AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 83 Thursday,
No. 12 January 18, 2018

Pages 2525–2732

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 83 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 83, No. 12

Thursday, January 18, 2018

Agriculture Department
See Forest Service

Bureau of Safety and Environmental Enforcement
RULES
Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Civil Penalty Inflation Adjustment, 2538–2540

Civil Rights Commission
NOTICES
Meetings:
Montana Advisory Committee, 2616–2617

Coast Guard
PROPOSED RULES
Great Lakes Pilotage Rates:
2018 Annual Review and Revisions to Methodology, 2581–2607

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commission of Fine Arts
NOTICES
Meetings, 2621

Community Development Financial Institutions Fund
NOTICES
Funding Availability:
Guarantee Application Deadline, 2724–2725

Copyright Office, Library of Congress
RULES
Group Registration of Photographs, 2542–2549

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Performance Measurement in AmeriCorps, 2621–2622

Defense Acquisition Regulations System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Defense Federal Acquisition Regulation Supplement; Independent Research and Development Technical Descriptions, 2622–2623

Defense Department
See Defense Acquisition Regulations System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2640–2641
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Place of Performance, 2639–2640
Arms Sales, 2623–2625
Meetings:
Defense Intelligence Agency National Intelligence University Board of Visitors, 2625–2626

Drug Enforcement Administration
NOTICES
Bulk Manufacturers of Controlled Substances; Applications:
Alcami Wisconsin Corp., 2675
Chemtos, LLC, 2671–2675

Energy Department
See Federal Energy Regulatory Commission
See National Nuclear Security Administration
PROPOSED RULES
Energy Conservation Program:
Test Procedure for Microwave Ovens, 2566–2574
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2626
Charter Renewals:
National Petroleum Council, 2626

Environmental Protection Agency
RULES
National Priorities List, 2549–2554
PROPOSED RULES
National Priorities List, 2576–2581

Equal Employment Opportunity Commission
RULES
Adjustment of the Penalty for Violation of Notice Posting Requirements, 2536–2537

Federal Aviation Administration
RULES
Class E Airspace; Amendments:
Charles City, IA, 2535–2536
Special Conditions:
Dassault Aviation Model Falcon 2000EX Airplanes; Non-Rechargeable Lithium Battery Installations, 2532–2535
Dassault Aviation Model Falcon 900EX Airplanes; Non-Rechargeable Lithium Battery Installations, 2529–2532
Dassault Aviation, Model Falcon 7X Airplane; Non-Rechargeable Lithium Battery Installations, 2526–2529
PROPOSED RULES
Class E Airspace; Amendments:
Merced, CA, 2574–2576
NOTICES
Aviation Rulemaking Advisory Committee:
Mixed Phase and Ice Crystal Icing Envelope (Deep Convective Clouds) Requirements, 2713–2715
New Task, 2715–2717
New Task (Avionics Systems Harmonization Working Group), 2717–2718
Meetings:
Fourteenth RTCA SC–229 406 MHz ELT Joint Plenary with EUROCAE WG–98, 2715
Fourth RTCA SC–236 Wireless Airborne Intra Communications Joint Plenary with EUROCAE WG–96, 2713

Twenty Sixth RTCA SC–223 IPS and AeroMACS Plenary, 2718

Federal Communications Commission
RULES
Blue Alert EAS Event Code, 2557–2563
Closure of FCC Lockbox 979091 Used To File Fees, Tariffs, Petitions, and Applications for Services Related to the Wireline Competition Bureau, 2554–2557
Technology Transitions, USTelecom Petition for Declaratory Ruling That Incumbent Local Exchange Carriers are Non-Dominant in the Provision of Switched Access Services, etc., 2563–2564
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2636–2639

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 2639

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 2639

Federal Energy Regulatory Commission
NOTICES
Authorizations for Continued Operations:
Algonquin Power (Beaver Falls), LLC, 2627–2628
Brookfield White Pine, LLC, 2635
Combined Filings, 2630–2635
Environmental Assessments; Availability, etc.:
Steel Reef Pipelines US LLC; South Saskatchewan Pipeline Project, 2628–2629
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Woomera Energy, LLC, 2627
License Applications:
Lock 13 Hydro Partners, LLC; Soliciting Scoping Comments, 2635–2636
Utah Board of Water Resources; Suspending Procedural Schedule, 2631
Petitions for Declaratory Orders:
Utah Board of Water Resources, 2630
Preliminary Permits; Surrenders:
Lock Plus Hydro Friends Fund XII, 2631
Records Governing Off-the-Record Communications, 2630

Federal Highway Administration
NOTICES
Automated Driving Systems, 2719–2721
Environmental Impact Statements; Availability, etc.:
Strafford and Rockingham County, NH, 2721
Federal Agency Actions:
California; Proposed Highway Improvement; Statute of Limitations on Claims, 2719

Federal Maritime Commission
NOTICES
Agreements Filed, 2639

Food and Drug Administration
NOTICES
Debarment Orders:
William Ralph Kincaid; Denial of Hearing, 2641–2642

Foreign-Trade Zones Board
NOTICES
Subzone Approvals:
Orgill, Inc. Tifton, GA, 2617

Forest Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Bridger-Teton National Forest; Wyoming; Invasive Plant Management, 2615–2616

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2640–2641
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Place of Performance, 2639–2640

Health and Human Services Department
See Food and Drug Administration
NOTICES
HHS Poverty Guidelines; Update, 2642–2644

Homeland Security Department
See Coast Guard
See U.S. Citizenship and Immigration Services
See U.S. Customs and Border Protection
NOTICES
Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2A and H–2B Nonimmigrant Worker Programs, 2646–2648

Housing and Urban Development Department
NOTICES
Consolidated Delegation of Authority for the Government National Mortgage Association (Ginnie Mae), 2660–2661
Order of Succession for Government National Mortgage Association, 2661–2662

Indian Affairs Bureau
NOTICES
Indian Gaming:
Approval of an Amendment to a Tribal-State Class III Gaming Compact in the State of Nevada, 2667
Rate Adjustments:
Indian Irrigation Projects, 2662–2667

Information Security Oversight Office
NOTICES
Meetings:
National Industrial Security Program Policy Advisory Committee, 2678

Interior Department
See Bureau of Safety and Environmental Enforcement
See Indian Affairs Bureau
See National Park Service
See Ocean Energy Management Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2726–2728
Meetings:
Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee, 2726–2727

Taxpayer Advocacy Panel Taxpayer Communications Project Committee, 2727
Taxpayer Advocacy Panel's Notices and Correspondence Project Committee, 2725–2726
Taxpayer Advocacy Panel's Special Projects Committee, 2725
Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee, 2726
Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee, 2725

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, From the People's Republic of China, 2617–2619

International Trade Commission
NOTICES
Complaints:
Certain Microfluidic Systems and Components Thereof and Products Containing Same, 2669–2670
Investigations; Determinations, Modifications, and Rulings, etc.:
Carbon and Certain Alloy Steel Wire Rod From Belarus, Russia, and the United Arab Emirates, 2670
Certain Audio Processing Hardware, Software, and Products Containing the Same, 2670–2671

Justice Department
See Drug Enforcement Administration
NOTICES
Proposed Settlement Agreements:
Oil Pollution Act, 2675–2676

Labor Department
See Occupational Safety and Health Administration

Library of Congress
See Copyright Office, Library of Congress

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2640–2641, 2677–2678
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Place of Performance, 2639–2640

National Archives and Records Administration
See Information Security Oversight Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2678–2679

National Highway Traffic Safety Administration
PROPOSED RULES
Removing Regulatory Barriers for Vehicles With Automated Driving Systems, 2607–2614

National Nuclear Security Administration
NOTICES
Meetings:
Defense Programs Advisory Committee, 2626–2627

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Inseason Adjustment to the 2018 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts; Correction, 2564–2565
NOTICES
Meetings:
North Pacific Fishery Management Council, 2619–2620
Pacific Island Fisheries; Western Pacific Stock Assessment Review, 2620–2621
South Atlantic Fishery Management Council, 2619

National Park Service
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 2667–2669

National Transportation Safety Board
NOTICES
Meetings; Sunshine Act, 2679

Nuclear Regulatory Commission
RULES
Incorporation by Reference of American Society of Mechanical Engineers Codes and Code Cases; Correction, 2525–2526
NOTICES
Exemptions:
Southern California Edison Co., San Onofre Nuclear Generating Station, Units 1, 2, and 3, 2680–2685
License Renewals:
Massachusetts Institute of Technology, Cambridge, MA, 2685
Requests for Nominations:
Advisory Committee on Reactor Safeguards, 2679–2680

Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Respiratory Protection Standard, 2676–2677

Ocean Energy Management Bureau
RULES
Oil Spill Financial Responsibility Adjustment of the Limit of Liability for Offshore Facilities, 2540–2542

Personnel Management Office
NOTICES
Meetings:
President's Commission on White House Fellowships Advisory Committee, 2685–2686

Pipeline and Hazardous Materials Safety Administration
NOTICES
Hazardous Materials:
Applications for Special Permits, 2721–2724

Postal Regulatory Commission
NOTICES
Income Tax Review, 2686

Presidential Documents
ADMINISTRATIVE ORDERS
Middle East Peace Process, Terrorists Who Threaten To Disrupt; Continuation of National Emergency (Notice of January 17, 2018), 2729–2731

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
BOX Options Exchange LLC, 2692–2694
Cboe BZX Exchange, Inc., 2704–2712
Miami International Securities Exchange, LLC, 2694–2695
MIAX PEARL, LLC, 2686–2692
NYSE American LLC, 2700–2704
NYSE Arca, Inc., 2695–2700

Small Business Administration
NOTICES
Major Disaster Declarations:
California; Public Assistance Only; Amendment 1, 2712
Florida; Amendment 8, 2712

State Department
NOTICES
Meetings:
Radio Technical Commission for Maritime Services, 2712–2713

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Community Development Financial Institutions Fund
See Internal Revenue Service

U.S. Citizenship and Immigration Services
NOTICES
Temporary Protected Status; Terminations:
El Salvador, 2654–2660
Haiti, 2648–2654

U.S. Customs and Border Protection
NOTICES
Automated Commercial Environment Becoming the Sole Authorized Electronic Data Interchange System for Processing Electronic Drawback Filings, 2644–2645
Modification of the National Customs Automation Program Test Regarding Reconciliation and Transition of the Test From the Automated Commercial System to the Automated Commercial Environment, 2645–2646

Veterans Affairs Department
NOTICES
Requests for Nominations:
Appointment to the Advisory Committee on Cemeteries and Memorials, 2728

Separate Parts In This Issue

Part II
Presidential Documents, 2729–2731

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Administrative Orders:

Notices:

Notice of January 17, 2018 2731

10 CFR

50 2525

Proposed Rules:

429 2566

430 2566

14 CFR

25 (3 documents) ...2526, 2529, 2532

71 2535

Proposed Rules:

71 2574

29 CFR

1601 2536

30 CFR

250 2538

553 2540

37 CFR

201 2542

202 2542

40 CFR

300 2549

Proposed Rules:

300 2576

46 CFR

Proposed Rules:

401 2581

404 2581

47 CFR

0 2554

1 2554

11 2557

51 2554

61 2554

63 2563

49 CFR

Proposed Rules:

571 2607

50 CFR

679 2564

Rules and Regulations

Federal Register
Vol. 83, No. 12
Thursday, January 18, 2018

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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2011–0088]

RIN 3150–AI97

Incorporation by Reference of American Society of Mechanical Engineers Codes and Code Cases; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Correcting amendment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) published a final rule in the **Federal Register** on July 18, 2017, to incorporate by reference recent editions of and addenda to the American Society of Mechanical Engineers (ASME) Codes for nuclear power plants. The final rule contained a minor error when referring to a table related to certification requirements for non-destructive examination personnel. In addition, the final rule contained a minor error in a requirement for check valve monitoring. This document corrects the final rule by revising the section that contains these errors.

DATES: This correction is effective January 18, 2018.

ADDRESSES: Please refer to Docket ID NRC–2011–0088 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 *https://www.regulations.gov* and search for Docket ID NRC–2011–0088. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For 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.* There are no NRC documents referenced in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: 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.*

SUPPLEMENTARY INFORMATION: The NRC published a final rule in the **Federal Register** on July 18, 2017 (82 FR 32934), to incorporate by reference recent editions of and addenda to the ASME Codes for nuclear power plants in chapter I of title 10 of the *Code of Federal Regulations* (10 CFR). The final rule contained a minor error when referring to a table related to certification requirements for non-destructive examination personnel. The final rule inadvertently prohibited the use of the entire appendix containing the table instead of prohibiting only the table and subarticle as intended. The final rule also contained a minor error in the requirement for check valve monitoring in 10 CFR 50.55a(b)(3)(iv) by referencing an incorrect edition of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code). In particular, the final rule amended 10 CFR 50.55a(b)(3)(iv) to state that licensees applying Appendix II, 1998 Edition through the 2012 Edition of the ASME OM Code shall satisfy the requirements of paragraphs (b)(3)(iv)(A), (B), and (D). This requirement should have applied only to the 1998 Edition through the 2002 Addenda of the ASME OM Code, because the remaining portion of 10 CFR 50.55a(b)(3)(iv) addresses the check valve provisions effective after the 2002 Addenda of the ASME OM Code. This document corrects the final rule by revising the section that contains these errors.

Rulemaking Procedure

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. As authorized by 5 U.S.C. 553(b)(3)(B), the NRC finds good cause to waive notice and opportunity for comment on this amendment because the corrections will have no substantive impact and are of a minor and administrative nature dealing with an error in a reference to a table in a document being incorporated by reference and an error when referring to a specific edition of the ASME OM Code.

As discussed in the statement of considerations on page 56826 of the proposed rule (80 FR 56820; September 18, 2015) and on page 32942 of the final rule (82 FR 32934; July 18, 2017), the NRC intended to prohibit the use of a table and subarticle with an accelerated training process for ultrasonic examination nondestructive examination personnel. The rule language inadvertently prohibited the use of the entire appendix, and this amendment corrects the error by prohibiting the use of the table and subarticle only.

As discussed in the statement of considerations on page 56832 of the proposed rule (80 FR 56820; September 18, 2015) and on page 32950 of the final rule (82 FR 32934; July 18, 2017), the NRC intended that a specific requirement for check valve monitoring in 10 CFR 50.55a(b)(3)(iv) apply only to the 1998 Edition through the 2002 Addenda of the ASME OM Code. The final rule inadvertently referenced the 2012 Edition of the ASME OM Code in this requirement rather than the 2002 Addenda. This amendment corrects the error by replacing ''2012 Edition'' with ''2002 Addenda'' in the second sentence of the introductory text of 10 CFR 50.55a(b)(3)(iv).

This amendment does not require action by any person or entity regulated by the NRC. Also, the final rule does not change the substantive responsibilities of any person or entity regulated by the NRC. Furthermore, for the reasons stated above, the NRC finds, pursuant to 5 U.S.C. 553(d)(3), that good cause

exists to make this rule effective upon publication of this notice.

List of Subjects in 10 CFR Part 50

Administrative practice and procedure, Antitrust, Classified information, Criminal penalties, Education, Fire prevention, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

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; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 50:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Pub. L. 96–295, 94 Stat. 783.

■ 2. Amend § 50.55a by revising paragraph (b)(2)(xviii)(D) and the introductory text of paragraph (b)(3)(iv) to read as follows:

§ 50.55a Codes and standards.

* * * * *

(b) * * *

(2) * * *

(xviii) * * *

(D) *NDE personnel certification: Fourth provision.* The use of Appendix VII, Table VII–4110–1 and Appendix VIII, Subarticle VIII–2200 of the 2011 Addenda and 2013 Edition of Section XI of the ASME BPV Code is prohibited. When using ASME BPV Code, Section XI editions and addenda later than the 2010 Edition, licensees and applicants must use the prerequisites for ultrasonic examination personnel certifications in Appendix VII, Table VII–4110–1 and Appendix VIII, Subarticle VIII–2200 in the 2010 Edition.

* * * * *

(3) * * *

(iv) *OM condition: Check valves (Appendix II).* Licensees applying Appendix II, ''Check Valve Condition Monitoring Program,'' of the ASME OM Code, 1995 Edition with the 1996 and 1997 Addenda, shall satisfy the requirements of paragraphs (b)(3)(iv)(A) through (C) of this section. Licensees applying Appendix II, 1998 Edition through the 2002 Addenda, shall satisfy the requirements of paragraphs (b)(3)(iv)(A), (B), and (D) of this section. Appendix II of the ASME OM Code, 2003 Addenda through the 2012 Edition, is acceptable for use with the following requirements. Trending and evaluation shall support the determination that the valve or group of valves is capable of performing its intended function(s) over the entire interval. At least one of the Appendix II condition monitoring activities for a valve group shall be performed on each valve of the group at approximate equal intervals not to exceed the maximum interval shown in the following table:

TABLE II—MAXIMUM INTERVALS FOR USE WHEN APPLYING INTERVAL EXTENSIONS

Group size	Maximum interval between activities of member valves in the groups (years)	Maximum interval between activities of each valve in the group (years)
≥4	4.5	16
3	4.5	12
2	6	12
1	Not applicable	10

* * * * *

Dated at Rockville, Maryland, this 10th day of January, 2018.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–00708 Filed 1–17–18; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–1140; Special Conditions No. 25–711–SC]

Special Conditions: Dassault Aviation, Model Falcon 7X Airplane; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Dassault Aviation (Dassault) Model Falcon 7X airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Dassault Aviation on January 18, 2018. Send your comments by March 5, 2018.

ADDRESSES: Send comments identified by docket number FAA–2017–1140 using any of the following methods:

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

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington,

DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore, the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

The substance of these special conditions previously has been published in the **Federal Register** for public comment. These special conditions have been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above. We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

Dassault holds type certificate no. A59NM, which provides the certification basis for the Model Falcon 7X airplane. The Dassault Model Falcon 7X airplane is a twin engine, transport category airplane with a passenger seating capacity of 19 and a maximum takeoff weight of 70,000 to 73,000 pounds, depending on the specific design.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the Dassault Model Falcon 7X airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Dassault must show that the Model Falcon 7X airplane meets the applicable provisions of the regulations listed in type certificate no. A59NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Dassault Model Falcon 7X airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the airplane model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Dassault Model Falcon 7X airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

These special conditions are applicable to the Dassault Model Falcon 7X airplane. Should Dassault apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of

the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only certain a novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Dassault Model Falcon 7X airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.
2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.
3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.
4. Meet the requirements of § 25.863.
5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.
6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.
7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.
8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

Issued in Renton, Washington, on January 9, 2018.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–00716 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–1142; Special Conditions No. 25–712–SC]

Special Conditions: Dassault Aviation Model Falcon 900EX Airplanes; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Dassault Aviation (Dassault) Model Falcon 900EX airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Dassault Aviation on January 18, 2018. Send your comments by March 5, 2018.

ADDRESSES: Send comments identified by docket number FAA–2017–1142 using any of the following methods:

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

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of

transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore, the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

The substance of these special conditions previously has been published in the **Federal Register** for public comment. These special conditions have been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above. We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

Dassault holds type certificate no. A46EU, which provides the certification basis for the Model Falcon 900EX airplane. The Dassault Model Falcon 900EX airplane is a twin engine, transport category airplane with a passenger seating capacity of 19 and a maximum takeoff weight of 48,300 to 49,000 pounds, depending on the specific design.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the Dassault Model Falcon 900EX airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Dassault must show that the Model Falcon 900EX airplane meets the applicable provisions of the regulations listed in type certificate no. A46EU or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Dassault Model Falcon 900EX airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the airplane model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Dassault Model Falcon 900EX airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR)

4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

These special conditions are applicable to the Dassault Model Falcon 900EX airplane. Should Dassault apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to

meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only certain a novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Dassault Model Falcon 900EX airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.
2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.
3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.
4. Meet the requirements of § 25.863.
5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.
6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.
7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.
8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

Issued in Renton, Washington, on January 9, 2018.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–00717 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–1143; Special Conditions No. 25–713–SC]

Special Conditions: Dassault Aviation Model Falcon 2000EX Airplanes; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Dassault Aviation (Dassault) Model Falcon 2000EX airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Dassault Aviation on January 18, 2018. Send your comments by March 5, 2018.

ADDRESSES: Send comments identified by docket number FAA–2017–1143 using any of the following methods:

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

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always

immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore, the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

The substance of these special conditions previously has been published in the **Federal Register** for public comment. These special conditions have been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above. We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

Dassault holds type certificate no. A50NM, which provides the certification basis for the Model Falcon 2000EX airplane. The Model Falcon 2000EX airplane is a twin engine, transport category airplane with a passenger seating capacity of 19 and a maximum takeoff weight of 40,700 to 42,800 pounds, depending on the specific design.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the Dassault Model Falcon 2000EX airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Dassault must show that the Model Falcon 2000EX airplane meets the applicable provisions of the regulations listed in type certificate no. A50NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Dassault Model Falcon 2000EX airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the airplane model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Dassault Model Falcon 2000EX airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations,

such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

These special conditions are applicable to the Dassault Model Falcon 2000EX airplane. Should Dassault apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only certain a novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Dassault Model Falcon 2000EX airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.
2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.
3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.
4. Meet the requirements of § 25.863.
5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.
6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.
7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.
8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

Issued in Renton, Washington, on January 9, 2018.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–00718 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0949; Airspace Docket No. 17–ACE–11]

Amendment of Class E Airspace; Charles City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Northeast Iowa Regional Airport, Charles City, IA. This action is required due to the decommissioning of the Charles City non-directional radio beacon (NDB), and the cancellation of the associated instrument approach procedures. Additionally, the name of the airport is being updated to coincide with the FAA's aeronautical database. This action enhances the safety and management of instrument flight rules (IFR) operations at the airport.

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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace extending upward from 700 feet above the surface at Northeast Iowa Regional Airport, Charles City, IA, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 48010; October 16, 2017) for Docket No. FAA–2017–0949 to modify Class E airspace extending upward from 700 feet above the surface at Northeast Iowa Regional Airport, Charles City, IA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile radius (reduced from a 7-mile radius) of Northeast Iowa Regional Airport (formerly Charles City Municipal Airport), Charles City, IA, and updates the name of the airport to

coincide with the FAA's aeronautical database.

Airspace reconfiguration is necessary due to cancellation of the instrument approach procedures associated with the decommissioned Charles City NDB, and to bring the airspace in compliance with FAA Order 7400.2L, Procedures for Handling Airspace Matters. Controlled airspace is necessary for the safety and management of IFR operations at this airport.

Regulatory Notices and Analyses

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

Environmental Review

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

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 FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

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

* * * * *

ACE IA E5 Charles City, IA [Amended]

Northeast Iowa Regional Airport, IA
(Lat. 43°04′21″ N, long. 92°36′39″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Northeast Iowa Regional Airport.

Issued in Fort Worth, Texas, on January 10, 2018.

Christopher L. Southerland,

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

[FR Doc. 2018–00713 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

RIN 3046–AB12

The 2018 Adjustment of the Penalty for Violation of Notice Posting Requirements

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990, this final rule adjusts for inflation the civil monetary penalty for violation of the notice-posting requirements in Title VII of the Civil Rights act of 1964, the Americans with Disabilities Act, and the Genetic Information Non-Discrimination Act.

DATES: This final rule is effective February 20, 2018.

FOR FURTHER INFORMATION CONTACT: Kathleen Oram, Acting Assistant Legal Counsel, (202) 663–4681, or Ashley M. Martin, General Attorney, (202) 663–4695, Office of Legal Counsel, 131 M St. NE, Washington, DC 20507. Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663–4191 (voice) or (202) 663–4494 (TTY), or to the Publications Information Center at 1–800–669–3362 (toll free).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 711 of the Civil Rights Act of 1964 (Title VII), which is incorporated by reference in section 105 of the Americans with Disabilities Act (ADA) and section 207 of the Genetic Information Non-Discrimination Act (GINA), and 29 CFR 1601.30(a), every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program covered by Title VII, ADA, or GINA must post notices describing the pertinent provisions of Title VII, ADA, or GINA. Such notices must be posted in prominent and accessible places where notices to employees, applicants, and members are customarily maintained.

The EEOC first adjusted the civil monetary penalty for violations of the notice posting requirements in 1997 pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIA Act), 28 U.S.C. 2461 note, as amended by the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104–134, Sec. 31001(s)(1), 110 Stat. 1373. A final rule was published in the **Federal Register** on May 16, 1997, at 62 FR 26934, which raised the maximum penalty per violation from $100 to $110. The EEOC's second adjustment, made pursuant to the FCPIA Act, as amended by the DCIA, was published in the **Federal Register** on March 19, 2014, at 79 FR 15220 and raised the maximum penalty per violation from $110 to $210.

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114–74, Sec. 701(b), 129 Stat. 599, further amended the FCPIA Act, to require each federal agency, not later than July 1, 2016, and not later than January 15 of every year thereafter, to issue regulations adjusting for inflation the maximum civil penalty that may be imposed pursuant to each agency's statutes. The EEOC's initial adjustment made pursuant to the 2015 Act was published in the **Federal Register** on June 2, 2016, at 81 FR 35269 and raised the maximum penalty per violation from $210 to $525. The EEOC's second adjustment made pursuant to the 2015 Act was published in the **Federal Register** on January 31, 2017, at 82 FR 8812 and raised the maximum penalty per violation from $525 to $534. The purpose of the annual adjustment for inflation is to maintain the remedial

impact of civil monetary penalties and promote compliance with the law. These periodic adjustments to the penalty are to be calculated pursuant to the inflation adjustment formula provided in section 5(b) of the 2015 Act and, in accordance with section 6 of the 2015 Act, the adjusted penalty will apply only to penalties assessed after the effective date of the adjustment. Generally, the periodic inflation adjustment to a civil monetary penalty under the 2015 Act will be based on the percentage change between the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October preceding the date of adjustment and the prior year's October CPI–U.

II. Mathematical Calculation

The adjustment set forth in this final rule was calculated by comparing the CPI–U for October 2017 with the CPI–U for October 2016, resulting in an inflation adjustment factor of 1.02041. The first step of the calculation is to multiply the inflation adjustment factor (1.02041) by the most recent civil penalty amount ($534) to calculate the inflation-adjusted penalty level ($544.89894). The second step is to round this inflation-adjusted penalty to the nearest dollar ($545). Accordingly, we are adjusting the maximum penalty per violation specified in 29 CFR 1601.30(a) from $534 to $545.

III. Regulatory Procedures

Administrative Procedure Act

The Administrative Procedure Act (APA) provides an exception to the notice and comment procedures where an agency finds good cause for dispensing with such procedures, on the basis that they are impracticable, unnecessary, or contrary to the public interest. EEOC finds that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule because this adjustment of the civil monetary penalty is required by the 2015 Act, the formula for calculating the adjustment to the penalty is prescribed by statute, and the Commission has no discretion in determining the amount of the published adjustment. Accordingly, we are issuing this revised regulation as a final rule without notice and comment.

Executive Orders 13563, 12866, and 13771

In promulgating this final rule, EEOC has adhered to the regulatory philosophy and applicable principles set forth in Executive Order 13563. Pursuant to Executive Order 12866, the EEOC has coordinated with the Office of Management and Budget (OMB). Under section 3(f) of Executive Order 12866, the EEOC and OMB have determined that this final rule will not 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. The great majority of employers and entities covered by these regulations comply with the posting requirement, and, as a result, the aggregate economic impact of these revised regulations will be minimal, affecting only those limited few who fail to post required notices in violation of the regulation and statue. The rule only increases the penalty by $11 for each separate offense, nowhere near the $100 million figure that would amount to a significant regulatory action.[1] This rule is not an Executive Order 13771 regulatory action because the rule is not significant under Executive Order 12866.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) (PRA) applies to rulemakings in which an agency creates a new paperwork burden on regulated entities or modifies an existing burden. This final rule contains no new information collection requirements, and therefore, will create no new paperwork burdens or modifications to existing burdens that are subject to review by the Office of Management and Budget under the PRA.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) only requires a regulatory flexibility analysis when notice and comment is required by the Administrative Procedure Act or some other statute. As stated above, notice and comment is not required for this rule. For that reason, the requirements of the Regulatory Flexibility Act do not apply.

Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

The Congressional Review Act (CRA) requires 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. EEOC 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 effective date of the rule. Under the CRA, 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 the CRA at 5 U.S.C. 804(2).

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure.

For the Commission.

Dated: January 11, 2018.

Victoria A. Lipnic,

Acting Chair.

Accordingly, the Equal Employment Opportunity Commission amends 29 CFR part 1601 as follows:

PART 1601—PROCEDURAL REGULATIONS

■ 1. The authority citation for part 1601 continues to read as follows:

Authority: 42 U.S.C. 2000e to 2000e–17; 42 U.S.C. 12111 to 12117; 42 U.S.C. 2000ff to 2000ff–11.

■ 2. Section 1601.30 is amended by revising paragraph (b) to read as follows:

§ 1601.30 Notices to be posted.

* * * * *

(b) Section 711(b) of Title VII and the Federal Civil Penalties Inflation Adjustment Act, as amended, make failure to comply with this section punishable by a fine of not more than $545 for each separate offense.

[FR Doc. 2018–00815 Filed 1–17–18; 8:45 am]

BILLING CODE 6570–01–P

[1] In the last ten years, the highest number of charges alleging notice posting violations occurred in 2010. In that year, only 114 charges of the 90,837 Title VII, ADA, and GINA charges (.13%) contained a notice posting violation.

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID: BSEE–2018–0001; 189E1700D2 ET1SF0000.PSB000 EEEE500000]

RIN 1014–AA36

Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Civil Penalty Inflation Adjustment

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Final rule.

SUMMARY: This final rule adjusts the level of the maximum civil monetary penalty contained in the Bureau of Safety and Environmental Enforcement (BSEE) regulations pursuant to the Outer Continental Shelf Lands Act (OCSLA), the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and Office of Management and Budget (OMB) guidance. The civil penalty inflation adjustment, using a 1.02041 multiplier, accounts for one year of inflation spanning October 2016 to October 2017.

DATES: This rule is effective on January 18, 2018.

FOR FURTHER INFORMATION CONTACT: Jennifer Mehaffey, Safety and Enforcement Division, Bureau of Safety and Environmental Enforcement, (202) 208–3955 or by email: *regs@bsee.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority
II. Calculation of Adjustments
III. Procedural Requirements
A. Regulatory Planning and Review (E.O. 12866, 13563, and 13771)
B. Regulatory Flexibility Act
C. Small Business Regulatory Enforcement Fairness Act
D. Unfunded Mandates Reform Act
E. Takings (E.O. 12630)
F. Federalism (E.O. 13132)
G. Civil Justice Reform (E.O. 12988)
H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)
I. Paperwork Reduction Act
J. National Environmental Policy Act
K. Effects on the Energy Supply (E.O. 13211)

I. Background and Legal Authority

The OCSLA, at 43 U.S.C. 1350(b)(1), directs the Secretary of the Interior (Secretary) to adjust the OCSLA maximum civil penalty amount at least once every three years to reflect any increase in the Consumer Price Index (CPI) to account for inflation. On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (FCPIA of 2015) became law. The FCPIA of 2015 required Federal agencies to adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment through rulemaking, if warranted, and then to make subsequent annual adjustments for inflation. Agencies were required to publish the first annual inflation adjustments in the **Federal Register** by no later than January 15, 2017, and must publish recurring annual inflation adjustments by no later than January 15 each subsequent year. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes.

BSEE last updated civil penalty amounts in BSEE regulations through a final rule (RIN 1014–AA34; 82 FR 9136), published and effective on February 3, 2017. Consistent with OMB guidance, BSEE's final rule (FR) implemented the adjustments required by the FCPIA of 2015 through October 2016.

The OMB Memorandum M–18–03 (Implementation of the 2018 annual adjustment pursuant to the FCPIA of 2015; [*https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf*]) explains agency responsibilities for: Identifying applicable penalties and performing the annual adjustment; publishing revisions to regulations to implement the adjustment in the **Federal Register**; applying adjusted penalty levels; and performing agency oversight of inflation adjustments.

BSEE is promulgating this 2018 inflation adjustment for civil penalties as a final rule pursuant to the provisions of the FCPIA of 2015 and OMB guidance. A proposed rule is not required because the FCPIA of 2015 states that agencies shall adjust civil monetary penalties ''notwithstanding Section 553 of the Administrative Procedure Act.'' (FCPIA of 2015 at section 4(b)(2)). Accordingly, Congress expressly exempted the annual inflation adjustments implemented pursuant to the FCPIA of 2015 from the pre-promulgation notice and comment requirements of the Administrative Procedure Act (APA), allowing them to be published as a final rule. This interpretation of the statute is confirmed by OMB Memorandum M–18–03. (OMB Memorandum M–18–03 at 4, ''This means that the public procedure the APA generally requires—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.'').

II. Calculation of Adjustments

Under the FCPIA of 2015 and the guidance provided in OMB Memorandum M–18–03, BSEE has identified the applicable civil monetary penalty and calculated the necessary inflation adjustment. The previous OCSLA civil penalty inflation adjustment accounted for inflation through October 2016. The required annual civil penalty inflation adjustment promulgated through this rule accounts for inflation through October 2017.

Annual inflation adjustments are based on the percentage change between the Consumer Price Index for all Urban Consumers (CPI–U) for the October preceding the date of the adjustment and the prior year's October CPI–U. Consistent with the guidance in OMB Memorandum M–18–03, BSEE divided the October 2017 CPI–U by the October 2016 CPI–U to calculate the multiplying factor. In this case, October 2017 CPI–U (246.663)/October 2016 CPI–U (241.729) = 1.02041. OMB Memorandum M–18–03 confirms that this is the proper multiplier. (OMB Memorandum M–18–03 at 1 and n.4.).

For 2018, OCSLA and the FCPIA of 2015 require that BSEE adjust the OCSLA maximum civil penalty amount. To accomplish this, BSEE multiplied the existing OCSLA maximum civil penalty amount ($42,704) by the multiplying factor ($42,704 × 1.02041 = $43,575.59). The FCPIA of 2015 requires that the resulting amount be rounded to the nearest $1.00 at the end of the calculation process. Accordingly, the adjusted OCSLA maximum civil penalty is $43,576.

The adjusted penalty levels take effect immediately upon publication of this rule. Pursuant to the FCPIA of 2015, the increase in the OCSLA maximum civil penalty amount applies to civil penalties assessed after the date the increase takes effect, even when the associated violation(s) predates such increase. Consistent with the provisions of OCSLA and the FCPIA of 2015, this rule adjusts the following maximum civil monetary penalty per day per violation:

CFR citation	Description of the penalty	Current maximum penalty	Multiplier	Adjusted maximum penalty
30 CFR 250.1403	Failure to comply per-day, per-violation	$42,704	1.02041	$43,576

III. Procedural Requirements

A. Regulatory Planning and Review (Executive Orders 12866, 13563, and 13771)

Executive Order (E.O.) 12866 provides that the OMB Office of Information and Regulatory Affairs will review all significant rules. The OMB Office of Information and Regulatory Affairs (OIRA) has determined that this rule is not significant. (*See* OMB Memorandum M–18–03 at 3).

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 further emphasizes that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements, to the extent permitted by statute.

E.O. 13771 of January 30, 2017, directs Federal agencies to reduce the regulatory burden on regulated entities and control regulatory costs. E.O. 13771, however, applies only to significant regulatory actions, as defined in Section 3(f) of E.O. 12866. OIRA has determined that agency regulations exclusively implementing the annual adjustment are not significant regulatory actions under E.O. 12866, provided they are consistent with OMB Memorandum M–18–03 (*See* OMB Memorandum M–18–03 at 4); thus, E.O. 13771 does not apply to this rulemaking.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. (*See* 5 U.S.C. 603(a) and 604(a)). The FCPIA of 2015 expressly exempts these annual inflation adjustments from the requirement to publish a proposed rule for notice and comment. (*See* FCPIA of 2015 at section 4(b)(2); OMB Memorandum M–18–03 at 4). Thus, the RFA does not apply to this rulemaking.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(1) Does not have an annual effect on the economy of $100 million or more;

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (E.O. 12630)

This rule does not effect a taking of private property or otherwise have takings implications under E.O. 12630. Therefore, a takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. Therefore, a federalism summary impact statement is not required.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(1) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(2) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department of the Interior's consultation policy, under Departmental Manual Part 512 Chapters 4 and 5, and under the criteria in E.O. 13175. We have determined that it has no substantial direct effects on Federally-recognized Indian tribes or Alaska Native Claims Settlement Act (ANCSA) Corporations, and that consultation under the Department of the Interior's tribal and ANCSA consultation policies is not required.

I. Paperwork Reduction Act

This rule does not contain information collection requirements and a submission to the OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

J. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because, as a regulation of an administrative nature, this rule is covered by a categorical exclusion (*see* 43 CFR 46.210(i)). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA. Therefore, a detailed statement under NEPA is not required.

K. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. Therefore, a Statement of Energy Effects is not required.

List of Subjects in 30 CFR Part 250

Administrative practice and procedure, Continental shelf, Continental Shelf—mineral resources, Continental Shelf—rights-of-way, Environmental impact statements, Environmental protection, Government contracts, Investigations, Oil and gas exploration, Penalties, Pipelines, Reporting and recordkeeping requirements, Sulfur.

Joseph R. Balash,

Assistant Secretary—Land and Minerals Management, U.S. Department of the Interior.

For the reasons given in the preamble, the Bureau of Safety and Environmental Enforcement amends title 30, chapter II, subchapter B, part 250 Code of Federal Regulations as follows.

PART 250—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for 30 CFR part 250 continues to read as follows:

Authority: 30 U.S.C. 1751, 31 U.S.C. 9701, 33 U.S.C. 1321(j)(1)(C), 43 U.S.C. 1334.

■ 2. Revise § 250.1403 to read as follows:

§ 250.1403 What is the maximum civil penalty?

The maximum civil penalty is $43,576 per day per violation.

[FR Doc. 2018–00920 Filed 1–17–18; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

30 CFR Part 553

[Docket ID: BOEM–2017–0048; MMAA104000]

RIN 1010–AD98

Oil Spill Financial Responsibility Adjustment of the Limit of Liability for Offshore Facilities

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Ocean Energy Management is issuing this final rule to adjust the offshore facility limit of liability for damages under the Oil Pollution Act of 1990 (OPA) to reflect the increase in the Consumer Price Index (CPI) since 2013. This rule increases the OPA offshore facility limit of liability for damages from $133.65 million to $137.6595 million.

DATES: This rule is effective on February 20, 2018.

FOR FURTHER INFORMATION CONTACT: Questions regarding the inflation adjustment methodology or amount should be directed to Mr. Martin Heinze, Economics Division, BOEM, at *martin.heinze@boem.gov* or at 703–787–1141. Questions regarding the timing of this adjustment or the applicability of the regulations should be directed to Deanna Meyer-Pietruszka, Chief, Office of Policy, Regulation and Analysis, Bureau of Ocean Energy Management (BOEM), at *deanna.meyer-pietruszka@boem.gov* or at (202) 208–6352.

SUPPLEMENTARY INFORMATION:

I. Background
II. Calculation of the 2017 Adjustment
III. Effective Date
IV. Procedural Requirements
A. Regulatory Planning and Review (E.O. 12866, 13563 and 13771)
B. Regulatory Flexibility Act
C. Small Business Regulatory Enforcement Fairness Act
D. Unfunded Mandates Reform Act
E. Takings (E.O. 12630)
F. Federalism (E.O. 13132)
G. Civil Justice Reform (E.O. 12988)
H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)
I. Paperwork Reduction Act
J. National Environmental Policy Act
K. Effects on the Energy Supply (E.O. 13211)

I. Background

The OPA established a comprehensive regime for addressing the consequences of oil spills, ranging from spill response to compensation for damages to injured parties. Under Title I of the OPA, the responsible parties for any vessel or facility, including any offshore facility that discharges or poses a substantial threat of discharge of oil into or upon navigable waters, adjoining shorelines, or the exclusive economic zone, are liable for the removal costs and damages that result from such discharge or threat of discharge, as specified in 33 U.S.C. 2702(a) and (b). Under 33 U.S.C. 2704(a), however, the total liability of each responsible party is limited, subject to certain exceptions specified in 33 U.S.C. 2704(c). In 1990, the OPA provided that responsible parties for an offshore facility incident were liable for ''the total of all removal costs plus $75,000,000.'' (33 U.S.C. 2704(a)(3)).

To prevent the real value of the OPA limits of liability from declining over time as a result of inflation, and shifting the financial risk of oil spill incidents to the Oil Spill Liability Trust Fund (OSLTF), the OPA requires that the President adjust the limits of liability ''not less than every three years,'' by regulation, to reflect significant increases in the CPI. (33 U.S.C. 2704(d)(4)). This mandate, in place since 1990, preserves the deterrent effect and ''polluter pays'' principle embodied in OPA.

BOEM last adjusted for inflation the OPA offshore facility limit of liability for damages on December 12, 2014 (79 FR 73832). That 2014 rule updated the offshore facility limit of liability based on the Consumer Price Index All Urban Consumer (CPI–U) using the 2013 annual average CPI–U. The Bureau of Labor Statisitcs (BLS) has published the 2016 annual average CPI–U, which BOEM is using to calculate this three-year inflation adjustment for the offshore facility limit of liability.

BOEM is promulgating this rule pursuant to the provisions of Title I of OPA, Executive Order (E.O.) 12777, as amended, and BOEM regulations at 30 CFR part 553, subpart G—Limit of Liability for Offshore Facilities. A proposed rule is unnecessary, and BOEM thus has good cause for issuing this final rule under 5 U.S.C. 553(b), because the adjustment in the limit of liability is mandated by statute, the methodology for determining the amount is defined in BOEM's regulations, and those regulations at §§ 553.703(b)(4) and 553.704 provide that inflation adjustments to the offshore facilities limit of liability will be implemented through final rulemaking. The legislative and regulatory history for OPA limit of liability inflation adjustments can be found in the rulemaking preamble for the last inflation adjustment at 79 FR 73832.

II. Calculation of the 2017 Adjustment

The methodology for calculating the offshore facilities limit of liability inflation adjustment is provided in § 553.703.

Section 553.703(b)(2) requires that, not later than every three years from the year the limit of liability was last adjusted for inflation, BOEM will evaluate whether the cumulative percent change in the annual CPI since that year has reached a significance threshold of three percent or greater. BOEM's regulations specify Annual CPI–U as the appropriate mechanism by which to measure CPI. The limit of liability was last adjusted using the 2013 Annual CPI–U and BOEM has determined that the cumulative percent change in the Annual CPI–U since 2013

exceeds three percent. Therefore, as required by BOEM's regulations, BOEM must increase the offshore limit of liability for damages in § 553.702 by an amount equal to the cumulative percent change in the Annual CPI–U from the year the limit was last adjusted by regulation.

The formula for calculating a cumulative percent change in the Annual CPI–U provided in § 553.703(a) is as follows: The percent change in the Annual CPI–U = [(Annual CPI–U for Current Period − Annual CPI–U for Previous Period) ÷ Annual CPI–U for Previous Period] × 100. Using the BLS Annual CPI–U index numbers for 2013 and 2016, the calculation is: (240.007 − 232.957) ÷ 232.957 = 0.03026. Multiplying × 100 yields a cumulative percent change of 3.026 percent. Section 553.703(a) requires the cumulative percent change value to be rounded to one decimal place, resulting in a value of 3.0 percent.

Under § 553.703(c), BOEM calculates the adjustment to the offshore facilities limit of liability for inflation using the following formula: New limit of liability = Previous limit of liability + (Previous limit of liability × the decimal equivalent of the percent change in the Annual CPI–U), rounded to the closest $100. The calculation is: $133.65 million + ($133.65 million × 0.03) = $137.6595 million.

Therefore, BOEM is revising the regulations at § 553.702 to increase the limit of liability under OPA for a responsible party for any offshore facility, including any offshore pipeline, to the total of all removal costs plus $137.6595 million for damages with respect to each incident.

Further information regarding the CPI and the methodology used by the BLS to develop the CPI is available at: *https://www.bls.gov/cpi/cpi_dr.htm#2017.*

III. Effective Date

BOEM's regulations, at § 553.704, provide for a 90-day delay in the effective date of the adjustment to the limit of liability. Section 553.704 also provides that BOEM may, as part of a rule amending § 553.702, specify a different amount of time between the publication of the rule in the **Federal Register** and the effective date of that rule. The adjustment in the limit of liability is mandated by statute and the methodology for determining the amount of the update is defined in BOEM's regulations. Given that § 553.704 specifically allows other than a 90-day delay in effective date to be announced in this rule amending § 553.702, BOEM has determined that a 30-day delay in effective date is appropriate.

IV. Procedural Requirements

A. Regulatory Planning and Review (E.O. 12866, 13563 and 13771)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

This rule is an update to the offshore facility limit of liability under the OPA. It is neither a new regulation, nor does it increase the regulatory burden on regulated entities. This final rule simply maintains the value of the limit of liability set by the OPA in 1990 by updating the limit of liability for three years of inflation as required by the OPA at 33 U.S.C. 2704(d)(4).

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to reduce uncertainty and to promote predictability and the use of the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. The OPA statutory mandate does not give BOEM the discretion to reduce burdens or maintain freedom of choice.

