Action	Date	FR Cite
NPRM	07/24/13	78 FR 44806
NPRM Comment Period End.	09/23/13	
NPRM Comment Period Reopened.	10/03/13	78 FR 61222
NPRM Comment Period Reopened End.	11/04/13	
Withdrawn	09/13/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Vilardo, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500, *Email: vilardom@sec.gov.*

RIN: 3235–AL46

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

493. Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports

E.O. 13771 Designation: Independent Agency.

Legal Authority: 15 U.S.C. 77 *et seq.;* 15 U.S.C. 77aaa *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a *et seq.;* 44 U.S.C. 3506; 44 U.S.C. 3507

Abstract: The Commission adopted new rules and forms as well as amendments to its rules and forms to modernize the reporting and disclosure of information by registered investment companies. The Commission proposed new rule 30e-3, which would permit, but not require registered investment companies to transmit periodic reports to their shareholders by making the reports accessible on a website and satisfying certain other conditions. The Commission has not finalized proposed rule 30e–3.

Timetable:

Action	Date	FR Cite
NPRM	06/12/15	80 FR 33590
NPRM Comment Period End.	08/11/15	
NPRM Comment Period Reopened.	10/12/15	80 FR 62274
NPRM Comment Period Reopened End.	01/13/16	
Final Action	11/18/16	81 FR 81870
Final Action Effective.	01/17/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Johnson, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6740, *Email: johnsonbm@sec.gov.*

RIN: 3235–AL42

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Long-Term Actions

494. Reporting of Proxy Votes on Executive Compensation and Other Matters

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 78m; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 78x; 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37; 15 U.S.C. 80a–44; Pub. L. 111–203, sec 951

Abstract: The Division is considering recommending that the Commission repropose rule amendments to implement section 951 of the Dodd-Frank Act. The Commission previously proposed amendments to rules and Form N–PX that would require institutional investment managers subject to section 13(f) of the Exchange Act to report how they voted on any shareholder vote on executive compensation or golden parachutes pursuant to sections 14A(a) and (b) of the Exchange Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/10	75 FR 66622
NPRM Comment Period End.	11/18/10	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew DeLesDernier, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE,

Washington, DC 20549, *Phone:* 202 551–6792, *Email: delesdernierj@sec.gov.*

RIN: 3235–AK67

495. Use of Derivatives by Registered Investment Companies and Business Development Companies

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–31(a); 15 U.S.C. 80a–12(a); 15 U.S.C. 80a–38(a); 15 U.S.C. 80a–8; 15 U.S.C. 80a–30; 15 U.S.C. 80a–38

Abstract: The Commission proposed a new rule designed to enhance the regulation of the use of derivatives by registered investment companies, including mutual funds, exchange-traded funds, closed-end funds and business development companies. The proposed rule would regulate registered investment companies' use of derivatives and require enhanced risk management measures.

Timetable:

Action	Date	FR Cite
NPRM	12/28/15	80 FR 80884
NPRM Comment Period End.	03/28/16	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Johnson, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6740, *Email: johnsonbm@sec.gov.*

RIN: 3235–AL60

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Completed Actions

496. Adviser Business Continuity and Transition Plans

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 80b–4; 15 U.S.C. 80b–6(4); 15 U.S.C. 80b–11(a)

Abstract: The Commission proposed a new rule that would require investment advisers registered with the Commission to adopt and implement written business continuity and transition plans.

Timetable:

Action	Date	FR Cite
NPRM	07/05/16	81 FR 43530
NPRM Comment Period End.	09/06/16	
Withdrawn	09/13/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sara Cortes, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–5137, *Email: cortess@sec.gov.*

RIN: 3235–AL62

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

497. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 939A

Abstract: Section 939A of the Dodd-Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission amended certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility, and confirmation of transactions. The Commission has not yet finalized amendments to certain rules regarding the distribution of securities.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	01/08/14	79 FR 1522
Final Action Effective.	07/07/14	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6439, *Email: guidrozj@sec.gov.*

RIN: 3235–AL14

[FR Doc. 2017–28247 Filed 1–11–18; 8:45 am]

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FEDERAL REGISTER

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Part XXVII

Surface Transportation Board

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 43)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board is publishing the Acting Chairman's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sep. 19, 1980). The items listed in the Regulatory Flexibility Agenda for fall 2017 reflect the priorities of the Acting Chairman of the Surface Transportation Board and do not necessarily reflect the priorities of any other individual Board Member.

Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The RFA, 5 U.S.C. 601 *et seq.,* sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Acting Chairman's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: ''Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or requires an agency to consider or act on any matter listed in such agenda.''

The Acting Chairman is publishing the agency's Regulatory Flexibility Agenda for fall 2017 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Acting Chairman is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

Dated: September 18, 2017.

By the Board, Acting Chairman Begeman.

Jeffrey Herzig,

Clearance Clerk.

SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
498	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)	2140–AB29

SURFACE TRANSPORTATION BOARD (STB)

Long-Term Actions

498. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)

E.O. 13771 Designation: Independent agency.

Legal Authority: 49 U.S.C. 10502; 49 U.S.C. 13301

Abstract: In this proceeding, the Board is proposing to revoke the class exemptions for the rail transportation of: (1) Crushed or broken stone or rip-rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings.

Timetable:

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott M. Zimmerman, Deputy Director, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0386, *Email: scott.zimmerman@stb.gov.*

Francis O'Connor, Section Chief, Chemical & Agricultural Transportation, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0331, *Email: francis.o'connor@stb.gov.*

RIN: 2140–AB29

[FR Doc. 2017–28248 Filed 1–11–18; 8:45 am]

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