E.O. 13771 of January 30, 2017, directs Federal agencies to reduce the regulatory burden on regulated entities and control regulatory costs. The E.O., however, applies only to significant regulatory actions, as defined in Section 3(f) of E.O. 12866. This rulemaking does not meet the definition for a significant regulatory action; thus, E.O. 13771 does not apply to this rulemaking.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule (see 5 U.S.C. 603(a) and 604(a)). Thus, the RFA does not apply to this rulemaking.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. Implementation of this rule will not:

(a) Have an annual effect on the economy of $100 million or more;

(b) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on state, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (E.O. 12630)

This rule does not effect a taking of private property or otherwise have takings implications under E.O. 12630. Therefore, a takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. Therefore, a federalism summary impact statement is not required.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

E.O. 13175 provides that tribal consultation is not necessary for regulations required by statute. Because this rule simply implements a statutory mandate, tribal consultation is not required by this Executive Order.

The Department of the Interior continually strives to strengthen its government-to-government relationship with Indian tribes through a

commitment to consultation with Indian tribes and recognizes their right to self-governance and tribal sovereignty. BOEM is also respectful of its responsibilities for consultation with corporations established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et seq.* (ANCSA).

BOEM has evaluated this rule under the consultation policy of the Department of the Interior in Chapters 4 and 5 of Series 512 of the Departmental Manual and has determined that this rule has no substantial direct effects on any Tribe or ANCSA Corporation, as defined in 512 DM 4.3 to include, among others, Federally-recognized Alaska Native tribes. On the basis of this evaluation, BOEM has determined that consultation is not necessary to comply with any DOI policy.

I. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

J. National Environmental Policy Act

A detailed environmental analysis under the National Environmental Policy Act of 1969 (NEPA) is not required if the rule is covered by a categorical exclusion (*see* 43 CFR 46.205). This final rule meets the criteria set forth at 43 CFR 46.210(i) for a Departmental Categorical Exclusion in that this final rule is ''. . . of an administrative, financial, legal, technical, or procedural nature. . .'' We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

K. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. Therefore, a Statement of Energy Effects is not required.

List of Subjects in 30 CFR Part 553

Administrative practice and procedure, Continental shelf, Financial responsibility, Liability, Limit of liability, Oil and gas exploration, Oil pollution, Oil spill, Outer Continental Shelf, Penalties, Pipelines, Rights-of-way, Reporting and recordkeeping requirements, Surety bonds, Treasury securities.

Dated: January 9, 2018.

Joseph R. Balash,

Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, BOEM amends 30 CFR part 553 as follows:

PART 553—OIL SPILL FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES

■ 1. The authority citation for part 553 continues to read as follows:

Authority: 33 U.S.C. 2704, 2716; E.O. 12777, as amended.

■ 2. Revise § 553.702 to read as follows:

§ 553.702 What limit of liability applies to my offshore facility?

Except as provided in 33 U.S.C. 2704(c), the limit of liability under OPA for a responsible party for any offshore facility, including any offshore pipeline, is the total of all removal costs plus $137.6595 million for damages with respect to each incident.

[FR Doc. 2018–00798 Filed 1–17–18; 8:45 am]

BILLING CODE 4310–MR–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Parts 201, 202

[Docket No. 2016–10]

Group Registration of Photographs

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is modernizing its practices to increase the efficiency of the group registration option for photographs. This final rule modifies the procedure for registering groups of published photographs (GRPPH), and establishes a similar procedure for registering groups of unpublished photographs (GRUPH). Applicants will be required to use a new online application specifically designed for each option, instead of using a paper application, and will be allowed to include up to 750 photographs in each claim. The ''unpublished collection'' option (which allows an unlimited number of photographs to be registered with one application), and the ''pilot program'' (which allows an unlimited number of published photographs to be registered with the application designed for one work) will be eliminated. The corresponding ''pilot program'' for photographic databases will remain in effect for the time being. The final rule modernizes the deposit requirements by requiring applicants to submit their photographs in a digital format when using GRPPH, GRUPH, or the pilot program for photographic databases, along with a separate document containing a list of the titles and file names for each photograph. The final rule revises the eligibility requirements for GRPPH and GRUPH by providing that all the photographs must be created by the same ''author'' (a term that includes an employer or other person for whom a work is made for hire), and clarifying that they do not need to be created by the same photographer or published within the same country. It also confirms that a group registration issued under GRPHH or GRUPH covers each photograph in the group, each photograph is registered as a separate work, and the group as a whole is not considered a compilation or a collective work.

DATES: Effective February 20, 2018.

FOR FURTHER INFORMATION CONTACT: Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice; Sarang Vijay Damle, General Counsel and Associate Register of Copyrights; Erik Bertin, Deputy Director of Registration Policy and Practice by telephone at 202–707–8040 or by email at *rkas@loc.gov, sdam@loc.gov,* and *ebertin@loc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Copyright Act gives the Register of Copyrights (the ''Register'') the discretion to allow groups of related works to be registered with one application and one filing fee. *See* 17 U.S.C. 408(c)(1). Congress cited ''a group of photographs by one photographer'' as an example of a ''group of related works'' that would be suitable for a group registration. H.R. Rep. No. 94–1476, at 154 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5770; S. Rep. No. 94–473, at 136 (1975). When large numbers of photographs are grouped together in one application, however, information about the individual works may not be adequately captured. Group registration options therefore require careful balancing of the need for an accurate public record and the need for an efficient method of facilitating the examination of those works.

On December 1, 2016, the Copyright Office (the ''Office'') published a Notice of Proposed Rulemaking (''NPRM'') setting forth proposed amendments to the current regulation governing the group registration option for published

photographs (''GRPPH''), and proposing to create a new group registration option for unpublished photographs (''GRUPH''). *See* 81 FR 86643 (Dec. 1, 2016).

The NPRM described six major proposals. First, the proposed rule would require applicants to use a new online application specifically designed for registering a group of published photographs or a group of unpublished photographs, in lieu of using a paper application. Second, it would eliminate the ''pilot program'' that allows applicants to register an unlimited number of published photographs with the online application designed for registering one work.[1] It also proposed to eliminate the registration accommodation that allows applicants to register an unlimited number of photographs as an ''unpublished collection.'' [2] Third, the proposed rule would limit the number of photographs that may be included within each application to no more than 750 photographs. Fourth, the NPRM provided that all of the photographs must be created by the same photographer (similar to the requirement that applies under the current regulation governing GRPPH), and further provided that the photographs must be published within the same nation. Fifth, the proposed rule would modify the deposit requirement for GRPPH, GRUPH, and photographic databases by requiring applicants to submit (i) a digital copy of each photograph,[3] and (ii) a separate document containing a list of the titles and file names for each photograph. Finally, the NPRM confirmed that when a group of photographs is registered under GRPHH or GRUPH, the registration covers each photograph, each photograph is registered as a separate work, and ''the group as a whole is not considered a compilation, [or] a collective work . . . under sections 101, 103(b), or 504(c)(1) of the statute.'' [4]

The Office received comments from several individuals, the Copyright Alliance,[5] and the Coalition of Visual Artists,[6] which consists of ten separate organizations that represent photographers, illustrators, designers, and other visual artists (''CVA'').[7] The commenters generally supported the Office's proposal to eliminate the paper application and require applicants to submit their claims using an online application specifically designed for GRPPH and GRUPH.[8] They welcomed the proposal to eliminate the ''pilot program'' for published photographs, and to replace the ''unpublished collections'' accommodation with a new group registration option for unpublished photographs.[9] They also agreed that photographers should be entitled to claim a separate award of statutory damages for each photograph when they register their works under the GRPPH or GRUPH option.

Nearly all of the commenters objected to the proposed limit on the number of photographs that may be included in each claim. Some commenters said it would be difficult to determine if a particular photograph should be registered as a published or unpublished work. Some expressed concern that all of the photographs would have to be created by the same photographer and published in the same nation. Others expressed concern about the obligation to submit digital deposits. Finally, one commenter suggested that photographers should be entitled to seek the same legal remedies, regardless of whether they register their works using GRPPH, GRUPH, or the pilot program for photographic databases.

Having reviewed and carefully considered the comments, the Office now issues a final rule that closely follows the proposed rule, with some alterations based on these comments, which are discussed in more detail below.[10]

II. Discussion of Comments

A. Online Application and Digital Deposits

When this final rule goes into effect, applicants will be required to use the online applications designated for GRPPH and GRUPH. If an applicant attempts to use a paper application, the Office will refuse to register the claim. Applicants will be required to submit a digital copy of each photograph,[11] either by uploading the photographs to the electronic registration system or by sending them to the Office on a physical storage device, such as a flash drive, CD–R, or DVD–R.[12] In addition, applicants will be required to submit a separate document containing a sequentially numbered list that identifies the title and file name—and in the case of published photographs, the month and year of publication—for each photograph in the group.

The Copyright Alliance supported this proposal, and predicted that online filing would ''facilitate economy and efficiency.'' Copyright Alliance

[1] As noted in the NPRM, the Office is not proposing to eliminate the corresponding ''pilot program'' for photographic databases. 81 FR at 86643, 86649 n.21. Applicants may continue to register these types of databases with the online application at least for the time being. 37 CFR 202.3(b)(5)(ii)(A).

[2] The Office recently issued a separate notice of proposed rulemaking that proposed to eliminate the ''unpublished collection'' option and replace it with a new group registration option for unpublished works (GRUW). Briefly stated, the GRUW option would allow applicants to register up to five unpublished works with one application and one filing fee (with certain limited exceptions for claims involving sound recordings). *See* 82 FR 47415, 47417 (Oct. 12, 2017). To be clear, the GRUW option is not intended to replace the GRUPH option described in today's final rule. Photographers will be able to register up to 750 photographs with the GRUPH option. *See* 81 FR at 86653; 82 FR 52258 (Nov. 13, 2017).

[3] 17 U.S.C. 408(b), (c).

[4] The NPRM clarified that this same presumption does not apply when photographs are registered as part of a photographic database under 37 CFR 202.3(b)(5), because a database is, by definition, a compilation. *See* 81 FR at 86653–54.

[5] The Copyright Alliance endorsed the views expressed by the Coalition of Visual Artists, in addition to submitting its own comments.

[6] The Coalition is comprised of the following organizations: The American Photographic Artists (APA), American Society of Media Photographers (ASMP), Digital Media Licensing Association (DMLA), Graphic Artists Guild (GAG), North American Nature Photography Association (NANPA), National Press Photographers Association (NPPA), Professional Photographers of America (PPA), the PLUS Coalition (PLUS), Schaftel & Schmelzer, and Doniger/Burroughs.

[7] The Office received comments from five individuals, including three photographers. All of the comments submitted in response to the NPRM can be found on the Copyright Office's website at *https://www.copyright.gov/rulemaking/group-photographs/.*

[8] *See* Copyright Alliance Comment at 2; CVA Comment at 6. The Office also issued a separate NPRM that proposed a similar online-filing requirement for seeking a supplementary registration. *See* 81 FR 86656 (Dec. 1, 2016). Under the rule proposed in that proceeding, most applicants would be required to file an online application to correct or amplify the information in an existing registration. The Office explained that this same online-filing requirement would apply when applicants seek to correct or amplify the information in a registration for a group of photographs or a photographic database. *See* 81 FR at 86648. The CVA expressed some concern about this proposal. CVA Comment at 10–15. The Office previously addressed those comments when it issued a final rule in the rulemaking on supplementary registration. *See* 82 FR at 27426.

[9] *See* Copyright Alliance Comment at 1–2; CVA Comment at 4.

[10] The final rule makes a few technical amendments to the proposed rule that match amendments that were recently made to §§ 202.3 and 202.4. *See* 82 FR 29410, 82 FR 52224 (Nov. 13, 2017).

[11] The NPRM stated that applicants would be able to submit their photographs in the same formats listed in the current regulation, namely, JPEG, GIF, TIFF, or PCD. 81 FR at 86651; 37 CFR 202.20(c)(2)(xx). Although the CVA supported this proposal, the Office did not include the PCD format in the final rule, because the electronic registration system will not accept these types of files. *See www.copyright.gov/eco/help-file-types.html.*

[12] The CVA offered some suggestions for standardizing the size, dimension, resolution, and compression of each image. CVA Comment at 35. The Office did not include these suggestions in the final rule, because the electronic registration system should be able to accept any digital image, as long as it is submitted in an acceptable file format and the file size does not exceed 500MB.

Comment at 2. The CVA agreed that ''[d]elivering images via the internet has become the norm for the majority of photographers and other visual artists,'' and that ''it is reasonable to require visual creators to submit deposit images in digital format.'' CVA Comment at 6, 35. The CVA also agreed that uploading a list containing title and publication information would be preferable to the pilot program where applicants are expected to enter each title in the application one by one. CVA Comment at 34.

The CVA acknowledged that photographers who use traditional film often ''reproduce or scan'' their images and ''deliver their work via electronic means.'' CVA Comment at 6. The CVA also acknowledged that there are fee-based services available for photographers who need help completing the online application and submitting a digital deposit. CVA Comment at 6. However, the CVA and the Copyright Alliance expressed concern that some of these creators may have ''vast archives'' of photographs fixed in ''traditional print media,'' and they encouraged the Office to maintain the paper application for two-years to give these creators time to ''catalog, archive, and register their works.'' Copyright Alliance Comment at 2; CVA Comment at 7.

The Office recently issued a final rule for group registration of contributions to periodicals that addressed similar concerns. *See* 82 FR at 29412. As in that rule, a specific provision is being added to the regulations making clear that in an exceptional case, if photographers are unable to submit a digital copy of their works, they may request special relief and submit an actual copy of each photograph or other identifying material in lieu of a digital file. 37 CFR 202.20(d)(1)(iii)–(iv).

In addition, the Office is developing several new resources to ease the transition to the online filing requirement. The Office will prepare an online tutorial that explains how to use the new applications, and ''help text'' within the applications themselves that will provide answers to frequently asked questions. The Office will update the sections of the *Compendium of U.S. Copyright Office Practices, Third Edition* (''*Compendium*'') that discuss the Office's practices and procedures for group registration. The Office also intends to issue a new circular that will provide a general introduction to GRPPH and GRUPH. And as noted in the NPRM, the Office will contact each applicant that participated in the existing pilot program and notify them that this program has been replaced with a new procedure. 81 FR at 86647.

B. Number of Photographs That May Be Included in the Group

The NPRM proposed to limit the number of works that may be included in each submission to no more than 750 photographs. This would represent a change in policy. Currently applicants may submit an unlimited number of photographs if they register their works as an unpublished collection, or if they use the pilot program for published photographs. By contrast, if they use a paper application submitted on Form VA and Form GR/PPh/CON, they may include no more than 750 photographs in each claim.

The Copyright Alliance, the CVA, and three individuals objected to this proposal. They commented that the limit would be burdensome, because many photographers take thousands of photographs in a single day.[13] They commented that photographers would have to pay more fees to register the same number of photographs as before, and that they would be unable to pass these additional fees on to their clients.[14] Before imposing a limit on the number of photographs that may be registered under GRPPH or GRUPH, the commenters encouraged the Office to monitor the actual cost of examining these claims to determine if there is a substantial increase in the Office's workload. CVA Comment at 17.

After carefully reviewing the comments and weighing the issues involved, the Office has decided to adopt the 750 limit proposed in the NPRM. As mentioned above, the Office imposes the same limit when applicants use Form VA and Form GR/PPh/CON. That requirement has been in place since 2005. 70 FR 15587, 15588 (Mar. 28, 2005). Since the Office introduced the pilot program for published photographs in 2012, the Office has monitored the cost of examining claims submitted through the electronic registration system. Based on this experience, the Office has concluded that 750 is a reasonable limit for GRPPH and GRUPH given its current staffing levels, the current filing fee for these group registration options, and the technical capabilities of the current system.[15]

When the system is functioning properly, it takes approximately 15 to 30 minutes to examine a claim involving 750 photographs or fewer. By contrast, a claim involving more than 750 photographs typically requires an hour or more to complete. Applicants often fail to provide publication dates, they fail to list the dates in chronological order, or the dates provided in the application do not match the dates given in the deposit. If the applicant submits each photograph as an individual file, instead of uploading them in a .zip file, the examiner must click separate links to open each photograph. If any of the files are corrupt, the examiner must write to the applicant to request a new submission. The increasing work associated with these claims has had an adverse effect on the timeframe for examination of other types of works within the Visual Arts Division.

There also may be problems once the claim has been approved. The title field in the Office's public database will not accept more than 999 characters, but there is no corresponding limit in the registration application. When applicants submit more than 750 photographs, the information in the title files often exceeds these character limits. When this occurs, the Office must review each record one by one to identify the registration that was rejected by the system. Then the

[13] The CVA commented that the 750 limit is ''unnecessary,'' ''unworkable, ''contrary to the way most photographers'' work, and ''an arbitrary impediment to registering works as part of a visual artist's nature workflow.'' CVA Comment at 16. Photographer Eric Bowles commented that the proposed limit would be ''completely unsuitable for event photographers, wedding photographers, sports photographers, or nature photographers,'' because they typically take ''1000–2000 photos or more on a regular basis in a single day.'' Eric Bowles Comment.

[14] Under the current pilot program for published photographs, the CVA commented that photographers may register 7500 photographs for $55. Under the proposed rule, the CVA commented that photographers would have to file 10 applications to register the same number of works at the ''prohibitive cost'' of $550. CVA Comment at 16.

[15] To be clear, the 750 limit adopted in this final rule only applies to claims submitted under the group registration options for GRPPH and GRUPH. It does not apply to the pilot program for photographic databases. Applicants may continue to register an unlimited number of published photographs under this option, at least for the time being. But the Office intends to revisit this issue in a separate rulemaking or as part of its upcoming fee study. The Office notes that at least one database provider registered 57,040 photographs between 2012 and 2016. According to the Digital Media Licensing Association (DMLA), this company filed 29 applications during this four-year period, and each submission contained an average of 1966 photographs. If the Office imposed a 750 limit on the pilot program for photographic databases, the DMLA stated that this company would have filed another 48 applications during this same period. CVA Comment at 41. The Office recognizes that this would require additional filing fees, and that those fees would have amounted to $660 per year. That is less than what the Office currently charges for expedited handling for one application under the current fee structure. And it represents a significant bargain for the privilege of registering nearly 60,000 photographs with 77 applications, instead of preparing a separate submission for each work.

examiner must contact the applicant to request permission to amend the title field, he or she must update the record, and issue a new certificate.

Moreover, when applicants upload thousands of photos to the electronic registration system, it strains the system as a whole. This has an adverse effect on other applicants, because it delays the receipt of their submissions and it prevents the Office from issuing an email acknowledging the receipt of those claims. Many applicants then contact the Office's help desk to confirm that their submission was received, which places additional strains on the Office's limited resources.

Registering 750 photographs with the same application and the same filing fee represents a significant value and provides significant legal benefits. An applicant who submits the maximum number of photographs effectively would pay $0.07 to register each work under the current fee structure. As discussed below, the Office will examine each photograph in the group, and if the claim is approved, the registration covers each photograph and each photograph is registered as a separate work. Thus, if the photographs are subsequently infringed, the copyright owner should be entitled to seek a separate award of statutory damages for each individual photograph. *See* 17 U.S.C. 504(c)(1) (authorizing a separate award of statutory damages ''with respect to any one work'').

The Visual Arts Division estimates that 75% to 80% of the applicants who register their works using the pilot program include fewer than 750 photographs in each claim. Thus, the final rule will not have an adverse effect on the vast majority of applicants. The Office recognizes that some applicants routinely include more than 750 works in each claim, and going forward, these applicants will need to file multiple applications instead of submitting all of their photographs with the same application. But it is important to recognize that the final rule does not impose any limit on the number of applications that may be submitted at a given time.

The CVA surveyed 1,744 photographers and asked them to identify the average number of photographs that they take in a single day and over the course of a single month. The vast majority of the respondents—70%—reported that they take fewer than 750 photos on an average day, while another 17% reported that they take between 751 and 1,500 photos on an average day. This presumably represents the average rate for a daily photo shoot, but it seems unlikely that the average photographer would create this many images on every day of the month. The CVA's survey supports this assumption. The results indicate that during an average month nearly half of the respondents—47%—would be able to register all the photos with four applications or fewer, and during a slow month, the majority of the respondents—61%—would be able to register all of their photos with one submission.

The CVA encouraged the Office to expand the scope of the group registration option by developing a tiered filing fee based on the number of photographs included within each claim, or a sliding-scale subscription model that would let photographers register an unlimited number of photographs with an annual, semi-annual, or quarterly filing fee. CVA Comment at 17. The Copyright Alliance and another individual expressed similar views. Copyright Alliance Comment at 3; Brian Powell Comment.

The Office welcomes these suggestions. But unfortunately, the current registration system is not capable of supporting this type of fee structure.

The Office, however, is beginning preparations for the initial development of its next generation registration system,[16] and will take the commenters' suggestions into account in developing the business requirements for the new system. In the near future, the Office will be seeking additional comments and conducting extensive outreach to gather additional suggestions and recommendations for the new system.

C. Distinguishing Between Published and Unpublished Photographs

Under the rule proposed in the NPRM, applicants would be able to register a group of unpublished photographs or a group of published photographs, but they would not be able to combine published and unpublished photographs in the same claim. *See* 81 FR at 86650. After considering the comments, the Office has decided to maintain this requirement in the final rule.

The CVA commented that it is difficult to separate published and unpublished photographs, in part, because photographers do not know if or when their images are published after they have been sent to a particular client. CVA Comment at 29. The Copyright Alliance expressed similar concerns. Copyright Alliance Comment at 3.

At the same time, however, the CVA and the Copyright Alliance acknowledged that the Copyright Act requires applicants to separately identify published and unpublished works for purposes of registration, and that this requirement cannot be changed without amending the law. CVA Comment at 29, 59; Copyright Alliance Comment at 3. Moreover, this distinction is firmly embedded in the current electronic registration system and the Office's internal processes. For example, when the Office issues a certificate of registration, the prefix assigned to the certificate begins with the letters VA if the work is published, and it begins with the letters VAu if the work is unpublished. If an applicant attempted to combine published and unpublished works in the same claim, the resulting registration number would be misleading. The Office may revisit this issue when it develops the business requirements for its new registration system, but for the time being, it is not feasible to ignore these distinctions within the context of the current system.

The CVA also commented that the photographers who participated in its survey would prefer to register all of the photographs that they create for a particular job, project, or client with the same application, regardless of whether those photographs are published or unpublished. CVA Comment at 31, 48–49. The final rule provides that flexibility. When registering a group of photographs under GRPPH or GRUPH, applicants will be asked to provide a title for the group as a whole. If a photographer wants to register the works he or she created for a particular client, the group title provides a convenient means for adding that information to the record. If a photographer needs to file separate applications for his or her published and unpublished photographs, the applicant may assign the same title to each application followed by the phrase ''Group 1 of 3,'' ''Group 2 of 3,'' and so on.

The CVA acknowledged that photographers should be able to determine if their photographs are published or unpublished if they are given proper guidance. CVA Comment at 31. The CVA and the Copyright Alliance also acknowledged that the *Compendium* provides useful information and asked the Office to make this document accessible from within the electronic registration system. CVA Comment at 29; Copyright Alliance at 3. As mentioned above, the

[16] *See generally* Modified U.S. Copyright Office Provisional IT Modernization Plan (Sept. 5, 2017), *available at https://www.copyright.gov/reports/itplan/.*

Office intends to update the sections of the *Compendium* that discuss this group registration option, and it intends to add examples to explain the difference between published and unpublished photographs. In addition, the Office intends to prepare a new circular that summarizes the various options for registering photographs, and will provide links to these resources from within the help text for the new applications.

D. The Photographs Must Be Created by the Same Author (Including a Work-Made-for-Hire Author), Rather Than the Same Photographer

The NPRM proposed that all the photographs must be taken by the same photographer. If the photographs were created as works made for hire, the NPRM proposed that, in order to be eligible for group registration, all the photographs in the group must have been taken by the same employee, and the applicant must have identified both the employer and the employee in the application. To register photographs taken by different photographers, applicants would be required to submit a separate application for each individual. *See* 81 FR at 86649–50. Both of these proposals were based on the regulation that currently governs GRPPH.[17] *See* 37 CFR 202.3(b)(10)(ii), (ix).

The CVA commented that commercial studios often use multiple photographers and assistants during each photo shoot, and that a shoot involving a particular job or client may occur on different dates. Given the way these studios operate, the CVA said it would be ''impractical'' to segregate their photographs into separate groups, and it would be ''time consuming and expensive'' to prepare a separate application for each photographer.[18] CVA Comment at 26–27. One individual expressed similar concerns and suggested that applicants should be allowed ''to include up to three photographers working under contract for a single copyright owner.'' Eric Bowles Comment.

Section 408 of the Copyright Act authorizes the Register to ''require or permit . . . a single registration for a group of related works.'' 17 U.S.C. 408(c)(1). The statute indicates that the Register has ''general authority'' to determine whether ''particular classes'' of works are sufficiently related to warrant group registration. 17 U.S.C. 408(c)(1), (2). After considering the comments, the Office has determined that this requirement may be met if the photographs were created by the same ''author'' (a term that includes an employer or other person for whom a work is made for hire), if the works are owned by the same claimant, and in the case of published photographs, if the works were published in the same calendar year.[19] Therefore, photographs can be included in one group even if they were created by different employees, as long as the photographs were created by the same author as works for hire.

The final rule does not represent a change in policy for most photographers. When an individual creates a photograph, that individual is considered the ''author'' of the work, and thus, the ''author'' and the ''photographer'' are the same person. But it does represent a change in policy for works made for hire. When a photograph is created as a work made for hire, the employer or commissioning party is considered the author and owner of the work, rather than the photographer who actually created the image. Thus, if the photographs were created as works made for hire, the applicant may name the employer or commissioning party as the author/claimant, instead of dividing the photographs into separate groups and submitting a separate application for each photographer.

For similar reasons, work-made-for-hire authors do not need to identify their employees in the application. However, the Office developed the new application before it decided to modify this requirement; as a result, the application contains a space where applicants may provide employee information. If the applicant checks the work made for hire box—but fails to complete the employee space—the application will not be accepted by the electronic registration system. The Office intends to remove this space in a future update to the system. In the meantime, work made for hire authors who are unwilling or unable to identify their employees may complete this portion of the application by stating that the individual photographer(s) are ''not named in the application.''[20]

E. The Photographs Do Not Need To Be Published Within the Same Country

When registering a group of published photographs, applicants should identify the author's country of citizenship or domicile, as well as the country where the photographs were published for the first time. The Office will use this information to determine if the photographs are eligible for registration under U.S. copyright law. 17 U.S.C. 104(b)(1)–(2); 409(2), (8).

The NPRM further proposed that all the photographs within each group should be published in the same country. 81 FR at 86650. This proposal was based on the current limitations of the electronic registration system. To identify the nation of publication in the current system, applicants must select from a list of countries appearing in a drop down menu, but the system will not allow applicants to select two or more countries from this list.

The CVA objected that photographers would need to prepare separate applications if their works are published in multiple countries. The CVA also noted that it may be difficult to determine where a photograph was published for the first time, particularly if the work was published online. CVA Comment at 32–33.

The Office did not include the single-country requirement in the final rule. In most cases, the Office should be able to determine if the photographs are eligible for copyright protection based on the author's citizenship or domicile. If the applicant is unable to establish eligibility based on this information, the Office may ask the applicant to confirm that the photographs were published in a country that has entered into a copyright treaty with the United States.

[17] When the Office established these requirements in 2001, it relied on the statement in the legislative history citing ''a group of photographs by one photographer'' as an example of a ''group of related works.'' *See* 66 FR 37142, 37148 (July 17, 2001); H.R. Rep. No. 94–1476, at 154. The Office also relied on the statutory and regulatory requirements governing the group registration option for contributions to periodicals, which permit ''a single registration for a group of works by the same individual author.'' *See* 66 FR at 37148; 17 U.S.C. 408(c)(2).

[18] The NPRM stated that ''the Office will not accept applications claiming that two or more individuals jointly created each photograph in the group as a joint work.'' 81 FR at 86650. The CVA commented that some photographers work as a team with both partners jointly owning each photograph, and that the proposed rule would prevent these teams from registering their works. CVA Comment at 26. It is unclear from the CVA's comments whether these photographs would be considered joint works or works made for hire. On rare occasions, the Office has received inquiries from applicants expressing interest in registering a photograph as a joint work. But to be effective, a group registration option must be narrowly tailored to fit the claims that are most frequently received, and it cannot be expected to accommodate exceptional cases that fall outside of these expected norms.

[19] In this respect, the final rule is similar to the group registration option for photographic databases, which may be registered if the updates or other revisions are owned by the same claimant and were created or published within a three month period. 37 CFR 202.3(b)(5)(i)(A), (F).

[20] If the claim is approved this information will appear in the online public record as follows: ''employer for hire of photographer not named in the application.''

If the photographs were published in different countries, the applicant may provide that information in the application in the ''Note to Copyright Office'' field.

F. The Scope of Protection for Photographs Registered Under GRPPH and GRUPH vs. Photographs Registered Under the Pilot Program for Photographic Databases

The Copyright Alliance and the CVA agreed that photographers should be entitled to claim a separate award of statutory damages if they register their works under the GRPPH or GRUPH option. *See* Copyright Alliance Comment at 2; CVA Comment at 4. The Copyright Alliance also agreed that GRPPH and GRUPH would provide ''more comprehensive and effective legal protections'' than a registration for a photographic database, because photographers who register their works as part of a database would only be entitled to seek one award of statutory damages for the database as a whole. *See* Copyright Alliance Comment at 2. Although one member of the CVA disagreed with this view of the scope of a database registration,[21] the Office continues to believe that the view it expressed in the NPRM is the correct one. *See* 81 FR at 86653–86654. Regardless, under the Copyright Act and the Office's regulations, a group registration of published photographs (GRPPH) or a group registration of unpublished photographs (GRUPH) will expressly be treated as a separate registration for each photograph that is included within the group, and applicants who wish to ensure the availability of separate statutory damages awards should select one of those group registration options.

G. Additional Considerations

The Copyright Alliance and CVA also asked the Office to create a new group registration option for other types of visual art works, such as illustrations, video clips, and textile designs. Alternatively, they asked the Office to create another pilot program that would allow visual artists to register groups of related works with the online application that is designed for registering one work. Copyright Alliance Comment at 2, 4; CVA Comment at 5, 8–9, 27, 46–47, 49, 51–52, 56, 60. The Office recognizes a need for establishing new and updated practices for examining and registering visual art works.[22] The Office is considering these issues and will take them into account when developing its priorities for future upgrades to the electronic registration system.

The CVA also offered some suggestions for improving the current system. It encouraged the Office to improve the user interface, and allow applicants to populate each field with information stored in a spreadsheet or other database instead of entering it by hand. CVA Comment at 8. In addition, the CVA encouraged the Office to collaborate with third parties to develop apps and APIs that would help photographers register works directly from their cameras and photo editing programs. CVA Comment at 6, 36. The Office welcomes these suggestions. As mentioned above, the Office is in the early stages of developing the business requirements for its next generation registration system, and it will be seeking further comment on these issues in the future.

Finally, the CVA suggested that a registration for an unpublished work would be more effective if copyright owners could claim statutory damages and attorney's fees for any infringements occurring within three months before the effective date of registration (similar to the rule that applies to published works under section 412(2) of the Copyright Act). CVA Comment at 48. The CVA also suggested that the Office could create a ''deferred examination'' procedure, whereby the Office could issue a ''provisional'' registration after examining a sampling of the photographs in each group (similar to a provisional patent or intent to use trademark registration). If the photographer wanted to enforce the copyright in a particular photograph, he or she could ask the Office to conduct a ''full'' examination of that photograph for an additional fee. CVA Comment at 57–58.

The Office does not express any views on these suggestions, but simply notes that this rulemaking is not the proper forum in which to address them. The registration requirements CVA identified in its comments are part of the Copyright Act and the Office cannot expand or create exceptions to them as part of this rulemaking.

List of Subjects in 37 CFR Parts 201 and 202

Copyright.

Final Regulations

For the reasons set forth in the preamble, the U.S. Copyright Office amends 37 CFR parts 201 and 202 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Amend § 201.3 as follows:
■ a. Redesignate paragraphs (c)(3) through (19) as paragraphs (c)(4) through (20), respectively;
■ b. Add new paragraph (c)(3); and
■ c. Revise newly redesignated paragraph (c)(4).

The revision and addition read as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *

(c) * * *

(3) Registration of a claim in a group of published photographs or a claim in a group of unpublished photographs	55
(4) Registration for a database that predominantly consists of photographs and updates thereto:	
(i) Electronic filing	55
(ii) Paper filing	65

* * * * *

PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 3. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 408(f), 702.

§ 202.3 [Amended]

■ 4. Amend § 202.3 as follows:
■ a. In paragraph (b)(3) remove the phrase '', subject to the limitations in paragraph (b)(10)(v) of this section''.
■ b. Remove and reserve paragraph (b)(10).

■ 5. Amend § 202.4 as follows:
■ a. Add paragraphs (h) and (i).
■ b. In paragraph (l) remove ''(9), or (10).'' and add in its place ''or (9).''.
■ c. In paragraph (n) remove ''paragraph (g) or (k)'' and add in its place ''paragraphs (g) through (i) or paragraph (k)''.

The additions read as follows:

§ 202.4 Group Registration.

* * * * *

(h) *Group registration of unpublished photographs.* Pursuant to the authority

[21] CVA Comment at 45 (noting that DMLA contended that ''databases [should] not be considered compilations,'' and that ''individual images'' should be ''treated in the same way,'' regardless of whether they are registered under GRPPH, GRUPH, or as part of a photographic database).

[22] *See generally* Copyright Protection for Certain Visual Works, 80 FR 23054 (Apr. 24, 2015).

granted by 17 U.S.C. 408(c)(1), the Register of Copyrights has determined that a group of unpublished photographs may be registered in Class VA with one application, the required deposit, and the filing fee required by § 201.3(c) of this chapter, if the following conditions are met:

(1) All the works in the group must be photographs.

(2) The group must include no more than 750 photographs, and the application must specify the total number of photographs that are included in the group.

(3) All the photographs must be created by the same author.

(4) The copyright claimant for all the photographs must be the same person or organization.

(5) The photographs may be registered as works made for hire if all the photographs are identified in the application as such.

(6) All the photographs must be unpublished.

(7) The applicant must provide a title for the group as a whole

(8) The applicant must complete and submit the online application designated for a group of unpublished photographs. (The Office will not register a group of unpublished photographs as an unpublished collection under § 202.3(b)(4)(i)(B).) The application may be submitted by any of the parties listed in § 202.3(c)(1).

(9) The applicant must submit one copy of each photograph in one of the following formats: JPEG, GIF, or TIFF. The file name for a particular photograph may consist of letters, numbers, and spaces, but the file name should not contain any other form of punctuation. The photographs may be uploaded to the electronic registration system together with the required numbered list, preferably in a .zip file containing all the photographs. The file size for each uploaded file must not exceed 500 megabytes; the photographs may be compressed to comply with this requirement. Alternatively, the photographs and the required numbered list may be saved on a physical storage device, such as a flash drive, CD–R, or DVD–R, and delivered to the Copyright Office together with the required shipping slip generated by the electronic registration system.

(10) The applicant must submit a sequentially numbered list containing a title and file name for each photograph in the group (matching the corresponding file names for each photograph specified in paragraph (h)(9) of this section). The title and file name for a particular photograph may be the same. The numbered list must be contained in an electronic file in Excel format (.xls), Portable Document Format (PDF), or other electronic format approved by the Office, and the file name for the list must contain the title of the group and the case number assigned to the application by the electronic registration system (*e.g.,* ''Title Of Group Case Number 16283927239.xls'').

(11) In an exceptional case, the Copyright Office may waive the online filing requirement set forth in paragraph (h)(8) of this section or may grant special relief from the deposit requirement under § 202.20(d), subject to such conditions as the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant.

(i) *Group registration of published photographs.* Pursuant to the authority granted by 17 U.S.C. 408(c)(1), the Register of Copyrights has determined that a group of published photographs may be registered in Class VA with one application, the required deposit, and the filing fee required by § 201.3(c) of this chapter, if the following conditions are met:

(1) All the works in the group must be photographs.

(2) The group must include no more than 750 photographs, and the application must specify the total number of photographs that are included in the group.

(3) All the photographs must be created by the same author.

(4) The copyright claimant for all the photographs must be the same person or organization.

(5) The photographs may be registered as works made for hire if all the photographs are identified in the application as such.

(6) All the photographs must be published within the same calendar year, and the applicant must specify the earliest and latest date that the photographs were published during the year.

(7) The applicant must provide a title for the group as a whole.

(8) The applicant must complete and submit the online application designated for a group of published photographs. The application may be submitted by any of the parties listed in § 202.3(c)(1).

(9) The applicant must submit one copy of each photograph in one of the following formats: JPEG, GIF, or TIFF. The file name for a particular photograph may consist of letters, numbers, and spaces, but the file name should not contain any other form of punctuation. The photographs may be uploaded to the electronic registration system together with the required numbered list, preferably in a .zip file containing all the photographs. The file size for each uploaded file must not exceed 500 megabytes; the photographs may be compressed to comply with this requirement. Alternatively, the photographs and the required numbered list may be saved on a physical storage device, such as a flash drive, CD–R, or DVD–R, and delivered to the Copyright Office together with the required shipping slip generated by the electronic registration system.

(10) The applicant must submit a sequentially numbered list containing the title, file name, and month and year of publication for each photograph in the group (matching the corresponding file names for each photograph specified in paragraph (i)(9) of this section). The title and file name for a particular photograph may be the same. The numbered list must be contained in an electronic file in Excel format (.xls), Portable Document Format (PDF), or other electronic format approved by the Office, and the file name for the list must contain the title of the group and the case number assigned to the application by the electronic registration system (*e.g.,* ''Title Of Group Case Number 16283927239.xls'').

(11) In an exceptional case, the Copyright Office may waive the online filing requirement set forth in paragraph (i)(8) of this section or may grant special relief from the deposit requirement under § 202.20(d), subject to such conditions as the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant.

* * * * *

■ 6. Amend § 202.20 as follows:

■ a. Revise paragraph (c)(2)(vii)(D)(*8*).

■ b. Remove paragraph (c)(2)(xx).

The revision reads as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

* * * * *

(c) * * *

(2) * * *

(vii) * * *

(D) * * *

(*8*) In the case of an application for registration of a database that consists predominantly of photographs (including a group registration for revised or updated versions of such a database), ''identifying portions'' shall instead consist of all individual photographs included in the claim. Photographs must be submitted in digital form in one of the following formats: JPEG, GIF, or TIFF. In addition, the applicant must submit a sequentially numbered list containing

the title and file name—and if the photographs have been published, the month and year of publication—for each photograph in the group. The title and file name for a particular photograph may be the same and may consist of letters, numbers, and spaces, but the file name should not contain any other form of punctuation. The numbered list must be contained in an electronic file in Excel format (.xls), Portable Document Format (PDF), or other electronic format approved by the Office. The file name for the list must contain the title of the database, and the case number assigned to the application by the electronic registration system, if any (*e.g.,* ''Title Of Database Case Number 162883927239.xls''). The photographs and the numbered list may be uploaded to the electronic registration system with the permission and under the direction of the Visual Arts Division, preferably in a .zip file containing these materials. The file size for each uploaded file must not exceed 500 megabytes; the photographs may be compressed to comply with this requirement. Alternatively, the photographs and the numbered list may be saved on a physical storage device, such as a flash drive, CD–R, or DVD–R, and delivered to the Copyright Office together with the required shipping slip generated by the electronic registration system or with a paper application submitted on Form VA.

* * * * *

Dated: December 19, 2017.

Karyn Temple Claggett,

Acting Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2018–00687 Filed 1–17–18; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–OLEM–2017–0073, 0074, 0075 and 0076; FRL–9973–00–OLEM]

National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''the EPA'' or ''the agency'') in determining which sites warrant further investigation. These further investigations will allow the EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds four sites to the General Superfund section of the NPL.

DATES: The document is effective on February 20, 2018.

ADDRESSES: Contact information for the EPA Headquarters:

- Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office, 1301 Constitution Avenue NW, William Jefferson Clinton Building West, Room 3334, Washington, DC 20004, 202–566–0276.

The contact information for the regional dockets is as follows:

- Holly Inglis, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA, Superfund Records and Information Center, 5 Post Office Square, Suite 100, Boston, MA 02109–3912; 617–918–1413.
- Ildefonso Acosta, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212–637–4344.
- Lorie Baker (ASRC), Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mailcode 3HS12, Philadelphia, PA 19103; 215–814–3355.
- Cathy Amoroso, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street SW, Mailcode 9T25, Atlanta, GA 30303; 404–562–8637.
- Todd Quesada, Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA Superfund Division Librarian/SFD Records Manager SRC–7J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312–886–4465.
- Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Suite 1200, Mailcode 6SFTS, Dallas, TX 75202–2733; 214–665–7436.
- Kumud Pyakuryal, Region 7 (IA, KS, MO, NE), U.S. EPA, 11201 Renner Blvd., Mailcode SUPRSTAR, Lenexa, KS 66219; 913–551–7956.
- Victor Ketellapper, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 1595 Wynkoop Street, Mailcode 8EPR–B, Denver, CO 80202–1129; 303–312–6578.
- Sharon Murray, Region 9 (AZ, CA, HI, NV, AS, GU, MP), U.S. EPA, 75 Hawthorne Street, Mailcode SFD 6–1, San Francisco, CA 94105; 415–947–4250.
- Ken Marcy, Region 10 (AK, ID, OR, WA), U.S. EPA, 1200 6th Avenue, Mailcode ECL–112, Seattle, WA 98101; 206–463–1349.

FOR FURTHER INFORMATION CONTACT: Terry Jeng, phone: (703) 603–8852, email: *jeng.terry@epa.gov* Site Assessment and Remedy Decisions Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mailcode 5204P), U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW, Washington, DC 20460; or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
- A. What are CERCLA and SARA?
- B. What is the NCP?
- C. What is the National Priorities List (NPL)?
- D. How are sites listed on the NPL?
- E. What happens to sites on the NPL?
- F. Does the NPL define the boundaries of sites?
- G. How are sites removed from the NPL?
- H. May the EPA delete portions of sites from the NPL as they are cleaned up?
- I. What is the Construction Completion List (CCL)?
- J. What is the Sitewide Ready for Anticipated Use measure?
- K. What is state/tribal correspondence concerning NPL Listing?

II. Availability of Information to the Public
- A. May I review the documents relevant to this final rule?
- B. What documents are available for review at the EPA headquarters docket?
- C. What documents are available for review at the EPA regional dockets?
- D. How do I access the documents?
- E. How may I obtain a current list of NPL sites?

III. Contents of This Final Rule
- A. Additions to the NPL
- B. What did the EPA do with the public comments it received?

IV. Statutory and Executive Order Reviews
- A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs
- C. Paperwork Reduction Act (PRA)
- D. Regulatory Flexibility Act (RFA)
- E. Unfunded Mandates Reform Act (UMRA)
- F. Executive Order 13132: Federalism
- G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
J. National Technology Transfer and Advancement Act (NTTAA)
K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
L. Congressional Review Act

I. Background

A. What are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases or threatened releases of hazardous substances, and releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What is the NCP?

To implement CERCLA, the EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, or releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. The EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking removal action.'' ''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases of hazardous substances, pollutants or contaminants (42 U.S.C. 9601(23)).

C. What is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is of only limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by the EPA (the ''General Superfund section'') and one of sites that are owned or operated by other federal agencies (the ''Federal Facilities section''). With respect to sites in the Federal Facilities section, these sites are generally being addressed by other federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody or control, although the EPA is responsible for preparing a Hazard Ranking System (''HRS'') score and determining whether the facility is placed on the NPL.

D. How are sites listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the HRS, which the EPA promulgated as appendix A of the NCP (40 CFR part 300). The HRS serves as a screening tool to evaluate the relative potential of uncontrolled hazardous substances, pollutants or contaminants to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), the EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure and air. As a matter of agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL. (2) Each state may designate a single site as its top priority to be listed on the NPL, without any HRS score. This provision of CERCLA requires that, to the extent practicable, the NPL include one facility designated by each state as the greatest danger to public health, welfare or the environment among known facilities in the state. This mechanism for listing is set out in the NCP at 40 CFR 300.425(c)(2). (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed without any HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- The EPA determines that the release poses a significant threat to public health.
- The EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

The EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658) and generally has updated it at least annually.

E. What happens to sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with a permanent remedy, taken instead of or in addition to removal actions'' (40 CFR 300.5). However, under 40 CFR 300.425(b)(2), placing a site on the NPL ''does not imply that monies will be expended.'' The EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. Does the NPL define the boundaries of sites?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so. Indeed, the precise nature and extent of the site are typically not known at the time of listing.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance has ''come

to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. However, the NPL site is not necessarily coextensive with the boundaries of the installation or plant, and the boundaries of the installation or plant are not necessarily the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location where that contamination has come to be located, or from where that contamination came.

In other words, while geographic terms are often used to designate the site (*e.g.,* the ''Jones Co. Plant site'') in terms of the property owned by a particular party, the site, properly understood, is not limited to that property (*e.g.,* it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (*e.g.,* where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to, nor confined by, the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. In addition, the site name is merely used to help identify the geographic location of the contamination, and is not meant to constitute any determination of liability at a site. For example, the name ''Jones Co. plant site,'' does not imply that the Jones Company is responsible for the contamination located on the plant site.

EPA regulations provide that the remedial investigation (''RI'') ''is a process undertaken . . . to determine the nature and extent of the problem presented by the release'' as more information is developed on site contamination, and which is generally performed in an interactive fashion with the feasibility study (''FS'') (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, the HRS inquiry focuses on an evaluation of the threat posed and therefore the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted previously, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, it can submit supporting information to the agency at any time after it receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How are sites removed from the NPL?

The EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that the EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

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

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

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

H. May the EPA delete portions of sites from the NPL as they are cleaned up?

In November 1995, the EPA initiated a policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and made available for productive use.

I. What is the Construction Completion List (CCL)?

The EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) the EPA has determined that the response action should be limited to measures that do not involve construction (*e.g.,* institutional controls); or (3) the site qualifies for deletion from the NPL. For more information on the CCL, see the EPA's internet site at *https://www.epa.gov/superfund/construction-completions-national-priorities-list-npl-sites-number.*

J. What is the Sitewide Ready for Anticipated Use measure?

The Sitewide Ready for Anticipated Use measure represents important Superfund accomplishments and the measure reflects the high priority the EPA places on considering anticipated future land use as part of the remedy selection process. See Guidance for Implementing the Sitewide Ready-for-Reuse Measure, May 24, 2006, OSWER 9365.0–36. This measure applies to final and deleted sites where construction is complete, all cleanup goals have been achieved, and all institutional or other controls are in place. The EPA has been successful on many occasions in carrying out remedial actions that ensure protectiveness of human health and the environment for current and future land uses, in a manner that allows contaminated properties to be restored to environmental and economic vitality. For further information, please go to *https://www.epa.gov/superfund/about-superfund-cleanup-process#tab-9.*

K. What is state/tribal correspondence concerning NPL listing?

In order to maintain close coordination with states and tribes in the NPL listing decision process, the EPA's policy is to determine the position of the states and tribes regarding sites that the EPA is considering for listing. This consultation process is outlined in two memoranda that can be found at the following website: *https://www.epa.gov/superfund/statetribal-correspondence-concerning-npl-site-listing.*

The EPA has improved the transparency of the process by which state and tribal input is solicited. The EPA is using the Web and where appropriate more structured state and tribal correspondence that (1) explains the concerns at the site and the EPA's rationale for proceeding; (2) requests an

explanation of how the state intends to address the site if placement on the NPL is not favored; and (3) emphasizes the transparent nature of the process by informing states that information on their responses will be publicly available.

A model letter and correspondence between the EPA and states and tribes where applicable, is available on the EPA's website at *http://semspub.epa.gov/src/document/HQ/174024.*

II. Availability of Information to the Public

A. May I review the documents relevant to this final rule?

Yes, documents relating to the evaluation and scoring of the sites in this final rule are contained in dockets located both at the EPA headquarters and in the EPA regional offices. An electronic version of the public docket is available through *https://www.regulations.gov* (see table below for docket identification numbers). Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facilities identified in section II.D.

DOCKET IDENTIFICATION NUMBERS BY SITE

Site name	City/county, state	Docket ID No.
Newark South Ground Water Plume	Newark, DE	EPA–HQ–OLEM–2017–0073
American Creosote DeRidder	DeRidder, LA	EPA–HQ–OLEM–2017–0074
Mississippi Phosphates Corporation	Pascagoula, MS	EPA–HQ–OLEM–2017–0075
Eagle Industries	Midwest City, OK	EPA–HQ–OLEM–2017–0076

B. What documents are available for review at the EPA headquarters docket?

The headquarters docket for this rule contains the HRS score sheets, the documentation record describing the information used to compute the score and a list of documents referenced in the documentation record for each site.

C. What documents are available for review at the EPA regional dockets?

The EPA regional dockets contain all the information in the headquarters docket, plus the actual reference documents containing the data principally relied upon by the EPA in calculating or evaluating the HRS score. These reference documents are available only in the regional dockets.

D. How do I access the documents?

You may view the documents, by appointment only, after the publication of this rule. The hours of operation for the headquarters docket are from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. Please contact the regional dockets for hours. For addresses for the headquarters and regional dockets, see **ADDRESSES** section in the beginning portion of this preamble.

E. How may I obtain a current list of NPL sites?

You may obtain a current list of NPL sites via the internet at *https://www.epa.gov/superfund/national-priorities-list-npl-sites-site-name* or by contacting the Superfund docket (see contact information in the beginning portion of this document).

III. Contents of This Final Rule

A. Additions to the NPL

This final rule adds the following four sites to the General Superfund section of the NPL. These sites are being added to the NPL based on HRS score.

GENERAL SUPERFUND SECTION

State	Site name	City/county
DE	Newark South Ground Water Plume	Newark.
LA	American Creosote DeRidder	DeRidder.
MS	Mississippi Phosphates Corporation	Pascagoula.
OK	Eagle Industries	Midwest City.

B. What did the EPA do with the public comments it received?

The EPA is adding four sites to the NPL in this final rule. All four sites were proposed for NPL addition on August 3, 2017 (82 FR 36106). The sites are: Newark South Ground Water Plume in Newark, DE; American Creosote DeRidder in DeRidder, LA; Mississippi Phosphates Corporation in Pascagoula, MS; and, Eagle Industries in Midwest City, OK.

The EPA received no comments on the American Creosote DeRidder site. One comment was submitted to the Eagle Industries site docket, but that comment was unrelated to the site.

Two comments were received in support of the Newark South Ground Water Plume site. One resident that lives in Newark supported the EPA's efforts to clean up the site. The other comment was a resolution passed by the Newark City Council in support of NPL listing. The Newark South Ground Water Plume docket also received one comment that was unrelated to the proposed NPL listing.

The EPA received nine comments in support of the Mississippi Phosphates Corporation site. Seven of those comments were submitted from local citizens. Two comments that were submitted by local environmental groups expressed support for the addition of the site to the NPL and requested responses from the EPA on questions that did not pertain to the proposed NPL addition. The EPA will be communicating with those groups directly to answer their questions.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

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

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This rule does not contain any information collection requirements that require approval of the OMB.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This rule listing sites on the NPL does not impose any obligations on any group, including small entities. This rule also does not establish standards or requirements that any small entity must meet, and imposes no direct costs on any small entity. Whether an entity, small or otherwise, is liable for response costs for a release of hazardous substances depends on whether that entity is liable under CERCLA 107(a). Any such liability exists regardless of whether the site is listed on the NPL through this rulemaking.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector. Listing a site on the NPL does not itself impose any costs. Listing does not mean that the EPA necessarily will undertake remedial action. Nor does listing require any action by a private party, state, local or tribal governments or determine liability for response costs. Costs that arise out of site responses result from future site-specific decisions regarding what actions to take, not directly from the act of placing a site on the NPL.

F. Executive Order 13132: Federalism

This final rule does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. Listing a site on the NPL does not impose any costs on a tribe or require a tribe to take remedial action. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because this action itself is procedural in nature (adds sites to a list) and does not, in and of itself, provide protection from environmental health and safety risks. Separate future regulatory actions are required for mitigation of environmental health and safety risks.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the level of protection provided to human health or the environment. As discussed in Section I.C. of the preamble to this action, the NPL is a list of national priorities. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is of only limited significance as it does not assign liability to any party. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

L. Congressional Review Act

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

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of this regulation. Under 5 U.S.C. 801(b)(1), a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802. Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha,* 462 U.S. 919,103 S. Ct. 2764 (1983), and *Bd. of Regents of the University of Washington* v. *EPA,* 86 F.3d 1214,1222 (DC Cir. 1996), cast the validity of the legislative veto into question, the EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, the EPA will publish a document of clarification in the **Federal Register**.

List of Subjects in 40 CFR Part 300

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

Dated: January 9, 2018.

Barry N. Breen,

Principal Deputy Assistant Administrator, Office of Land and Emergency Management.

40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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

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

■ 2. Table 1 of appendix B to part 300 is amended by adding the entries ''Newark South Ground Water Plume'', ''American Creosote DeRidder'', ''Mississippi Phosphates Corporation'', and ''Eagle Industries'' in alphabetical order by state to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes [a]
*	*	*	*
DE	Newark South Ground Water Plume	Newark.	
*	*	*	*
LA	American Creosote DeRidder	DeRidder.	
*	*	*	*
MS	Mississippi Phosphates Corporation	Pascagoula.	
*	*	*	*
OK	Eagle Industries	Midwest City.	
*	*	*	*

[a] = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

* * * * *

[FR Doc. 2018–00619 Filed 1–17–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 51, and 61

[MD Docket No. 17–357; FCC 17–159]

Closure of FCC Lockbox 979091 Used To File Fees, Tariffs, Petitions, and Applications for Services Related to the Wireline Competition Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) adopted an Order that closes Lockbox 979091 and modifies the relevant rule provisions of filing and making fee payments in lieu of closing the lockbox.

DATES: Effective on February 20, 2018.

FOR FURTHER INFORMATION CONTACT: Roland Helvajian, Office of Managing Director at (202) 418–0444.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 17–159, MD Docket No. 17–357, adopted on December 1, 2017 and released on December 18, 2017. The full text of this document is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW, Washington, DC 20554, or by downloading the text from the Commission's website at *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0906/FCC-17-111A1.pdf.*

I. Administrative Matters

A. Final Regulatory Flexibility Analysis

1. Section 603 of the Regulatory Flexibility Act, as amended, requires a regulatory flexibility analysis in notice and comment rulemaking proceedings. *See* 5 U.S.C. 603(a). As we are adopting these rules without notice and comment, no regulatory flexibility analysis is required.

B. Final Paperwork Reduction Act of 1995 Analysis

2. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), 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).

C. Congressional Review Act

3. The Commission will not send a copy of the Order pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not ''substantially affect the rights or obligations of non-agency parties. *See* 5 U.S.C. 804(3)(C).

II. Introduction

4. In the Order, we reduce expenditures by the Commission and modernize procedures by amending section 1.1105 of our rules, 47 CFR 1.1105, which sets forth the application fee for petitions filed with the FCC's Wireline Competition Bureau (WCB), to reflect the closure of the post office (P.O.) Box [1] used for manual filings with WCB. We require the use of an electronic payment system and, wherever possible, electronic filing. Consistent with this change, we also make conforming revisions to sections 0.401, 1.49, 1.51, 1.52, 1.742, 1.1105, 1.1111–1.1113, 1.1119, 51.329(c)(2), 61.13, 61.14, 61.17(d), and 61.20(b) of the Commission's rules, to account for electronic filing of fees, tariffs, petitions, and applications with the WCB, as described more fully below.

5. Section 1.1105 of the Commission's rules, 47 CFR 1.1105, has provided a schedule of processing fees for applications, tariffs, and petitions processed by the WCB. The rule had also directed filers, who do not utilize the Commission's on-line filing and fee payment systems, to send manual filings and payments to P.O. Box 979091 at U.S. Bank in St. Louis, Missouri.

6. The Commission has reduced its use of P.O. Boxes for the collection of fees and encouraged the use of

[1] A P.O. Box used for the collection of fees is referred to as a ''lockbox'' in our rules and other Commission documents. The FCC collects application processing fees using a series of P.O. Boxes located at U.S. Bank in St. Louis, Missouri. *See* 47 CFR 1.1101–1.1109 (setting forth the fee schedule for each type of application remittable to the Commission along with the correct lockbox).

electronic payment systems for all application and regulatory fees.[2] We find that electronic payment of fees for applications, tariffs, and petitions processed by the WCB increases the agency's financial efficiency by reducing expenditures, including the annual fee for utilizing the bank's services as well as the cost to manually process each transaction, with little or no inconvenience to our regulatees, applicants and the public.[3]

7. As part of this effort, we are now closing P.O. Box 979091 and modifying the relevant rule provisions that require payment of fees and/or processing of filings via the closed P.O. Box. Our action here to close this lockbox and require electronic payments for any WCB-related fees, as well as encouraging the electronic filing of WCB-related petitions and applications, has implications for existing Commission regulations other than section 1.1105. Thus, we also revise sections 0.401, 1.49, 1.51, 1.52, 1.742, 1.1111, 1.1112, 1.1113, 1.1119, 51.329(c)(2), 61.13, 61.14, 61.17(d), and 61.20 of the Commission's rules. These additional rules are modified to eliminate references to P.O. Box 979091, encourage electronic filing of WCB related applications when practicable, and clarify where other filing rules only apply to paper filings to avoid confusion. For instance, sections 61.13, 61.14, 61.17(d) and 61.20(b) of our rules are revised to require carriers to utilize the electronic filing process for all tariff publications and related documents whenever practicable, and directs manual filers to the web page of the FCC's Office of the Secretary for procedures for submitting hard copies. The rule changes are contained in the Appendix of the Order. We make these changes without notice and comment because they are rules of agency organization, procedure, or practice exempt from the general notice-and-comment requirements of the Administrative Procedure Act, *see* 5 U.S.C. 553(b)(A).

8. *Implementation.* As a temporary transition measure, for 90 days after publication of this document in the **Federal Register**, payments and paper filings to P.O. Box 979091 will continue to be processed by U.S. Bank. After that date, payments for any WCB-related fee or service must be made in accordance with the procedures set forth on the Commission's website, *https://www.fcc.gov/licensing-databases/fees.* For now, such payments will be made through the Fee Filer Online System (Fee Filer), accessible at *https://www.fcc.gov/licensing-databases/fees/fee-filer.* As we assess and implement U.S. Treasury initiatives toward an all-electronic payment system, we may transition to other secure payment systems with appropriate public notice and guidance. To file applications, tariffs and petitions processed by the WCB, parties should utilize, as applicable, the Commission's Electronic Tariff Filing System for tariffs, which can be found at *https://apps.fcc.gov/etfs/etfsHome.action,* or the Electronic Comment Filing System (ECFS) for domestic 214 and other filings referenced in section 1.1105, which can be found at *http://apps.fcc.gov/ecfs/upload/display.* Petitions filed in hard copy format should be submitted according to the procedures set forth on the web page of the FCC's Office of the Secretary, *https://www.fcc.gov/secretary.*

III. Ordering Clauses

9. *Accordingly, it is ordered,* that pursuant to sections 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), the Order is hereby ADOPTED and the rules set forth in the Appendix of the Order are hereby AMENDED effective February 20, 2018.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, and Federal buildings and facilities.

47 CFR Parts 51 and 61

Communications common carriers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0, 1, 51, and 61 as follows:

PART 0—COMMISSION AND ORGANIZATION

■ 1. The authority citation for part 0 is revised to read as follows:

Authority: Section 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

■ 2. Amend § 0.401 by revising paragraphs (a)(1)(iii), (b) introductory text, and (b)(1), removing paragraph (b)(2), and redesignating paragraph (b)(3) as paragraph (b)(2).

The revisions read as follows:

§ 0.401 Location of Commission offices.

* * * * *

(a) * * *

(1) * * *

(iii) Electronic filings, where required, recommended, or permitted, must be transmitted as specified by the Commission or relevant Bureau or Office.

* * * * *

(b) Applications or filings requiring the fees set forth at part 1, subpart G of the rules must be delivered through the appropriate electronic filing system with the correct fee and completed Fee Form attached to the application or filing, unless otherwise directed by the Commission. In the case of any conflict between this rule subpart and other rules establishing filing locations for submissions subject to a fee, this subpart shall govern.

Note to paragraph (b) introductory text: Applicants seeking a waiver or deferral of fees must submit their application or filing in accordance with the addresses set forth below. Applicants claiming a statutory exemption from the fees should file their applications in accordance with paragraph (a) of this section.

(1) Applications and filings submitted by mail shall be submitted following the procedures set forth by the Commission in the appropriate fee rules.

Note to paragraph (b)(1): Wireless Telecommunications Bureau applications that require frequency coordination by certified coordinators must be submitted to the appropriate certified frequency coordinator before filing with the Commission. After coordination, the applications are filed with the Commission

[2] The Commission previously revised its payment rules to encourage electronic payment of application processing fees and require electronic payment of regulatory fees. 47 CFR 1.1112 (application fees) and 1.1158 (regulatory fees). These rules became effective November 30, 2015. 80 FR 66816 (Oct. 30, 2015). More recently, in 2017, we closed a lockbox account and modified the relevant rule provision that required payment of fees via the closed P.O. Box. *Amendment of Part 1 of the Commission's Rules,* MD Docket No. 17–123, Order, 32 FCC Rcd 4203 (2017), 82 FR 24560 (rel. May 9, 2017) (modifying section 1.1109 of the Commission's rules to delete reference to P.O. Box 979092 at U.S. Bank in St. Louis, Missouri).

[3] *See* Treasury Financial Manual, Bulletin No. 2017–12, ''Agency No-Cash or No-Check Policies,'' released on September 18, 2017 (explaining the circumstances under which agencies may decide not to accept payments made in cash or by check), available at *https://tfm.fiscal.treasury.gov/v1/bull/17-12.pdf* (last visited October 18, 2017); *see also https://www.gpo.gov/fdsys/pkg/FR-2011-06-16/pdf/2011-15181.pdf.*

as set forth herein. (See §§ 90.127 and 90.175 of this chapter.)

* * * * *

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 34–39, 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 332, 1403, 1404, 1451, 1452, and 1455.

■ 4. Amend § 1.49 by revising the first sentence of paragraph (a) to read as follows:

§ 1.49 Specifications as to pleadings and documents.

(a) All pleadings and documents filed in paper form in any Commission proceeding shall be typewritten or prepared by mechanical processing methods, and shall be filed electronically or on paper with dimensions of A4 (21 cm. x 29.7 cm.) or on 8½ x 11 inch (21.6 cm. x 27.9 cm.) with the margins set so that the printed material does not exceed 6½ x 9½ inches (16.5 cm. x 24.1 cm.). * * *

* * * * *

■ 5. Amend § 1.51 by revising paragraph (a) to read as follows:

§ 1.51 Number of copies of pleadings, briefs, and other papers.

(a) In hearing proceedings, unless filed electronically or otherwise specified by Commission rules, an original and one copy shall be filed, along with-an additional copy for each additional presiding officer at the hearing, if more than one. If filed electronically, additional courtesy copies shall be emailed as directed by the Commission.

* * * * *

■ 6. Amend § 1.52 by revising the fifth sentence to read as follows:

§ 1.52 Subscription and verification.

* * * If filed electronically, a signature will be considered any symbol executed or adopted by the party with the intent that such symbol be a signature, including symbols formed by computer-generated electronic impulses. * * *

■ 7. Revise § 1.742 as follows:

§ 1.742 Place of filing, fees, and number of copies.

All applications which do not require a fee shall be filed electronically through the Commission's Electronic Comment Filing System if practicable. Applications which must be filed in hard copy format should be submitted according to the procedures set forth on the web page of the FCC's Office of the Secretary, *https://www.fcc.gov/secretary.* Hand-delivered applications will be dated by the Secretary upon receipt (mailed applications will be dated by the Mail Branch) and then forwarded to the Wireline Competition Bureau. All applications accompanied by a fee payment should be filed in accordance with § 1.1105, Schedule of charges for applications and other filings for the wireline competition services.

■ 8. Amend § 1.1105 by revising the introductory text to read as follows:

§ 1.1105 Schedule of charges for applications and other filings for the wireline competition services.

Remit payment for these services electronically using the Commission's electronic filing and payment system, and, where practicable, applications and other substantive filings, in accordance with the procedures set forth on the Commission's website, *www.fcc.gov/licensing-databases/fees.* Petitions, applications, and other substantive filings in hard copy format are to be submitted according to the procedures set forth on the web page of the FCC's Office of the Secretary, *https://www.fcc.gov/secretary.*

* * * * *

■ 9. Amend § 1.1111 by revising paragraph (d) to read as follows:

§ 1.1111 Payment of charges.

* * * * *

(d) Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in an increase of the original fee amount. Those applications not requiring an additional fee should be resubmitted electronically or directly to the Bureau/Office requesting the additional information, as requested. The original fee will be forfeited if the additional information or corrections are not resubmitted by the prescribed deadline. A forfeited application fee will not be refunded. If an additional fee is required, the original fee will be returned and the application must be resubmitted with a new remittance in the amount of the required fee. Applicants should attach a copy of the Commission's request for additional or corrected information to their resubmission.

* * * * *

■ 10. Amend § 1.1112 by revising paragraph (g) to read as follows:

§ 1.1112 Form of payment.

* * * * *

(g) The Commission will furnish a stamped receipt of an application filed by mail or in person only upon request that complies with the following instructions. In order to obtain a stamped receipt for an application (or other filing), the application package must include a copy of the first page of the application, clearly marked ''copy'', submitted expressly for the purpose of serving as a receipt of the filing. The copy should be the top document in the package. If hand delivered, the copy will be date-stamped immediately and provided to the bearer of the submission. For submissions by mail, the receipt copy will be provided through return mail if the filer has attached to the receipt copy a stamped self-addressed envelope of sufficient size to contain the date stamped copy of the application. No remittance receipt copies will be furnished. Stamped receipts of electronically-filed applications will not be provided.

■ 11. Amend § 1.1113 by revising paragraph (a)(1), adding a sentence to the end of paragraph (a)(2), and revising paragraph (a)(4) to read as follows:

§ 1.1113 Filing locations.

(a) * * *

(1) Tariff filings shall be filed with the Secretary, Federal Communications Commission, Washington, DC 20554. On the same day, the filer should submit a copy of the cover letter, the FCC Form 159, and the appropriate fee in accordance with the procedures established in § 1.1105.

(2) * * * Electronic payments must include the reference number contained on the bill sent by the Commission.

* * * * *

(4) Applicants claiming an exemption from a fee requirement for an application or other filing under 47 U.S.C. 158(d)(1) or § 1.1116 of this subpart shall file their applications in the appropriate location as set forth in the rules for the service for which they are applying, except that request for waiver accompanied by a tentative fee payment should be filed as set forth in §§ 1.1102 through 1.1109.

* * * * *

■ 12. Amend § 1.1119 by revising paragraphs (c)(1) and (2) as follows:

§ 1.1119 Petitions and applications for review.

* * * * *

(c) * * *

(1) Petitions and applications for review submitted with a fee must be submitted electronically or to the Commission's lock box bank at the address for the appropriate service as set forth in §§ 1.1102 through 1.1107.

(2) If no fee payment is submitted, the request should be filed electronically through the Commission's Electronic Comment Filing System or with the Commission's Secretary.

* * * * *

PART 51—INTERCONNECTION

■ 13. The authority citation for part 51 is revised to read as follows:

Authority: 47 U.S.C. 151–55, 201–05, 207–09, 218, 220, 225–27, 251–54, 256, 271, 303(r), 332, 1302.

■ 14. Amend § 51.329 by revising paragraph (c)(2) as follows:

§ 51.329 Notice of network changes: Methods for providing notice.

* * * * *

(c) * * *

(2) The incumbent LEC's public notice and any associated certifications shall be filed through the Commission's Electronic Comment Filing System (ECFS), using the ''Submit a Non-Docketed Filing'' module. All subsequent filings responsive to a notice may be filed using the Commission's ECFS under the docket number set forth in the Commission's public notice for the proceeding. If necessary, subsequent filings responsive to a notice also may be filed by sending one paper copy of the filing to ''Secretary, Federal Communications Commission, Washington, DC 20554'' and one paper copy of the filing to ''Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554.'' For notices filed using the Commission's ECFS, the date on which the filing is received by that system will be considered the official filing date. For notices filed via paper copy, the date on which the filing is received by the Secretary or the FCC Mailroom is considered the official filing date. All subsequent filings responsive to a notice shall refer to the ECFS docket number assigned to the notice.

PART 61—TARIFFS

■ 15. The authority citation for part 61 is revised to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–205 and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–205 and 403, unless otherwise noted.

■ 16. Revise § 61.13 to read as follows:

§ 61.13 Scope.

(a) All issuing carriers that file tariffs are required to file tariff publications electronically, if practicable.

(b) All tariff publications shall be filed in a manner that is compatible and consistent with the technical requirements of the Electronic Tariff Filing System.

(c) Tariff publications which must be filed in hard copy format should be submitted according to the procedures set forth on the web page of the FCC's Office of the Secretary, *https://www.fcc.gov/secretary.*

■ 17. Amend § 61.14 by revising paragraphs (a) and (b) to read as follows:

§ 61.14 Method of filing publications.

(a) Publications filed electronically must be captioned to ''Secretary, Federal Communications Commission, Washington, DC 20554.'' The Electronic Tariff Filing System will accept filings 24 hours a day, seven days a week. The official filing date of a publication received by the Electronic Tariff Filing System will be determined by the date and time the transmission ends. If the transmission ends after the close of a business day, as that term is defined in § 1.4(e)(2) of this chapter, the filing will be date and time stamped as of the opening of the next business day.

(b) Carriers are strongly encouraged to submit publications electronically if practicable. Carriers need only transmit one set of files to the Commission. No other copies to any other party are required. Publications which must be filed in hard copy format should be submitted according to the procedures set forth on the web page of the FCC's Office of the Secretary, *https://www.fcc.gov/secretary.*

* * * * *

■ 18. Amend § 61.17 by revising paragraph (d) to read as follows:

§ 61.17 Applications for special permission.

* * * * *

(d) In addition, for special permission applications requiring fees as set forth in part 1, subpart G of this chapter, carriers shall submit the appropriate fee and associated payment form electronically through the process set forth in § 1.1105 of this chapter and, if practicable, the application and associated documents electronically in accordance with the procedures set forth on the Commission's website, *www.fcc.gov/licensing-databases/fees.* Applications which must be filed in hard copy format should be submitted according to the procedures set forth on the web page of the FCC's Office of the Secretary, *https://www.fcc.gov/secretary.*

* * * * *

■ 19. Amend § 61.20 by revising paragraph (b) to read as follows:

§ 61.20 Method of filing publications.

* * * * *

(b) In addition, all tariff publications requiring fees as set forth in part 1, subpart G of this chapter, shall be submitted electronically if practicable in accordance with § 1.1105 of this chapter along with the electronic submission of the payment online form. Petitions which must be filed in hard copy format should be submitted according to the procedures set forth on the web page of the FCC's Office of the Secretary, *https://www.fcc.gov/secretary.*

[FR Doc. 2018–00596 Filed 1–17–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 11

[PS Docket No. 15–94; FCC–17–170]

Blue Alert EAS Event Code

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) amends its regulations governing the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA) to add a new event code, B–L–U, to allow alert originators to issue an alert whenever a law enforcement officer is injured or killed, missing in connection with his or her official duties, or there is an imminent and credible threat to cause death or serious injury to law enforcement officers.

DATES: This rule is effective January 18, 2018. Delivery of Blue Alerts over EAS will be implemented January 18, 2019. Delivery of Blue Alerts over WEA will be implemented July 18, 2019. This docket will remain open for comments until March 19, 2018.

FOR FURTHER INFORMATION CONTACT: Gregory Cooke, Deputy Division Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–2351, or by email at *Gregory.Cooke@fcc.gov;* or Linda Pintro, Attorney Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–7490, or by email at *Linda.Pintro@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in PS Docket No. 15–94, FCC 17–170, adopted and released on December 14, 2017. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–1257),

445 12th Street SW, Washington, DC 20554, or online at: *https://www.fcc.gov/document/fcc-adds-blue-alerts-nations-emergency-alert-systems-0.*

Synopsis

1. The *Order* adds to Part 11 EAS rules a new dedicated EAS event code, to advance the important public policy of protecting our nation's law enforcement officials and the communities they serve. This *Order* adopts the three-character B–L–U to enable the delivery of Blue Alerts over the EAS and WEA. This will promote the development of compatible and integrated Blue Alert plans throughout the United States, consistent with the Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015 (Blue Alert Act), and support the need for a dedicated EAS event code for Blue Alerts identified by the Office of Community Oriented Policing Services (COPS Office) of the United States Department of Justice (DOJ).

I. Background

2. The EAS is a national public warning system through which broadcasters, cable systems, and other service providers (EAS Participants) deliver alerts to the public to warn them of impending emergencies and dangers to life and property. Although the primary purpose of the EAS is to equip the President with the ability to provide immediate information to the public during periods of national emergency, the EAS is also used by the National Weather Service (NWS) and state and local governments to distribute voluntary alerts such as weather-related and child abduction (AMBER) alerts. EAS uses three-character event codes to identify the various elements, so that each can deliver accurate, secure, and geographically-targeted messages to the public, in text crawls and in the audio portion of EAS alerts (*e.g.,* TOR for Tornado).

3. In 2015, Congress enacted the Blue Alert Act to ''encourage, enhance, and integrate Blue Alert plans throughout the United States,'' thus facilitating the dissemination of information in a consistent manner nationwide when a law enforcement officer is seriously injured, killed or missing in the line of duty. The Blue Alert Act directs the Attorney General to establish a national Blue Alert communications network within DOJ to issue Blue Alerts, using plans that would be adopted in coordination with ''States, units of local government, law enforcement agencies, and other appropriate entities.'' In September 2016, the Attorney General assigned the COPS Office within DOJ to be the National Blue Alert Coordinator.

4. The COPS Office filed two reports with Congress to demonstrate how it was implementing the Blue Alert Act's mandate. In its *2016 Report to Congress,* the COPS Office identified ''the need to promote formal communication mechanisms between law enforcement agencies for Blue Alert information, the need for a dedicated Emergency Alert System (EAS) event code, and the need to increase public and law enforcement awareness of the Blue Alert Act.'' In its *2017 Report to Congress,* the COPS Office noted that it had commenced outreach efforts with the FCC to pursue a dedicated Blue Alert EAS event code, and asked the FCC to consider conducting an expedited rulemaking to the extent feasible.

5. The COPS Office established voluntary guidelines for the issuance of Blue Alerts based on the criteria contained in the Blue Alert Act (*Blue Alert Guidelines*). The *Blue Alert Guidelines* identify who may request the issuance of a Blue Alert, when a Blue Alert may be issued, and the requisite content thereof. Specifically, a Blue Alert may be issued only when a request is made by a law enforcement agency having primary jurisdiction over the incident, and one the following three threshold criteria has been met: (1) Death or serious injury of a law enforcement officer in the line of duty; (2) threat to cause death or serious injury to a law enforcement officer; or (3) a law enforcement officer is missing in connection with official duties. If a Blue Alert is based upon the first of the criteria, the law enforcement agency must confirm that a law enforcement officer has been killed, seriously injured, or attacked, and there are indications of death or serious injury. If a Blue Alert is based upon the second of the criteria, the law enforcement agency must confirm that the threat is ''imminent and credible,'' and at the time of receipt of the threat, any suspect involved is wanted by a law enforcement agency. Finally, if a Blue Alert is based upon the third criteria, the agency must have concluded that there is indication of serious injury to, or death of the missing law enforcement officer. In all cases, the agency must confirm that any suspect involved has not been apprehended and there is sufficient descriptive information of the suspect, including any relevant vehicle and license tag information. The COPS Office also recommends that Blue Alerts be focused on the geographic areas most likely to facilitate the apprehension of the suspect, and the message include the suspect's last known location, direction of travel, and possible destination.

6. On June 22, 2017, the FCC released the *Blue Alert NPRM,* proposing to revise the EAS rules to adopt BLU to allow the transmission of Blue Alerts to the public over the EAS, satisfying the need articulated by the COPS Office for a dedicated EAS event code to facilitate broader dissemination of the requisite information.

II. Discussion

7. *The EAS is an Effective Mechanism to Deliver Blue Alerts.* The *Order* finds—as supported by most commenters—that the EAS is an effective mechanism for the delivery of Blue Alerts. The City of New York (NYC) and the National Association of Broadcasters (NAB) observe that issuing a Blue Alert via the EAS will provide the public with the opportunity to protect themselves and their families and to report relevant information to law enforcement, thus facilitating the apprehension of suspects who are alleged to pose an imminent threat to law enforcement officers. NCTA—The internet & Television Association (NCTA) and the American Cable Association (ACA) agree that adding Blue Alerts to EAS will advance the important public policy of protecting our nation's law enforcement officials, as does the National Public Safety Telecommunications Council (NPSTC), which states that both the EAS and WEA should be available tools to help provide Blue Alerts to the public.

8. The *Order* also finds that it is technically feasible to send Blue Alerts using the EAS. As NYC and broadcaster engineer Sean Donelan (Donelan) observe, the information required by the *Blue Alert Guidelines* can be successfully communicated within the two-minute period to which EAS alerts are limited. Similarly, the Commission agrees with the Association of Public-Safety Communications Officials-International, Inc. (APCO) and NYC that EAS Blue Alerts should be focused to an appropriately narrow geographic area, and find that the transmission of EAS alerts satisfies the requirement that a Blue Alert be ''limited to the geographic areas most likely to facilitate the apprehension of the suspect involved or which the suspect could reasonably reach'' and ''[is] not . . . limited to state lines.'' The *Order* disagrees with the assertion of McCarthy Radio Enterprises, Inc. to the contrary. EAS alerts are issued using county-based Federal Information Processing Standards (FIPS) codes, and may be issued to include multiple counties within a state or across state borders, depending on the geographic scope of

the emergency prompting the alert. The Commission believes that this level of geographic targeting is consistent with effective delivery of Blue Alerts, given the type of potentially mobile suspect that would be the subject of many Blue Alerts. The *Order* agrees with Donelan that a suspect's movements in the circumstances that would give rise to a Blue Alert likely would be similar to that of a suspect in AMBER Alert circumstances, where suspects may travel hundreds of miles within a few hours.

9. The *Order* also agrees with commenters such as NYC that EAS Blue Alerts sent via the Integrated Public Alert and Warning System (IPAWS) can support transmission of the detailed information required by the *Blue Alert Guidelines.* As the Commission acknowledged in the *Blue Alerts NPRM,* EAS alerts delivered over IPAWS use the IP-based Common Alerting Protocol (CAP) to deliver alerts with detailed text files, non-English alerts, or other content-rich data that would not be available to EAS alerts delivered via the broadcast-based daisy chain. As NYC and NPSTC note, EAS-based Blue Alerts that provide such detailed information will greatly improve the ability of the public to recognize and avoid an unsafe situation. The *Order* accordingly urges alert originators to initiate Blue Alerts via IPAWS and recommends that alert originators include detailed information as part of each Blue Alert for which it is available. The *Order* notes that EAS Participants are required to create video crawls based upon the enhanced text contained within the CAP message. The *Order* agrees with the COPS Office's recommendation that the last known location, direction of travel, and possible destinations of the suspect be included as part of the alert message. The Commission believes that these steps, in combination with training, will allow Blue Alert originators to address the concerns raised by the Boulder Regional Emergency Telephone Service Authority (BRETSA) and other commenters that frequent, repeated, misused, or overly long alerts can result in recipients ''tuning out'' alerts and even disabling alerts on their devices.

10. The Commission believes that Blue Alerts delivered via the broadcast EAS continues to be an effective mechanism for the delivery of Blue Alerts. Concerns about the relative value of IPAWS-based, as opposed to daisy chain-based, EAS alerts are not unique to Blue Alerts. For example, AMBER Alerts are subject to the same technical limitations, potentially providing the public with an alert from the daisy chain that lacks the descriptive information about the victim that an IPAWS-based alert would provide. The *Order* agrees with commenters that concerns that arise from these technical limitations are mitigated because the public is likely to learn adequate information about an emergency and, as needed, check other media for additional information after receiving an alert. Further, EAS messages delivered via the broadcast daisy chain can supply life-saving information and may act as a source of redundancy for portions of the EAS that draw on the advanced capability of CAP. Accordingly, the *Order* concludes that the mere fact of any discrepancy between the information provided by an IPAWS-based EAS Blue Alert and a broadcast-based EAS Blue Alert is not sufficient reason to deny potentially life-saving information to all members of the public.

11. Nonetheless, the *Order* encourages EAS manufacturers and EAS Participants to take technical steps to facilitate the delivery of IPAWS-based EAS Blue Alerts to the public where an alert is first delivered to an EAS Participant via broadcast. The *Order* notes that Monroe Electronics, Inc. (Monroe) and other commenters propose that the Commission permit ''triggered CAP polling,'' by which the EAS device would automatically poll IPAWS upon receipt of a broadcast EAS message to verify whether a corresponding CAP message exists, and if it does, use the CAP message instead of the broadcast EAS message. The part 11 EAS rules do not bar EAS Participants from triggered CAP polling.[1] Because triggered CAP polling is estimated to require a ''few seconds'' to complete, the *Order* finds that its use in these instances is consistent with Section 11.51(n) of the EAS rules, which allows EAS Participants to employ a delay of up to 15 minutes before interrupting their programming and retransmitting EAS voluntary event codes.

12. *A Dedicated Blue Alert EAS Event Code is in the Public Interest.* The Commission determined that it would serve the public interest and promote the purpose of the Blue Alert Act to adopt a dedicated EAS event code for Blue Alerts. Accordingly, the *Order* amends Section 11.31(e) of the EAS rules to create and add the dedicated BLU event code to the EAS Protocol for Blue Alerts. The Commission agrees with the COPS Office that a dedicated EAS event code would ''convey the appropriate sense of urgency'' and ''galvanize the public awareness necessary to protect law enforcement officers and the public from extremely dangerous offenders.'' The Commission also agrees with the COPS Office that no existing EAS event code is adequate or acceptable to accomplish the objectives of the Blue Alert Act.

13. The conclusion in the *Order* is supported by the NPSTC and others that agree that a dedicated BLU event code is well suited to serve as the central organizing element for Blue Alert plans nationally. As APCO notes, a dedicated code would facilitate consistent operations and terminology within the National Blue Alert Network, as called for by the Blue Alert Act. Similarly, NYC and NAB agree that establishing this dedicated EAS event code to deliver Blue Alerts would help facilitate the delivery of Blue Alerts to the public in a uniform and consistent manner. The Commission also agrees with NYC that a dedicated code would lead state and local alert originators to engage relevant stakeholders to operationalize the steps necessary to issue a Blue Alert.

14. Further, the Commission is persuaded by the COPS Office that an EAS event code solely dedicated to Blue Alerts would ''facilitate and streamline the adoption of new Blue Alert plans throughout the nation and would help to integrate existing plans into a coordinated national framework.'' The recommendation by the COPS Office is supported by its extensive outreach to U.S. States and territories. According to the COPS Office, twenty-eight states operate Blue Alert systems, and twenty-eight states and territories do not. In its *2017 Report to Congress,* the COPS Office noted the inconsistency of plans from state to state and the negative consequences that have arisen as a result. Specifically, according to the *2017 Report to Congress,* ''the lack of such a resource [*i.e.,* a dedicated EAS event code] affected jurisdictions' ability to communicate within states and across the country. Even in states with established Blue Alert plans, it was often difficult to identify important points of contact necessary for alert activation or interstate coordination.'' The Commission thus agrees with the COPS Office that implementation of a dedicated Blue Alert EAS code could ease the burden of designing a consistent model for Blue Alert plans, and thus encourage states that do not have Blue Alert plans to establish one.

15. The *Order* also concludes that the three-character BLU EAS event code, rather than a currently existing EAS code, would help ensure that both Blue Alerts and related outreach and training are undertaken in a consistent manner nationally. The Commission agrees with NYC that using the BLU code would allow for pre-scripted, standardized on-

screen text that is more descriptive than the existing categories, and would serve to socialize the Blue Alert concept with the public, much like the AMBER Alerts have done for years. The Commission is also persuaded that a dedicated event code with consistent national standards would allow Federal, state, and local authorities to create consistent training programs for alert originators, as well as public service announcements, ad campaigns, and informational material that would serve to educate the public ahead of time.

16. The *Order* disagrees with commenters that Blue Alerts should extend beyond law enforcement officers to include all uniformed first responders, including firefighters and paramedics. The stated purpose of the Blue Alert Act is to ''encourage, enhance, and integrate Blue Alert plans throughout the United States to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty, is missing in connection with the officer's official duties, or an imminent and credible threat that an individual intends to cause the serious injury or death of a law enforcement officer is received.'' The Commission agrees with the COPS Office that Commission action should not extend beyond the Congressional mandate by including parties other than law enforcement officers. Such action would fall outside the scope of the Blue Alert Act, which limits Blue Alerts to a ''law enforcement officer.''

17. Similarly, the *Order* finds that existing EAS codes LEW (Law Enforcement Warning), LAE (Local Area Emergency), and CEM (Civil Emergency Message) would not be as effective as a BLU event code. The Commission agrees with the COPS Office that the absence of a dedicated BLU event code requires states and local law enforcement agencies to use one of the existing generic event codes in an ad hoc manner and that existing event codes such as LEW are inadequate. NAB also notes that there is confusion about the true nature or severity of an emergency when LEW is used. The record supports the conclusion by the COPS Office that there is a lack of urgency associated with the existing LEW, LAE and CEM event codes because they are sometimes used for matters that do not suggest the need for immediate action. For example, the COPS Office observes that LEW alerts address a broad array of matters including police activity, weather-related incidents, road hazards, missing persons, and other miscellaneous alerts. Similarly, LAE and CEM alerts are more varied than LEW, as they additionally include alerts addressing utility issues and fire hazards. The *Order* does not address the efficacy of such multiple uses for LEW, LAE, and CEM, but do agree with the COPS Office that the broad use of these event codes make them inappropriate for use as the Blue Alert event code. The Commission agrees with the COPS Office that using LEW, LAE, or CEM for Blue Alerts would create confusion, as instructions for different situations can be contradictory and the public would not know what kind of action to take based on the event code alone. As the Commission found in the *NWS Report and Order* proceeding, the public interest is not served by relying on inadequate warnings that might provide incorrect or even opposite remedial advice to the public. The *Order* finds that Blue Alerts have a purpose that is sufficiently unique and well defined (as compared to the circumstances that have prompted the use of other codes) to warrant a unique dedicated BLU event code, which could serve as a vital tool'' for ''protect[ing] law enforcement officers and the communities they serve.''

18. *WEA Delivery of Blue Alerts.* Although the COPS Office limited its request to an EAS event code for Blue Alerts, Blue Alerts are also capable of delivery over WEA as that system is currently configured. Moreover, incidents that qualify for the initiation of a Blue Alert under the *Blue Alert Guidelines* would also satisfy the minimum requirements for initiation of an ''Imminent Threat'' Alert via WEA. Accordingly, the *Order* permits Blue Alerts to be deployed via WEA using existing alerting methodologies and consistent with our WEA rules.

19. NYC suggests that Blue Alerts use the Imminent Threat Alert classification only as a temporary measure until such time that a dedicated WEA message classification for Blue Alerts can be developed and deployed. NYC is concerned that the existing pre-scripted text for Imminent Threat Alert is ''overly vague,'' lacks capabilities for ''alert originators entering free form text'' or ''Blue Alert-specific pre-scripted text,'' and ''can lead to public confusion and/or panic.'' Although NYC's concerns are somewhat mitigated by the evidence in the record that alert originators can use message ''templates'' that could be used for different Blue Alert scenarios, the Commission believes the issue merits further study. The Commission sought comment in the *Blue Alert NPRM* on the extent to which additional guidance or direction would be helpful regarding how Blue Alerts should be classified for purposes of WEA. Although the Commission declines to adopt a separate classification for WEA Blue Alerts at this time, the *Order* leaves this aspect of the issue teed up in the *Blue Alert NPRM* pending, and keeps the above-captioned docket open, to help gather additional information on this issue beyond what the record currently contains, including further comment from those interested on potential implementation steps, time frame, and costs, until sixty days after the date of publication of this *Order* in the **Federal Register**. In the meantime, the *Order* finds that issuance of Blue Alerts using WEA's existing standards and structures at least as a temporary measure will be effective, will reduce the necessary time for Blue Alerts to become available on WEA, and will reduce the costs to WEA stakeholders.

20. *Implementation Schedule.* In the *Blue Alert NPRM,* the Commission sought comment on the proposal that EAS equipment manufacturers should integrate the Blue Alert event code into equipment yet to be manufactured or sold, and make necessary software upgrades available to EAS Participants, no later than six months from the effective date of the final rule. This proposal was based on the Commission's experience with the *NWS Report and Order* proceeding, in which the Commission required a similar schedule for implementation of severe weather-related EAS event codes. In the *Blue Alert NPRM,* the Commission likewise noted that adding a BLU EAS event code would trigger technical and public safety requirements regarding equipment readiness that were similar to those discussed in the *NWS Report and Order* proceeding.

21. The *Order* encourages stakeholders to work together voluntarily to implement Blue Alerts as swiftly as possible in light of the important public safety objectives involved. The Commission recognizes, however, the record reflects that some time is necessary for equipment manufacturers and Participating Commercial Mobile Service (CMS) Providers to prepare their equipment and networks to be able to process any Blue Alerts that are sent over EAS and WEA, as well as for alert originators, EAS Participants, and other stakeholders to have the necessary training and resources to deliver Blue Alerts to the public if they choose to do so. Accordingly, the *Order* allows a period of 12 months from the effective date of this rule to enable the delivery of Blue Alerts over EAS, and a period of 18 months from the effective date of this rule to enable the delivery of Blue

Alerts over WEA. This implementation schedule will ensure all stakeholders have sufficient time to address any technical, resource, and training needs they may require to ensure the successful delivery of Blue Alerts.

22. Although NYC states that six months is sufficient time for EAS equipment manufacturers to release the necessary software upgrades for a dedicated Blue Alert event code, other commenters suggest more time is warranted for implementation of Blue Alerts for both EAS and WEA. NCTA states that the Commission should work with EAS manufacturers to determine the adequacy of the time allocated for software upgrades to equipment. EAS equipment manufacturers Monroe and Sage Alerting Systems (Sage) state that 12 months is sufficient to allow for the new event code to be deployed within a scheduled in-version equipment software update, resulting in no incremental cost to EAS Participants, rather than as a scheduled major version upgrade that would have to be separately purchased. Broadcaster Adrienne Abbott (Abbott) states that EAS stakeholders have additional needs that must be met to ensure the successful delivery of Blue Alerts (*e.g.,* the updating of EAS Plans to accommodate the use of the new code, time for Councils of Governments (COGs) to add the Blue Alert Event Code to their list of approved codes, and public awareness campaigns to be conducted to raise awareness and understanding of Blue Alerts). The record, however, does not support Abbott's contention that this entire process will require two years to complete. For the reasons described in this *Order* and the earlier *NWS Report and Order,* the Commission's experience tells us that this process can occur in parallel with the development and deployment of EAS equipment software updates and can be accommodated within a 12-month period. Participating CMS Providers have requested 18 months to complete the incorporation of pending standards into their networks and devices that will enable the delivery of Blue Alerts as Imminent Threats over WEA, such as modification of the ''C-interface,'' the secure interface that exists between IPAWS and commercial mobile service provider gateways. In connection, NYC acknowledges that ''a longer implementation timeframe is likely necessary for the wireless industry.'' Based on the record, the Commission believes that a 12-month implementation period for EAS and an 18-month implementation period for WEA will provide all stakeholders adequate time to ensure that the necessary equipment upgrades, software updates, development, and testing are completed to enable the delivery of Blue Alerts over EAS and WEA as contemplated by this *Order.*

23. The *Blue Alert NPRM* proposed to allow EAS Participants to upgrade their equipment to add a designated Blue Alert event code on a voluntary basis until their equipment is replaced, which is the same approach the Commission has taken when it has adopted other new EAS event codes in the past. The *Order* adopts a modified version of this proposal and permit EAS Participants to update their software to add the BLU event code on a voluntary basis. All EAS Participants should be able to add the BLU event code using a software upgrade because, as of July 30, 2016, all EAS Participants should have equipment in place that is capable, at the minimum, of being upgraded by software to accommodate EAS modifications, and thus, the need to upgrade existing equipment no longer appears to be necessary. The *Order* also agrees with NCTA that permitting software upgrades on a voluntary basis is a ''sensible and effective'' approach to adopting a new event code, and with ACA, which notes that this approach ''appropriately balances the public's interest in the safety and well-being of law enforcement officials against the costs of implementing new EAS codes.'' The *Order* disagrees with the NYC argument that allowing EAS Participants to upgrade their software on a voluntary basis undermines the creation of a cohesive national Blue Alert system. As the Commission observed in the *NWS Report and Order,* the use by EAS Participants of these codes is and has always been voluntary, and ''it would be contrary to the voluntary nature of state and local EAS to mandate upgrades to existing EAS equipment to incorporate new optional event codes.'' As the *Order* discusses below, the Commission also finds that this approach will significantly reduce the costs to EAS Participants.

24. *Cost and Benefit Analysis.* The *Order* concludes that the benefits of implementing BLU outweigh its cost. The *Commission* acknowledges as it did in the *Blue Alert NPRM,* the COPS Office's guidance and expertise regarding the potential benefits of Blue Alerts. The *Order* also draws on the Commission's experience with the implementation of new EAS codes. The *Order* finds that most of the potential costs of implementation arise from software updates made outside of the normal course of planned upgrades. The *Order* allows sufficient time and flexibility to allow manufacturers and EAS Participants make upgrades, and to conduct associated testing in tandem with general software upgrades installed during the regular course of business, thus minimizing costs. The rule adopted in the *Order* presents many potential benefits by keeping the public informed, out of harm's way, and enlisting their aid to more quickly apprehend dangerous suspects as well as reducing the cost for 911 call centers and emergency responders.

25. *Costs.* The *Order* finds, as suggested in the *Blue Alert NPRM,* that the main cost to EAS Participants that elect to install BLU will be the cost involved in downloading the software updates into their devices, and conducting associated testing. The *Blue Alert NPRM* found that adopting a Blue Alert EAS event code presents similar technical issues to those raised in the *NWS Report and Order,* and, accordingly, tentatively concluded that the costs for adding a dedicated Blue Alert EAS event code would not exceed a one-time $3.5 million implementation ceiling. In the *NWS Report and Order* proceeding, Monroe Electronics indicated that the new event codes could be implemented through a software update downloaded from its website, while Sage Alerting Systems indicated that end users could implement event codes in 10 minutes or less, at no cost other than labor. The *NWS Report and Order* used a worst-case cost figure of $125.00 per device, allowing *five hours* of labor to be spent by each of the 28,058 broadcasters and cable companies, resulting in a cost ceiling of $3.5 million. The *Order* adopts the Commission's tentative conclusion in the *Blue Alert NPRM,* and find that a dedicated Blue Alert EAS event code would not exceed a one-time $3.5 million implementation cost. The *Order* notes that EAS Participants can avoid most incremental implementation costs by downloading the new Blue Alert code in conjunction with a scheduled software update. Although the *Order* recognizes that EAS equipment manufacturers will incur some costs in making the new event code available to all EAS Participants, the Commission believes that 12 months will provide sufficient time to dovetail the BLU upgrade with other scheduled upgrades, posing minimal expense to equipment manufacturers. The Commission believes that the costs for implementation of WEA will be similarly low, because Blue Alerts will be delivered over the existing Imminent Threat WEA classification, using WEA

in its current configuration. As such, the Commission believes there will be no incremental costs associated with the delivery of Blue Alerts over WEA, and that the 18 months granted in the *Order* to Participating CMS Providers is sufficient to allow providers to minimize the costs of deployment.

26. *Benefits.* The *Order* anticipate that establishing the BLU event code will improve emergency alerting during events described in the *Blue Alert Guidelines,* thereby helping to keep people safe from harm. The *Order* agrees with the COPS Office that existing codes, such as LEW, cannot effectively identify Blue Alerts to the public. While precise numerical estimation is not possible, the Commission expects that the BLU event code will improve public safety by saving lives and preventing injuries. One way of measuring the value of lives saved is the value of a statistical life (VSL), currently estimated at $9.6 million. Accordingly, if the BLU code is expected to save at least one life, its value would be at least $9.6 million, which far exceeds the one-time $3.5 million implementation cost ceiling. This expected benefit is consistent with statistics from the Federal Bureau of Investigation's Uniform Crime Reporting Program, which state that 66 officers were killed in the line of duty in 2016. The Commission believes that at least some portion of these crimes would have qualified for a Blue Alert and could have led to lives saved, quicker apprehension of the suspect, or both. The *Order* notes the success of AMBER Alerts, where 43 out of the 179 abducted children reported in 2017 were saved as a direct result of AMBER Alerts. It is reasonable to expect that the life of at least one police officer or other member of the public will be saved due to the issuance of an EAS Blue Alert that uses the BLU event code. Injury prevention is another benefit of the BLU event code. The value of injury prevention provides an independent, quantitative metric to express the minimum benefit our rules could produce. Like fatalities, it is difficult to predict the specific number of injuries that the BLU event code will prevent. However, according to the Department of Transportation, nonfatal injuries are far more common than fatalities, and vary widely in severity, as well as probability. Accordingly, the Commission reasons that the public benefit of the rule adopted in this *Order* is heightened by its role in preventing injuries.

27. The establishment of a dedicated Blue Alert code will also provide the benefit of generating assistance from the public and cost savings for emergency responders. According to NYC, threats and/or violent crimes, including those covered by Blue Alerts, have an economic impact on jurisdictions that should be counted among the benefits of Blue Alerts. Blue Alerts can provide an immediate warning to the public in an area where an extremely dangerous suspect is thought to be. As the Commission noted in the *WEA Report and Order and FNPRM,* when people can avert situations where they need emergency assistance and therefore do not need to call 911, Public Safety Answering Points are able to avert the cost of resource deployment. NYC also argues that Blue Alerts will help major visitor destinations like NYC provide information to and elicit support from non-residents. The Commission agrees with the COPS Office, that the public has repeatedly played a critical role in assisting law enforcement in maintaining safety; but to assist and avoid danger, the public must be informed. According to the COPS Office, there are clear and significant differences between states' handling of Blue Alerts, which could limit or complicate coordination efforts when a suspect flees, or is thought to have fled, to another jurisdiction. The Commission agrees with the COPS Office that widespread, uniform adoption of the BLU event code, would arm law enforcement officers with the information necessary to rapidly apprehend those who remain a threat to law enforcement and our communities. The Commission concludes that the minor burdens associated with adopting the BLU code will be more than offset by its benefits.

III. Procedural Matters

A. Accessible Formats

28. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

B. Final Regulatory Flexibility Act Analysis

29. Pursuant to the Regulatory Flexibility Act of 1980, as amended (RFA), *see* 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was included in the *NPRM* in PS Docket No. 15–94. The Commission sought written comment on the proposals in this docket, including comment on the IRFA. This Final Regulatory Flexibility Analysis conforms to the RFA.

C. Paperwork Reduction Analysis

30. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. Therefore, it also 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).

D. Congressional Review Act

31. The Commission will send a copy of this *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

IV. Ordering Clauses

32. *Accordingly, it is ordered* that pursuant to sections 1, 4(i), 4(o), 303(r), 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(o), 303(r), 544(g), 606, as well as by sections 602(a),(b),(c), (f), 603, 604 and 606 of the Warning, Alert and Response Network Act, 47 U.S.C. 1202(a),(b),(c), (f), 1203, 1204 and 1206, that this *Order is adopted.*

33. *It is further ordered* that the Commission's rules *are hereby amended* as set forth in Appendix A of the full *Order.*

34. *It is further ordered* that the rules and requirements adopted herein, including at Appendix A of the full *Order,* to enable the delivery of Blue Alerts over EAS *will be implemented* January 18, 2019.

35. *It is further ordered* that the rules and requirements adopted herein, including at Appendix A of the full *Order,* to enable the delivery of Blue Alerts over WEA *will be implemented* July 18, 2019.

List of Subjects in 47 CFR Part 11

Radio, Television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 11 as follows:

PART 11—EMERGENCY ALERT SYSTEM (EAS)

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 47 U.S.C. 151, 154 (i) and (o), 303(r), 544(g) and 606.

■ 2. Amend § 11.31 by:
■ a. In the table in paragraph (e), adding an entry under ''State and Local Codes (Optional)'' for ''Blue Alert'', and
■ b. Removing the first paragraph (f).
The addition reads as follows:

§ 11.31 EAS protocol.

* * * * *

(e) The following Event (EEE) codes are presently authorized:

Nature of activation	Event codes
* * * * *	
State and Local Codes (Optional):	
* * * * *	
Blue Alert	BLU.
* * * * *	

* * * * *

[FR Doc. 2018–00595 Filed 1–17–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[GN Docket No. 13–5, RM–11358; WC Docket No. 13–3; FCC 16–90]

Technology Transitions, USTelecom Petition for Declaratory Ruling That Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services, Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers and Special Access for Price Cap Local Exchange Carriers

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 Commission's discontinuance rules. This document is consistent with the *Technology Transitions Declaratory Ruling, Second Report and Order, and Order on Reconsideration,* FCC 16–90, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The amendments to 47 CFR 63.71(a) introductory text, (b), (g), and (i) published at 81 FR 62632, September 12, 2016, are effective on January 18, 2018.

FOR FURTHER INFORMATION CONTACT: Michele Levy Berlove, Attorney Advisor, Wireline Competition Bureau, at (202) 418–1477, or by email at *Michele.Berlove@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on January 5, 2018, OMB approved, for a period of three years, the information collection requirements relating to certain of the discontinuance rules contained in the Commission's *Technology Transitions Declaratory Ruling, Second Report and Order, and Order on Reconsideration,* FCC 16–90, published at 81 FR 62632, September 12, 2016, as specified above.

The OMB Control Number is 3060–0149. The Commission publishes this document as an announcement of the effective date of the rules. 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 A–C620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–0149, 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 January 5, 2018, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 63. 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 3060–0149.

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: 3060–0149.

OMB Approval Date: January 5, 2018.

OMB Expiration Date: January 31, 2021.

Title: Part 63, Application and Supplemental Information Requirements; Technology Transitions et al., GN Docket No. 13–5 et al.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 60 respondents; 60 responses.

Estimated Time per Response: 6 hours.

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: 360 hours.

Total Annual Cost: No cost(s).

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Privacy Act: No impact(s).

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. The Commission estimates that there will be only minimal impact on the annual burden hours associated with discontinuance applications as a result of these revisions. Specifically, the Commission estimates that carriers will need no more than one additional hour per application for purposes of determining which, if any, Tribal Nations are located in the service areas to be affected by the planned discontinuance and providing such notice. The estimated number of respondents, responses, and burden hours associated with this collection differ from those set forth in the 60-day notice published on October 28, 2016 (81 FR 75054), which covered additional section 214(a) discontinuance rules adopted in 2016 that will now be addressed separately. As a result, the burden hours herein are substantially reduced from those contained in the 60-day notice.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–00760 Filed 1–17–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF866

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2018 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts; Correction

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

ACTION: Temporary rule; inseason adjustment; correction.

SUMMARY: NMFS is correcting a temporary rule that published on December 20, 2017, adjusting the 2018 total allowable catch (TAC) amounts for the Bering Sea and Aleutian Islands (BSAI) pollock, Atka mackerel, and Pacific cod fisheries. One table in the document contained an error.

DATES: Effective January 18, 2018, until the effective date of the final 2018 and 2019 harvest specifications for BSAI groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

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

SUPPLEMENTARY INFORMATION:

Need for Correction

NMFS published an inseason adjustment of the 2018 TAC amounts for the BSAI pollock, Atka mackerel, and Pacific cod fisheries (82 FR 60329, December 20, 2017). A table providing information about the 2018 allocations of pollock TACs and community development quota (CDQ) directed fishing allowances (DFA) contained an incorrect amount in the column titled ''2018 allocations'' and the second row in the Bering Sea subarea titled ''CDQ DFA.'' This value was specified as 164,434 metric tons (mt), instead of the correct value of 136,434 mt.

NMFS anticipates that this correction will not affect the fishing operations of the CDQ vessels that are subject to these DFAs. This is because of the seasonal allocations for the Bering Sea subarea CDQ DFAs are correctly specified.

Correction

In FR Doc. 2017–27428, published on December 20, 2017 (82 FR 60329), the following correction is made to Table 5:

On page 60330, in Table 5, column 2 is corrected to incorporate the correct amount for the Bering Sea subarea CDQ pollock DFA.

Table 5 is corrected and reprinted in its entirety to read as follows:

TABLE 5—FINAL 2018 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2018 Allocations	2018 A season [1]		2018 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,364,341	n/a	n/a	n/a
CDQ DFA	136,434	61,395	38,202	75,039
ICA [1]	47,888	n/a	n/a	n/a
Total Bering Sea non-CDQ	1,180,019	531,008	330,405	649,010
DFA				
AFA Inshore	590,009	265,504	165,203	324,505
AFA Catcher/Processors [3]	472,007	212,403	132,162	259,604
Catch by C/Ps	431,887	194,349	n/a	237,538
Catch by CVs [3]	40,121	18,054	n/a	22,066
Unlisted C/P Limit [4]	2,360	1,062	n/a	1,298
AFA Motherships	118,002	53,101	33,041	64,901
Excessive Harvesting Limit [5]	206,503	n/a	n/a	n/a
Excessive Processing Limit [6]	354,006	n/a	n/a	n/a
Aleutian Islands subarea ABC	40,788	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	19,000	n/a	n/a	n/a

TABLE 5—FINAL 2018 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]—Continued

[Amounts are in metric tons]

Area and sector	2018 Allocations	2018 A season [1]		2018 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
CDQ DFA	1,900	760	n/a	1,140
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	14,355	n/a	345
Area harvest limit [7]	n/a	n/a	n/a	n/a
541	12,236	n/a	n/a	n/a
542	6,118	n/a	n/a	n/a
543	2,039	n/a	n/a	n/a
Bogoslof District ICA [8]	450	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.9 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) through (*iii*), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated up to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

[2] In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

[8] Pursuant to § 679.22(a)(7)(i)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This correcting amendment makes changes to correct the amount of Bering Sea subarea CDQ pollock DFA in Table 5, as described above, and does not change operating practices in the fisheries. If this correction is delayed to allow for notice and comment, it would result in confusion for participants in the fisheries. Therefore, in order to avoid any negative consequences that could result from this error, the AA finds good cause to waive the requirement to provide prior notice and opportunity for public comment.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This correcting amendment makes only a minor change to correct the amount of Bering Sea subarea CDQ pollock DFA in Table 5, and does not change operating practices in the fisheries. This correction would also avoid any confusion for participants in the fisheries. For these reasons, the AA finds good cause to waive the 30-day delay in the effective date of this action.

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

Dated: January 12, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–00789 Filed 1–17–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 12
Thursday, January 18, 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 ENERGY

10 CFR Parts 429 and 430

[EERE–2017–BT–TP–0024]

Energy Conservation Program: Test Procedure for Microwave Ovens

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information (''RFI'').

SUMMARY: The U.S. Department of Energy (''DOE'') is initiating a data collection process through this request for information to consider whether to amend DOE's test procedures for microwave ovens. To inform interested parties and to facilitate this process, DOE has gathered data, identifying several issues associated with the currently applicable test procedures on which DOE is interested in receiving comment. The issues outlined in this document mainly concern the measurement of active mode, standby mode, and off mode energy use, and an integrated annual energy use metric for microwave ovens; and any additional topics that may inform DOE's decisions in a future test procedure rulemaking, including methods to reduce regulatory burden while ensuring the procedures' accuracy. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI).

DATES: Written comments and information are requested and will be accepted on or before February 20, 2018.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–TP–0024, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email:* to *MWO2017TP0024@ee.doe.gov.* Include docket number EERE–2017–BT–TP–0024 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=33.* The docket web page contains simple instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1943. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–6122. Email: *Celia.Sher@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
A. Authority and Background
B. Rulemaking History
1. Active Mode Amendments
2. Standby Mode Amendments
II. Request for Information
A. Scope and Definitions
B. Test Procedure
1. Consumer Usage
2. Active Mode Test Methods
3. Standby Mode and Off Mode Test Methods
4. Integrated Annual Energy Use Metric
C. Other Test Procedure Topics
III. Submission of Comments

I. Introduction

Microwave ovens are included in the list of ''covered products'' for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6292(a)(10)) DOE's test procedures for microwave ovens are prescribed at title 10 of the Code of Federal Regulations (''CFR'') part 430, subpart B, appendix I (''Appendix I''). The following sections discuss DOE's authority to establish and amend test procedures for microwave ovens, as well as relevant background information regarding DOE's consideration of test procedures for this product.

A. Authority and Background

The Energy Policy and Conservation Act of 1975 (''EPCA'' or ''the Act''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and industrial equipment. Title III, Part B[2] of EPCA established the

[1] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015 (EEIA 2015), Public Law 114–11 (April 30, 2015).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include microwave ovens, the subject of this RFI. (42 U.S.C. 6292(a)(10))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of the Act specifically include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including microwave ovens, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A)) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. (42 U.S.C. 6293(b)(2)) If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. DOE is publishing this RFI to collect data and information to inform its decision in satisfaction of the 7-year review requirement specified in EPCA. (42 U.S.C. 6293(b)(1)(A))

In addition, EPCA requires that DOE amend its test procedures for all covered products to integrate measures of standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, unless the current test procedure already incorporates the standby mode and off mode energy consumption, or if such integration is technically infeasible. (42 U.S.C. 6295(gg)(2)(A)) If an integrated test procedure is technically infeasible, DOE must prescribe separate standby mode and off mode energy use test procedures for the covered product, if a separate test is technically feasible. (*Id.*)

B. Rulemaking History

DOE's current test procedures for microwave ovens are codified at Appendix I. For reasons discussed in the following sections, the current test procedures for microwave ovens address standby mode and off mode energy use only.

1. Active Mode Amendments

DOE originally established test procedures for microwave ovens in an October 3, 1997 final rule that addressed active mode energy use only. 62 FR 51976. Those procedures were based on the International Electrotechnical Commission (''IEC'') Standard 705–Second Edition 1998 and Amendment 2–1993, ''Methods for Measuring the Performance of Microwave Ovens for Households and Similar Purposes'' (''IEC Standard 705''). On July 22, 2010, DOE published in the **Federal Register** a final rule for the microwave oven test procedures (the ''July 2010 Repeal Final Rule''), in which it repealed the regulatory test procedures for measuring the cooking efficiency of microwave ovens. 75 FR 42579. In the July 2010 Repeal Final Rule, DOE determined that the existing microwave oven test procedure did not produce representative and repeatable test results. 75 FR 42579, 42580. DOE stated at that time that it was unaware of any test procedures that had been developed that address these concerns. 75 FR 42579, 42581.

On October 24, 2011, DOE published an RFI to initiate a test procedure rulemaking to develop active mode testing methodologies for microwave ovens (the ''October 2011 RFI''). 76 FR 65631. DOE specifically sought information, data, and comments regarding representative and repeatable methods for measuring the energy use of microwave ovens in active mode, in particular for the microwave-only and convection-microwave cooking (*i.e.,* microwave plus convection and any other means of cooking) modes.

To inform its consideration of a test procedure for the microwave oven active mode, DOE conducted testing to evaluate potential methods for measuring the active mode energy use for these products, including the microwave-only, convection-only, and convection-microwave cooking modes. On June 5, 2012, DOE published a notice of data availability (''NODA'') to present test results and analytical approaches that DOE was considering for potential amendments to the microwave oven test procedures and to request additional comment and information on these results (the ''June 2012 NODA''). 77 FR 33106. In the June 2012 NODA, DOE presented test results from microwave-only, convection-only, and convection-microwave cooking mode testing using water loads, food simulation mixtures, and real food loads. DOE also presented test results

from testing of the convection-only cooking mode using the aluminum test block specified in the DOE conventional oven test procedures then in effect in Appendix I.[3]

On February 4, 2013, DOE published a notice of proposed rulemaking (''NOPR'') in which it proposed adding provisions to the microwave oven test procedures to measure active mode energy use for microwave ovens, including microwave-only ovens and convection microwave ovens (the ''February 2013 NOPR''). 78 FR 7940. For measuring the energy use in microwave-only cooking mode, DOE proposed test methods based on the November 2011 draft version of IEC Standard 60705. DOE also proposed provisions for measuring the energy use of convection microwave ovens in convection-only cooking mode based on the test procedures for conventional ovens in Appendix I. DOE further proposed to calculate the energy use of convection-microwave cooking mode for convection microwave ovens by apportioning the microwave-only mode and convection-only mode energy consumption measurements based on typical consumer use. 78 FR 7940, 7942.

The IEC issued an update of IEC Standard 60705 on June 30, 2014. To date, DOE has not issued a final rule to re-establish test procedures for measuring the active mode of microwave ovens.

2. Standby Mode Amendments

On March 9, 2011, DOE published an interim final rule (the ''March 2011 Interim Final Rule'') amending the test procedures for microwave ovens. 76 FR 12825. The March 2011 Interim Final Rule incorporated by reference into the microwave oven test procedures IEC Standard 62301, ''Household electrical appliances–Measurement of standby power,'' First Edition 2005–06 (''IEC Standard 62301 (First Edition)'') regarding test conditions and testing procedures for measuring the average standby mode and average off mode power consumption. 76 FR 12825, 12828. As authorized by EPCA, DOE also incorporated into the microwave oven test procedure definitions of ''active mode,'' ''standby mode,'' and ''off mode'' based on the definitions provided in the finalized draft version of IEC Standard 62301 Edition 2.0 2011–01 (''IEC Standard 62301 (Second Edition)''). 76 FR 12825, 12836. In addition, DOE adopted language to clarify the application of IEC Standard 62301 (First Edition) to measuring standby mode and off mode power. Specifically, DOE defined the test duration for cases in which the measured power is not stable and varies in a cyclic manner, because the standby mode power consumption of microwave oven displays can vary depending on the time-of-day displayed on the clock. 76 FR 12825, 12828.

The amendments adopted in the March 2011 Interim Final Rule became effective on April 8, 2011. However, DOE noted that in order to ensure that the amended test procedures adequately address the EPCA requirement to consider the most recent version of IEC Standard 62301, and recognizing that the IEC issued IEC Standard 62301 (Second Edition) in January of 2011, DOE issued the microwave oven test procedure as an interim final rule and offered an additional 180-day comment period to consider whether any changes should be made to the interim final rule in light of publication of IEC Standard 62301 (Second Edition). DOE stated that it would consider these comments and, to the extent necessary, publish a final rulemaking incorporating any changes. 76 FR 12825, 12830–12831. In response to the March 2011 Interim Final Rule, the Association of Home Appliance Manufacturers (''AHAM'') commented that, among other things, DOE should incorporate by reference IEC Standard 62301 (Second Edition), stating that such incorporation would provide for optimal international harmonization, give clarity and consistency to the regulated community, and decrease test burden. (AHAM, No. 31 at pp. 3–4[4])

Based in part on public comment, DOE further analyzed IEC Standard 62301 (Second Edition). DOE subsequently published a final rule on January 18, 2013 (the ''January 2013 Final Rule''), amending the test procedures for microwave ovens to reference certain provisions of IEC Standard 62301 (Second Edition), along with clarifying language, for the measurement of standby mode and off mode energy use. 78 FR 4015. In the narrow case of microwave ovens with power consumption that varies as a function of the time displayed, DOE maintained the existing use of IEC Standard 62301 (First Edition) for measuring standby mode power to minimize manufacturer burden. 78 FR 4015, 4021. DOE also determined that microwave ovens combined with other appliance functionality are covered under the definition of ''microwave oven'' at 10 CFR 430.2, but due to a lack of data and information, did not adopt provisions to measure the standby mode and off mode energy use of the microwave oven component of a combined cooking product.[5] 78 FR 4015, 4022.

II. Request for Information

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether amended test procedures for microwave ovens may be warranted. Specifically, DOE is requesting comment on any opportunities to streamline and simplify testing requirements for microwave ovens.

Additionally, DOE welcomes comments on other issues relevant to the conduct of this process that may not specifically be identified in this document. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to comply with Federal regulations. See 82 FR 9339 (Feb. 3, 2017). Pursuant to that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to microwave ovens consistent with the requirements of EPCA.

A. Scope and Definitions

This RFI covers those products that meet the definition for ''microwave oven,'' as codified at 10 CFR 430.2. Specifically, as codified, ''microwave oven'' means a category of cooking products which is a household cooking appliance consisting of a compartment designed to cook or heat food by means of microwave energy, including microwave ovens with or without thermal elements designed for surface browning of food and convection microwave ovens. This includes any microwave oven(s) component of a

[3] The DOE conventional oven test procedures in Appendix I were later repealed in a final rule published on December 16, 2016. 81 FR 91418. DOE determined that the conventional oven test procedures did not accurately represent consumer use as it favors conventional ovens with low thermal mass and does not capture cooking performance-related benefits due to increased thermal mass of the oven cavity. 81 FR 91418, 91423–91424.

[4] Document No. 31 in Docket No. EERE–2008–BT–TP–0011, available for review at *https://www.regulations.gov.*

[5] Appendix I defines ''combined cooking product'' as a household cooking appliance that combines a cooking product with other appliance functionality, which may or may not include another cooking product. Combined cooking products include the following products: Conventional range, microwave/conventional cooking top, microwave/conventional oven, and microwave/conventional range.

combined cooking product. 10 CFR 430.2.

B. Test Procedure

As discussed in section I.B of this document, DOE's current test procedures for microwave ovens are codified at Appendix I and address standby mode and off mode energy use only.

DOE is requesting information and data to update its understanding of consumer use of microwave ovens. DOE is also requesting comment on whether any more recent developments since the February 2013 NOPR would allow for DOE to develop active mode test procedures for microwave ovens, including microwave-only ovens and convection microwave ovens. As stated in the Rulemaking History section of this document, in the February 2013 NOPR, DOE proposed active mode test procedures for microwave-only ovens and convection microwave ovens, and requested comment from interested parties on the proposed amendments. To date, DOE has not issued a final rule establishing test procedures for active mode. In this document, DOE discusses the current status of IEC Standard 60705 and requests information to help it determine whether it should consider test procedures that measure the active mode energy use for microwave ovens. Additionally, DOE has identified potential testing issues related to newly-available product features that DOE did not consider at the time of the January 2013 Final Rule, that may relate to standby mode and off mode energy use. DOE is requesting comment on appropriate test procedures to account for these features. DOE is also seeking comment on the technical feasibility of establishing an integrated metric that combines active mode, standby mode, and off mode energy use.

Each of these issues is discussed in greater detail in the subsections that follow. DOE is also requesting information on any other issues that may need to be addressed in a test procedure rulemaking for microwave ovens.

1. Consumer Usage

As part of the February 2013 NOPR, DOE presented results from a consumer usage survey conducted by Lawrence Berkeley National Laboratories (''LBNL'') to evaluate the consumer usage habits for microwave ovens.[6] 78 FR 7940, 7943–7944. The survey collected data from 2258 households on the typical cycle lengths, the annual number of cooking cycles, and the annual hours of use for microwave-only ovens. The survey also collected data from 653 households on the typical cycle lengths, the annual number of cooking cycles, and the annual hours of use for each available cooking mode for convection microwave ovens. The results from the LBNL study are presented in Table II.1 and Table II.2.

TABLE II.1—LBNL CONSUMER USAGE DATA FOR MICROWAVE-ONLY OVENS

Mode	Cycle length (minutes (min))	Number of annual cycles	Annual hours (hours)
Microwave-Only Cooking	2.62	1026	44.9

TABLE II.2—LBNL CONSUMER USAGE DATA FOR CONVECTION MICROWAVE OVENS

Mode	Cycle length (min)	Number of annual cycles	Annual hours (hours)
Microwave-Only Cooking	2.54	842	35.7
Convection-Only Cooking	18.70	101	31.7
Convection-Microwave Cooking	15.00	69	17.3

In the February 2013 NOPR, DOE also noted that Whirlpool Corporation (''Whirlpool'') provided data from an informal poll of their employees that suggested that for convection microwave oven owners, 90 percent of the total number of cooking cycles in the field is in the microwave-only cooking mode, and the remaining 10 percent of cooking cycles is a mix of convection-microwave cooking mode and convection-only cooking mode, which is in relative agreement with the consumer usage data collected by LBNL. 78 FR 7940, 7944.

In the February 2013 NOPR, DOE also presented estimates for the annual energy use for each operating mode for microwave-only and convection microwave ovens based on its testing and available consumer usage data. 78 FR 7940, 7950.

TABLE II.3—FEBRUARY 2013 NOPR ESTIMATE ANNUAL ENERGY USE FOR MICROWAVE-ONLY OVENS

Mode	Cycle length (min)	Number of annual cycles	Annual hours (hours)	Average power (watts (W))	Annual energy use (kilowatt-hours (kWh))
Microwave-Only Cooking	2.62	1026	44.9	1582.7	71.1
Microwave-Only Fan-Only Mode[7]	0	0	0	0	0
Standby/Off	.....	.....	8715.1	2.7	23.5

[6] Alison Williams, Hung-Chia (Dominique) Yang, Bereket Beraki, Louis-Benoit Desroches, Scott J. Young, Chun Chun Ni, Henry Willem, and Camilla Dunham Whitehead: LBNL; Sally M. Donovan, Consultant, Melbourne, Australia. (2012) *Surveys of Microwave Ovens in U.S. Homes.* Lawrence Berkeley National Laboratory, LBNL–5947E. December 4, 2012.

[7] Fan-only mode refers to the operation of the fan after a cooking cycle for the purposes of cooling down the cavity and other components of the microwave oven.

TABLE II.4—FEBRUARY 2013 NOPR ESTIMATE ANNUAL ENERGY USE FOR CONVECTION MICROWAVE OVENS

Mode	Cycle length (min)	Number of annual cycles	Annual hours (hours)	Average power (W)	Annual energy use (kWh)
Microwave-Only Cooking	2.54	842	35.7	1582.7	56.5
Convection-Only Cooking	18.70	101	31.7	1299.4	41.2
Convection-Microwave Cooking	15.00	69	17.3	1421.3	24.6
Microwave-Only Fan-Only Mode	0	0	0	0	0
Convection-Only Fan-Only Mode	1.10	101	1.9	39.1	0.07
Convection-Microwave Fan-Only Mode	0.88	69	1.0	39.1	0.04
Standby/Off			8672.4	2.7	23.4

Issue B.1: DOE requests any more recent consumer usage data, if available, to characterize the consumer usage habits for microwave ovens, including both microwave-only ovens and convection microwave ovens.

2. Active Mode Test Methods

As discussed in section I.B.1 of this document, in the July 2010 Repeal Final Rule, DOE repealed the active mode test provisions originally established in Appendix I because they did not produce representative and repeatable measurements of microwave oven energy use in active mode. 75 FR 42579. DOE proposed in the February 2013 NOPR to add provisions to the microwave oven test procedures in Appendix I for measuring energy use in microwave-only cooking mode in a repeatable and representative manner, based on the November 2011 draft version of IEC Standard 60705. 78 FR 7940. AHAM commented on the February 2013 NOPR that it ''supports harmonization with IEC Standard 60705. But DOE should not base the U.S. test procedure on a draft of that standard. Instead, DOE should wait to harmonize with the final IEC Standard 60705.'' (AHAM, No. 18 at p. 4 [8]) On June 30, 2014, IEC published the updated version of IEC Standard 60705–Edition 4.1. Therefore in this RFI, DOE is seeking additional feedback on active model topics from the February 2013 NOPR given that IEC Standard 60705 is now finalized and in response to AHAM's previous comment supporting harmonization. DOE is requesting data and information on microwave oven active mode test methods, including data and information that may not have been available at the time of the previous rulemaking.

a. Microwave-Only Cooking Mode

DOE notes that the water-heating test method specified in IEC Standard 60705–Edition 4.1 is the same as the November 2011 draft version of IEC Standard 60705. The test method in IEC Standard 60705–Edition 4.1 involves measuring the energy consumption required to heat water loads of 275 grams (''g''), 350 g, and 1000 g, in 600 milliliter (''ml''), 900 ml, and 2000 ml borosilicate glass test containers, respectively, by 45–50 degrees Celsius (''°C'') and 50–55 °C. The test method also requires that the difference in the final measured water temperature between these two tests must be at least 2 °C. The results from these two different temperature-rise tests at each load size are then used to linearly interpolate the energy consumption required to heat the load by 50 °C. The cooking cycle energy consumption for each water load size is then weighted based on consumer usage to calculate a weighted-average per-cycle cooking energy consumption. The weighting factors specified in IEC Standard 60705–Edition 4.1 are: 275 g = 3/11; 350 g = 6/11; 1000 g = 2/11.

In the February 2013 NOPR, DOE presented results from testing to evaluate the repeatability of an August 2010 draft version of the IEC Standard 60705 water-heating test method for measuring the cooking cycle energy consumption.[9] 78 FR 7940, 7945. The results, presented in Table II.5, showed minimal test-to-test variation for each water load size.

TABLE II.5—FEBRUARY 2013 NOPR IEC STANDARD 60705 COOKING CYCLE TEST RESULTS

		Draft revised IEC standard 60705 cooking cycle test			
		275 g water load	350 g water load	1000 g water load	Overall weighted
Energy Consumption (watt-hours (Wh))	Average	37.99	44.34	114.90	56.11
	Min	32.54	39.14	104.86	50.35
	Max	46.61	54.68	130.87	66.54
Test-to-Test Variation—Standard Error (%)	Average	1.08	1.06	0.44	0.58
	Min	0.05	0.10	0.09	0.03
	Max	2.31	2.59	0.78	1.25

DOE also noted in the February 2013 NOPR that the European Committee for Electrotechnical Standardization (''CENELEC'') conducted a round-robin testing program to evaluate the repeatability and reproducibility of the draft version of IEC Standard 60705. 78 FR 7940, 7945. A total of five manufacturer test labs and five independent test labs in Europe conducted testing on each of four microwave oven models. For the

[8] Document No. 18 in Docket No. EERE–2010–BT–TP–0023, available for review at *http://www.regulations.gov.*

[9] The August 2010 draft version IEC Standard 60705 used at the time of DOE testing used a smaller test container for the 275 g water load (400 ml capacity) than specified in the November 2011 draft version IEC Standard 60705 and the published IEC Standard 60705–Edition 4.1 (600 ml capacity). Because the dimensions of the test containers are sufficiently similar and the specific heat of the glass containers is relatively low compared to that of water, DOE determined that the effect on the measured energy use would be small and, in particular, the difference in repeatability and reproducibility of the two test containers would not be significant.

measured weighted per-cycle cooking energy consumption, the results showed that the test-to-test variation expressed as standard error within each laboratory was on average 0.56 percent, and the lab-to-lab variation was on average 2.30 percent. For the measured weighted cooling down energy consumption (*i.e.,* energy consumption in the fan-only mode), the results showed that the test-to-test variation expressed as standard error within each laboratory was on average 0.24 percent and the lab-to-lab variation was on average 6.14 percent. 78 FR 7940, 7945.

While IEC Standard 60705-Edition 4.1 was not finalized at the time of the February 2013 NOPR, DOE received comments stating that the water-heating test method in IEC Standard 60705 is based on extensive testing and considered both repeatable and reproducible, and more specifically with regard to the CENELEC data, that issues related to the test procedures are not unique to United States as microwave ovens do not vary significantly across countries. (AHAM, No. 18 at pp. 2–3; AHAM, No. 27 at p. 4; [10] Whirlpool, No. 15 at p. 1 [11])

Issue B.2: DOE requests comment on any developments in microwave oven testing methods since the February 2013 NOPR that would assist DOE in determining whether to develop test procedures that measure active mode energy consumption in microwave-only mode. DOE requests comment and data on the representativeness, repeatability, reproducibility, and testing burdens associated with any suggested test methods. This request includes information on any testing experiences with IEC Standard-Edition 4.1 since its adoption.

DOE also notes that the Informative Annex F in IEC Standard 60705–Edition 4.1 includes a test method for measuring the fan-only mode energy consumption of the microwave oven during the cooling down period for a period of 15 minutes after the completion of a cooking cycle that achieves a water-load temperature-rise of 50 °C. In the February 2013 NOPR, DOE noted that for all of the products in its test sample, which included countertop and over-the-range microwave-only and convection microwave ovens, none contained a fan that operated at the end of the microwave-only cooking cycle. DOE noted that when the door was closed after the load was removed at the end of the cooking cycle, the microwave ovens reverted to standby mode. However, DOE recognized that there may be microwave ovens on the market or future microwave ovens that could potentially operate in fan-only mode at the end of the microwave-only cooking cycle. As a result, DOE proposed in the February 2013 NOPR to include provisions for measuring the fan-only mode cooling down energy consumption only for microwave ovens equipped with a fan that operates automatically at the completion of the cooking cycle to cool down the microwave oven. 78 FR 7940, 7945–7946. AHAM opposed including a requirement to measure fan-only mode during the cooling down period for the following reasons: (1) If DOE pursues an active mode test procedure it should harmonize with IEC Standard 60705, which includes fan-only mode measurement only in an informative annex and not as a mandatory measurement; (2) the fan-only mode test procedure is not repeatable and reproducible; and (3) the energy consumed by the fan is miniscule, especially compared to the active mode cooking cycle energy use. (AHAM, No. 27 at pp. 6–7)

Issue B.3: DOE requests comment on whether any microwave ovens currently on the market operate in fan-only mode during the cooling down period after the end of the microwave-only cooking cycle. This request includes comments about fan-only mode for all types of fans, including exhaust fans, convection fans, and magnetron fans. DOE also requests information on manufacturers' experience with the fan-only mode test procedure in IEC Standard 60705-Edition 4.1, specifically with regard to the repeatability and reproducibility of the test method.

b. Convection Microwave Ovens

In the February 2013 NOPR, DOE proposed test methods for measuring the active mode energy consumption of convection microwave ovens. DOE proposed to measure the energy consumption of the microwave-only cooking mode for convection microwave ovens using the test procedures described in section II.B.2.a of this document. DOE also proposed to measure the energy consumption of the convection-only cooking mode based on the aluminum test block test method specified at the time of the February 2013 NOPR in the DOE conventional oven test procedures in Appendix I. Finally, DOE proposed to calculate the energy consumption of the convection-microwave cooking cycle by apportioning the microwave-only mode and convection-only mode energy consumption measurements based on typical consumer use. 78 FR 7940, 7947.

AHAM and Whirlpool stated that DOE should not develop test procedures for convection microwave ovens because: (1) They represent only 4 percent of microwave oven shipments, (2) the potential for energy savings is trivial compared to the added test burden, and (3) there are currently no international test standards for measuring the convection function of the microwave oven. (AHAM, No. 18 at p. 3; AHAM, No. 27 at p. 3; Whirlpool, No. 15 at pp. 4–6)

Issue B.4. DOE requests any updated shipments data, since the February 2013 NOPR, for convection microwave ovens. DOE also requests comment on any development of industry standards that measure the convection function of a convection microwave oven.

In the February 2013 NOPR, DOE initially determined that testing using actual or simulated food loads does not produce repeatable or reproducible results. DOE also understood that using thermocouples during a convection-microwave cooking cycle would not be appropriate due to safety concerns. As a result, DOE did not propose test methods using actual or simulated food loads, or thermocouples, for measuring the energy consumption of convection microwave ovens. 78 FR 7940, 7949. In lieu of testing using actual or simulated food loads, DOE presented test results showing that the proposed aluminum block test method for testing in convection-only cooking mode produced repeatable results. 78 FR 7940, 7948.

DOE proposed to add the calculated convection-only cooking cycle energy consumption and the measured fan-only mode energy consumption to calculate the total convection-only mode energy consumption. 78 FR 7940, 7949. DOE further proposed to apply a field use factor to the calculation of the convection-only mode energy consumption to account for the typical consumer use of this cooking mode. Id.

AHAM commented that with regard to the proposed aluminum block test method that: (1) It would be impossible to get a consistent thermocouple reading because the aluminum test block would be rotating on the turntable, and (2) the proposed aluminum test block test load was not representative of actual consumer food loads in a convection microwave oven. (AHAM, No. 27 at pp. 8–10) AHAM also stated, for the same reasons discussed in section II.B.2.a of this document, that it opposed a fan-only mode energy use measurement. (AHAM, No. 27 at p. 9) AHAM

[10] Document No. 27 in Docket No. EERE–2010–BT–TP–0023, available for review at *http://www.regulations.gov.*

[11] Document No. 15 in Docket No. EERE–2010–BT–TP–0023, available for review at *http://www.regulations.gov.*

commented that if DOE were to establish an active mode test procedure for microwave ovens and convection microwave ovens, DOE should follow the approach taken in IEC Standard 60705 and require measurement of only the primary cooking function of convection microwave ovens. AHAM added that this approach: (1) Would allow consumers to compare products according to how they view them—as microwave ovens; (2) would harmonize with the international approach, reducing burden on manufacturers; and (3) would not result in a significant loss in energy savings because there was not significant technology available to reduce energy use in active mode in either the microwave or convection functions. (AHAM, No. 27 at pp. 7–8)

Issue B.5: DOE requests information on any developments since the February 2013 NOPR that DOE should consider in determining whether to develop test procedures that measure active mode energy consumption for convection microwave ovens. Such information could include potential test methods for measuring energy use in microwave-only, convection-only, and convection-microwave cooking modes

c. Installation Configurations for Over-the-Range Microwave Ovens

As discussed in the February 2013 NOPR, for over-the-range microwave ovens, products equipped with a fan designed to vent air out of the microwave oven cooking cavity both during the cooking cycle and during the fan-only mode cooling down period offer two installation configurations: (1) Such that the vent fan exhausts air from the cooking cavity to the outdoors and (2) such that the vent fan recirculates air from the cooking cavity back into the room (''recirculation configuration'').[12] For the majority of products in DOE's test sample, the default installation configuration for the venting fan was for air recirculation back into the room. In the February 2013 NOPR, DOE proposed to require that over-the-range microwave ovens be installed with the exhaust vent/recirculation fan installed in the recirculation configuration in accordance with manufacturer's instructions. 78 FR 7940, 7946.

AHAM commented in response to the February 2013 NOPR that, to its knowledge, for safety reasons manufacturers do not recommend that anyone other than trained service technicians disassemble a microwave oven. AHAM stated that DOE should require that over-the-range microwave ovens be installed in the as-shipped configuration in accordance with the manufacturer's instructions. AHAM added that its members stated that this would not add test burden to them as their laboratories are already capable of testing in both configurations. In addition, AHAM stated that it does not expect that the configuration will affect the measured energy, and thus, different installation configurations should provide consistent measurements across products. (AHAM, No. 27 at p. 5)

Issue B.6: As DOE considers developing test procedures to measure the active mode energy consumption for microwave ovens, DOE seeks information on appropriate installation conditions for over-the-range microwave ovens. In particular, DOE seeks information on the installation requirements for these products, including: (1) Whether any products are shipped with the venting fan installed in the outdoor venting configuration and (2) whether instructions advise that only trained service technicians install these products. In addition, if interested parties believe that products should be tested in the as-shipped configuration, DOE welcomes comment on specific vent requirements for products shipped in the outdoor venting configuration (*e.g.,* duct dimensions, materials, *etc.*).

3. Standby Mode and Off Mode Test Methods

a. Displays and Clocks

The current standby mode and off mode test procedures for microwave ovens in Appendix I specify that the microwave oven must be set up in accordance with section 5.2 ''Preparation of product'' of IEC 62301 (Second Edition). This provision requires preparing and setting up the microwave oven in accordance with the manufacturer's instructions, and if no manufacturer instructions are available, using the factory or ''default'' settings, or where there are no indications for such settings, testing the microwave oven as supplied. For the microwave oven standby mode and off mode power measurement, if a microwave oven drops from a higher power state to a lower power state, section 3.1.3.1 in Appendix I requires allowing sufficient time for the microwave oven to reach the lower power state before measuring power consumption.

Microwave Ovens With the Option To Turn On/Off the Clock Display

DOE notes that most manufacturer instructions provide procedures for setting the clock display as part of the initial setup of the product. DOE is also aware that some microwave ovens available on the market may provide the user with the option to turn the clock display on or off. DOE notes that in both of these cases, based on the provisions in the test procedures, if the manufacturer's instructions for the initial setup of the product include instructions to set the clock display, then the microwave oven would be tested with the clock display powered on, as described above.

Issue B.7: DOE requests information to help it determine whether the standby mode and off mode test procedures for microwave ovens should be amended, in particular for microwave ovens with an option to turn the display on or off. DOE seeks data on the standby power consumption with the display turned on and off. DOE also seeks information on the control logic of this function implemented in different models. For example, does the display automatically turn on and remain on indefinitely after the door is opened or if the microwave cooking cycle is operated? DOE requests consumer usage data on how frequently consumers power off the clock display when this option is available, and on how much consumers value a microwave oven clock display that is capable of remaining powered on at all times.

Issue B.8: DOE seeks additional information regarding how manufacturer instructions for the initial setup of the microwave oven differ from the default as-shipped settings of the microwave oven, and the merits of requiring initial setup in accordance with manufacturer instructions versus only requiring testing using the default settings.

Microwave Ovens That Automatically Power Down the Clock Display

DOE is aware that some microwave ovens available on the market automatically power down the display after a period of user inactivity, which reduces the standby power consumption of the product. As discussed previously, Appendix I requires testing such products after the display powers down and reaches a stable state. However, DOE recognizes that some manufacturer instructions provide instructions, not in the initial setup section, for disabling this feature so that the clock/display remains on at all times; others do not provide instructions for disabling this feature.

Issue B.9: DOE seeks information to help it consider whether to amend the standby mode and off mode test procedures for microwave ovens to

[12] Manufacturer's installation instructions include procedures for reconfiguring the vent fan, which typically involve removing an external vent fan cover plate, rotating the blower assembly, and replacing the cover plate.

address microwave ovens with an automatic power-down function. DOE seeks information on the control logic of this function implemented in different models. In addition, DOE requests consumer usage data on how frequently consumers disable the automatic power-down function when this feature is available.

Issue B.10: DOE also requests comment on whether there are any other options or features that the current test procedures may not clearly delineate how to test, and how to test such options/features.

b. Connected Functions

DOE is aware of a manufacturer that currently offers one over-the-range microwave oven model that uses Bluetooth® technology to connect certain control functions to a corresponding Bluetooth-equipped conventional range. The Bluetooth connection allows the microwave oven to synchronize its clock time to that of the range, and to coordinate the operation of the microwave ovens vent fan and/or cooking top surface lights with the functional state of the range. For example, with this feature enabled, the vent fan or cooking top surface lights on the microwave oven can be programmed to automatically turn on whenever the cooking top component of the conventional range is in use. The products' controls may consume different amounts of energy depending on whether the Bluetooth function is enabled or disabled.

Issue B.11: DOE requests information to help it determine whether to amend the standby mode and off mode test procedures to address microwave ovens that use Bluetooth technology, including information as to suitable test methods. DOE seeks information (such as survey data) on whether consumers typically use this Bluetooth connection, when available.

DOE understands that certain consumer cooking products include internet connections to allow for additional control functions. In these cases, the product controls may consume different amounts of energy depending on whether the internet connection is enabled or disabled, and if enabled, whether it is connected to a network. DOE is not aware of any microwave ovens currently on the market that include this feature.

Issue B.12: DOE requests comment on whether any microwave ovens currently available on the market incorporate this feature. If such products exist or manufacturers have plans to introduce such products, DOE seeks comment on: (1) Details about why this feature is useful, (2) the potential energy impacts of microwave ovens equipped with a connected configuration, and (3) appropriate energy-related settings to use for testing.

4. Integrated Annual Energy Use Metric

The current DOE energy conservation standards for microwave ovens are based on standby power consumption, in watts. 10 CFR 430.32(j)(3). EPCA requires that, if DOE develops active mode test procedures for microwave ovens, it must also incorporate active mode, standby mode, and off mode energy use into a single energy use metric, unless it is technically infeasible to do so. (42 U.S.C. 6295(gg)(2)(A))

Issue B.13: DOE welcomes input that would help it consider methods for calculating integrated annual energy use. DOE requests comment on the technical feasibility of establishing an integrated annual energy use metric for microwave ovens that incorporates active mode, standby mode, and off mode energy use. DOE also seeks data on the consumer usage habits for each available operating mode for both microwave-only ovens and convection microwave ovens.

C. Other Test Procedure Topics

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the existing test procedures for microwave ovens not already addressed in this document. DOE particularly seeks information that would improve the repeatability, and reproducibility, as well as the ability of the test procedures to provide results that are representative of actual use. DOE also requests information that would help DOE create a procedure that would limit manufacturer test burden through streamlining or simplifying testing requirements. Comments regarding the repeatability and reproducibility are also welcome.

DOE also requests feedback on any potential amendments to the existing test procedure(s) that could be considered to address impacts on manufacturers, including small businesses. Regarding the Federal test method, DOE seeks comment on the degree to which the DOE test procedure should consider and be harmonized with the most recent relevant industry standards for microwave ovens and whether there are any changes to the Federal test method that would provide additional benefits to the public. DOE also requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate test procedure, without modification. As discussed in sections II.B.2.a and II.B.3 of this document, DOE is aware of the IEC test procedure, IEC Standard 60705, which includes tests for measuring energy use in microwave-only cooking mode for microwave ovens, and IEC Standard 62301, which includes tests for measuring the power consumption in standby mode and off mode. IEC Standard 60705 also includes an informative annex, which specifies a test method for measuring the fan-only mode energy consumption of microwave ovens during a cooling down period after the completion of a cooking cycle.

Additionally, DOE requests comment on whether the existing test procedures limit a manufacturer's ability to provide additional features to consumers on microwave ovens. DOE particularly seeks information on how the test procedures could be amended to reduce the cost of new or additional features and make it more likely that such features are included on microwave ovens.

III. Submission of Comments

DOE invites all interested parties to submit in writing by February 20, 2018, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of amended test procedures for microwave ovens. These comments and information will aid in the development of a test procedure NOPR for microwave ovens if DOE determines that amended test procedures may be appropriate for these products.

Submitting comments via *http://www.regulations.gov.* The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only

first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process, the subject of this notice, or any other questions with regards to the Federal test procedures for microwaves should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Issued in Washington, DC, on December 14, 2017.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2018–00776 Filed 1–17–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1092; Airspace Docket No. 17–AWP–27]

Proposed Amendment of Class E Airspace; Merced, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Merced Regional/MacReady Field (formerly Merced Municipal/MacReady Field), Merced, CA, to accommodate airspace redesign due to the decommissioning of the El Nido VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) as the FAA transitions from ground-based to satellite-based navigation. Also, this action would remove Class E airspace upward from 1,200 feet above the surface and would update the airport name to match the FAA's aeronautical database. An editorial change would also be made to the Class E surface area airspace legal description replacing ''Airport/Facility Directory'' with the term ''Chart Supplement''. These actions are necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 5, 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–2017–1092; Airspace Docket No. 17–AWP–27, 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: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW, Renton, WA 98057; telephone (425) 203–4511.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2017–1092; Airspace Docket No. 17–AWP–27) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for address and phone number).

Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–1092; Airspace Docket No. 17–AWP–27.'' 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 through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW, Renton, WA 98057.

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 proposes to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by revising Class E airspace extending upward from 700 feet above the surface at Merced Regional/MacReady Field, Merced, CA, to within a 6.6-mile radius of the airport (from a 6.1-mile radius), and removing the segment extending southeast of the airport (2.6 miles southeast of the El Nido VOR/DME) due to the decommissioning of the navigation aid.

Also, the FAA proposes to remove the Class E airspace extending upward from 1,200 feet above the surface because it is wholly contained within the Sacramento en route airspace area and duplication is not needed.

Additionally, the airport name would be updated from Merced Municipal/MacReady Field to Merced Regional/MacReady Field) in the associated Class E airspace areas, and an editorial change would be made to the Class E surface area airspace legal description replacing ''Airport/Facility Directory'' with the term ''Chart Supplement''.

Class E airspace designations are published in paragraph 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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AWP CA E2 Merced, CA [Amended]

Merced Regional/MacReady Field, CA (Lat. 37°17′05″ N, long. 120°30′50″ W)

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

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

* * * * *

AWP CA E5 Merced, CA [Amended]

Merced Regional/MacReady Field, CA (Lat. 37°17′05″ N, long. 120°30′50″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Merced Regional/MacReady Field.

Issued in Seattle, Washington, on January 10, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–00711 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–OLEM–2017–0603, 0604, 0605, 0606, 0607, 0608, 0609, 0610, 0611 and 0612, EPA–HQ–SFUND–2010–1086; FRL–9972–99–OLEM]

National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the agency'') in determining which sites warrant further investigation. These further investigations will allow the EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule proposes to add ten sites to the General Superfund section of the NPL.

DATES: Comments regarding any of these proposed listings must be submitted (postmarked) on or before March 19, 2018.

ADDRESSES: Identify the appropriate docket number from the table below.

Docket Identification Numbers by Site:

Site name	City/county, state	Docket ID No.
Orange County North Basin	Orange County, CA	EPA–HQ–OLEM–2017–0603
Hockessin Groundwater	Hockessin, DE	EPA–HQ–OLEM–2017–0604
Broadway Street Corridor Groundwater Contamination.	Anderson, IN	EPA–HQ–OLEM–2017–0605
Franklin Street Groundwater Contamination	Spencer, IN	EPA–HQ–OLEM–2017–0606
Spring Park Municipal Well Field	Spring Park, MN	EPA–HQ–OLEM–2017–0607
Rockwell International Wheel & Trim	Grenada, MS	EPA–HQ–OLEM–2017–0608
Burlington Industries Cheraw	Cheraw, SC	EPA–HQ–OLEM–2017–0609
Southside Chattanooga Lead Site	Chattanooga, TN	EPA–HQ–OLEM–2017–0610
Lane Plating Works, Inc.	Dallas, TX	EPA–HQ–OLEM–2017–0611
River City Metal Finishing	San Antonio, TX	EPA–HQ–OLEM–2017–0612

Submit your comments, identified by the appropriate docket number, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

To send a comment via the United States Postal Service, use the following address: U.S. Environmental Protection Agency, EPA Superfund Docket Center,

Mailcode 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

Use the Docket Center address below if you are using express mail, commercial delivery, hand delivery or courier. Delivery verification signatures will be available only during regular business hours: EPA Superfund Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004.

For additional docket addresses and further details on their contents, see section II, ''Public Review/Public Comment,'' of the Supplementary Information portion of this preamble.

FOR FURTHER INFORMATION CONTACT:

Terry Jeng, phone: (703) 603–8852, email: *jeng.terry@epa.gov,* Site Assessment and Remedy Decisions Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mailcode 5204P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
A. What are CERCLA and SARA?
B. What is the NCP?
C. What is the National Priorities List (NPL)?
D. How are sites listed on the NPL?
E. What happens to sites on the NPL?
F. Does the NPL define the boundaries of sites?
G. How are sites removed from the NPL?
H. May the EPA delete portions of sites from the NPL as they are cleaned up?
I. What is the Construction Completion List (CCL)?
J. What is the Sitewide Ready for Anticipated Use measure?
K. What is state/tribal correspondence concerning NPL listing?
II. Public Review/Public Comment
A. May I review the documents relevant to this proposed rule?
B. How do I access the documents?
C. What documents are available for public review at the EPA Headquarters docket?
D. What documents are available for public review at the EPA regional dockets?
E. How do I submit my comments?
F. What happens to my comments?
G. What should I consider when preparing my comments?
H. May I submit comments after the public comment period is over?
I. May I view public comments submitted by others?
J. May I submit comments regarding sites not currently proposed to the NPL?
III. Contents of This Proposed Rule
Proposed Additions to the NPL
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs
C. Paperwork Reduction Act (PRA)
D. Regulatory Flexibility Act (RFA)
E. Unfunded Mandates Reform Act (UMRA)
F. Executive Order 13132: Federalism
G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
J. National Technology Transfer and Advancement Act (NTTAA)
K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

I. Background

A. What are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases or threatened releases of hazardous substances, and releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What is the NCP?

To implement CERCLA, the EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances or releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. The EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action.'' ''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases of hazardous substances, pollutants or contaminants (42 U.S.C. 9601(23)).

C. What is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is only of limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by the EPA (the ''General Superfund section''), and one of sites that are owned or operated by other federal agencies (the ''Federal Facilities section''). With respect to sites in the Federal Facilities section, these sites are generally being addressed by other federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody or control, although the EPA is responsible for preparing a Hazard Ranking System (''HRS'') score and determining whether the facility is placed on the NPL.

D. How are sites listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the HRS, which the EPA promulgated as appendix A of the NCP

(40 CFR part 300). The HRS serves as a screening tool to evaluate the relative potential of uncontrolled hazardous substances, pollutants or contaminants to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), the EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: Ground water, surface water, soil exposure and air. As a matter of agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL. (2) Pursuant to 42 U.S.C. 9605(a)(8)(B), each state may designate a single site as its top priority to be listed on the NPL, without any HRS score. This provision of CERCLA requires that, to the extent practicable, the NPL include one facility designated by each state as the greatest danger to public health, welfare or the environment among known facilities in the state. This mechanism for listing is set out in the NCP at 40 CFR 300.425(c)(2). (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed without any HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- The EPA determines that the release poses a significant threat to public health.
- The EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

The EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658) and generally has updated it at least annually.

E. What happens to sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions. * * *'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' The EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. Does the NPL define the boundaries of sites?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so. Indeed, the precise nature and extent of the site are typically not known at the time of listing.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. However, the NPL site is not necessarily coextensive with the boundaries of the installation or plant, and the boundaries of the installation or plant are not necessarily the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location where that contamination has come to be located, or from where that contamination came.

In other words, while geographic terms are often used to designate the site (*e.g.,* the ''Jones Co. Plant site'') in terms of the property owned by a particular party, the site, properly understood, is not limited to that property (*e.g.,* it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (*e.g.,* where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to, nor confined by, the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. In addition, the site name is merely used to help identify the geographic location of the contamination, and is not meant to constitute any determination of liability at a site. For example, the name ''Jones Co. Plant site,'' does not imply that the Jones Company is responsible for the contamination located on the plant site.

The EPA regulations provide that the remedial investigation (''RI'') ''is a process undertaken . . . to determine the nature and extent of the problem presented by the release'' as more information is developed on site contamination, and which is generally performed in an interactive fashion with the feasibility Study (''FS'') (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, the HRS inquiry focuses on an evaluation of the threat posed and therefore the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted previously, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, it can submit supporting information to the agency at any time after it receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How are sites removed from the NPL?

The EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that the EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

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

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

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

H. May the EPA delete portions of sites from the NPL as they are cleaned up?

In November 1995, the EPA initiated a policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and made available for productive use.

I. What is the Construction Completion List (CCL)?

The EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) the EPA has determined that the response action should be limited to measures that do not involve construction (*e.g.,* institutional controls); or (3) the site qualifies for deletion from the NPL. For more information on the CCL, see the EPA's internet site at *https://www.epa.gov/superfund/construction-completions-national-priorities-list-npl-sites-number.*

J. What is the Sitewide Ready for Anticipated Use measure?

The Sitewide Ready for Anticipated Use measure (formerly called Sitewide Ready-for-Reuse) represents important Superfund accomplishments and the measure reflects the high priority the EPA places on considering anticipated future land use as part of the remedy selection process. See Guidance for Implementing the Sitewide Ready-for-Reuse Measure, May 24, 2006, OSWER 9365.0–36. This measure applies to final and deleted sites where construction is complete, all cleanup goals have been achieved, and all institutional or other controls are in place. The EPA has been successful on many occasions in carrying out remedial actions that ensure protectiveness of human health and the environment for current and future land uses, in a manner that allows contaminated properties to be restored to environmental and economic vitality. For further information, please go to *https://www.epa.gov/superfund/about-superfund-cleanup-process#tab-9.*

K. What is state/tribal correspondence concerning NPL listing?

In order to maintain close coordination with states and tribes in the NPL listing decision process, the EPA's policy is to determine the position of the states and tribes regarding sites that the EPA is considering for listing. This consultation process is outlined in two memoranda that can be found at the following website: *https://www.epa.gov/superfund/statetribal-correspondence-concerning-npl-site-listing.*

The EPA is improving the transparency of the process by which state and tribal input is solicited. The EPA is using the Web and where appropriate more structured state and tribal correspondence that (1) explains the concerns at the site and the EPA's rationale for proceeding; (2) requests an explanation of how the state intends to address the site if placement on the NPL is not favored; and (3) emphasizes the transparent nature of the process by informing states that information on their responses will be publicly available.

A model letter and correspondence from this point forward between the EPA and states and tribes where applicable, is available on the EPA's website at *https://www.epa.gov/superfund/statetribal-correspondence-concerning-npl-site-listing.*

II. Public Review/Public Comment

A. May I review the documents relevant to this proposed rule?

Yes, documents that form the basis for the EPA's evaluation and scoring of the sites in this proposed rule are contained in public dockets located both at the EPA Headquarters in Washington, DC, and in the regional offices. These documents are also available by electronic access at *https://www.regulations.gov* (see instructions in the **ADDRESSES** section above).

B. How do I access the documents?

You may view the documents, by appointment only, in the Headquarters or the regional dockets after the publication of this proposed rule. The hours of operation for the Headquarters docket are from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding federal holidays. Please contact the regional dockets for hours.

The following is the contact information for the EPA Headquarters Docket: Docket Coordinator, Headquarters, U.S. Environmental Protection Agency, CERCLA Docket Office, 1301 Constitution Avenue NW, William Jefferson Clinton Building West, Room 3334, Washington, DC 20004; 202/566–0276. (Please note this is a visiting address only. Mail comments to the EPA Headquarters as detailed at the beginning of this preamble.)

The contact information for the regional dockets is as follows:

- Holly Inglis, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA, Superfund Records and Information Center, 5 Post Office Square, Suite 100, Boston, MA 02109–3912; 617/918–1413.
- Ildefonso Acosta, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4344.
- Lorie Baker (ASRC), Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mailcode 3HS12, Philadelphia, PA 19103; 215/814–3355.
- Cathy Amoroso, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street SW, Mailcode 9T25, Atlanta, GA 30303; 404/562–8637.
- Todd Quesada, Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA Superfund Division Librarian/SFD Records Manager SRC–7J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312/886–4465.
- Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Suite 1200, Mailcode 6SFTS, Dallas, TX 75202–2733; 214/665–7436.
- Kumud Pyakuryal, Region 7 (IA, KS, MO, NE), U.S. EPA, 11201 Renner Blvd., Mailcode SUPRSTAR, Lenexa, KS 66219; 913/551–7956.
- Victor Ketellapper, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 1595 Wynkoop Street, Mailcode 8EPR–B, Denver, CO 80202–1129; 303/312–6578.
- Sharon Murray, Region 9 (AZ, CA, HI, NV, AS, GU, MP), U.S. EPA, 75 Hawthorne Street, Mailcode SFD 6–1, San Francisco, CA 94105; 415/947–4250.
- Ken Marcy, Region 10 (AK, ID, OR, WA), U.S. EPA, 1200 6th Avenue, Mailcode ECL–112, Seattle, WA 98101; 206/463–1349.

You may also request copies from the EPA Headquarters or the regional dockets. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents. Please note that due to the difficulty of reproducing oversized maps, oversized maps may be viewed only in-person; since the EPA dockets are not equipped to both copy and mail out such maps or scan them and send them out electronically.

You may use the docket at *https://www.regulations.gov* to access documents in the Headquarters docket (see instructions included in the **ADDRESSES** section). Please note that there are differences between the Headquarters docket and the regional

dockets and those differences are outlined in this preamble, Sections II.C and D.

C. What documents are available for public review at the EPA Headquarters docket?

The Headquarters docket for this proposed rule contains the following for the sites proposed in this rule: HRS score sheets; documentation records describing the information used to compute the score; information for any sites affected by particular statutory requirements or the EPA listing policies; and a list of documents referenced in the documentation record.

D. What documents are available for public review at the EPA regional dockets?

The regional dockets for this proposed rule contain all of the information in the Headquarters docket plus the actual reference documents containing the data principally relied upon and cited by the EPA in calculating or evaluating the HRS score for the sites. These reference documents are available only in the regional dockets.

E. How do I submit my comments?

Comments must be submitted to the EPA Headquarters as detailed at the beginning of this preamble in the **ADDRESSES** section. Please note that the mailing addresses differ according to method of delivery. There are two different addresses that depend on whether comments are sent by express mail or by postal mail.

F. What happens to my comments?

The EPA considers all comments received during the comment period. Significant comments are typically addressed in a support document that the EPA will publish concurrently with the **Federal Register** document if, and when, the site is listed on the NPL.

G. What should I consider when preparing my comments?

Comments that include complex or voluminous reports, or materials prepared for purposes other than HRS scoring, should point out the specific information that the EPA should consider and how it affects individual HRS factor values or other listing criteria (*Northside Sanitary Landfill* v. *Thomas,* 849 F.2d 1516 (D.C. Cir. 1988)). The EPA will not address voluminous comments that are not referenced to the HRS or other listing criteria. The EPA will not address comments unless they indicate which component of the HRS documentation record or what particular point in the EPA's stated eligibility criteria is at issue.

H. May I submit comments after the public comment period is over?

Generally, the EPA will not respond to late comments. The EPA can guarantee only that it will consider those comments postmarked by the close of the formal comment period. The EPA has a policy of generally not delaying a final listing decision solely to accommodate consideration of late comments.

I. May I view public comments submitted by others?

During the comment period, comments are placed in the Headquarters docket and are available to the public on an ''as received'' basis. A complete set of comments will be available for viewing in the regional dockets approximately one week after the formal comment period closes.

All public comments, whether submitted electronically or in paper form, will be made available for public viewing in the electronic public docket at *https://www.regulations.gov* as the EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI) or other information whose disclosure is restricted by statute. Once in the public dockets system, select ''search,'' then key in the appropriate docket ID number.

J. May I submit comments regarding sites not currently proposed to the NPL?

In certain instances, interested parties have written to the EPA concerning sites that were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the docket.

III. Contents of This Proposed Rule

Proposed Additions to the NPL

In this proposed rule, the EPA is proposing to add ten sites to the NPL, all to the General Superfund section. All of the sites in this proposed rulemaking are being proposed based on HRS scores of 28.50 or above.

The sites are presented in the table below.

General Superfund section:

State	Site name	City/county
CA	Orange County North Basin	Orange County.
DE	Hockessin Groundwater	Hockessin.
IN	Broadway Street Corridor Groundwater Contamination	Anderson.
IN	Franklin Street Groundwater Contamination	Spencer.
MN	Spring Park Municipal Well Field	Spring Park.
MS	Rockwell International Wheel & Trim	Grenada.
SC	Burlington Industries Cheraw	Cheraw.
TN	Southside Chattanooga Lead Site	Chattanooga.
TX	Lane Plating Works, Inc	Dallas.
TX	River City Metal Finishing	San Antonio.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

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

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This rule does not contain any information collection requirements that require approval of the OMB.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This rule listing sites on the NPL does not impose any obligations on any group, including small entities. This rule also does not establish standards or requirements that any small entity must meet, and imposes no direct costs on any small entity. Whether an entity, small or otherwise, is liable for response costs for a release of hazardous substances depends on whether that entity is liable under CERCLA 107(a). Any such liability exists regardless of whether the site is listed on the NPL through this rulemaking.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector. Listing a site on the NPL does not itself impose any costs. Listing does not mean that the EPA necessarily will undertake remedial action. Nor does listing require any action by a private party, state, local or tribal governments or determine liability for response costs. Costs that arise out of site responses result from future site-specific decisions regarding what actions to take, not directly from the act of placing a site on the NPL.

F. Executive Order 13132: Federalism

This rule does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. Listing a site on the NPL does not impose any costs on a tribe or require a tribe to take remedial action. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because this action itself is procedural in nature (adds sites to a list) and does not, in and of itself, provide protection from environmental health and safety risks. Separate future regulatory actions are required for mitigation of environmental health and safety risks.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the level of protection provided to human health or the environment. As discussed in Section I.C. of the preamble to this action, the NPL is a list of national priorities. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is of only limited significance as it does not assign liability to any party. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

List of Subjects in 40 CFR Part 300

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

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

Dated: January 9, 2018.

Barry N. Breen,

Principal Deputy Assistant Administrator, Office of Land and Emergency Management.

[FR Doc. 2018–00623 Filed 1–17–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 401 and 404

[USCG–2017–0903]

RIN 1625–AC40

Great Lakes Pilotage Rates—2018 Annual Review and Revisions to Methodology

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: In accordance with the Great Lakes Pilotage Act of 1960, the Coast Guard proposes new base pilotage rates and surcharges for the 2018 shipping season. Additionally, the Coast Guard is proposing several changes to the Great Lakes pilotage ratemaking methodology. These additional proposed changes include creating clear delineation between the Coast Guard's annual rate adjustments and the Coast Guard's requirement to conduct a full ratemaking every five years; the adoption of a revised compensation benchmark; reorganization of the text regarding the staffing model for calculating the number of pilots needed; and certain editorial changes.

DATES: Comments and related material must be submitted to the online docket via *https://www.regulations.gov,* or reach the Docket Management Facility, on or before February 20, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0903 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section of this document for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or

email Mr. Michael Moyers, Great Lakes Pilotage, Commandant (CG–WWM–2), Coast Guard; telephone 202–372–1553, email *Michael.S.Moyers@uscg.mil,* or fax 202–372–1914.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Public Participation and Request for Comments
II. Abbreviations
III. Executive Summary
IV. Basis and Purpose
V. Background
VI. Discussion of Proposed Methodological and Other Changes
A. Codification of Compensation Inflation Adjustment
B. Relocation of Staffing Model Regulations
C. Additional Changes to Ratemaking Steps 3 and 4
D. Delineation of Full Ratemakings and Annual Adjustments
E. Other Miscellaneous Changes
VII. Revised Compensation Benchmark
VIII. Discussion of Proposed Rate Adjustments
A. Step 1: Recognition of Operating Expenses
B. Step 2: Projection of Operating Expenses
C. Step 3: Estimate Number of Working Pilots
D. Step 4: Determine Target Pilot Compensation
E. Step 5: Calculate Working Capital Fund
F. Step 6: Calculate Revenue Needed
G. Step 7: Calculate Initial Base Rates
H. Step 8: Calculate Average Weighting Factors by Area
I. Step 9: Calculate Revised Base Rates
J. Step 10: Review and Finalize Rates
K. Surcharges
IX. Regulatory Analyses
A. Regulatory Planning and Review
B. Small Entities
C. Assistance for Small Entities
D. Collection of Information
E. Federalism
F. Unfunded Mandates Reform Act
G. Taking of Private Property
H. Civil Justice Reform
I. Protection of Children
J. Indian Tribal Governments
K. Energy Effects
L. Technical Standards
M. Environment

I. 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 *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. Documents mentioned in this proposed rule, and all public comments, are available in our online docket at *https://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.

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

We are not planning to hold a public meeting but will consider doing so if public comments indicate a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

APA American Pilots Association
AMOU American Maritime Officers Union
CATEX Unique Categorical Exclusions for the U.S. Coast Guard
CFR Code of Federal Regulations
CPA Certified public accountant
DHS Department of Homeland Security
FOMC Federal Open Market Committee
FR Federal Register
GLPA Great Lakes Pilotage Authority (Canadian)
GLPAC Great Lakes Pilotage Advisory Committee
GLPMS Great Lakes Pilotage Management System
NAICS North American Industry Classification System
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
PCE Personal Consumption Expenditures
RA Regulatory analysis
SBA Small Business Administration
§ Section symbol
The Act Great Lakes Pilotage Act of 1960
U.S.C. United States Code

III. Executive Summary

Pursuant to the Great Lakes Pilotage Act of 1960 (''the Act''),[1] the Coast Guard regulates pilotage for oceangoing vessels on the Great Lakes—including setting the rates for pilotage services and adjusting them on an annual basis. The rates, which currently range from $218 to $601 per pilot hour (depending on the specific area where pilotage service is provided), are paid by shippers to pilot associations. The three pilot associations, which are the exclusive source of registered pilots on the Great Lakes, use this revenue to cover operating expenses, maintain infrastructure, compensate working pilots, and train new pilots. We have developed a ratemaking methodology in accordance with our statutory requirements and regulations. Our ratemaking methodology calculates the revenue needed for each pilotage association (including operating expenses, compensation, and infrastructure needs), and then divides that amount by the expected shipping traffic over the course of the year to produce an hourly rate. This process is currently effected through a 10-step methodology and supplemented with surcharges, which are explained in detail in this notice of proposed rulemaking (NPRM).

In this NPRM, we are proposing to make modifications to the ratemaking methodology and proposing new pilotage rates for 2018 based on the new proposed methodology. The proposed modifications to the ratemaking methodology consist of a new compensation benchmark, organizational changes, and clarifications. We are proposing a new compensation benchmark to comply with a recent court decision holding that the Coast Guard had not adequately justified the previous benchmark, established in the 2016 rulemaking, which set compensation at the level of Canadian wages plus ten percent.[2] From an organizational standpoint, we propose to move the discussion of the staffing model from its current location in title 46 of the Code of Federal Regulation (CFR) 404.103 (as part of ''Step 3'' of the ratemaking process), to the general regulations governing pilotage in 46 CFR 401.220(a). For clarification purposes, we are proposing to set forth separate regulatory paragraphs detailing the differences between how we undertake an annual adjustment of the pilotage rates, and a full reassessment of the rates, which must be undertaken once every 5 years.

As part of our annual review, we are proposing in this NPRM new rates for the 2018 shipping season. Based on the ratemaking model discussed in this NPRM, we are proposing the rates shown in Table 1.

[1] 46 U.S.C. Chapter 93; Public Law 86–555, 74 Stat. 259, as amended.

[2] We have included the court's opinion in the docket at USCG–2017–0903.

TABLE 1—CURRENT AND PROPOSED PILOTAGE RATES ON THE GREAT LAKES

Area	2017 pilotage rate	Proposed 2018 pilotage rate
St. Lawrence River	$601	$622
Lake Ontario	408	424
Navigable waters from Southeast Shoal to Port Huron, MI	580	553
Lake Erie	429	454
St. Mary's River	514	517
Lakes Huron, Michigan, and Superior	218	253

This proposed rule is not economically significant under E.O. 12866. This proposed rule would impact 49 U.S. Great Lakes pilots, 3 pilot associations, and the owners and operators of an average of 215 oceangoing vessels that transit the Great Lakes annually. The estimated overall annual regulatory economic impact of this rate change is a net increase of $1,162,401 in payments made by shippers from the 2017 shipping season. Because we must review, and, if necessary, adjust rates each year, we analyze these as single year costs and do not annualize them over 10 years. This rule does not affect the Coast Guard's budget or increase Federal spending. Section IX of this preamble discusses the regulatory impact analyses of this proposed rule.

IV. Basis and Purpose

The legal basis of this rulemaking is the Great Lakes Pilotage Act of 1960 (''the Act''), which requires U.S. vessels operating ''on register'' and foreign merchant vessels to use U.S. or Canadian registered pilots while transiting the U.S. waters of the St. Lawrence Seaway and the Great Lakes system.[3] For the U.S. Registered Great Lakes Pilots (''pilots''), the Act requires the Secretary to ''prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.''[4] The Act requires that rates be established or reviewed and adjusted each year, not later than March 1. The Act requires that base rates be established by a full ratemaking at least once every 5 years, and in years when base rates are not established, they must be reviewed and, if necessary, adjusted. The Secretary's duties and authority under the Act have been delegated to the Coast Guard.[5] The purpose of this NPRM is to propose new changes to the methodology in projecting pilotage rates as well as revised pilotage rates and surcharges. Our goals for this and all future rates are to ensure safe, efficient, and reliable pilotage services on the Great Lakes, and provide adequate funds to maintain infrastructure. Additionally, we believe that the new methodology will increase transparency and predictability in the ratemaking process and ensure that annual adjustments of rates are completed in a timely manner.

V. Background

Pursuant to the Great Lakes Pilotage Act, the Coast Guard, in conjunction with the Canadian Great Lakes Pilotage Authority, regulates shipping practices and pilotage rates on the Great Lakes. Under Coast Guard regulations, all U.S. vessels sailing on register and all non-Canadian, foreign merchant vessels (often referred to as ''salties''), are required to engage U.S. or Canadian pilots during their transit through regulated waters. United States and Canadian ''lakers,'' which account for most commercial shipping on the Great Lakes, are not subject to the Act.[6] Generally, vessels are assigned a U.S. or Canadian pilot depending on the order in which they transit a particular area of the Great Lakes, and do not choose the pilot they receive. If a vessel is assigned a U.S. pilot, that pilot will be assigned by the pilotage association responsible for the particular district in which the vessel is operating, and the vessel operator will pay the pilotage association for the pilotage services.

The U.S. waters of the Great Lakes and the St. Lawrence Seaway are divided into three pilotage districts. Pilotage in each district is provided by an association certified by the Coast Guard Director of the Great Lakes Pilotage Office (''the Director'') to operate a pilotage pool. The Saint Lawrence Seaway Pilotage Association provides pilotage services in District One, which includes all U.S. waters of the St. Lawrence River and Lake Ontario. The Lakes Pilotage Association provides pilotage services in District Two, which includes all U.S. waters of Lake Erie, the Detroit River, Lake St. Clair, and the St. Clair River. Finally, the Western Great Lakes Pilotage Association provides pilotage services in District Three, which includes all U.S. waters of the St. Mary's River; Sault Ste. Marie Locks; and Lakes Huron, Michigan, and Superior.

Each pilotage district is further divided into ''designated'' and ''undesignated'' areas. Designated areas are classified as such by Presidential Proclamation[7] to be waters in which pilots must, at all times, be fully engaged in the navigation of vessels in their charge. Undesignated areas, on the other hand, are open bodies of water, and thus are not subject to the same pilotage requirements. While working in those undesignated areas, pilots must ''be on board and available to direct the navigation of the vessel at the discretion of and subject to the customary authority of the master.''[8] As such, pilotage rates in designated areas are higher than those in undesignated areas.

[3] See 46 U.S.C. 9301(2) and 9302(a)(1).

[4] See 46 U.S.C. 9303(f).

[5] Department of Homeland Security (DHS) Delegation No. 0170.1, para. II (92.f).

[6] See 46 U.S.C. 9302. A ''laker'' is a commercial cargo vessel especially designed for and generally limited to use on the Great Lakes.

[7] Presidential Proc. 3385, *Designation of restricted waters under the Great Lakes Pilotage Act of 1960,* December 22, 1960.

[8] 46 U.S.C. 9302(a)(1)(B).

TABLE 2—AREAS OF THE GREAT LAKES AND SAINT LAWRENCE SEAWAY

District	Pilotage association	Designation	Area number [9]	Area name [10]
One	Saint Lawrence Seaway Pilotage Association.	Designated	1	St. Lawrence River.
		Undesignated	2	Lake Ontario.
Two	Lake Pilotage Association	Designated	5	Navigable waters from Southeast Shoal to Port Huron, MI.
		Undesignated	4	Lake Erie.
Three	Western Great Lakes Pilotage Association.	Designated	7	St. Mary's River.
		Undesignated	6	Lakes Huron and Michigan.
		Undesignated	8	Lake Superior.

Each pilot association is an independent business and is the sole provider of pilotage services in the district in which it operates. Each pilot associations is responsible for funding its own operating expenses, maintaining infrastructure, acquiring and implementing technological advances, training personnel/partners and pilot compensation. We developed a 10-step ratemaking methodology to derive a pilotage rate that covers these expenses based on the estimated amount of traffic. In short, the methodology is designed to measure how much revenue each pilotage association will need to cover expenses and provide competitive compensation to working pilots. The Coast Guard then divides that amount by the historical average traffic transiting through the district. We recognize that in years where traffic is above average, pilot associations will take in more revenue than projected, while in years where traffic is below average, they will take in less. We believe that over the long term, however, this system ensures that infrastructure will be maintained and that pilots will receive adequate compensation and work a reasonable number of hours with adequate rest between assignments to ensure retention of highly-trained personnel.

Over the past 2 years, the Coast Guard has made major adjustments to the Great Lakes pilotage ratemaking methodology. In 2016, we made significant changes to the methodology, moving to an hourly billing rate for pilotage services and changing the compensation benchmark to a more transparent model. In 2017, we added additional steps to the ratemaking methodology, including new steps that will accurately account for the additional revenue produced by the application of weighting factors (discussed in detail in Steps 7 through 9 of this preamble). The current methodology, which was finalized in the August 31, 2017 **Federal Register** (82 FR 41466), is designed to accurately capture all the costs and revenues associated with Great Lakes pilotage requirements and produce an hourly rate that adequately, and accurately, compensates pilots and covers expenses. The Coast Guard summarizes the current methodology in the section below.

Summary of Ratemaking Methodology

As stated above, the ratemaking methodology, currently outlined in 46 CFR 404.101 through 404.110, consists of 10 steps that are designed to account for the revenues needed and total traffic expected in each district. The result is an hourly rate (determined separately for each of the areas administered by the Coast Guard).

In Step 1, ''Recognize previous operating expenses,'' (§ 404.101) we review audited operating expenses from each of the three pilotage associations. This number forms the baseline amount that each association is budgeted. Because of the time delay between when the association submits raw numbers and the Coast Guard receives audited numbers, this number is 3 years behind the projected year of expenses. So in calculating the 2018 rates in this proposal, we are beginning with the audited expenses from calendar year 2015.

While each pilotage association operates in an entire district, we further break down the costs by area. Thus, with regard to operating expenses, we allocate certain operating expenses to undesignated areas, and certain expenses to designated areas. In some cases (*e.g.,* insurance for applicant pilots who operate in undesignated areas only), we can allocate the costs based on where they are actually accrued. In other situations (*e.g.,* general legal expenses), expenses are distributed between designated and undesignated waters on a *pro rata* basis, based upon the proportion of income forecasted from the respective portions of the district.

In Step 2, ''Project operating expenses, adjusting for inflation or deflation,'' (§ 404.102) we develop the 2018 projected operating expenses. To do this, we apply inflation adjustors for 3 years to the operating expense baseline received in Step 1. The inflation factors used are from the Bureau of Labor Statistics' Consumer Price Index for the Midwest Region, or if not available, the Federal Open Market Committee (FOMC) median economic projections for Personal Consumption Expenditures (PCE) inflation. This step produces the total operating expenses for each area and district.

In Step 3, ''Determine number of pilots needed,'' (§ 404.103) we calculate how many pilots are needed for each district. To do this, we employ a ''staffing model,'' described in § 404.103(a) through (c), to estimate how many pilots would be needed to handle shipping during the beginning and close of the season. This number is helpful in providing guidance to the Director of the Coast Guard Great Lakes Pilotage Office in approving an appropriate number of credentials for pilots.

For the purpose of the ratemaking calculation, we determine the number of working pilots provided by the pilotage associations (see § 404.103(d)) which is what we use to determine how many pilots need to be compensated via the pilotage fees collected.

In Step 4, ''Determine target pilot compensation benchmark,'' (§ 404.104) we determine the revenue needed for pilot compensation in each area and district. This step contains two processes. In the first process, we calculate the total compensation for each pilot using a ''compensation benchmark.'' Next, we multiply the individual pilot compensation by the number of working pilots for each area and district (from Step 3), producing a figure for total pilot compensation. Because pilots are paid by the associations, but the costs of pilotage is divided up by area for accounting purposes, we assign a certain number of pilots for the designated areas and a certain number of pilots for the undesignated areas for purposes of determining the revenues needed for each area. To make the determination of how many pilots to assign, we use the staffing model designed to determine

[9] Area 3 is the Welland Canal, which is serviced exclusively by the Canadian Great Lakes Pilotage Authority (GLPA) and, accordingly, is not included in the United States pilotage rate structure.

[10] The areas are listed by name in 46 CFR 401.405.

the total number of pilots, described in Step 3, above.

In Step 5, ''Project working capital fund,'' (§ 404.105) we calculate a return on investment by adding the total operating expenses (derived in Step 2) and the total pilot compensation (derived in Step 4), and multiply that figure by the preceding year's average annual rate of return for new issues of high-grade corporate securities. This figure constitutes the ''working capital fund'' for each area and district.

In Step 6, ''Project needed revenue,'' (§ 404.106) we simply add up the totals produced by the preceding steps. For each area and district, we add the projected operating expense (from Step 2), the total pilot compensation (from Step 4), and the working capital fund contribution (from Step 5). The total figure, calculated separately for each area and district, is the ''revenue needed.''

In Step 7, ''Initially calculate base rates,'' (§ 404.107) we calculate an hourly pilotage rate to cover the revenue needed calculated in step 6. This step consists of first calculating the 10-year traffic average for each area. Next, we divide the revenue needed in each area (calculated in Step 6) by the 10-year traffic average to produce an initial base rate.

An additional element, the ''weighting factor,'' is required under § 401.400. Pursuant to that section, ships pay a multiple of the ''base rate'' as calculated in Step 7 by a number ranging from 1.0 (for the smallest ships, or ''Class I'' vessels) to 1.45 (for the largest ships, or ''Class IV'' vessels). As this significantly increases the revenue collected, we need to account for the added revenue produced by the weighting factors to ensure that shippers are not overpaying for pilotage services.

In Step 8, ''Calculate average weighting factors by area,'' (§ 404.108) we calculate how much extra revenue, as a percentage of total revenue, has historically been produced by the weighting factors in each area. We do this by using a historical average of applied weighting factors for each year since 2014 (the first year the current weighting factors were applied).

In Step 9, ''Calculate revised base rates,'' (§ 404.109) we modify the base rates by accounting for the extra revenue generated by the weighting factors. We do this by simply dividing the initial pilotage rate for each area (from Step 7) by the corresponding average weighting factor (from Step 8), to produce a revised rate.

In Step 10, ''Review and finalize rates,'' (§ 404.110) often referred to informally as ''director's discretion,'' we review the revised base rates (from Step 9) to ensure that they meet the goals set forth in the Act and 46 CFR 404.1(a), which include promoting efficient, safe, and reliable pilotage service on the Great Lakes; generating sufficient revenue for each pilotage association to reimburse necessary and reasonable operating expenses; compensating pilots fairly, who are trained and rested; and providing appropriate profit for improvements. Because it is our goal to be as transparent as possible in our ratemaking procedure, we use this step sparingly to adjust rates.

Finally, after the base rates are set, § 401.401 permits the Coast Guard to apply surcharges. Currently, we use surcharges to pay for the training of new pilots, rather than incorporating training costs into the overall ''revenue needed'' that is used in the calculation of the base rates. In recent years, we have allocated $150,000 per applicant pilot to be collected via surcharges. This amount is calculated as a percentage of total revenue for each district, and that percentage is applied to each bill. When the total amount of the surcharge has been collected, the pilot associations are prohibited from collecting further surcharges. Thus, in years where traffic is heavier than expected, shippers early in the season could pay more than shippers employing pilots later in the season, after the surcharge cap has been met.

VI. Discussion of Proposed Methodological and Other Changes

For 2018, we are proposing a number of changes to the ratemaking methodology. These changes are both revisions to the rate-setting process, as well as organizational changes that will simplify and streamline rate-setting procedures in future years. While we realize that yearly adjustments of the ratemaking methodology can lead to unpredictability, we believe that modest modifications to the ratemaking methodology in order to improve accuracy, simplify its steps, and make it more transparent complies with our statutory requirement to consider public interest and the costs of providing pilotage services. These proposed changes are intended to provide rate stability and predictability beneficial to the U.S. Great Lakes pilot associations, shippers, cruise ships, and voluntary employment of U.S. registered pilots.[11] Additionally, in this section, we discuss several other proposed changes to the Great Lakes pilotage regulations, which, while related to the annual ratemakings, are not limited to the specific methodological steps.

A. Codification of Compensation Inflation Adjustment

One change we are proposing in this NPRM is to add regulatory text to § 404.104 that would automatically adjust the pilot compensation figure for inflation annually. Under the current regulations, while pilot compensation is determined in Step 4 annually, there is no specific provision that it will change with inflation. This issue is often raised in comments. For example, in the 2016 Great Lakes pilotage rate adjustment final rule,[12] we set target pilot compensation at $326,114 annually. Then, in the 2017 NPRM,[13] we proposed leaving that amount unchanged. This prompted comments stating that leaving the nominal target compensation of pilots unchanged undermined the Coast Guard's stated goal of compensation stability, because the pilots' earning power would not keep up with regional inflation. In the 2017 final rule, we increased the target compensation number by the inflation rate, to the current level of $332,963.[14] In that rule, we stated that ''we intend to adjust the compensation figure for inflation annually in future ratemaking actions, the same way that operating expenses are adjusted for inflation.'' [15]

Based on these considerations, we propose to add regulatory text to § 404.104 to make the adjustment for inflation automatic. This would serve a variety of interests. First, it would improve consistency in our ratemaking procedures. While the operating expenses are automatically adjusted for inflation, compensation is not. This proposed change would treat the two types of expenses equally. Additionally, because the revenue for the working capital fund is based in part on compensation (see the discussion in the Background section of this Preamble), automatically adjusting pilot compensation for inflation would have a similar effect on contributions to the working capital fund.

Automatically adjusting pilot compensation for inflation would improve transparency and efficiency in our ratemaking procedures. Also, replacing the current process with an automatic and predictable inflationary adjustment would increase predictability. As previously stated, we believe this predictability benefits the

[11] In some cases, U.S.-registered vessels that are not required to use a pilot by law will do so voluntarily for business reasons.

[12] See 81 FR 11908 (March 7, 2016).

[13] See 81 FR 72011 (October 19, 2016).

[14] See 82 FR 41466 (August 31, 2017).

[15] *Id.,* at 41483.

U.S. registered pilots who provide the service and those stakeholders who employ the pilots. Given variations in traffic, compensation as a pilot is uncertain, and we believe that this proposed change would reduce some of the uncertainty related to target pilot compensation. It would also increase the efficiency of the ratemaking process by making the inflation adjustment automatic, so that we would be better able to process our annual ratemaking in a timely fashion.

To implement this increase, we propose adding regulatory text to § 404.104 stating that the Director will adjust the previous year's individual target pilot compensation level by BLS CPI for the Midwest Region, or if that is unavailable, the FOMC median economic projections for PCE inflation [16]. See proposed § 404.104(b). The BLS CPI tracks the changes in prices of all goods and services purchased for consumption by urban households. The BLS releases CPI data monthly, for the previous month. The FOMC PCE inflation tracks the projected change in prices of goods and services purchased by consumers throughout the US economy for the current and future years. We note that this would occur only in years in which we conduct an annual review of pilotage rates, and not in years when we conduct a ''full ratemaking, because in those years the target compensation figure is reset and no inflation adjustment is needed.'' [17] We invite comment on the effect of this proposal as well as the particular inflation index chosen to implement it.

B. Relocation of Staffing Model Regulations

Another change that we propose in this NPRM is to relocate the ''staffing model'' regulatory text, currently located in § 404.103(a) through (c). We are not proposing to adjust or modify the regulatory text, but simply move it to § 401.220(a), ''Registration of pilots,'' rather than keep it as part of the ratemaking methodology text. For the reasons below, we believe that this change will both improve the clarity of the regulations and improve the regulatory process. The staffing model informs the Coast Guard's administration of the Great Lakes Pilotage program, but is distinct from the ratemaking methodology. Specifically, the staffing model provides guidance to the Director on implementing the requirement currently in § 401.220(a), which requires the Director to determine the number of pilots needed to assure adequate and efficient pilotage service in the United States waters of the Great Lakes and to provide for equitable participation of United States Registered Pilots with Canadian Registered Pilots.

The current way in which § 404.103, entitled ''Ratemaking Step 3: Determine number of pilots needed,'' is written produces two distinct sets of numbers. In § 404.103(a) through (c), we employ a ''staffing model'' to determine the number of pilots needed in each district to provide safe and reliable pilotage services in periods of high seasonal demand. This staffing model produces a number of pilots for each district that we believe is needed to minimize delays and allow for some instances of double pilotage (that is, where two pilots are employed on a vessel simultaneously because of particularly hazardous conditions). In the 2017 final rule, the staffing model produced a figure of 54 total pilots on the Great Lakes: 17 for District One, 15 for District Two, and 22 for District Three.[18]

The Director of the Great Lakes Pilotage Office is required in § 404.103(d) to project the number of pilots expected to be working in the current year based on the numbers provided by the pilotage associations, as well as the number of applications for pilot positions.[19] As shown by the calculations used in the next, and all subsequent steps of the ratemaking process, the pilot numbers derived under § 404.103(d), not those from the staffing model text in paragraphs (a)–(c), were used to calculate the pilotage rates. The reason that the numbers produced by the text in paragraphs (a)–(c) are not used in the ratemaking is because while the staffing model is related to the annual ratemaking methodology, it is only through its impact on the number derived in paragraph (d). Instead, the function of the staffing model is to provide guidance to the Director regarding the number of pilots needed. While the number of pilots needed, as ascertained by the Director, certainly has an impact on the number of working pilots, the two numbers are not necessarily identical. We also note that, over the past several years, the number of pilots actually working has been significantly lower than the amount the staffing model suggests are needed. While the staffing model itself does not directly affect the ratemaking, the fact that the text appears in § 404.103, rather than as a modifier to § 401.220(a), creates some confusion. To begin, we note that inclusion of the staffing model text in the annual ratemaking section implies that we reevaluate the staffing model every year as part of the annual ratemaking procedure. While this is incorrect, it has led to confusion about the role of the staffing model, and significant resources have been expended by commenters in past years regarding its use and application. We believe part 401 is the best place to locate the staffing model text as it contains many similar items pertaining to pilotage that, while they affect the ratemaking process, are not part of it and do not need to be reanalyzed on an annual basis.

Finally, we note that the movement of the staffing model to § 401.220(a) would have an organizational impact on future pilotage rate regulatory actions. In the past, we included detailed, and sometimes repetitive, calculations of the staffing model in our annual ratemaking publication. However, if we move the staffing model text to part 401, and do not make any changes to the inputs or staffing methodology, we would not include a full analysis of the staffing model in each regulatory document. Instead, we propose to simply certify that the number of pilots working under Step 3 of the ratemaking process was less than or equal to the number of pilots authorized by the regulations in § 401.220. However, in circumstances where the staffing model produced a changed result in the number of pilots needed to ensure safe and reliable pilotage, we would include an analysis of the number of pilots recommended by the staffing model in the proposed rule. In this year's ratemaking, we note that the staffing model analysis remains unchanged from 2017, and for that reason is not repeated here.

For the reasons stated above, we propose moving the current staffing model text, located in § 404.103(a) through (c) to § 401.220(a), where it will be renumbered as § 401.220(a)(1) through (a)(3). The existing text would not be changed in any way other than being relocated, and we are not proposing any changes to the staffing model in this ratemaking.

C. Additional Changes to Ratemaking Steps 3 and 4

Additionally, we are proposing a change to the remaining text of § 404.103. Specifically, we propose to remove the words ''during the first year of the period for which base rates are being established'' from § 404.103(d). This phrase, carried over from previous

[16] *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20170920.pdf.*

[17] For more information on this topic, see section VI.D. titled, ''Delineation of full ratemakings and annual reviews'' in this preamble.

[18] See 82 FR 41466, at 41484 (August 31, 2018).

[19] See, for example, table 7, ''Calculations of total compensation,'' 82 FR 41466, at 41483 (August 31, 2017).

years, does not apply under the current methodology where base rates are established annually. We believe that this change would help to improve clarity and regulatory efficiency in future annual ratemakings.

Finally, we are proposing to change the name of the section. The section, currently titled, ''Determine number of pilots needed,'' is misleading, as the number of pilots needed to ensure safe and reliable pilotage is determined by the Director in § 401.220(a). Thus, we propose to change the section heading to ''Estimate number of working pilots,'' to more accurately reflect what we are doing in this step of the ratemaking process. In a related matter, we are also proposing a change to § 404.104 to explicitly establish the relationship between the staffing model and the annual ratemaking. While in the past, the number of pilots has been below the number derived from the staffing model, there is no regulatory text indicating that this is a limiting factor. To eliminate this ambiguity, we propose to add text to § 404.104, ''Ratemaking step 4: Determine target pilot compensation,'' that would limit the total number of working pilots for ratemaking purposes to the maximum number allowed by the staffing model. This does not prohibit pilotage associations from hiring more pilots than the staffing model suggests are needed to handle peak traffic (if, for example, pilots wanted to work fewer hours for less pay, and the Director approved), but it would limit pilotage rates by preventing those extra pilots from being considered in the ratemaking calculations.

D. Delineation of Full Ratemakings and Annual Adjustments

In this NPRM, we are proposing an organizational change to the regulations in part 404 to better delineate the full ratemaking procedure from the interim ratemaking procedure. Pursuant to the Act, we are required to establish new pilotage rates by March 1 of each year.[20] However, the Act sets forth two types of ratemaking procedures. The Act states that the Coast Guard must establish base pilotage rates by a ''full ratemaking'' at least once every 5 years, and that it must ''conduct annual reviews of such base pilotage rates, and make adjustments to such base rates, in each intervening year.'' [21] In order to more clearly effect the Act's mandate, we propose to include in the regulatory text sections that differentiate between a ''full ratemaking'' and an ''interim ratemaking.'' We would announce, in the NPRM of each annual ratemaking, whether we were conducting a full or interim ratemaking procedure (while the Act requires that the Coast Guard perform a full ratemaking at least once every 5 years, we note that it may occur more frequently if circumstances warrant).

We note that the existing regulatory text in part 404 already contains a provision that considers the difference between a full ratemaking and an interim ratemaking. Existing § 404.100, ''Ratemaking and annual reviews in general,'' states that once every 5 years, the Director establishes base pilotage rates by a full ratemaking pursuant to §§ 404.101 through 404.110, and that in ''interim years,'' the Director may adjust rates according to one of several methods (either automatic adjustments, annual adjustments for inflation, or a new full ratemaking).[22] However, after adopting the new ratemaking methodology in 2016, we do not currently have a regulatory provision for implementing the interim ratemaking other than conducting a full ratemaking analysis. With the new methodology, adopted in 2016, refined in 2017, and with the additional changes proposed for 2018, we believe that the ratemaking procedures generally defined in this part can be used in both full and interim ratemaking years, with certain differences, as described below.

The only substantive difference between a full and interim ratemaking concerns Step 4 of the ratemaking procedure, ''Determine target pilot compensation.'' This step of the ratemaking analysis, in which the total compensation for pilots is determined, comprises the majority of the revenue total needed to operate Great Lakes pilotage. In past ratemaking actions, we received numerous comments and substantial amounts of data when considering the ''benchmark'' for pilot compensation. Even in years where we did not propose adjusting the compensation benchmark, we received substantial data about ways in which it could be adjusted. However, we do not believe that it is in the interest of Great Lakes shipping to calculate a new benchmark compensation level every year. Such a system could lead to substantial volatility regarding compensation. This, in turn, could lead to the pilot recruitment and retention problems that affected the Great Lakes region prior to the ratemaking methodology changes introduced in the past few years.

For these reasons, we are proposing regulatory language in part 404 to clarify that the benchmark pilot compensation would only be reconsidered during ''full ratemaking'' years, which occur at least once every 5 years. Conversely, during ''interim years,'' we would not consider changes to the benchmark pilot compensation. Instead, during those years, we would adjust the target compensation according to Bureau of Labor Statistics' Consumer Price Index for the Midwest Region, or if that is not available, the FOMC median economic projections for PCE inflation, allowing compensation to stay in line with inflation. We believe that this system would simplify ratemaking procedures in interim years and better effect the statutory mandate in section 9303(f) of the Act. In this NPRM, we have proposed regulatory changes to § 404.100(b) and (c), as well as in § 404.104(a) and (b), that would enact these changes to the methodology.

E. Other Miscellaneous Changes

We propose several minor editorial changes in this NPRM. In section 404.107, we propose renaming Step 7, currently titled, ''Initially calculate base rates'' to ''Calculate initial base rates'' for style purposes and to make an accompanying edit to the text by changing the words ''initially calculates base rates'' to ''calculates initial base rates'' in the text of that section. We also propose to adjust the reference to the staffing model in Step 7 to account for its relocation in text (proposed section 401.220(a)).

VII. Revised Compensation Benchmark

In this NPRM, the Coast Guard is proposing a new compensation benchmark for pilots on the Great Lakes. It is doing so to comply with a court decision holding that the Coast Guard's existing compensation benchmark, which based on the salaries of Canadian Great Lakes pilot salaries plus a 10% increase, was arbitrary and capricious. We are following the court's decision and are moving to implement a new benchmark in this proposed rule.

When the Coast Guard adopted the existing compensation benchmark in the 2016 annual adjustment, we recognized that the number was based on somewhat uncertain data, and have undertaken a comprehensive, multi-year analysis of pilot compensation practices to develop a more appropriate benchmark.[23] However, as we do not expect to be able to make any proposals based on this study until at least the 2020 rate adjustment, and we cannot continue to

[20] *See* 46 U.S.C. 9303(f).

[21] *Id.*

[22] See 33 CFR 404.100(b)(1) through (b)(3).

[23] See 82 FR 41466 (March 8, 2017) at 41469.

use the existing model, there is a need for an interim benchmark level to be developed on short notice and with limited time to gather new data.

Therefore, the Coast Guard is proposing a new compensation benchmark based, in part, on the previous model of compensation that was used by the Coast Guard prior to the new ratemaking methodology introduced in the 2016 annual ratemaking.[24] Under the previous methodology, each year the Coast Guard gathered contract information from the American Maritime Officers Union (AMOU), and used details from their contracts to estimate rates for Great Lakes pilots. Ultimately, however, the AMOU stopped providing information to the Coast Guard, which was one basis for moving to other models. However, in the context of the previous rate adjustments, the AMOU did provide information up through the 2015 calendar year. Given that in this document, we have proposed to develop a new benchmark compensation level every 5 years, and then index that number for inflation each year in between, we believe the most efficient solution for an interim compensation benchmark is to derive a compensation figure using the 2015 AMOU data, and then apply inflationary adjustments to that data to arrive at an equivalent level for the 2018 shipping season. We note that this method is different than using data for the 2018 AMOU contracts, for which there is no public information and which this proposed compensation benchmark does not utilize. Because the interim benchmark proposed in this NPRM is explicitly based on the terms of the AMOU contract as they existed in 2015, we note that comments that relate to AMOU contract information from years other than 2015 would not be relevant to this proposed compensation benchmark and will not be considered. However, we do request comments on whether we have correctly applied the terms of the 2015 contract, or used correct data, to the calculation of target pilot compensation under this proposed model and note that we may adjust the interim compensation benchmark if we receive validated data relating to total compensation pursuant to the 2015 AMOU contract terms that improves our understanding of that contract.

The data we are using, provided in a letter from the AMOU from October 4, 2013,[25] consists of ''daily aggregate rates'' for two contracts between Great Lakes shipping companies for the services of AMOU mates.[26] These numbers were provided to the Coast Guard as a public comment to be used as a basis for compensation in the 2014 ratemaking procedure. These daily aggregate rates include daily wages, vacation pay, pension plan contributions, and medical plan contributions for AMOU officers. The relevant 2015 numbers include a $1,142.06 aggregate rate for Agreement A,[27] and $1,124.72 aggregate rate for Agreement B,[28] which are the amounts used to calculate the compensation for pilots on designated waters. We note that the while the 2014 ratemaking methodology calculated different compensation targets for pilots in undesignated areas and those in designated areas, the ratemaking methodology used today calculates a single wage rate, so only the numbers used in designated waters would be relevant. We explain how we propose to translate this information into a proposed annual pilot compensation benchmark below.

Despite the fact that the aggregated data in the 2013 AMOU letter is not broken down into specific costs, we believe that the data points provided are generally accurate. Prior to 2014, the Coast Guard received confidential copies of the AMOU contracts with detailed breakdowns of compensation components including wages, medical costs, defined contribution and defined benefit pension costs. The latest contract we have covered the 2011 through the 2015 shipping seasons, which is one reason we believe that basing our interim benchmark on the 2015 season is a reasonable measure, as we have the underlying contract for that season. Using the estimated out-year figures set forth in the 2011 contract, and applying the detailed compensation methodology used in the 2012 Great Lakes Pilotage annual ratemaking final rule,[29] we were able to calculate aggregate figures that were within 1% of the figures provided in the 2013 AMOU letter.[30]

In the notice of proposed rulemaking for the 2014 Great Lakes pilotage annual rate adjustment, we described how we use the daily aggregate rates to develop a total pilot compensation figure. The annual rates included the ''daily wage rate, vacation pay, pension plan contributions, and medical plan contributions.'' [31] We stated that ''because we are interested in annual compensation, we must convert these to daily rates. We use a 270-day multiplier which reflects an average 30-day month, over the 9 months of the average shipping season.'' [32] Subsequently, ''[w]e apportion the compensation provided by each agreement according to the percentage of tonnage represented by companies under each agreement.'' [33]

After publication of the 2014 Final Rule, the Coast Guard was sued by the three American pilotage associations, in part, because the AMOU aggregate data it had used to calculate the 2014 compensation figures did not include a seasonal bonus component. In that case, the Coast Guard relied on previous aggregate data figures provided by the AMOU in 2012, instead of using the figures provided by the AMOU in its October 4, 2013 public comment, where the AMOU stated that the previous figures were inaccurate. While the court found that the use of the old figures was arbitrary, the use of AMOU aggregate data generally was not disputed.[34] Instead, it was the use of the disavowed aggregate data that was not supported. We intend to correct this by basing our interim methodology on the new figures provided by the AMOU for the year

[24] We note that the 2016 ratemaking significantly overhauled the entire ratemaking process, not just the method for computing the compensation benchmark, and that methodology is still the basis of the current proposed ratemaking process.

[25] We refer to this document as the ''2013 AMOU letter,'' which is available in the docket at USCG–2017–0903, as well as in the docket for the 2014 Great Lakes Pilotage rulemaking, at USCG–2013–0534–0007.

[26] We acknowledge that the American pilotage associations sued the Coast Guard and won in a lawsuit on the 2014 ratemaking regarding the inappropriate use of AMOU daily aggregate rate data. However, that was because in that ratemaking, the Coast Guard did not use the updated daily aggregate rate data provided in the October 4, 2013 letter, but instead relied on older data that the AMOU had explicitly disavowed. In this proposal, we are correcting that mistake by using the updated data. The opinion from the 2014 court case is available on the docket at USCG–2017–0903.

[27] ''Agreement A'' refers to the contract between AMOU and vessels operated by Key Lakes, Inc.

[28] ''Agreement B'' refers to the contract between AMOU and vessels operated by Mittal Steel USA, Inc.

[29] 2012 Rates for Pilotage on the Great Lakes, 77 FR 11752 (February 28, 2012).

[30] Because the out-year figures, including those for 2015, were estimates, we would not expect the 2015 numbers as calculated in 2011 and 2013 to match exactly, as component items such as medical cost expenditures often defy exact predictions. We believe that the very close match between our own calculations and the figures provided by AMOU is strong evidence that the AMOU data accurately accounts for the total compensation of Great Lakes masters and thus provides a reasonable facsimile for Great Lakes pilots.

[31] Great Lakes Pilotage Rates—2014 Annual Review and Adjustment, notice of proposed rulemaking, 78 FR 48374, at 48381(August 8, 2013).

[32] Id.

[33] Id., at 48382.

[34] This was the information AMOU provided to correct what it alleged was inaccurate data the Coast Guard had proposed using. The aggregate data in the 2013 AMOU letter included a comprehensive wage component, which included work days, weekend days, holidays, and the ''seasonal bonus'' days.

2015, which were also contained in the 2013 letter.

To apply the 2015 aggregate data figures to the current ratemaking methodology, we need only use the figures for designated waters. Prior to the 2016 ratemaking, the Coast Guard calculated separate compensation figures for designated and undesignated waters—compensating pilots assigned to designated waters an equivalent rate to masters, while compensating pilots assigned to undesignated waters the equivalent rate of AMOU mates, who are paid considerably less. However, in 2016, the Coast Guard ended the practice of calculating separate compensation figures for pilots on the Great Lakes. In the 2016 Great Lakes pilotage NPRM, we stated that ''we see no reasonable basis for discriminating between the target compensation of pilots on the basis of the distinction between designated or undesignated waters. In any waters and in any district, pilots need the same skills, and therefore we propose a single individual target compensation figure across all three districts.'' [35] As all pilots must be trained to navigate the more-complex designated waters, we believe it is appropriate that they receive the level of compensation associated with that task.

Because of these factors, we believe we can develop an interim benchmark compensation level based on the 2015 AMOU aggregate data for wages in designated waters that has been publically provided. Based on our calculations, the new benchmark compensation figure would be $319,617 per pilot. The numbers are derived as follows:

In the first step of calculating the interim compensation benchmark, shown as Table 3 below, we multiply the daily aggregate rates for Agreement A and Agreement B by 270, the estimated number of days in the shipping season, to derive a seasonal average compensation figure.

TABLE 3—CALCULATION OF SEASONAL RATES BY AGREEMENT

	Aggregate daily rate	Seasonal compensation (aggregate daily rate × 270)
Agreement A	$1,142.06	$308,356
Agreement B	1,124.72	303,674

Next, as stated above, we apportion the compensation provided by each agreement according to the percentage of tonnage represented by companies under each agreement. As shown in Table 4 below, approximately 70% of cargo was carried under the Agreement A contract, while approximately 30% of cargo was carried under the Agreement B contract.

TABLE 4—WEIGHTED AVERAGE OF EACH AGREEMENT

	Tonnage	% Tonnage (total tonnage/ 1,215,811)
Agreement A	361,385	29.7237811
Agreement B	854,426	70.2762189
Total tonnage	1,215,811	100

Third, we develop an average of compensation based on the total compensation under the two contracts, weighting each contract by its percentage of total tonnage. Based on this calculation, we have developed a figure of $305,066 (rounded) for total compensation in 2015.

TABLE 5—CALCULATION OF AVERAGED COMPENSATION

	% Tonnage	Weighted compensation (seasonal compensation × % tonnage) (rounded)
Agreement A—weighted	29.7237811	$91,655
Agreement B—weighted	70.2762189	213,411
Total compensation (Agreement A + B)	100	305,066

[35] Great Lakes Pilotage Rates—2016 Annual Review and Changes to Methodology, 80 FR 54484, at 54490 (September 10, 2015).

Finally, we adjust that figure for inflation. As we propose to do in our overall ratemaking methodology, we use the BLS Consumer Price Index for the Midwest region to inflate to 2016, and FOMC median economic projections for PCE inflation to inflate the total compensation to 2017 and 2018. Based on three years of inflation adjustments, we arrive at the proposed 2018 target compensation figure, which is $319,617 annually.

TABLE 6—INFLATION ADJUSTMENTS—2015 TO 2018

	Inflation (%)	Target compensation
2015 Target Pilot Compensation		$305,066
2016 Inflation Adjustment [36]	0.8	307,507
2017 Inflation Adjustment [37]	1.9	313,350
2018 Inflation Adjustment	2.0	319,617

VIII. Discussion of Proposed Rate Adjustments

In this NPRM, based on the proposed updated methodology described in the previous section, we are proposing new pilotage rates for 2018. This section discusses the proposed rate changes using the ratemaking steps provided in 46 CFR part 404, as they would be written according to the proposed revisions discussed above. Here we will detail each step of the ratemaking procedure to show how we arrived at the proposed new rates.

The 2018 ratemaking is an ''annual review,'' rather than a full ratemaking. Thus, for this purpose, we propose using the annual review methodology in § 404.104.

A. Step 1: Recognition of Operating Expenses

Step 1 in our ratemaking methodology requires that we review and recognize the previous year's operating expenses (§ 404.101). To do this, we begin by reviewing the independent accountant's financial reports for each association's 2015 expenses and revenues.[38] For accounting purposes, the financial reports divide expenses into designated and undesignated areas. In certain instances, for example, costs are applied to the undesignated or designated area based on where they were actually accrued. For example, costs for ''Applicant pilot license insurance'' in District One are assigned entirely to the undesignated areas, as applicant pilots work exclusively in those areas. For costs that accrued to the pilot associations generally, for example, insurance, the cost is divided between the designated and undesignated areas on a *pro rata* basis. The recognized operating expenses for the three districts are laid out in Tables 7 through 9.

TABLE 7—2015 RECOGNIZED EXPENSES FOR DISTRICT ONE

Reported expenses for 2015	Designated	Undesignated	Total
	St. Lawrence River	Lake Ontario	
Operating Expenses:			
Other Pilotage Costs:			
Pilot subsistence/travel	$344,718	$267,669	$612,387
Applicant Pilot subsistence/travel	59,992	88,313	148,305
License insurance	26,976	26,976	53,952
Applicant Pilot license insurance	0	2,271	2,271
Payroll taxes	97,531	61,656	159,187
Applicant Pilot payroll taxes	8,200	12,583	20,783
Other	5,679	5,341	11,020
Total other pilotage costs	543,096	464,809	1,007,905
Pilot Boat and Dispatch Costs:			
Pilot boat expense	134,400	106,064	240,464
Dispatch expense	0	0	0
Payroll taxes	9,688	7,645	17,333
Total pilot and dispatch costs	144,088	113,709	257,797
Administrative Expenses:			
Legal—general counsel	12,388	9,733	22,121
Legal—shared counsel (K&L Gates)	904	710	1,614
Legal—USCG litigation	0	0	0
Insurance	16,261	12,832	29,093
Employee benefits	8,752	6,907	15,659
Payroll taxes	5,628	4,441	10,069
Other taxes	9,447	7,455	16,902
Travel	795	627	1,422
Depreciation/auto leasing/other	55,850	31,763	87,613
Interest	12,337	9,736	22,073

[36] Inflation adjustment from 2015 to 2016 calculated from Bureau of Labor Statistics, CPI—All Urban Consumers for Midwest Urban, found at *https://data.bls.gov/timeseries/CUUR0200SA0?data_tool=Xgtable.*

[37] Inflation to 2017 and 2018 found using Federal Open Market Committee, Summary of Economic Projections, found at *https://www.federalreserve.gov/monetarypolicy/fomcprojtabl20160316.htm.*

[38] These reports are available in the docket for this rulemaking (see *https://www.regulations.gov,* Docket #USCG–2017–0903).

TABLE 7—2015 RECOGNIZED EXPENSES FOR DISTRICT ONE—Continued

Reported expenses for 2015	Designated	Undesignated	Total
	St. Lawrence River	Lake Ontario	
Dues and subscriptions	15,867	15,513	31,380
Utilities	9,573	461	10,034
Salaries	56,126	44,291	100,417
Accounting/Professional fees	5,254	4,146	9,400
Pilot Training	0	0	0
Applicant Pilot training	0	0	0
Other	9,118	6,446	15,564
Total Administrative Expenses	218,300	155,061	373,361
Total Operating Expenses (Other Costs + Pilot Boats + Admin)	905,484	733,579	1,639,063
Proposed Adjustments (Independent certified public accountant (CPA)):			
Pilot subsistence/travel	0	−2,943	−2,943
Payroll taxes	0	0	0
Applicant Pilot payroll taxes	0	0	0
TOTAL CPA ADJUSTMENTS	0	−2,943	−2,943
Proposed Adjustments (Director):			
Legal—general counsel (corrected number)	904	710	1,614
Legal—general counsel (corrected number)	−12,388	−9,733	−22,121
Legal—shared counsel (K&L Gates) (corrected number)	12,388	9,733	22,121
Legal—shared counsel (K&L Gates) (corrected number)	−904	−710	−1,614
Legal—shared counsel—3% lobbying fee (K&L Gates)	−371	−292	−663
TOTAL DIRECTOR'S ADJUSTMENTS	−371	−292	−663
Total Operating Expenses (OpEx + Adjustments)	905,113	730,344	1,635,457

TABLE 8—2015 RECOGNIZED EXPENSES FOR DISTRICT TWO

Reported expenses for 2015	Undesignated	Designated	Total
	Lake Erie	SES to Port Huron	
Operating Expenses:			
Other Pilotage Costs:			
Pilot subsistence/travel	$163,276	$244,915	$408,191
Applicant Pilot subsistence/travel	0	0	0
License insurance	6,798	10,196	16,994
Applicant Pilot license insurance	0	0	0
Payroll taxes	53,242	79,863	133,105
Applicant Pilot payroll taxes	0	0	0
Other	457	686	1,143
Total other pilotage costs	223,773	335,660	559,433
Pilot Boat and Dispatch Costs:			
Pilot boat expense	175,331	262,997	438,328
Dispatch expense	9,000	13,500	22,500
Employee benefits	74,855	112,282	187,137
Payroll taxes	9,724	14,585	24,309
Total pilot and dispatch costs	268,910	403,364	672,274
Administrative Expenses:			
Legal—general counsel	10,282	15,422	25,704
Legal—shared counsel (K&L Gates)	8,346	12,520	20,866
Legal—USCG litigation	0	0	0
Office rent	26,275	39,413	65,688
Insurance	10,618	15,926	26,544
Employee benefits	23,930	35,896	59,826
Workman's compensation—pilots	47,636	71,453	119,089
Payroll taxes	5,428	8,141	13,569
Other taxes	29,220	43,830	73,050
Depreciation/auto leasing/other	19,757	29,636	49,393
Interest	4,159	6,238	10,397
APA Dues	11,827	17,741	29,568
Utilities	15,850	23,775	39,625
Salaries	51,365	77,048	128,413
Accounting/Professional fees	10,721	16,081	26,802

TABLE 8—2015 RECOGNIZED EXPENSES FOR DISTRICT TWO—Continued

Reported expenses for 2015	Undesignated	Designated	Total
	Lake Erie	SES to Port Huron	
Pilot Training	0	0	0
Other	11,775	17,662	29,437
Total Administrative Expenses	287,189	430,782	717,971
Total Operating Expenses (Other Costs + Pilot Boats + Admin)	779,872	1,169,806	1,949,678
Proposed Adjustments (Independent CPA):			
Pilot boat costs	−444	−666	−1,110
TOTAL CPA ADJUSTMENTS	−444	−666	−1,110
Proposed Adjustments (Director):			
Legal—shared counsel 3% lobbying fee (K&L Gates)	−250	−376	−626
TOTAL DIRECTOR'S ADJUSTMENTS	−250	−376	−626
Total Operating Expenses (OpEx + Adjustments)	779,178	1,168,764	1,947,942

TABLE 9—2015 RECOGNIZED EXPENSES FOR DISTRICT THREE

Reported expenses for 2015	Undesignated	Designated	Total
	Lakes Huron and Michigan and Lake Superior	St. Mary's River	
Operating Expenses:			
Other Pilotage Costs:			
Pilot subsistence/travel	$457,393	$152,465	$609,858
Applicant pilot subsistence/travel	0	.....	0
License insurance	16,803	5,601	22,404
Payroll taxes	160,509	53,503	214,012
Applicant pilot payroll taxes	0	.....	0
Other	1,546	515	2,061
Total other pilotage costs	636,251	212,084	848,335
Pilot Boat and Dispatch Costs:			
Pilot boat costs	488,246	162,748	650,994
Dispatch costs	128,620	42,873	171,493
Employee benefits	12,983	4,327	17,310
Payroll taxes	14,201	4,734	18,935
Total pilot and dispatch costs	644,050	214,682	858,732
Administrative Expenses:			
Legal—general counsel	16,798	5,599	22,397
Legal—shared counsel (K&L Gates)	18,011	6,004	24,015
Legal—USCG litigation	0	.....	0
Office rent	6,372	2,124	8,496
Insurance	12,227	4,076	16,303
Employee benefits	93,646	31,215	124,861
Payroll Taxes	9,963	3,321	13,284
Other taxes	1,333	445	1,778
Depreciation/auto leasing/other	29,111	9,703	38,814
Interest	3,397	1,132	4,529
APA Dues	22,736	7,579	30,315
Utilities	32,716	10,906	43,622
Salaries	84,075	28,025	112,100
Accounting/Professional fees	19,696	6,565	26,261
Pilot Training	26,664	8,888	35,552
Other	25,228	8,409	33,637
Total Administrative Expenses	401,973	133,991	535,964
Total Operating Expenses (Other Costs + Pilot Boats + Admin)	1,682,274	560,757	2,243,031
Proposed Adjustments (Independent CPA):			
Pilot subsistence/Travel	−67,933	−22,645	−90,578
Payroll taxes	−14,175	−4,725	−18,901
Other expenses	−4,058	−1,353	−5,411
TOTAL CPA ADJUSTMENTS	−86,166	−28,723	−114,890

TABLE 9—2015 RECOGNIZED EXPENSES FOR DISTRICT THREE—Continued

Reported expenses for 2015	Undesignated	Designated	Total
	Lakes Huron and Michigan and Lake Superior	St. Mary's River	
Proposed Adjustments (Director):			
Legal—shared counsel 3% lobbying fee (K&L Gates)	−540	−180	−720
TOTAL DIRECTOR'S ADJUSTMENTS	−540	−180	−720
Total Operating Expenses (OpEx + Adjustments)	1,595,565	531,854	2,127,420

** Values may not sum due to rounding. District 3 provided the Coast Guard data for Areas 6, 7, and 8. However, the Coast Guard combined areas 6 and 8 to present the operating expenses by designated and undesignated areas.*

B. Step 2: Projection of Operating Expenses

Having ascertained the recognized 2015 operating expenses in Step 1, the next step is to estimate the current year's operating expenses by adjusting those expenses for inflation over the 3-year period. We calculated inflation using the Bureau of Labor Statistics' data from the Consumer Price Index for the Midwest Region of the United States [39] and reports from the Federal Reserve. Based on that information, the calculations for Step 1 are as follows:

TABLE 10—ADJUSTED OPERATING EXPENSES FOR DISTRICT ONE

	Designated	Undesignated	Total
Total Operating Expenses (Step 1)	$905,113	$730,344	$1,635,457
2016 Inflation Modification (@0.8%) [40]	7,241	5,843	13,084
2017 Inflation Modification (@1.9%) [41]	17,335	13,988	31,323
2018 Inflation Modification (@2.0%) [42]	18,594	15,004	33,598
Adjusted 2018 Operating Expenses	948,283	765,179	1,713,462

TABLE 11—ADJUSTED OPERATING EXPENSES FOR DISTRICT TWO

	Undesignated	Designated	Total
Total Operating Expenses (Step 1)	$779,178	$1,168,764	$1,947,942
2016 Inflation Modification (@0.8%)	6,233	9,350	15,583
2017 Inflation Modification (@1.9%)	14,923	22,384	37,307
2018 Inflation Modification (@2.0%)	16,007	24,010	40,017
Adjusted 2018 Operating Expenses	816,341	1,224,508	2,040,849

TABLE 12—ADJUSTED OPERATING EXPENSES FOR DISTRICT THREE

	Undesignated	Designated	Total
Total Operating Expenses (Step 1)	$1,595,565	$531,854	$2,127,420
2016 Inflation Modification (@0.8%)	12,765	4,255	17,020
2017 Inflation Modification (@1.9%)	30,558	10,186	40,744
2018 Inflation Modification (@2.0%)	32,778	10,926	43,704
Adjusted 2018 Operating Expenses	1,671,666	557,221	2,228,888

C. Step 3: Estimate Number of Working Pilots

In accordance with the proposed text in § 404.103, we estimated the number of working pilots in each district. Based on input from the Saint Lawrence Seaway Pilots Association, we estimate that there will be 17 working pilots in 2018 in District One. Based on input from the Lakes Pilots Association, we estimate there will be 14 working pilots in 2018 in District Two. Based on input from the Western Great Lakes Pilots Association, we estimate there will be 18 working pilots in 2018 in District Three.

Furthermore, based on the staffing model employed to develop the total number of pilots needed, we assign a certain number of pilots to designated waters, and a certain number to undesignated waters. These numbers are

[39] Available at *https://www.bls.gov/regions/midwest/data/consumerpriceindexhistorical_midwest_table.pdf.*

[40] See *https://data.bls.gov/timeseries/CUUR0200SA0?data_tool=Xgtable.*

[41] See *https://www.federalreserve.gov/monetarypolicy/fomcprojtabl20160316.htm.*

[42] See *https://www.federalreserve.gov/monetarypolicy/fomcprojtabl20160316.htm.*

used to determine the amount of revenue needed in their respective areas.

TABLE 13—AUTHORIZED PILOTS

	District One	District Two	District Three
Maximum number of pilots (per § 401.220(a)) [43]	17	15	22
2018 Authorized pilots (total)	17	14	18
Pilots assigned to designated areas	10	7	4
Pilots assigned to undesignated areas	7	7	14

D. Step 4: Determine Target Pilot Compensation

In this step, we determine the total pilot compensation for each area. Because we are proposing a ''full ratemaking'' this year, we propose to follow the procedure outlined in paragraph (a) of § 404.104, which requires us to develop a benchmark after considering the most relevant currently available non-proprietary information. In accordance with the discussion in Section VII above, the proposed compensation benchmark for 2018 is $319,617 per pilot.

Next, we certify that the number of pilots estimated for 2018 is less than or equal to the number permitted under the staffing model in § 401.220(a). The staffing model suggests that the number of pilots needed is 17 pilots for District One, 15 pilots for District Two, and 22 pilots for District Three,[44] which is more than or equal to the numbers of working pilots provided by the pilot associations.

Thus, in accordance with proposed § 404.104(c), we use the revised target individual compensation level to derive the total pilot compensation by multiplying the individual target compensation by the estimated number of working pilots for each district, as shown in Table 14.

TABLE 14—TARGET PILOT COMPENSATION FOR DISTRICT ONE

	Designated	Undesignated	Total
Target Pilot Compensation	$319,617	$319,617	$319,617
Number of Pilots	10	7	17
Total Target Pilot Compensation	$3,196,170	$2,237,319	$5,433,489

TABLE 15—TARGET PILOT COMPENSATION FOR DISTRICT TWO

	Undesignated	Designated	Total
Target Pilot Compensation	$319,617	$319,617	$319,617
Number of Pilots	7	7	14
Total Target Pilot Compensation	$2,237,319	$2,237,319	$4,474,638

TABLE 16—TARGET PILOT COMPENSATION FOR DISTRICT THREE

	Undesignated	Designated	Total
Target Pilot Compensation	$319,617	$319,617	$319,617
Number of Pilots	14	4	18
Total Target Pilot Compensation	$4,474,638	$1,278,468	$5,753,106

E. Step 5: Calculate Working Capital Fund

Next, we calculate the working capital fund revenues needed for each area. First, we add the figures for projected operating expenses and total pilot compensation for each area. Next, we find the preceding year's average annual rate of return for new issues of high grade corporate securities. Using Moody's data, that number is 3.67 percent.[45] By multiplying the two figures, we get the working capital fund contribution for each area, as shown in Table 17.

[43] For a detailed calculation, see 82 FR 41466, table 6 at 41480 (August 31, 2017).

[44] See Table 6 of the 2017 final rule, 82 FR 41466 at 41480 (August 31, 2017). The methodology of the staffing model is discussed at length in the final rule (see pages 41476–41480 for a detailed analysis of the calculations).

[45] Moody's Seasoned Aaa Corporate Bond Yield, average of 2016 monthly data, located at *http://research.stlouisfed.org/fred2/series/AAA/download data?cid=119.* The Coast Guard uses the most recent complete year of data.

TABLE 17—WORKING CAPITAL FUND CONTRIBUTION FOR DISTRICT ONE

	Designated	Undesignated	Total
Adjusted Operating Expenses (Step 2)	$948,283	$765,179	$1,713,462
Total Target Pilot Compensation (Step 4)	3,196,170	2,237,319	5,433,489
Total 2018 Expenses	4,144,453	3,002,498	7,146,951
Working Capital Fund Contribution (Total 2018 Expenses × 3.67%)	152,101	110,192	262,293

TABLE 18—WORKING CAPITAL FUND CONTRIBUTION FOR DISTRICT TWO

	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$816,341	$1,224,508	$2,040,849
Total Target Pilot Compensation (Step 4)	2,237,319	2,237,319	4,474,638
Total 2018 Expenses	3,053,660	3,461,827	6,515,487
Working Capital Fund Contribution (Total 2018 Expenses × 3.67%)	112,069	127,049	239,118

TABLE 19—WORKING CAPITAL FUND CONTRIBUTION FOR DISTRICT THREE

	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$1,671,666	$557,221	$2,228,887
Total Target Pilot Compensation (Step 4)	4,474,638	1,278,468	5,753,106
Total 2018 Expenses	6,146,304	1,835,689	7,981,993
Working Capital Fund Contribution (Total 2018 Expenses × 3.67%)	225,569	67,370	292,939

F. Step 6: Calculate Revenue Needed

We add up all the expenses accrued to derive the total revenue needed for each area. These expenses include the projected operating expenses (from Step 2), the total pilot compensation (from Step 4), and the working capital fund contribution (from Step 5). The calculations are shown in Table 20.

TABLE 20—REVENUE NEEDED FOR DISTRICT ONE

	Designated	Undesignated	Total
Adjusted Operating Expenses (Step 2)	$948,283	$765,179	$1,713,462
Total Target Pilot Compensation (Step 4)	3,196,170	2,237,319	5,433,489
Return on Investment (Step 5)	152,101	110,192	262,293
Total Revenue Needed	4,296,554	3,112,690	7,409,244

TABLE 21—REVENUE NEEDED FOR DISTRICT TWO

	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$816,341	$1,224,508	$2,040,849
Total Target Pilot Compensation (Step 4)	2,237,319	2,237,319	4,474,638
Return on Investment (Step 5)	112,069	127,049	239,118
Total Revenue Needed	3,165,729	3,588,876	6,754,605

TABLE 22—REVENUE NEEDED FOR DISTRICT THREE

	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$1,671,666	$557,221	$2,228,888
Total Target Pilot Compensation (Step 4)	4,474,638	1,278,468	5,753,106
Return on Investment (Step 5)	225,569	67,370	292,939
Total Revenue Needed	6,371,873	1,903,059	8,274,933

G. Step 7: Calculate Initial Base Rates

Having determined the revenue needed for each area in the previous six steps, we divide that number by the expected number of hours of traffic to develop an hourly rate. Step 7 is a two-part process. In the first part, we calculate the 10-year average of traffic in each district. Because we are calculating separate figures for designated and undesignated waters, there are two parts for each calculation. The calculations are shown in Tables 23 through 25.

TABLE 23—TIME ON TASK FOR DISTRICT ONE

Year	Undesignated	Designated
2016	6,217	5,434
2015	6,667	5,743
2014	6,853	6,810
2013	5,529	5,864
2012	5,121	4,771
2011	5,377	5,045
2010	5,649	4,839
2009	3,947	3,511
2008	5,298	5,829
2007	5,929	6,099
Average	5,659	5,395

TABLE 24—TIME ON TASK FOR DISTRICT TWO

Year	Undesignated	Designated
2016	6,425	5,615
2015	6,535	5,967
2014	7,856	7,001
2013	4,603	4,750
2012	3,848	3,922
2011	3,708	3,680
2010	5,565	5,235
2009	3,386	3,017
2008	4,844	3,956
2007	6,223	6,049
Average	5,299	4,919

TABLE 25—TIME ON TASK FOR DISTRICT THREE

Year	Undesignated	Designated
2016	23,421	2,769
2015	22,824	2,696
2014	25,833	3,835
2013	17,115	2,631
2012	15,906	2,163
2011	16,012	1,678
2010	20,211	2,461
2009	12,520	1,820
2008	14,287	2,286
2007	24,811	5,944
Average	19,294	2,828

Next, we derive the initial hourly rate by dividing the revenue needed by the average number of hours for each area. This produces an initial rate needed to produce the revenue needed for each area, assuming the amount of traffic is as expected. The calculations for each area are set forth in Tables 26 through 28.

TABLE 26—RATE CALCULATIONS FOR DISTRICT ONE

	Designated	Undesignated
Revenue needed (Step 6)	$4,296,554	$3,112,690
Average time on task	5,395	5,659
Initial rate	796	550

TABLE 27—RATE CALCULATIONS FOR DISTRICT TWO

	Designated	Undesignated
Revenue needed (Step 6)	$3,588,876	$3,165,729
Average time on task	4,919	5,299
Initial rate	730	597

TABLE 28—RATE CALCULATIONS FOR DISTRICT THREE

	Designated	Undesignated
Revenue needed (Step 6)	$1,903,059	$6,371,873
Average time on task	2,828	19,294
Initial rate	673	330

H. Step 8: Calculate Weighting Factors by Area

In this step, we calculate the average weighting factor for each designated and undesignated area. We collect the weighting factors, set forth in 46 CFR 401.400, for each vessel trip. Using this database, we calculate the average weighting factor for each area using the data from each vessel transit from 2014 onward, as shown in Tables 29 through 34.

TABLE 29—AVERAGE WEIGHTING FACTOR FOR AREA 1

[District 1, designated]

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	31	1.00	31
Class 1 (2015)	41	1.00	41
Class 1 (2016)	31	1.00	31
Class 2 (2014)	285	1.15	327.75
Class 2 (2015)	295	1.15	339.25
Class 2 (2016)	185	1.15	212.75
Class 3 (2014)	50	1.30	65

TABLE 29—AVERAGE WEIGHTING FACTOR FOR AREA 1—Continued

[District 1, designated]

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 3 (2015)	28	1.30	36.4
Class 3 (2016)	50	1.30	65
Class 4 (2014)	271	1.45	392.95
Class 4 (2015)	251	1.45	363.95
Class 4 (2016)	214	1.45	310.3
Total	1,732		2,216.35
Average weighting factor (weighted transits/number of transits)		1.28	

TABLE 30—AVERAGE WEIGHTING FACTOR FOR AREA 2

[District 1, undesignated]

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	25	1.00	25
Class 1 (2015)	28	1.00	28
Class 1 (2016)	18	1.00	18
Class 2 (2014)	238	1.15	273.7
Class 2 (2015)	263	1.15	302.45
Class 2 (2016)	169	1.15	194.35
Class 3 (2014)	60	1.30	78
Class 3 (2015)	42	1.30	54.6
Class 3 (2016)	28	1.30	36.4
Class 4 (2014)	289	1.45	419.05
Class 4 (2015)	269	1.45	390.05
Class 4 (2016)	222	1.45	321.9
Total	1,651		2,141.6
Average weighting factor (weighted transits/number of transits)		1.30	

TABLE 31—AVERAGE WEIGHTING FACTOR FOR AREA 4

[District 2, designated]

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	20	1.00	20
Class 1 (2015)	15	1.00	15
Class 1 (2016)	28	1.00	28
Class 2 (2014)	237	1.15	272.55
Class 2 (2015)	217	1.15	249.55
Class 2 (2016)	224	1.15	257.6
Class 3 (2014)	8	1.30	10.4
Class 3 (2015)	8	1.30	10.4
Class 3 (2016)	4	1.30	5.2
Class 4 (2014)	359	1.45	520.55
Class 4 (2015)	340	1.45	493
Class 4 (2016)	281	1.45	407.45
Total	1,741		2,289.7
Average weighting factor (weighted transits/number of transits)		1.32	

TABLE 32—AVERAGE WEIGHTING FACTOR FOR AREA 5

[District 2, undesignated]

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	31	1.00	31
Class 1 (2015)	35	1.00	35
Class 1 (2016)	32	1.00	32
Class 2 (2014)	356	1.15	409.4
Class 2 (2015)	354	1.15	407.1

TABLE 32—AVERAGE WEIGHTING FACTOR FOR AREA 5—Continued

[District 2, undesignated]

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 2 (2016)	380	1.15	437
Class 3 (2014)	20	1.30	26
Class 3 (2015)	0	1.30	0
Class 3 (2016)	9	1.30	11.7
Class 4 (2014)	636	1.45	922.2
Class 4 (2015)	560	1.45	812
Class 4 (2016)	468	1.45	678.6
Total	2,881		3,802
Average weighting factor (weighted transits/number of transits)		1.32	

TABLE 33—AVERAGE WEIGHTING FACTOR FOR AREAS 6 AND 8

[District 3, undesignated]

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Area 6:			
Class 1 (2014)	45	1.00	45
Class 1 (2015)	56	1.00	56
Class 1 (2016)	136	1.00	136
Class 2 (2014)	274	1.15	315.1
Class 2 (2015)	207	1.15	238.05
Class 2 (2016)	236	1.15	271.4
Class 3 (2014)	15	1.30	19.5
Class 3 (2015)	8	1.30	10.4
Class 3 (2016)	10	1.30	13
Class 4 (2014)	394	1.45	571.3
Class 4 (2015)	375	1.45	543.75
Class 4 (2016)	332	1.45	481.4
Total for Area 6	2,088		2,700.9
Area 8:			
Class 1 (2014)	3	1.00	3
Class 1 (2015)	0	1.00	0
Class 1 (2016)	4	1.00	4
Class 2 (2014)	177	1.15	203.55
Class 2 (2015)	169	1.15	194.35
Class 2 (2016)	174	1.15	200.1
Class 3 (2014)	3	1.30	3.9
Class 3 (2015)	0	1.30	0
Class 3 (2016)	7	1.30	9.1
Class 4 (2014)	243	1.45	352.35
Class 4 (2015)	253	1.45	366.85
Class 4 (2016)	204	1.45	295.8
Total for Area 8	1,237		1,633
Combined total	3,325		4,333.9
Average weighting factor (weighted transits/number of transits)		1.30	

TABLE 34—AVERAGE WEIGHTING FACTOR FOR AREA 7

[District 3, designated]

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	27	1.00	27
Class 1 (2015)	23	1.00	23
Class 1 (2016)	55	1.00	55
Class 2 (2014)	221	1.15	254.15
Class 2 (2015)	145	1.15	166.75
Class 2 (2016)	174	1.15	200.1
Class 3 (2014)	4	1.30	5.2
Class 3 (2015)	0	1.30	0
Class 3 (2016)	6	1.30	7.8

TABLE 34—AVERAGE WEIGHTING FACTOR FOR AREA 7—Continued

(District 3, designated)

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 4 (2014)	321	1.45	465.45
Class 4 (2015)	245	1.45	355.25
Class 4 (2016)	191	1.45	276.95
Total	1,412		1,836.65
Average weighting factor (weighted transits/number of transits)		1.30	

I. Step 9: Calculate Revised Base Rates

In this step, we revise the base rates so that once the impact of the weighting factors are considered, the total cost of pilotage will be equal to the revenue needed. To do this, we divide the initial base rates, calculated in Step 7, by the average weighting factors calculated in Step 8, as shown in Table 35.

TABLE 35—REVISED BASE RATES

Area	Initial rate (Step 7)	Average weighting factor (Step 8)	Revised rate (initial rate/ average weighting factor)
District One: Designated	$796	1.28	$622
District One: Undesignated	550	1.30	424
District Two: Designated	730	1.32	553
District Two: Undesignated	597	1.32	424
District Three: Designated	673	1.30	517
District Three: Undesignated	330	1.30	253

J. Step 10: Review and Finalize Rates

In this step, the Director reviews the rates set forth by the staffing model and ensures that they meet the goal of ensuring safe, efficient, and reliable pilotage. Because, as detailed in the discussion sections of this NPRM, the proposed rates incorporate appropriate compensation for enough pilots to handle heavy traffic periods, would cover operating expenses and infrastructure costs, and have taken average traffic and weighting factors into consideration, we believe that they do meet the goal of ensuring safe, efficient, and reliable pilotage. Thus, we are not proposing any alterations to the rates in this step. The final rates are shown in Table 36, and we propose to modify the text in § 401.405(a) to reflect them.

TABLE 36—FINAL RATES

Area	Name	2017 Pilotage rate	Proposed 2018 pilotage rate
District One: Designated	St. Lawrence River	$601	$622
District One: Undesignated	Lake Ontario	408	424
District Two: Undesignated	Lake Erie	429	454
District Two: Designated	Navigable waters from Southeast Shoal to Port Huron, MI.	580	553
District Three: Undesignated	Lakes Huron, Michigan, and Superior	218	253
District Three: Designated	St. Mary's River	514	517

K. Surcharges

Because there are several applicant pilots in 2018, we are proposing to levy surcharges to cover the costs needed for training expenses. Consistent with previous years, we are proposing to assign a cost of $150,000 per applicant pilot. To develop the surcharge, we multiply the number of applicant pilots by the average cost per pilot to develop a total amount of training costs needed, and then impose that amount as a surcharge to all areas in the respective district, consisting of a percentage of revenue needed. In this year, there are two applicant pilots for District One, one applicant pilot for District Two, and four applicant pilots for District Three. The calculations to develop the surcharges are shown in Table 37. We note that while the percentages are rounded for simplicity, such rounding does not impact the revenue generated, as surcharges can no longer be collected once the surcharge total has been attained.

TABLE 37—SURCHARGE CALCULATIONS

	District One	District Two	District Three
Number of applicant pilots	2	1	4
Total applicant training costs	$300,000	$150,000	$600,000
Revenue needed (Step 6)	$7,409,244	$6,754,605	$8,274,933
Total surcharge as percentage (total training costs/revenue)	4%	2%	7%

IX. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866, ''Regulatory Planning and Review,'' and 13563, ''Improving Regulation and Regulatory Review,'' 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. Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. Because this proposed rule is not a significant regulatory action, this proposed rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled, ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs''' (February 2, 2017). A regulatory analysis (RA) follows.

The purpose of this rulemaking is to propose new base pilotage rates and surcharges for training. This proposed rule also makes changes to the ratemaking methodology and revises the compensation benchmark. The last full ratemaking was concluded in 2017.

Table 38 summarizes the regulatory changes that are expected to have no costs, and any qualitative benefits associated with them. The table also includes proposed changes that affect portions of the methodology for calculating the proposed base pilotage rates. While these proposed changes affect the calculation of the rate, the costs of these changes are captured in the changes to the total revenue as a result of the proposed rate change (summarized in Table 39).

TABLE 38—REGULATORY CHANGES WITH NO COST OR COSTS CAPTURED IN THE PROPOSED RATE CHANGE

Proposed change	Description	Basis for no costs	Benefits
Codification of compensation inflation adjustment.	Add regulatory text to § 404.104 to make the adjustment for inflation automatic.	Pilot compensation costs are accounted for in the base pilotage rates.	—Pilot compensation would keep up with regional inflation. —Improves consistency, transparency, and efficiency in our ratemaking procedures.
Target pilot compensation	—Due to the 2016 court opinion on pilot compensation, the Coast Guard is changing the pilot compensation benchmark.	Pilot compensation costs are accounted for in the base pilotage rates.	Improves transparency in our ratemaking procedures.
Relocation of staffing model regulations.	Move the discussion of the staffing model from 46 CFR 404.103 (as part of ''Step 3'' of the ratemaking process), to the general regulations governing pilotage in § 401.420.	We are not proposing to adjust or modify the regulatory text, but simply move it to § 401.220.	Improve the clarity of the regulations and improve the regulatory process.
Delineation of full ratemakings and annual reviews.	Set forth separate regulatory paragraphs detailing the differences between how the Coast Guard undertakes an annual adjustment of the pilotage rates, and a full reassessment of the rates, which must be undertaken once every 5 years.	Change only clarifies that the benchmark level compensation will only be reconsidered during ''full ratemaking'' years.	Simplify ratemaking procedures in interim years and better effect the statutory mandate in section 9303(f) of the Great Lakes Pilotage Act.
Miscellaneous other changes	—Rename the step currently titled ''Initially calculate base rates'' to ''Calculate initial base rates'' for style purposes. —Adjust the reference to the staffing model in Step 7 to account for its relocation in text.	Minor editorial changes in this NPRM that do not impact total revenues.	Provides clarification to regulatory text and the rulemaking.

Table 39 summarizes the affected population, costs, and benefits of the rate changes that are expected to have costs associated with them.

TABLE 39—ECONOMIC IMPACTS DUE TO RATE CHANGES

Proposed change	Description	Affected population	Costs	Benefits
Rate Changes	Under the Great Lakes Pilotage Act of 1960, the Coast Guard is required to review and adjust base pilotage rates annually.	Owners and operators of 215 vessels journeying the Great Lakes system annually, 49 U.S. Great Lakes pilots, and 3 pilotage associations.	$1,162,401—Due to change in Revenue Needed for 2018 ($23,488,782) from Revenue Needed for 2017 ($22,326,381) as shown in Table 40 below.	—New rates cover an association's necessary and reasonable operating expenses. —Provides fair compensation, adequate training, and sufficient rest periods for pilots. —Ensures the association receives sufficient revenues to fund future improvements.

The Coast Guard is required to review and adjust pilotage rates on the Great Lakes annually. See sections IV and V of this preamble for detailed discussions of the legal basis and purpose for this rulemaking and for background information on Great Lakes pilotage ratemaking. Based on our annual review for this proposed rulemaking, we propose adjusting the pilotage rates for the 2018 shipping season to generate sufficient revenues for each district to reimburse its necessary and reasonable operating expenses, fairly compensate trained and rested pilots, and provide an appropriate working capital fund to use for improvements. The rate changes in this proposed rule would, if codified, lead to an increase in the cost per unit of service to shippers in all three districts, and result in an estimated annual cost increase to shippers.

In addition to the increase in payments that would be incurred by shippers in all three districts from the previous year as a result of the proposed rate changes, we propose authorizing a temporary surcharge to allow the pilotage associations to recover training expenses that would be incurred in 2018. For 2018, we anticipate that there will be two applicant pilots in District One, one applicant pilot in District Two, and four applicant pilots in District Three. With a training cost of $150,000 per pilot, we estimate that Districts One, Two, and Three will incur $300,000, $150,000, and $600,000 in training expenses, respectively. These temporary surcharges would generate a combined $1,050,000 in revenue for the pilotage associations. Therefore, after accounting for the implementation of the temporary surcharges across all three districts, the total payments that would be made by shippers during the 2018 shipping season are estimated at approximately $1,162,401 more than the total payments that were estimated in 2017 (Table 40).[46]

A detailed discussion of our economic impact analysis follows.

Affected Population

The shippers affected by these rate changes are those owners and operators of domestic vessels operating ''on register'' (employed in foreign trade) and owners and operators of non-Canadian foreign vessels on routes within the Great Lakes system. These owners and operators must have pilots or pilotage service as required by 46 U.S.C. 9302. There is no minimum tonnage limit or exemption for these vessels. The statute applies only to commercial vessels and not to recreational vessels. United States-flagged vessels not operating on register and Canadian ''lakers,'' which account for most commercial shipping on the Great Lakes, are not required by 46 U.S.C. 9302 to have pilots. However, these U.S.- and Canadian-flagged lakers may voluntarily choose to engage a Great Lakes registered pilot. Vessels that are U.S.-flagged may opt to have a pilot for varying reasons, such as unfamiliarity with designated waters and ports, or for insurance purposes.

We used billing information from the years 2014 through 2016 from the Great Lakes Pilotage Management System (GLPMS) to estimate the average annual number of vessels affected by the rate adjustment. The GLPMS tracks data related to managing and coordinating the dispatch of pilots on the Great Lakes, and billing in accordance with the services. We found that a total of 387 vessels used pilotage services during the years 2014 through 2016. That is, these vessels had a pilot dispatched to the vessel, and billing information was recorded in the GLPMS. The number of invoices per vessel ranged from a minimum of 1 invoice per year to a maximum of 108 invoices per year. Of these vessels, 367 were foreign-flagged vessels and 20 were U.S.-flagged. As previously stated, U.S.-flagged vessels not operating on register are not required to have a registered pilot per 46 U.S.C. 9302, but they can voluntarily choose to have one.

Vessel traffic is affected by numerous factors and varies from year to year. Therefore, rather than the total number of vessels over the time period, an average of the unique vessels using pilotage services from the years 2014 through 2016 is the best representation of vessels estimated to be affected by the rate proposed in this NPRM. From the years 2014 through 2016, an average of 215 vessels used pilotage services annually.[47] On average, 206 of these vessels were foreign-flagged vessels and 9 were U.S.-flagged vessels that voluntarily opted into the pilotage service.

Total Cost to Shippers

The rate changes resulting from the new methodology would generate costs to industry in the form of higher payments for shippers. We estimate the effect of the rate changes on shippers by comparing the total projected revenues needed to cover costs in 2017 with the total projected revenues to cover costs in 2018, including any temporary surcharges we have authorized. We set pilotage rates so that pilot associations receive enough revenue to cover their necessary and reasonable expenses. Shippers pay these rates when they

[46] Total payments across all three districts are equal to the increase in payments incurred by shippers as a result of the rate changes plus the temporary surcharges applied to traffic in Districts One, Two, and Three.

[47] Some vessels entered the Great Lakes multiple times in a single year, affecting the average number of unique vessels utilizing pilotage services in any given year.

have a pilot as required by 46 U.S.C. 9302. Therefore, the aggregate payments of shippers to pilot associations are equal to the projected necessary revenues for pilot associations. The revenues each year represent the total costs that shippers must pay for pilotage services, and the change in revenue from the previous year is the additional cost to shippers discussed in this proposed rule.

The impacts of the proposed rate changes on shippers are estimated from the District pilotage projected revenues (shown in Tables 20 through 22 of this preamble) and the proposed surcharges described in section VIII of this preamble. We estimate that for the 2018 shipping season, the projected revenue needed for all three districts is $22,438,782. Temporary surcharges on traffic in Districts One, Two, and Three would be applied for the duration of the 2018 season in order for the pilotage associations to recover training expenses incurred for applicant pilots. We estimate that the pilotage associations would require an additional $300,000, $150,000, and $600,000 in revenue for applicant training expenses in Districts One, Two, and Three, respectively. This would be an additional cost to shippers of $1,050,000 during the 2018 shipping season. Adding the projected revenue of $22,438,782 to the proposed surcharges, we estimate the pilotage associations' total projected revenue needed for 2018 would be $23,488,782. To estimate the additional cost to shippers from this proposed rule, we compare the 2018 total projected revenues to the 2017 projected revenues. Because we review and prescribe rates for the Great Lakes Pilotage annually, the effects are estimated as a single year cost rather than annualized over a 10-year period. In the 2017 rulemaking,[48] we estimated the total projected revenue needed for 2017, including surcharges, as $22,326,381. This is the best approximation of 2017 revenues as, at the time of this publication, we do not have enough audited data available for the 2017 shipping season to revise these projections. Table 40 shows the revenue projections for 2017 and 2018 and details the additional cost increases to shippers by area and district as a result of the rate changes and temporary surcharges on traffic in Districts One, Two, and Three.

TABLE 40—EFFECT OF THE PROPOSED RULE BY AREA AND DISTRICT

[$U.S.; non-discounted]

Area	Revenue needed in 2017	2017 Temporary surcharge	Total 2017 projected revenue	Revenue needed in 2018	2018 Temporary surcharge	Total 2018 projected revenue	Additional costs of this proposed rule
Total, District One	$7,109,019	$0	$7,109,019	$7,409,244	$300,000	$7,709,244	$600,225
Total, District Two	6,633,491	300,000	6,933,491	6,754,605	150,000	6,904,605	(28,886)
Total, District Three	7,233,871	1,050,000	8,283,871	8,274,933	600,000	8,874,933	591,062
System Total	20,976,381	1,350,000	22,326,381	22,438,782	1,050,000	23,488,782	1,162,401

The resulting difference between the projected revenue in 2017 and the projected revenue in 2018 is the proposed annual change in payments from shippers to pilots as a result of the rate change that would be imposed by this rule. The effect of the proposed rate change to shippers varies by area and district. The rate changes, after taking into account the increase in pilotage rates and the addition of temporary surcharges, would lead to affected shippers operating in District One and District Three experiencing an increase in payments of $600,225 and $591,062, respectively, over the previous year, and a decrease in payments of $28,886 in District 2. The overall adjustment in payments would be an increase in payments by shippers of approximately $1,162,401 across all three districts (a 5 percent increase over 2017). Again, because we review and set rates for Great Lakes Pilotage annually, the impacts are estimated as single year costs rather than annualized over a 10-year period.

Table 41 shows the difference in revenue by component from 2017 to 2018.[49] The majority of the increase in revenue is due to the inflation of operating expenses and to the addition of four pilots who were authorized in the 2017 rule. These four pilots are training this year and will become full-time working pilots at the beginning of the 2018 shipping season. They would be compensated at the target compensation of $319,617 per pilot. The addition of these pilots to full working status accounts for $1,278,468 of the increase ($677,898 when also including the effect of decreasing compensation for 45 pilots). The remaining amount is attributed to decreases in the working capital fund and differences in the surcharges from 2017.

TABLE 41—DIFFERENCE IN REVENUE BY COMPONENT

Revenue component	Revenue needed in 2017	Revenue needed in 2018	Difference (2018 Revenue–2017 Revenue)
Adjusted Operating Expenses	$5,155,280	$5,983,199	$827,919
Total Target Pilot Compensation	14,983,335	15,661,233	677,898
Working Capital Fund	837,766	794,350	(43,416)
Total Revenue Needed, without Surcharge	20,976,381	22,438,782	1,462,401
Surcharge	1,350,000	1,050,000	(300,000)

[48] The 2017 projected revenues are from the 2017 Great Lakes Pilotage Ratemaking final rule (82 FR 41484 and 41489), Tables 9 and 14.

[49] The 2017 projected revenues are from the 2017 final rule (82 FR 41484 and 41489), tables 9 and 14. The 2018 projected revenues are from tables 20–22 of this NPRM.

TABLE 41—DIFFERENCE IN REVENUE BY COMPONENT—Continued

Revenue component	Revenue needed in 2017	Revenue needed in 2018	Difference (2018 Revenue–2017 Revenue)
Total Revenue Needed, with Surcharge	22,326,381	23,488,782	1,162,401

Pilotage Rates as a Percentage of Vessel Operating Costs

To estimate the impact of U.S. pilotage costs on foreign-flagged vessels that would be affected by the rate adjustment, we looked at the pilotage costs as a percentage of a vessel's costs for an entire voyage. The portion of the trip on the Great Lakes using a pilot is only a portion of the whole trip. The affected vessels are often traveling from a foreign port, and the days without a pilot on the total trip often exceed the days a pilot is needed.

To estimate this impact, we used the 2017 study titled, ''Analysis of Great Lakes Pilotage Costs on Great Lakes Shipping and the Potential Impact of Increases in U.S. Pilotage Charges.'' [50] We conducted the study to explore additional frameworks and methodologies for assessing the cost of Great Lakes pilot's ratemaking regulations, with a focus on capturing industry and port level economic impacts. The study also included an analysis of the pilotage costs as a percentage of the total voyage costs that we can use in RAs to estimate the direct impact of changes to the pilotage rates.

The study developed a voyage cost model that is based on a vessel's daily costs. The daily costs included: Capital repayment costs; fuel costs; operating costs (such as crew, supplies, and insurance); port costs; speed of the vessel; stevedoring rates; and tolls. The daily operating costs were translated into total voyage costs using mileage between the ports for a number of voyage scenarios. In the study, the total voyage costs were then compared to the U.S. pilotage costs. The study found that, using the 2016 rates, the U.S. pilotage charges represent 10 percent of the total voyage costs for a vessel carrying grain, and between 8 percent and 9 percent of the total voyage costs for a vessel carrying steel.[51] We updated the analysis to estimate the percentage U.S. pilotage charges represent using the percentage increase in revenues from the years 2016 to 2018. Since the study used 2016 as the latest year of data, we compared the revenues needed in 2018 and 2017 to the 2016 revenues in order to estimate the change in pilotage costs as a percentage of total voyage costs from 2017 to 2018. Table 42 shows the revenues needed for the years 2016, 2017, and 2018.

TABLE 42—REVENUE NEEDED IN 2016, 2017, AND 2018

Revenue component	Revenue needed in 2016 [52]	Revenue needed in 2017 [53]	Revenue needed in 2018
Total Revenue Needed, with Surcharge	$19,103,678	$22,326,381	$23,488,782

From 2016 to 2017, the total revenues needed increased by 17 percent. From 2017 to 2018, the proposed total revenues needed would increase by 5 percent. From 2016 to 2018, the total revenues needed would increase by 23 percent. While the change in total voyage cost would vary by the trip, vessel class, and whether the vessel is carrying steel or grain, we used these percentages as an average increase to estimate the change in the impact. When we increased the pilotage charges by 17 percent from 2016, we found the U.S. pilotage costs represented an average of 11.3 percent of the total voyage costs. We then increased the base 2016 rates by 23 percent. With this proposed rule's rates for 2018, pilotage costs are estimated to account for 11.8 percent of the total voyage costs, or a 0.5 percent increase over the percentage that U.S. pilotage costs represented of the total voyage in 2017.

It is important to note that this analysis is based on a number of assumptions. The purpose of the study was to look at the impact of the U.S. pilotage rates. The study did not include an analysis of the GLPA rates. It was assumed that a U.S. pilot is assigned to all portions of a voyage where he or she could be assigned. In reality, the assignment of a United States or Canadian pilot is based on the order in which a vessel enters the system, as outlined in the Memorandum of Understanding between the GLPA and the Coast Guard.

This analysis only looks at the impact of proposed U.S. pilotage cost changes. All other costs were held constant at the 2016 levels, including Canadian pilotage costs, tolls, stevedoring, and port charges. This analysis estimates the impacts of Great Lakes pilotage rates holding all other factors constant. If other factors or sectors were not held constant but, instead, were allowed to adjust or fluctuate, it is likely that the impact of pilotage rates would be different. Many factors that drive the tonnage levels of foreign cargo on the Great Lakes and St. Lawrence Seaway were held constant for this analysis. These factors include, but are not limited to, demand for steel and grain, construction levels in the regions, tariffs, exchange rates, weather conditions, crop production, rail and alternative route pricing, tolls, vessel size restriction on the Great Lakes and St. Lawrence Seaway, and inland waterway river levels.

Benefits

This proposed rule would allow the Coast Guard to meet the requirements in

[50] The study is available at *http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Marine-Transportation-Systems-CG-5PW/Office-of-Waterways-and-Ocean-Policy/Office-of-Waterways-and-Ocean-Policy-Great-Lakes-Pilotage-Div/.*

[51] Martin Associates, ''Analysis of Great Lakes Pilotage Costs on Great Lakes Shipping and the Potential Impact of Increases in U.S. Pilotage Charges,'' page 33.

[52] The 2016 projected revenues are from the 2016 final rule, 81 FR 11938. Figure 32, projected revenue needed in 2016 plus the temporary surcharge ($17,453,678 + $1,650,000 = $19,103,678).

[53] The 2017 projected revenues are from the 2017 final rule, 82 FR 41484 and 41489, tables 9 and 14.

46 U.S.C. 9303 to review the rates for pilotage services on the Great Lakes. The rate changes would promote safe, efficient, and reliable pilotage service on the Great Lakes by: (1) Ensuring that rates cover an association's operating expenses; (2) providing fair pilot compensation, adequate training, and sufficient rest periods for pilots; and (3) ensuring the association produces enough revenue to fund future improvements. The rate changes would also help recruit and retain pilots, which would ensure a sufficient number of pilots to meet peak shipping demand, which would help reduce delays caused by pilot shortages.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic effect on a substantial number of small entities. 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 people.

For the proposed rule, we reviewed recent company size and ownership data for the vessels identified in the GLPMS and we reviewed business revenue and size data provided by publicly available sources such as MANTA [54] and ReferenceUSA.[55] As described in Section IX.A of this preamble, Regulatory Planning and Review, we found that a total of 387 unique vessels used pilotage services from 2014 through 2016. These vessels are owned by 59 entities. We found that of the 59 entities that own or operate vessels engaged in trade on the Great Lakes affected by this proposed rule, 48 are foreign entities that operate primarily outside the United States. The remaining 11 entities are U.S. entities. We compared the revenue and employee data found in the company search to the Small Business Administration's (SBA) Table of Small Business Size Standards [56] to determine how many of these companies are small entities. Table 43 shows the North American Industry Classification System (NAICS) codes of the U.S. entities and the small entity standard size established by the SBA.

TABLE 43—NAICS CODES AND SMALL ENTITIES SIZE STANDARDS

NAICS	Description	Small business size standard
238910	Site Preparation Contractors	$15 million.
483211	Inland Water Freight Transportation	750 employees.
483212	Inland Water Passenger Transportation	500 employees.
487210	Scenic & Sightseeing Transportation, Water	$7.5 million.
488320	Marine Cargo Handling	$38.5 million.
488330	Navigational Services to Shipping	$38.5 million.
488510	Freight Transportation Arrangement	$15 million.

The entities all exceed the SBA's small business standards for small businesses. Further, these U.S. entities operate U.S.-flagged vessels and are not required to have pilots as required by 46 U.S.C. 9302.

In addition to the owners and operators of vessels affected by this proposed rule, there are three U.S. entities affected by the proposed rule that receive revenue from pilotage services. These are the three pilot associations that provide and manage pilotage services within the Great Lakes districts. Two of the associations operate as partnerships and one operates as a corporation. These associations are designated with the same NAICS industry classification and small-entity size standards described above, but they have fewer than 500 employees; combined, they have approximately 65 employees in total. We expect no adverse effect on these entities from this proposed rule because all associations would receive enough revenue to balance the projected expenses associated with the projected number of bridge hours (time on task) and pilots.

We did not find any small not-for-profit organizations that are independently owned and operated and are not dominant in their fields. We did not find any small governmental jurisdictions with populations of fewer than 50,000 people. Based on this analysis, we found this proposed rulemaking, if promulgated, would not affect a substantial number of small entities.

Therefore, we certify 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. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies, and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Mr. Mike Moyers, Great Lakes Pilotage, Commandant (CG–WWM–2), Coast Guard; telephone 202–372–1533, email *Michael.S.Moyers@uscg.mil,* or fax 202–372–1914. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business

[54] See *http://www.manta.com/.*

[55] See *http://resource.referenceusa.com/.*

[56] Source: *https://www.sba.gov/contracting/getting-started-contractor/make-sure-you-meet-sba-size-standards/table-small-business-size-standards.* SBA has established a Table of Small Business Size Standards, which is matched to NAICS industries. A size standard, which is usually stated in number of employees or average annual receipts (''revenues''), represents the largest size that a business (including its subsidiaries and affiliates) may be considered in order to remain classified as a small business for SBA and Federal contracting programs.

Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). This proposed rule would not change the burden in the collection currently approved by OMB under OMB Control Number 1625–0086, Great Lakes Pilotage Methodology.

E. Federalism

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 E.O. 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements as described in E.O. 13132. Our analysis follows.

Congress directed the Coast Guard to establish ''rates and charges for pilotage services.'' *See* 46 U.S.C. 9303(f). This regulation is issued pursuant to that statute and is preemptive of State law as specified in 46 U.S.C. 9306. Under 46 U.S.C. 9306, a ''State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.'' As a result, States or local governments are expressly prohibited from regulating within this category. Therefore, the rule is consistent with the principles of federalism and preemption requirements in E.O. 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with implications and preemptive effect, E.O. 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this rule has implications for federalism under E.O. 13132, please contact the person listed in the **FOR FURTHER INFORMATION** section of this preamble.

F. 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 discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This proposed rule does not have tribal implications under E.O. 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.

K. Energy Effects

We have analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that E.O. because it is not a ''significant regulatory action'' under E.O. 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security (DHS) Directive 023–01, Revision (Rev) 01, *Implementation of the National Environmental Policy Act* [DHS Instruction Manual 023–01 (series)] 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. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. This proposed rule meets the criteria for categorical exclusion (CATEX) under paragraph A3 of Table 1, particularly subparts (a), (b), and (c) in Appendix A of DHS Directive 023–01(series). CATEX A3 pertains to promulgation of rules and procedures that are: (a) Strictly administrative or procedural in nature; (b) that implement, without substantive change, statutory or regulatory requirements; or (c) that implement, without substantive change, procedures, manuals, and other guidance documents. This proposed rule adjusts base pilotage rates and surcharges for administering the 2018 shipping season in accordance with applicable statutory and regulatory mandates, and also proposes several

minor changes to the Great Lakes pilotage ratemaking methodology. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 404

Great Lakes, Navigation (water), Seamen.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 46 CFR parts 401 and 404 as follows:

Title 46—Shipping

PART 401—GREAT LAKES PILOTAGE REGULATIONS

■ 1. The authority citation for part 401 continues to read as follows:

Authority: 46 U.S.C. 2103, 2104(a), 6101, 7701, 8105, 9303, 9304; Department of Homeland Security Delegation No. 0170.1(II)(92.a), (92.d), (92.e), (92.f).

■ 2. Revise paragraph (a) of § 401.220 to read as follows:

§ 401.220 Registration of pilots.

(a) The Director shall determine the number of pilots required to be registered in order to assure adequate and efficient pilotage service in the United States waters of the Great Lakes and to provide for equitable participation of United States Registered Pilots with Canadian Registered Pilots in the rendering of pilotage services. The Director determines the number of pilots needed as follows:

(1) The Director determines the base number of pilots needed by dividing each area's peak pilotage demand data by its pilot work cycle. The pilot work cycle standard includes any time that the Director finds to be a necessary and reasonable component of ensuring that a pilotage assignment is carried out safely, efficiently, and reliably for each area. These components may include but are not limited to—

(i) Amount of time a pilot provides pilotage service or is available to a vessel's master to provide pilotage service;

(ii) Pilot travel time, measured from the pilot's base, to and from an assignment's starting and ending points;

(iii) Assignment delays and detentions;

(iv) Administrative time for a pilot who serves as a pilotage association's president;

(v) Rest between assignments, as required by 46 CFR 401.451;

(vi) Ten days' recuperative rest per month from April 15 through November 15 each year, provided that lesser rest allowances are approved by the Director at the pilotage association's request, if necessary to provide pilotage without interruption through that period; and

(vii) Pilotage-related training.

(2) Pilotage demand and the base seasonal work standard are based on available and reliable data, as so deemed by the Director, for a multi-year base period. The multi-year period is the 10 most recent full shipping seasons, and the data source is a system approved under 46 CFR 403.300. Where such data are not available or reliable, the Director also may use data, from additional past full shipping seasons or other sources, that the Director determines to be available and reliable.

(3) The number of pilots needed in each district is calculated by totaling the area results by district and rounding them to the nearest whole integer. For supportable circumstances, the Director may make reasonable and necessary adjustments to the rounded result to provide for changes that the Director anticipates will affect the need for pilots in the district over the period for which base rates are being established.

* * * * *

■ 3. Revise paragraph (a) of § 401.405 to read as follows:

(a) The hourly rate for pilotage service on—

(1) The St. Lawrence River is $622;

(2) Lake Ontario is $424;

(3) Lake Erie is $454;

(4) The navigable waters from Southeast Shoal to Port Huron, MI is $553;

(5) Lakes Huron, Michigan, and Superior is $253; and

(6) The St. Mary's River is $517.

* * * * *

PART 404—GREAT LAKES PILOTAGE RATEMAKING

■ 4. The authority citation for part 404 continues to read as follows:

Authority: 46 U.S.C. 2103, 2104(a), 9303, 9304; Department of Homeland Security Delegation No. 0170.1(II)(92.a), (92.f).

■ 5. Revise § 404.100 to read as follows:

§ 404.100 Ratemaking and annual reviews in general.

(a) The Director establishes base pilotage rates by a full ratemaking pursuant to §§ 404.101 through 404.110 of this part, which is conducted at least once every 5 years and completed by March 1 of the first year for which the base rates will be in effect. Base rates will be set to meet the goal specified in § 404.1(a) of this part.

(b) In the interim years preceding the next scheduled full rate review, the Director will adjust base pilotage rates by an interim ratemaking pursuant to §§ 404.101 through 404.110 of this part.

(c) Each year, the Director will announce whether the Coast Guard will conduct a full ratemaking or interim ratemaking procedure.

■ 6. Revise § 404.103 to read as follows:

§ 404.103 Ratemaking step 3: Estimate number of working pilots.

The Director projects, based on the number of persons applying under 46 CFR part 401 to become U.S. Great Lakes registered pilots, and on information provided by the district's pilotage association, the number of pilots expected to be fully working and compensated.

■ 7. Revise § 404.104 to read as follows:

§ 404.104 Ratemaking step 4: Determine target pilot compensation benchmark.

(a) In a full ratemaking year, the Director determines base individual target pilot compensation using a compensation benchmark, set after considering the most relevant currently available non-proprietary information. For supportable circumstances, the Director may make necessary and reasonable adjustments to the benchmark.

(b) In an interim year, the Director adjusts the previous year's individual target pilot compensation level by the Bureau of Labor Statistics' Consumer Price Index for the Midwest Region, or if that is unavailable, the Federal Open Market Committee median economic projections for Personal Consumption Expenditures inflation.

(c) The Director determines each pilotage association's total target pilot compensation by multiplying individual target pilot compensation computed in paragraph (a) or (b) of this section by the number of pilots projected under § 404.103(d) of this part, or § 401.220(a) of this part, whichever is lower.

■ 8. Revise § 404.107 to read as follows:

§ 404.107 Ratemaking step 7: Calculate initial base rates.

(a) The Director calculates initial base hourly rates by dividing the projected needed revenue from § 404.106 of this part by averages of past hours worked in each district's designated and undesignated waters, using available and reliable data for a multi-year period set in accordance with § 401.220(a) of this part.

Dated: January 11, 2018.

Michael D. Emerson,

Director, Marine Transportation Systems, U.S. Coast Guard.

[FR Doc. 2018–00781 Filed 1–17–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2018–0009]

Removing Regulatory Barriers for Vehicles With Automated Driving Systems

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

ACTION: Request for comment (RFC).

SUMMARY: NHTSA seeks public comments to identify any regulatory barriers in the existing Federal Motor Vehicle Safety Standards (FMVSS) to the testing, compliance certification and compliance verification of motor vehicles with Automated Driving Systems (ADSs) and certain unconventional interior designs. NHTSA is focusing primarily, but not exclusively, on vehicles with ADSs that lack controls for a human driver; *e.g.,* steering wheel, brake pedal or accelerator pedal. The absence of manual driving controls, and thus of a human driver, poses potential barriers to testing, compliance certification and compliance verification. For example, many of the FMVSS refer to the ''driver'' or ''driver's seating position'' in specifying where various vehicle features and systems need to be located so that they can be seen and/or used by a person sitting in that position. Further, the compliance test procedures of some FMVSS depend on the presence of such things as a human test driver who can follow instructions on test driving maneuvers or a steering wheel that can be used by an automated steering machine. NHTSA also seeks comments on the research that would be needed to determine how to amend the FMVSS in order to remove such barriers, while retaining those existing safety requirements that will be needed and appropriate for those vehicles. In all cases, the Agency's goal would be to ensure the maintenance of currently required levels of safety performance. These comments will aid the Agency in setting research priorities as well as inform its subsequent actions to lay a path for innovative vehicle designs and technologies that feature ADSs.

DATES: Comments are due no later than March 5, 2018.

ADDRESSES: Comments must refer to the docket number above and be submitted by one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Regardless of how you submit your comments, you must include the docket number identified in the heading of this notice.

Note that all comments received, including any personal information provided, will be posted without change to *http://www.regulations.gov.* Please see the ''Privacy Act'' heading below.

You may call the Docket Management Facility at 202–366–9324.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. We will continue to file relevant information in the Docket as it becomes available.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its decision-making process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

FOR FURTHER INFORMATION CONTACT:

For research issues, John Harding, Intelligent Technologies Research Division, Office of Vehicle Crash Avoidance and Electronic Controls Research, telephone: 202–366–5665, email: *John.Harding@dot.gov;*

For rulemaking issues, David Hines, Director, Office of Crash Avoidance Standards, telephone 202–366–1810, email *David.Hines@dot.gov;*

For legal issues, Stephen Wood, Assistant Chief Counsel, Vehicle Rulemaking and Harmonization, Office of Chief Counsel, 202–366–2992, email *Steve.Wood@dot.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview
II. Automation Revolution
III. Changes in Vehicle Interior Designs and Their Effect on Testing, Certification and Compliance Verification Under the Federal Safety Standards
IV. Initial Agency Efforts To Identify Testing, Certification and Compliance Verification Issues
V. Requests for Comment
A. Barriers to Testing, Certification and Compliance Verification
B. Research Needed To Address Those Barriers and NHTSA's Role in Conducting it
VI. Public Participation
Appendix
1. Executive Summary of the Volpe Report
2. List of Standards Identified in the Volpe Report

I. Overview

NHTSA wants to avoid impeding progress with unnecessary or unintended regulatory barriers to motor vehicles that have Automated Driving Systems (ADS) and unconventional designs, especially those with unconventional interior designs. These barriers may complicate or may even make impossible the testing and certification of motor vehicles. At this stage, the Agency is primarily, but not exclusively, concerned with vehicles with ADSs that do not have the means for human driving, *e.g.,* a steering wheel and brake and accelerator pedals. NHTSA is also interested in the additional testing and certification problems for vehicles with ADSs and with seating or other systems that have multiple modes, such as front seats that rotate. Some FMVSS, therefore, may pose barriers to the testing and certification of these vehicles.

To enable vehicles with ADSs and with unconventional interiors while maintaining those existing safety requirements that will be needed and appropriate for those vehicles, NHTSA is developing plans and proposals for removing or modifying existing regulatory barriers to testing and compliance certification in those areas for which existing data and knowledge are sufficient to support decision-making. In other areas, plans and proposals cannot be developed until the completion of near term research to determine how to revise the test procedures for those vehicles. In all

cases, the Agency's goals would be to ensure that the safety performance currently required by the FMVSS is as effective and needed for safety in vehicles with unconventional interiors (or exteriors) as in conventionally-designed vehicles.

The Agency is mindful that, in some cases, the most appropriate response to an existing requirement in a FMVSS that may complicate or may even make impossible to test a motor vehicle to assess compliance with that requirement may not be to ask how the requirement can be adapted to apply to motor vehicles without manual driving controls. Instead, a more appropriate response may be to ask whether the requirement should be applied in any form to those motor vehicles. These requirements may serve a safety purpose in vehicles with manual driving controls, but may not in vehicles without such means of control. For example, there may not be any need to require that the telltales [1] and other displays in a vehicle that does not have any manual driving controls be visible either to the occupant of a particular seating position or even to any occupant at all. In addition, some requirements may serve a safety purpose in vehicles that carry human occupants, but not in vehicles that will not carry any occupants.

To these ends, NHTSA is soliciting public comments on (1) the barriers identified thus far, (2) any as of yet unidentified, barriers, (3) whether the requirements or test procedures creating those barriers should be modified to eliminate the testing difficulties or should simply be amended so that the requirements do not apply to vehicles without means of manual control, (4) the research that needs to be done to determine how to remove some of the barriers; (5) and how to prioritize this research and any follow-on rulemaking proceedings.

This input will help NHTSA to plan and undertake more comprehensive and strategic efforts to remove barriers and to develop a stronger, more collaborative research plan that will complement research by the motor vehicle industry and other stakeholders. This will enable the Agency to use its resources as efficiently as possible in moving toward eliminating potential regulatory barriers to innovation.

[1] As defined in FMVSS No. 101, Control and Displays, ''telltale means an optical signal that, when illuminated, indicates the actuation of a device, a correct or improper functioning or condition, or a failure to function.''

II. Automation Revolution

Automotive transportation is evolving faster today than it has at any time since the introduction of the first motor vehicle. Artificial intelligence, combined with rapid improvements in sensors, such as cameras, lidar,[2] and radar, is beginning to enable motor vehicles to drive themselves.

The introduction of vehicles with ADSs into the fleet has the potential to reduce injuries, the loss of life, and property damage, reduce congestion, enhance mobility, and improve productivity.[3] NHTSA anticipates that automation can serve a vital safety role given that human error or choice are estimated to be the critical reason in 94 percent [4] of crashes. In the best of circumstances, people make errors in judgment or action. In the best of circumstances, human drivers make errors in judgment or action. Many people drive in less favorable circumstances as a result of the choices they make. Despite decades of efforts by NHTSA, States, local jurisdictions, safety groups, and industry, many people continue to choose to drive when they are fatigued, intoxicated, speeding, unbelted, or distracted. To the extent that ADSs are able to support and perhaps eventually replace human drivers, human error and unsafe choices would likely be reduced as causes of crashes. As the Federal agency whose primary mission is to reduce motor vehicle related deaths and injuries, NHTSA is excited about these prospects and is working with industry and other stakeholders to help make them a reality.

[2] Lidar (light detection and ranging) is a type of sensor that continually fires beams of laser light, and then measures how long it takes for the light to return to the sensor. The measurements are used to create three-dimensional images of a vehicle's surroundings, everything from cars to cyclists to pedestrians to fixed objects like poles and trees, in a variety of environments and under a variety of lighting conditions.

[3] U.S. Department of Transportation, Automated Driving Systems—A Vision for Safety, 2017, p. i–11 (*https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf;* last accessed November 8, 2017).

[4] The National Motor Vehicle Crash Causation Survey (NMVCCS), conducted from 2005 to 2007, was aimed at collecting on-scene information about the events and associated factors leading up to crashes involving light vehicles. Several facets of crash occurrence were investigated during data collection, namely the pre-crash movement, critical pre-crash event, critical reason, and the associated factors. A weighted sample of 5,470 crashes was investigated over a period of two and a half years, which represents an estimated 2,189,000 crashes nationwide. About 4,031,000 vehicles, 3,945,000 drivers, and 1,982,000 passengers were estimated to have been involved in these crashes. The critical reason, which is the last event in the crash causal chain, was assigned to the driver in 94 percent (±2.2%)† of the crashes. In about 2 percent (±0.7%) of the crashes, the critical reason was assigned to a vehicle component's failure or degradation, and in 2 percent (±1.3%) of crashes, it was attributed to the environment (slick roads, weather, etc.). Among an estimated 2,046,000 drivers who were assigned critical reasons, recognition errors accounted for about 41 percent (±2.1%), decision errors 33 percent (±3.7%), and performance errors 11 percent (±2.7%) of the crashes.

A fact sheet containing more detail can be found at *https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812115*.

III. Changes in Vehicle Interior Designs and Their Effect on Testing, Certification and Compliance Verification Under the Federal Safety Standards

Part of NHTSA's responsibility in carrying out its safety mission is not only to develop and set new safety standards for new motor vehicles and motor vehicle equipment, but also to modify existing standards as necessary to respond to changing circumstances such as the introduction of new technologies. Some old standards or portions of standards may no longer be needed or at least need to be updated to keep them relevant. Examples of previous technological transitions that triggered the need to adapt and/or replace requirements in the FMVSS include the replacing of analog dashboards by digital ones,[5] the replacing of mechanical control systems by electronic ones [6] and then by wireless ones, and the first production of electric vehicles in appreciable numbers.[7]

The existing FMVSS can be found in the Code of Federal Regulations at 49 CFR part 571. NHTSA has over 60 FMVSS today.

The FMVSS specify minimum performance requirements and test procedures for brakes, accelerator controls, electronic stability control, seat belts, airbags, exterior lighting and interior warning telltales that illuminate to alert the driver when there is a vehicle malfunction, and for other equipment. Manufacturers are prohibited from selling vehicles and vehicle equipment unless they comply with all applicable FMVSS and their compliance has been self-certified by their manufacturer.[8]

Almost all of NHTSA's FMVSS were developed and established well before vehicles with ADSs became a practicable possibility. As a result, the performance requirements and test procedures in many of the FMVSS are based on the assumption that the driver

[5] 70 FR 48295 (August 17, 2005).

[6] 60 FR 62061 (December 4, 1995).

[7] *See, e.g.,* 59 FR 11004 (March 9, 1994) and 59 FR 49901 (September 30, 1994).

[8] 49 U.S.C. 30112(a)(1).

will be human, will sit in the vehicle's left front seat to drive (in left-hand drive vehicles), and will need certain controls to be accessible and telltales and other displays to be viewable in order to do the driving. A further and even more basic assumption is that there will be at least one occupant in each vehicle. In the case of ADS delivery vehicles without manual driving controls, this assumption may prove incorrect. If, instead, a vehicle is designed so that only an ADS can drive it and vehicle designers modify the passenger compartment to take advantage of the flexibility afforded them if a human driver is not needed, then many of those assumptions will likely be invalid for that vehicle, and some may be actually problematic from a testing perspective.

NHTSA has set out below some illustrative examples of potential problems with the existing FMVSS. The Agency requests commenters to identify other potential problems.

- If the FMVSS can no longer specify where controls and displays are located by requiring them to be visible to or within the reach of a person sitting in the driver's seat, then it is unclear for which person or persons in which seating position or positions must they be visible to or within the reach of or even if they are necessary at all.
- After the barriers to determining compliance are removed from the FMVSS, the Agency will turn to other closely related questions such as whether there is a continued need for certain current performance requirements in the FMVSS. For example, among the questions that the agency would need to address are: Would occupants still need warning telltales and other displays to be viewable if they did not have any means of driving their vehicles? Could there be any risk of adverse safety consequences if some or all of those warnings and messages were not provided to the occupants of those vehicles either before or during trips? If a vehicle, such as an ADS delivery vehicle without manual driving controls, were unlikely to be occupied during trips, would there be any safety need for warning telltales and other displays to be viewable?
- If future vehicles with ADSs lack any means of human control, it is unclear how the Agency and the manufacturers can conduct compliance tests (such as those for stopping distance) that are currently performed by human test drivers performing prescribed driving maneuvers on test tracks.
- FMVSS No. 126, Electronic stability control systems for light vehicles, specifies the use of an automated steering machine that depends on a vehicle's steering wheel to steer vehicles when they are tested for compliance. If a vehicle with ADS is not equipped with a steering wheel because the ADS will do all of the driving, the agency would need to determine how to amend the standard to enable the agency to conduct stability control testing and maintain the current level of effectiveness.
- Some vehicles with ADSs may have unique seating configurations that may make it impossible for existing crash protection requirements, test procedures and test devices (*e.g.,* anthropomorphic dummies) to evaluate adequately the level of crashworthiness protection provided.
- There may be other existing performance requirements and test procedures that would fail to accommodate unconventional designs. If there are, the Agency will need to identify them and determine how the Agency should amend them in ways maintain the current level of effectiveness.
- There may be some safety attributes or testing procedures that will no longer have sufficient value in a vehicle whose usage is anticipated to be predominantly automated, but still retains manual driving controls.

The Agency wishes to address these issues (and many others) in the coming months and years. We anticipate doing so publicly, seeking all available research and public input to help us adapt the FMVSS and possibly adopt other measures that are well-calibrated to promote innovation, respond to changing circumstances and address emerging technologies while maintaining safety.

We want to emphasize, in an attempt to ensure that there is not any misunderstanding about the source and nature of the barriers or about the vehicles affected by those barriers, that the FMVSS (or any other kind of legally-binding standards) do not have any provisions designed to address the self-driving capability of a motor vehicle. Further, nothing in the existing FMVSS prohibit ADS. Likewise, nothing in those standards poses testing or certification challenges for vehicles with ADSs so long as the vehicles have means of manual control and conventional seating.

If, however, manufacturers design vehicles with ADSs not only lack manual driving controls, but also have unconventional, flexible seating, *i.e.,* seats that slide and/or rotate, then under the Agency's line of interpretations involving vehicle systems that have multiple modes, there may be testing or even compliance difficulties.[9] Similar problems might be encountered by vehicles with ADSs equipped with retractable manual driving controls.

Thus, it is not the inclusion of an ADS in a new vehicle that complicates testing and certifying the compliance of the vehicle to the existing FMVSS. Testing and certifying compliance potentially becomes complicated only if a manufacturer wishes to go a step further and design a vehicle with ADS but without a steering wheel, brake pedal and accelerator pedal or with novel configurations or orientations for certain vehicle systems. As noted above, this problem arises because the FMVSS, as currently written, are premised on the presence of means of manual control and on conventional seating configurations and orientations.

Although the Agency may have a degree of flexibility in interpreting some of its existing FMVSS to accommodate innovative interior designs, in most instances, it will be necessary to amend the FMVSS. The FMVSS and the rulemaking process through which they are established and amended are subject to the Administrative Procedure Act,[10] the National Traffic and Motor Vehicle Safety Act (Vehicle Safety Act),[11] other statutes, and various Executive Orders and guidance documents from the Office of Management and Budget. Together, they ensure the FMVSS meet the requirements and goals set by Congress and are adopted only after sufficient opportunities for public participation and careful consideration and analysis of available information and public comments. Under the Vehicle Safety Act, moreover, the FMVSS need to be ''objective, practicable, and meet the need for safety'' when initially issued and must remain so after being amended. If NHTSA revises a test procedure in an FMVSS to accommodate an innovative new vehicle design, it must make sure that the FMVSS continues to be objective and practicable and meet the need for safety. Accomplishing this goal will, in a number of instances, require research to develop revised test procedures and performance criteria. Defining the needed research and establishing priorities in conducting it is the subject of this RFC.

[9] See, *e.g.,* May 6, 1986 letter to Paul Utans regarding a Subaru with two adjustment positions for suspension—a high one and a low one. In it, NHTSA stated that it reserves the right to activate either mode in conducting compliance tests.

[10] 5 U.S.C. 551 *et seq.*

[11] 49 U.S.C. 30101 *et seq.*

IV. Initial Agency Efforts To Identify Testing, Certification and Compliance Verification Issues

NHTSA began the process of evaluating existing FMVSS for potential barriers in 2015. In August of that year, NHTSA contracted with DOT's Volpe Center to conduct a review of the FMVSS and issue a report identifying the standards that pose potential barriers to the introduction of vehicles with ADSs and with unconventional interior designs.

While that review was underway, Google submitted a letter, dated November 12, 2015, requesting an interpretation regarding the application of certain FMVSS to vehicles with ADSs. In describing its ADS vehicle, Google indicated its intent to design the vehicle so that it does not include conventional manual driving controls, including a steering wheel, accelerator, or brake pedal. NHTSA responded to that letter on February 4, 2016.[12]

In its letter, NHTSA took the position that a motor vehicle's ''self-driving system'' (SDS) could be regarded as the driver or that the left front seating position could be regarded as the driver's position in a variety of standards referencing the ''driver'' or ''driver's seating position.''

The response then addressed the question of whether and how Google could certify that the SDS meets a standard developed and designed to apply to a vehicle with a human driver. NHTSA said that in order for it to interpret a standard as allowing certification of compliance by a vehicle manufacturer, NHTSA must first have a suitable test procedure or other means of verifying such compliance. That is, NHTSA said that if a FMVSS lacks a test procedure that is suitable for the Agency's use in verifying a manufacturer's certification of the compliance of some of its vehicles with a FMVSS, the manufacturer cannot validly certify the compliance of those vehicles with the standard. As NHTSA further explained in the letter,

> The critical point of NHTSA's responses for many of the requested interpretations is that defining the driver as the SDS (or the driver's position as the left front position) does not end the inquiry or determine the result. Once the SDS is deemed to be the driver for purposes of a particular standard or test, the next question is whether and how Google could certify that the SDS meets a standard developed and designed to apply to a vehicle with a human driver. Related, in order for NHTSA to interpret a standard as allowing certification of compliance by a vehicle manufacturer, NHTSA must first have a test procedure or other means of verifying such compliance.

Volpe completed its review of the FMVSS before NHTSA sent its February 4 letter to Google and thus did not consider that letter in conducting its review. The report on the results of the review was published one month later in March 2016.[13] (To read the executive summary of the report and a list of the FMVSS identified in the report, please see the appendix at the end of this document.) In that report, Volpe described the two reviews that it conducted of the FMVSS: A driver reference scan to identify which standards include an explicit or implicit reference to a human driver and a driving automation concepts scan to identify which standards could pose a challenge for a wide range of driving automation capabilities and concepts. The review revealed that there are few barriers for a vehicle with ADS to comply with the FMVSS, so long as the vehicle does not significantly diverge from a conventional vehicle design. Two standards, FMVSS 114 for theft protection and rollaway prevention and FMVSS 135 for light vehicle brake systems, were identified as having potential issues for vehicles with an ADS and with conventional designs.[14]

In addition, NHTSA subject matter experts have identified specific requirements and test procedure limitations. NHTSA is initiating new research on the assessment and evaluation of, and solutions to, the preliminary challenges identified in the Volpe report to the testing, compliance verification and self-certification of vehicles with ADSs. Most of these challenges are precipitated by alternative vehicle designs, such as ones lacking manual driving controls. NHTSA's initial research focuses primarily on the FMVSS compliance test procedures, but will also explore options for telltales, visual and auditory displays and controls and other innovative new vehicle design challenges that may not have been identified in the original Volpe report. NHTSA has contracted with the Virginia Tech Transportation Institute to perform this research. This is a multidisciplinary project to develop technical translations to existing FMVSS and related testing procedure approaches for emerging innovative and non-traditional vehicle designs. The project is being conducted by a core team comprising FMVSS experts; industry team members General Motors and Nissan; testing facilities Dynamic Research, Inc., and MGA Research Corporation; and research institutions Booz Allen Hamilton and the Southwest Research Institute in concert with stakeholder and peer review groups. The research will review and identify alternative new vehicle designs, develop candidate alternative approaches, and establish an evaluation process as well as associated tools in close collaboration with critical stakeholders. This research project started at the beginning of FY2018 and is expected to develop robust alternative approaches within the next 12 months to demonstrate compliance with many of the identified FMVSS whose existing test procedures present challenges. The results of this research will be made public after the completion of the project.

V. Requests for Comment

To help guide NHTSA's research to address testing and self-certification issues, we seek comments on the topics below. The Agency urges that, where possible, comments be supported by data and analysis to increase their usefulness. Please clearly indicate the source of such data.

A. Barriers to Testing, Certification and Compliance Verification

1. What are the different categories of barriers that the FMVSS potentially create to the testing, certification and compliance verification of a new ADS vehicle lacking manual driving controls? Examples of barrier categories include the following:

a. Test procedures that cannot be conducted for vehicles with ADSs and with innovative interior designs; and

b. performance requirements that may serve a reduced safety purpose or even no safety purpose at all for a vehicle

[12] *Available at https://isearch.nhtsa.gov/files/Google%20--%20-compiled%20response%20to%2012%20Nov%20%2015%20interp%20request%20--%204%20Feb%2016%20final.htm.*

[13] Kim, Anita, David Perlman, Dan Bogard, and Ryan Harrington. ''Review of Federal Motor Vehicle Safety Standards (FMVSS) for Automated Vehicles,'' Preliminary Report—March 2016. U.S. DOT Volpe Center, Cambridge, MA. *Available at https://rosap.ntl.bts.gov/view/dot/12260.* For a specific listing of potential barriers, *see* Appendix B of that report, pp. 26 *et seq.*

[14] Ibid, pp. 9–10. FMVSS 114 presents several issues. One is whether, for the purposes of satisfying the requirement an automatic transmission ''vehicle must be designed such that the transmission or gear selection control cannot move from the ''park'' position, unless the key is in the starting system,'' an electronic code transmitted from a smartphone application to a vehicle can be interpreted as being a key. The report notes that NHTSA has historically interpreted the electronic code transmitted by a wireless transponder directly to a vehicle as a key for the purposes of FMVSS 114. Although the report notes the existence of a technological difference in these two different methods of transmitting an electronic code to a vehicle, it does not suggest why that difference should lead to a different conclusion by the Agency.

FMVSS 135 requires that the service brakes ''shall be activated by means of a foot control''.

with ADS and thus potentially impose more cost and more restrictions on design than are warranted.

As noted earlier in this document, the first of the above categories is the primary focus of this document. However, the Agency seeks comments on both categories of barriers. If you believe that there are still other barrier categories, please identify them.

2. NHTSA requests comments on the statement made in NHTSA's February 2016 letter of interpretation to Google, that if a FMVSS lacks a test procedure that is suitable for the Agency's use in verifying a manufacturer's certification of compliance with a provision in that FMVSS, the manufacturer cannot validly certify the compliance of its vehicles with that provision. Do commenters agree that each of the standards identified in the letter as needing to be amended before manufacturers can certify compliance with it must be amended in order to permit certification? Why or why not? If there are other solutions, please describe them.

3. Do you agree (or disagree) that the FMVSS provisions identified in the Volpe report or Google letter as posing barriers to testing and certification are, in fact, barriers? Please explain why.

4. Do commenters think there are FMVSS provisions that pose barriers to testing and certification of innovative new vehicle designs, but were *not* covered in the Volpe report or Google letter? If so, what are they, how do they pose barriers, and how do you believe NHTSA should consider addressing them?

5. Are there ways to solve the problems that may be posed by any of these FMVSS provisions without conducting additional research? If so, what are they and why do you believe that no further research is necessary? For example, can some apparent problems be solved through interpretation? If so, which ones?

6. Similarly, are there ways to solve the problems that may be posed by any of these FMVSS provisions without rulemaking? For example, can some apparent problems be solved through interpretation without either additional research or through rulemaking? If so, which ones?

7. In contrast, if a commenter believes that legislation might be necessary to enable NHTSA to remove a barrier identified by the commenter, please explain why and please identify the specific existing law that the commenter thinks should be changed and describe how it should be changed. If there are associated regulations that the commenter believes should be changed, please identify the specific CFR citation and explain why they need to be changed.

8. Many FMVSS contain test procedures that are based on the assumed presence of a human driver, and will therefore likely need to be amended to accommodate vehicles that cannot be driven by humans. Other FMVSS test procedures may seem, based on a plain reading of their language, to accommodate vehicles that cannot be driven by humans, but it may nevertheless be unclear how NHTSA (or a manufacturer attempting to self-certify to the test) would instruct the vehicle to perform the test as written.

a. Do commenters believe that these procedures should apply to a vehicle that cannot be driven by a human? If so, why? If there are data to support this positon, please provide it.

b. If not, can NHTSA test in some other manner? Please identify the alternative manner and explain why it would be appropriate.

9. What research would be necessary to determine how to instruct a vehicle with ADS but without manual means of control to follow a driving test procedure? Is it possible to develop a single approach to inputting these ''instructions'' in a manner applicable to all vehicle designs and all FMVSS, or will the approach need to vary, and if so, why and how? If commenters believe there is a risk of gaming,[15] what would that risk be and how could it be reduced or prevented?

10. In lieu of the approaches suggested in questions 8 and 9, is there an alternative means of demonstrating equivalent level of safety that is reliable, objective and practicable?

11. For FMVSS that include test procedures that assume a human driver is seated in a certain seating position (for example, procedures that assess whether a rearview mirror provides an image in the correct location), should NHTSA simply amend the FMVSS to require, for instance, that ''driver's seat'' requirements apply to any front seating position? If so, please explain why. If not, what research would need to be conducted to determine how NHTSA should amend those requirements?

12. A variety of FMVSS require safety-related dashboard telltales and other displays, if provided, to be visible to a human driver and controls to be within reach of that driver. Generally speaking, is there a safety need for the telltales and other displays in Table 1 and 2 of FMVSS 101 to be visible to any of the occupants in vehicles without manual driving controls? [16] Commenters are requested to provide their own list of the telltales and other displays they believe are most relevant to meeting any potential safety need in those vehicles. For each item on that list, please answer the following questions:

a. Should the telltale or other display be required to be visible to one or more vehicle occupants in vehicles without manual driving controls?

b. If there is a need for continued visibility, to the occupant(s) of which seating position(s) should the telltale or other display be visible?

c. Does the answer to the question about the continued need for a telltale or other display to be visible to the occupant of a vehicle without manual driving controls change if a manufacturer equips the vehicle with a device like an ''emergency stop button''? Why or why not?

d. Would the informational safety needs of the occupants of vehicles with ADSs differ according to whether the vehicle has a full set of manual driving controls, just an emergency stop button or no controls whatsoever?

e. Conversely, if a vehicle is designed such that it can be driven only by an ADS, does the ADS need to be provided with some or all of the same information currently required to be provided for a human driver? For example, does the ADS need to know if the tires are underinflated? Why or why not?

f. If commenters believe that it would enhance safety if a vehicle's ADS were required to receive information similar to some or all of that currently required to be provided to human drivers by telltales and other displays, what research needs to be conducted to develop the kinds of objective and practicable performance requirements or test procedures that would enable manufacturers and the Agency to evaluate whether that information was provided to and understood by the ADS?

13. If NHTSA is going to conduct research to determine whether there is any safety need for the occupants of fully-self-driving vehicles to continue to

[15] For example, if vehicles with ADSs were tested by instructing them to follow a fixed path through a maze of streets simulating a series of adjacent urban or suburban blocks and if, along that path, the vehicles encountered surrogate vehicles, cyclists and pedestrians at fixed time intervals and in fixed locations, it might be possible for the vehicles to avoid any collisions if the vehicles were programmed to stop in those locations at the scheduled time intervals in lieu of the vehicles' actually relying on their sensors to detect the surrogates and on their algorithms to manage braking and steering in such a way as to avoid any collisions.

[16] Examples of such displays are the malfunction displays for systems like Antilock Braking System (ABS), Electronic Stability Control (ESC), Tire Pressure Monitoring System (TPMS), air bags, etc.

have any access to any of the nondriving controls (*e.g.,* controls for windshield washer/wiper system, turn signals and lights) in a vehicle without manual driving controls, what should that research include and how should NHTSA conduct it?

a. If there is a safety need for the occupants of fully-self-driving vehicles to have access to any of the existing vehicle non-driving controls, please identify those controls and explain the safety need.

b. Do commenters believe that research should be conducted to determine whether any additional controls (such as an emergency stop button) might be necessary for safety or public acceptance if manual driving controls are removed from fully-self-driving vehicles? Why or why not, and what is the basis for your belief?

c. If NHTSA is going to conduct research to determine whether there is any safety need for the occupants of fully-self-driving vehicles to continue to be able to control exterior lighting like turn signals and headlamp beam switching devices, what should that research include and how should NHTSA conduct it? Separately, if NHTSA is going to conduct research on what exterior lighting continues to be needed for safety when a human is not driving, what should that research include and how should NHTSA conduct it?

14. If NHTSA is going to conduct research to determine whether there is a safety need for the occupants of vehicles with ADSs but without manual driving controls to be able to see to the side and behind those vehicles using mirrors or cameras, what should that research include and how should NHTSA conduct it? Separately, if NHTSA is going to conduct research to determine how NHTSA would test the ability of a vehicle's ADS' to ''see'' around and behind the vehicle as well as (or better than) a human driver would, what should that research include and how should NHTSA conduct it?

15. Do the FMVSS create testing and certification issues for vehicles with ADSs other than those discussed above? If so, which FMVSS do so and why do you believe they present such issues? For example, FMVSS No. 108, ''Lamps, reflective devices, and associated equipment,'' could potentially pose obstacles to certifying the compliance of a vehicle that uses exterior lighting and messaging, through words or symbols, to communicate to nearby pedestrians, cyclists and motorists, such as at a 4-way stop intersection, the vehicle's awareness of their presence and the vehicle's willingness to cede priority of movement to any of those people. If research is needed to eliminate the barriers in an appropriate way, please describe the research and explain why it is needed. Are there other lighting issues that should be considered? For example, what lighting will be needed to ensure the proper functioning of the different types of vehicle sensors, especially cameras whose functions include reading traffic control signs?

16. If occupants of vehicles with ADSs, especially those without manual driving controls, are less likely to sit in what is now called the driver's seating position or are less likely to sit in seats that are facing forward, how should these factors affect existing requirements for crashworthiness safety features?

17. If vehicles with ADSs have emergency controls that can be accessed through unconventional means, such as a smart phone or multi-purpose display and have unconventional interiors, how should the Agency address those controls?

18. Are there any specific regulatory barriers related to small businesses that NHTSA should consider, specifically those that may help facilitate small business participation in this emerging technology?

B. Research Needed To Address Those Barriers and NHTSA's Role in Conducting it

19. For issues about FMVSS barriers that NHTSA needs research to resolve, do commenters believe that there are specific items that would be better addressed through research by outside stakeholders, such as industry or research organizations, instead of by NHTSA itself?

a. Which issues is industry better equipped to undertake on its own, and why? Which issues are research organizations or other stakeholders better equipped to undertake on their own, and why?

b. What research is needed to determine which types of safety performance metrics [17] should be used to evaluate a particular safety capability and to develop a test procedure for evaluating how well a vehicle performs in terms of those metrics?

c. Which questions is NHTSA better equipped to undertake and why? For example, would NHTSA, as the regulator, be the more appropriate party to conduct research needed to determine what performance threshold to require vehicles to meet with respect to that metric? Why or why not?

d. What research have industry, research organizations, and other stakeholders done related to barriers to testing and certification? What research are they planning to do? With respect to research planned, but not yet completed, please identify the research and state the starting and end dates for that research.

e. How can NHTSA, industry, states, research organizations, and other stakeholders work together to ensure that, if the research on these issues were eventually to lead to rulemaking, it is done with the rigor and thoroughness that NHTSA would need to meet its statutory obligations, regardless of who performs it (*e.g.,* done in a manner that enables the Agency to ensure that the FMVSS continue to be objective and practicable and continue to meet the need for safety)?

20. For the issues identified above or by commenters, which merit the most attention? How should the agency prioritize its research and any follow-on rulemakings to remove the barriers to testing and certification?

21. Correcting barriers associated with the track testing of motor vehicles will be particularly challenging. Examples of such barriers follow:

a. As noted above, FMVSS No. 126 specifies the use of an automated steering machine that depends on a vehicle's steering wheel to steer vehicles when they are tested for compliance. NHTSA will need to determine how to amend the standard to enable the agency to conduct stability control testing in vehicles that lack a steering wheel. Further, if NHTSA is going to conduct research to consider how to change the ''sine with dwell'' test procedure for FMVSS No. 126, so that steering wheel angle need not be measured at the steering wheel in determining compliance with the standard, what should that research include and how should NHTSA conduct it?

b. If NHTSA is going to conduct research to develop a performance test to verify how a vehicle is activating its service brakes, what should that research include and how should NHTSA conduct it? If NHTSA is going to conduct research to determine whether there continues to be a safety need to maintain a human-operable service brake, what should that research include and how should NHTSA conduct it?

[17] The purpose of formulating safety performance metrics for motor vehicles is to facilitate the quantitative assessment of their capabilities. An example of a crash avoidance performance metric is the ability of a vehicle with ADS to sense and avoid colliding with a surrogate pedestrian crossing a street on a test course.

22. Are there industry standards, existing or in development, that may be suitable for incorporation by reference by NHTSA in accordance with the standards provisions of the National Technology Transfer and Advancement Act of 1995 and Office of Management and Budget Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and Conformity Assessment Activities?''

VI. Public Participation

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are filed in the correct docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long (49 CFR 553.21). NHTSA established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit one copy (two copies if submitting by mail or hand delivery) of your comments, including the attachments, to the docket following the instructions given above under **ADDRESSES**. Please note, if you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using an Optical Character Recognition (OCR) process, thus allowing NHTSA to search and copy certain portions of your submissions.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you must submit three copies of your complete submission, including the information you claim to be confidential business information, to the Office of the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**.

In addition, you may submit a copy (two copies if submitting by mail or hand delivery) from which you have deleted the claimed confidential business information, to the docket by one of the methods given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in NHTSA's confidential business information regulation (49 CFR part 512).

Will NHTSA consider late comments?

NHTSA will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, NHTSA will also consider comments received after that date.

How can I read the comments submitted by other people?

You may read the comments received at the address given above under **ADDRESSES**. The hours of the docket are indicated above in the same location. You may also read the comments on the internet, identified by the docket number at the heading of this notice, at *http://www.regulations.gov.*

Please note that, even after the comment closing date, NHTSA will continue to file relevant information in the docket as it becomes available. Further, some people may submit late comments. Accordingly, NHTSA recommends that you periodically check the docket for new material.

Authority: 49 U.S.C. 30101 *et seq.,* 49 U.S.C. 30182.

Issued in Washington, DC, on January 10, 2018, under authority delegated in 49 CFR part 1.95.

Heidi King,

Deputy Administrator.

Appendix

1. Executive Summary of the Volpe Report

Review of Federal Motor Vehicle Safety Standards (FMVSS) for Automated Vehicles

Identifying Potential Barriers and Challenges for the Certification of Automated Vehicles Using Existing FMVSS

Preliminary Report—March 2016

Anita Kim, David Perlman, Dan Bogard and Ryan Harrington Technology Innovation and Policy Division

''• Current Federal Motor Vehicle Safety Standards (FMVSS) do not explicitly address automated vehicle technology and often assume the presence of a human driver. As a result, existing language may create certification challenges for manufacturers of automated vehicles that choose to pursue certain vehicle concepts.

• The purpose of this work is to identify instances where the existing FMVSS may pose challenges to the introduction of automated vehicles. It identifies standards requiring further review—both to ensure that existing regulations do not unduly stifle innovation and to help ensure that automated vehicles perform their functions safely.

• The review highlighted standards in the FMVSS that may create certification challenges for automated vehicle concepts with particular characteristics, including situations in which those characteristics could introduce ambiguity into the interpretation of existing standards. The review team's approach was meant to be as inclusive as possible, with the intent to identify standards that would require further review or discussion.

• This is a preliminary report summarizing the review of FMVSS and includes a discussion on approach, findings, and analysis. As a preliminary review, the contents of this report reflect the results of an initial analysis and may be modified based on stakeholder input and future discussion.

• The Volpe team conducted two reviews of the FMVSS: a driver reference scan to identify which standards include an explicit or implicit reference to a human driver and an automated vehicle concepts scan to identify which standards could pose a challenge for a wide range of automated vehicle capabilities and concepts.

○ The driver reference scan revealed references in numerous standards to a driver (defined in § 571.3 as ''. . . the occupant of the motor vehicle seated immediately behind the steering control system''), a driver's seating position, or controls and displays that must be visible to or operable by a driver, or actuated by a driver's hands or feet.

○ In order to conduct the automated vehicle concepts scan, the Volpe team developed 13 different automated vehicle concepts, ranging from limited levels of automation (and near-term applications) to highly-automated, driverless concepts with innovative vehicle designs. The idea was to evaluate the FMVSS against these different automated vehicle concepts.

• In summary, the review revealed that there are few barriers for automated vehicles to comply with FMVSS, as long as the vehicle does not significantly diverge from a conventional vehicle design. Two standards: theft protection and rollaway prevention (§ 571.114) and light vehicle brake systems (§ 571.135) were identified as having potential issues for automated vehicles with conventional designs.

• Automated vehicles that begin to push the boundaries of conventional design (*e.g.,* alternative cabin layouts, omission of manual controls) would be constrained by the current FMVSS or may conflict with policy objectives of the FMVSS. Many standards, as currently written, are based on assumptions of conventional vehicle designs and thus pose challenges for certain design concepts, particularly for 'driverless' concepts where occupants have no way of driving the vehicle (*e.g.,* § 571.101, controls and displays, § 571.111, rear visibility, § 571.208, occupant crash protection represent a few examples).

• Subsequent to the Volpe Center's review of the FMVSS, but prior to the publication of this report, NHTSA released interpretations to BMW of North America and Google, Inc. in response to questions regarding how to interpret certain FMVSS requirements in the context of automated vehicles. As a result, the review does not reflect this subsequent development. The full text of these interpretations are available in NHTSA's repository of interpretation files at the website: *isearch.nhtsa.gov.*''

2. List of Standards Identified in the Volpe Report

In the report, the Volpe Center reported 32 of 63 FMVSS's that may present certification challenges for certain types of automated vehicles because they contain performance specifications, test procedures, or equipment requirements that present potential barriers to the certification of one or more AV concepts:

1. Conventional Vehicles (with driver controls) with highly-automated features (2 standards identified).

- key must be in position before moving out of park position, and park position interlock with the service brake (571.114),
- foot-actuated service brake control, brake system warning indicator, and warning device for lining replacements (571.135).

2. Fully-self-driving vehicles (no driver controls or novel design) (32 standards identified, some examples listed below).

- controls and displays visible to the driver (571.101),
- transmission shift position sequence and interlock (571.102),
- windshield defrosting and defogging (571.103),
- windshield wipers (571.104),
- foot-actuated service brake control, brake system warning indicator, and warning device for lining replacements (571.105),
- turn signal, flasher, headlamp beam switch, and upper beam indicator (571.108),
- tire/rim retention requirement for driver (571.110),
- requirements for rear visibility for the driver (571.111),
- key must be in position before moving out of park position, and park position interlock with the service brake (571.114),
- powered windows and roof panels (571.118),
- foot-actuated service brake control, low-pressure brake system warning indicator, and brake adjustment indicators (571.121),
- motorcycle brake systems (571.122),
- accelerator pedal must return to neutral when released by the driver (571.124),
- a steering wheel (a requirement for completing tests) and certain controls and displays (571.126),
- foot-actuated service brake control, brake system warning indicator, and warning device for lining replacements (571.135),
- TPMS telltale for low tire pressure to warn driver (571.138),
- occupant protection in interior impact (571.201),
- door locks and door retention components (571.206),
- a designated seating position for the driver (571.207),
- occupant protection and warning system for non-buckled seat belt (571.208),
- seat belt anchorages (571.210),
- side impact protection (571.214),
- windshield zone intrusion (571.219),
- child restraint anchorage systems (571.225),
- readiness monitor for ejection mitigation countermeasures visible to the driver (571.226),
- flammability of interior materials (571.302),
- interior trunk release (571.401),
- other equipment may pose barriers to certification.

[FR Doc. 2018–00671 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 83, No. 12
Thursday, January 18, 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

Bridger-Teton National Forest; Wyoming; Invasive Plant Management

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Bridger-Teton Nation Forest (BTNF) will prepare an environmental impact statement (EIS) to disclose the effects of continued control of noxious and other invasive plants through the integration of manual, mechanical, biological, and ground and aerial herbicide control methods. Effects analysis of treatments of invasive plants, including cheatgrass (*Bromus tectorum*) and other invasive annual grasses, will be projected over the next 10–15 years. The agency invites comments and suggestions on the scope of the analysis to be included in the draft environmental impact statement (DEIS). In addition, the agency gives notice of this environmental analysis and decision-making process so that interested and affected people know how they may participate in the process. The BTNF is currently treating noxious weeds and invasive plants under the March 1, 2005 Decision Notice, Management of Noxious Weeds on the Bridger-Teton National Forest. This decision needs to be updated since it did not include the use of new herbicides, aerial application of herbicides, or new invasive plant populations.

DATES: Comments concerning the scope of the analysis must be received by February 20, 2018. The draft EIS is expected in May of 2018, and the final EIS is expected in October 2018.

ADDRESSES: Send written comments to Forest Supervisor, Bridger-Teton National Forest, P.O. Box 1880, 340 N. Cache, Jackson, Wyoming 83001. Comments may also be sent via email to *comments-intermtn-bridger-teton@fs.fed.us* or via facsimile to 307–739–50108.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and the EIS to Chad Hayward, Project Coordinator, 10418 S Hwy 189, Big Piney, Wyoming, 83113, phone (307) 276–5817 or email *chayward@fs.fed.us*. Comments are not to be sent to this address; they need to be received as directed above. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Invasive species are defined as alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health (Federal Executive Order 13112). When developing an invasive plant management strategy, it is critical to consider all available resources and tools. Integrated pest management (IPM) strategies utilize various invasive plant management options that focus on the most economical, efficient and effective control of invasive plants. Anything that weakens the invasive plant, prevents spreading, or prevents seed production can be a valuable tool.

Purpose and Need for Action

Currently, approximately 75,000 acres within the BTNF are infested with invasive plants. Invasive, non-native species are threatening or dominating areas of the BTNF with negative impacts on native plant communities, big game winter ranges, sage-grouse habitat, soil and watershed resources, recreation, domestic livestock forage availability, and aesthetic values. A shift from native vegetation to invasive plants alters wildlife habitats, decreases wildlife and livestock forage, reduces species diversity, increases soil erosion due to a decrease in surface cover, alters the fire return interval, and promotes undesirable monocultures.

The purpose and need of the project is to prevent and reduce loss of native plant communities associated with the spread of invasive plant species. Specifically, the purposes of this project are to prevent and treat invasive plants within the BTNF and to reduce the impacts from invasive plants on other resources by:

- Protecting the natural condition and biodiversity of the Bridger-Teton by preventing or limiting the spread of aggressive, non-native plant species that displace native vegetation;
- promptly eliminating new invaders (species not previously reported in the area) before they become established;
- preventing or limiting the spread of established invasive plants into areas containing little or no infestation;
- protecting sensitive and unique habitats including critical big game winter ranges, sage-grouse core areas and other important habitats; and
- reducing known and potential invasive plant seed sources along roads and trails, within powerline corridors, rights-of-ways, gravel and rock quarries, fuels reduction projects, and previously-burned areas to prevent the spread of invasive plants into new, un-infested areas.

Proposed Action

The Forest Service, through the application of an invasive plant treatment strategy, proposes to continue to treat invasive plant species on the BTNF. The proposed action would occur over the next 10–15 years and would treat several thousands of acres annually. The proposed action would broaden the current management for control of noxious weeds to:

- Treat new infestations through a strategy for assessing new treatments and new sites;
- permit the use of newly developed, more species-specific, Environmental Protection Agency (EPA)-registered herbicides;
- continue the use of integrated treatment methods, including herbicides, within wilderness areas where approved in advance and necessary to maintain native vegetation consistent with wilderness values;
- broaden control methods to include the use of aerial application of herbicides where effective ground application is not possible outside of wilderness areas; and
- maintain or improve protection measures for herbicide applications.

Adding the capability for aerial treatments is necessary to safely and effectively apply herbicides, in uniform applications, on the steeper slopes that characterize critical big game winter ranges. It is also needed to cooperate with integrated land ownership partners that are experiencing extensive

infestations of cheatgrass because of recent and severe drought (and that are negatively affecting native plant populations, especially those in critical sage-grouse habitat). An estimated average of an additional 5,000 to 15,000 acres might be treated annually for cheatgrass control in cooperation with intermingled-landownership partners. Potential treatment areas include crucial big game winter ranges, sage-grouse core areas and other important habitats, fuels reduction projects, previously-burned areas, roads and trails, power lines, rights-of-ways, gravel and rock quarries, and areas where invasive weeds are already beginning to proliferate.

The proposed action would utilize a variety of tools, singularly or in combination, to implement an integrated strategy. Proposed control methods include the following:

- Mechanical methods, such as hand-pulling, mowing or cutting;
- revegetation, where competitive vegetation is seeded to reduce invasive species, possibly after other treatments;
- grazing with livestock;
- biological control using predators, parasites, and pathogens;
- herbicide control using ground-based application methods; herbicide control using aerial application methods;
- prescribed fire in conjunction with other treatment methods;
- education programs to inform people of the effects of invasive plant infestations, methods of spread, and preventative management opportunities and practices; and
- prevention by using practices that reduce invasive plant spread, including a weed-free forage and gravel program and washing vehicles to remove seeds and plant parts.

The selection of control methods is not a choice of one tool over another, but rather selection of a combination of tools that would be most effective on target species for a location. The BTNF proposes to use a combination of control methods based on site-specific conditions and circumstances, EPA labels, USDA Animal and Plant Health Inspection Service (APHIS) direction, and resource protection measures to ensure that treatment methods are properly used. No activities are being proposed to occur on private lands. It is anticipated, however, that the Forest Service may receive requests from intermingled and adjacent landowners to be a willing and able partner on projects that might be proposed to treat invasive plant populations that are found on multiple land ownerships that include National Forest System lands.

Possible Alternatives

The BTNF will consider a reasonable range of alternatives, including a no action alternative. Based on the issues gathered through scoping, the action alternatives may vary in the amount and location of acres considered for treatment and the number, type, and location of activity.

Responsible Official

The Bridger-Teton Forest Supervisor is the Responsible Official for making the decision concerning this proposal.

Nature of Decision To Be Made

Given the purpose and need, the Responsible Official reviews the proposed action, the other alternatives, and the environmental consequences in order to make the following decisions: Whether to expand current efforts to control invasive plants; what control methods would be used; what herbicides would be used; what protection measures and monitoring measures would be required; and whether to include an adaptive management approach to address future spread of invasive weeds.

The EIS is a project-level analysis. The scope of the project is confined to issues and potential environmental consequences relevant to the decision. This analysis does not attempt to re-evaluate or alter decisions made at higher levels. The decision is subject to, and would implement direction from, higher levels.

National and regional policies and Forest Plan direction require consideration of effects of all projects on invasive plant spread and prescription of protection measures where practical to limit those effects. Reconsideration of other existing project-level decisions or programmatically prescribing protection measures or standards for future forest management activities (such as travel management, timber harvest, and grazing management) are beyond the scope of this document. Cumulative effects will be addressed in Chapter 3 of the EIS.

Even with careful consideration, unforeseen events can occur during project implementation that will require additional analyses. Unanticipated events can result in new information that could have a bearing on a decision. Forest Service procedures for addressing such new information, documents, and decisions are thoroughly explained in FSH 1909.15, Section 18.

Preliminary Issues

Key issues identified to date include the current and potential impacts of invasive plants on natural resources such as big game winter habitat, native plant communities, wilderness values, watershed function, and threatened, endangered, or sensitive species and their habitats. Additional issues preliminarily identified include economic impacts; the effectiveness and potential impacts of various control methods on natural resources; and potential effects on non-target native plants and associated values, wildlife and fish populations, and human health from the application of herbicides.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. Public participation will be especially important at several points during the analysis, beginning with the scoping process (40 CFR 1501.7). The decision and reasons for the decision will be documented in a Record of Decision. The decision will be subject to Forest Service Project-Level Predecisional Administrative Review Process (Objection Process) (36 CFR part 218).

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will become part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however anonymous comments will not provide the respondent eligibility to participate in subsequent administrative or judicial review.

Dated: January 10, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–00804 Filed 1–17–18; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Montana Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the

Federal Advisory Committee Act (FACA) that a meeting of the Montana Advisory Committee (Committee) to the Commission will be held at 11:00 a.m. (Mountain Time) Thursday, February 1, 2018. The purpose of the meeting is for the Committee to discuss preparations to hear testimony on border town discrimination.

DATES: The meeting will be held on Thursday, February 1, 2018 at 11:00 a.m. MT.

Public Call Information:
Dial: 888–267–6301.
Conference ID: 8312057.

FOR FURTHER INFORMATION CONTACT: Angelica Trevino at *atrevino@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–267–6301, conference ID number: 8312057. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Angelica Trevino at *atrevino@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=259.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome and Rollcall

II. Approval of minutes from January 5, 2018 meeting

III. Discussion of panelists and logistics for hearing testimony on border town discrimination

IV. Public Comment

V. Adjournment

Dated: January 11, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–00712 Filed 1–17–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–185–2017]

Approval of Subzone Status; Orgill, Inc., Tifton, Georgia

On November 22, 2017, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Brunswick and Glenn County Development Authority, grantee of FTZ 144, requesting subzone status subject to the existing activation limit of FTZ 144, on behalf of Orgill, Inc., in Tifton, Georgia.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (82 FR 56211, November 28, 2017). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 144C was approved on January 11, 2018, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 144's 2,000-acre activation limit.

Dated: January 11, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–00757 Filed 1–17–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979, C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Changed Circumstances Reviews, and Revocation of Antidumping and Countervailing Duty Orders, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 26, 2017, the Department of Commerce (Commerce) published its preliminary results of changed circumstances reviews (CCRs) and intent to revoke, in part, the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China (China) with respect to certain solar panels (collectively, the *Orders*). Specifically, Commerce preliminarily determined that the producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lacked interest in the relief provided by the *Orders* with respect to certain solar panels of a sufficiently small size, voltage, amperage, and wattage, among other characteristics, as described below. Commerce invited interested parties to comment on the preliminary results. No party submitted comments. For the final results of these CCRs, Commerce is revoking, in part, the *Orders* as to imports of certain solar panels as described below.

DATES: Applicable January 18, 2018.

FOR FURTHER INFORMATION CONTACT: Lauren Caserta or Kaitlin Wojnar, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4737 and (202) 482–3857, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce published AD and CVD orders on certain crystalline silicon photovoltaic cells, whether or not assembled into modules, from China.[1] On October 6,

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value,*

Continued

2017, Pitsco, Inc. d/b/a/Pitsco Education (Pitsco), an importer of the subject merchandise, requested through a changed circumstances review revocation, in part, of the *Orders* pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(b), with respect to certain solar panels.[2] On October 13, 2017, SolarWorld Americas, Inc. (the petitioner) submitted a letter stating that it does not oppose the scope exclusion language proposed by Pitsco.[3] From October 25, 2017, through November 8, 2017,[4] Commerce consulted with both Pitsco and SolarWorld regarding revisions to the proposed exclusion language; specifically, Commerce suggested limiting the language to a description of the physical characteristics of the product and also expressed concerns regarding the dimensions indicated in the description.[5] Accordingly, on November 10, 2017, Pitsco submitted revised exclusion language based on these consultations.[6] On November 13, 2017, SolarWorld submitted a letter stating that it does not oppose the revised exclusion language submitted by Pitsco on November 10, 2017.[7]

On November 27, 2017, Commerce published the notice of initiation of the requested changed circumstances reviews.[8] On December 26, 2017, Commerce published the preliminary results of these CCRs, in which it found that producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lack interest in the relief afforded by the *Orders* with respect to certain solar panels of a sufficiently small size, voltage, amperage, and wattage, among other characteristics, as described in Pitsco's request.[9] Commerce invited interested parties to submit comments on the preliminary results. We received no comments.

Final Results of Changed Circumstances Reviews, and Revocation of the Orders, in Part

Because no party submitted comments opposing Commerce's preliminary results, and the record contains no other information or evidence that calls into question the preliminary results, Commerce determines, pursuant to section 751(d)(1) of the Act, section 782(h) of the Act, and 19 CFR 351.222(g), that there are changed circumstances that warrant revocation of the *Orders,* in part. Specifically, because the producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lack interest in the relief provided by the *Orders* with respect to the following type of solar panels, we are revoking the *Orders,* in part, for solar panels that: (1) Have a surface area from 3,450 mm² to 33,782 mm²; (2) have one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion); (3) do not exceed 2.9 volts, 1.1 amps, and 3.19 watts; and (4) do not contain an internal battery or external computer peripheral ports. The scope description below includes this exclusion language.

Scope of the AD and CVD Orders on Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China

The merchandise covered by the *Orders* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

The *Orders* cover crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of the *Orders.*

Excluded from the scope of the *Orders* are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of the *Orders* are crystalline silicon photovoltaic cells, not exceeding 10,000 mm² in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of these *Orders* are panels with surface area from 3,450 mm² to 33,782 mm² with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Modules, laminates, and panels produced in a third-country from cells produced in China are covered by the *Orders;* however, modules, laminates, and panels produced in China from cells produced in a third-country are not covered by the *Orders.*

Merchandise covered by these *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* is dispositive.

and Antidumping Duty Order, 77 FR 73018 (December 7, 2012) and *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012).

[2] *See* Pitsco's Letter, ''Request for Changed Circumstances Review (A–570–980; C–570–979),'' dated October 6, 2017 (Pitsco's Request).

[3] *See* SolarWorld's Letter, ''Pitsco, Inc.'s Scope Exclusion Language—Letter of No Opposition,'' dated October 13, 2017 (Letter of No Opposition).

[4] *See* Memorandum, ''Pitsco, Inc. Changed Circumstances Review for Antidumping and Countervailing Duty Orders on Certain Solar Cells from the People's Republic of China: *Ex Parte* Correspondence,'' dated November 13, 2017 (*Ex Parte* Memo).

[5] *Id.*

[6] *See* Pitsco's Letter, ''Amended Changed Circumstances Review (A–570–980; C–570–979),'' dated November 10, 2017 (Pitsco's Amended Request).

[7] *See* SolarWorld's Letter, ''Pitsco, Inc.'s Scope Exclusion Language—Letter of No Opposition,'' dated November 13, 2017 (Revised Letter of No Opposition).

[8] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part,* 82 FR 55987 (Nov. 27, 2017) (Solar CCR Initiation Notice).

[9] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent to Revoke Antidumping and Countervailing Duty Orders in Part,* 82 FR 60952 (December 26, 2017) (Solar CCR Preliminary Notice).

Instructions to U.S. Customs and Border Protection

Because we determine that there are changed circumstances that warrant the revocation of the *Orders,* in part, we will instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to antidumping and countervailing duties, and to refund any estimated antidumping and countervailing duties, on all unliquidated entries of the merchandise covered by this partial revocation that are not covered by the final results of an administrative review or automatic liquidation.[10]

Notification to Interested Parties

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and revocation, in part, and notice in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: January 11, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–00756 Filed 1–17–18; 8:45 am]

BILLING CODE 3510–DS–P

[10] The most recently completed administrative review of the AD order (A–570–979) was completed on June 20, 2017, and covered December 1, 2014, through November 30, 2015. Therefore, the partial revocation for merchandise subject to the AD orders will be applied retroactively to unliquidated entries of merchandise entered or withdrawn from warehouse, for consumption, on or after December 1, 2015. The most recently completed administrative review of the CVD order (C–570–980) was completed on July 10, 2017, and covered January 1, 2014, through December 31, 2014. Therefore, the partial revocation for merchandise subject to the CVD order will be applied retroactively to unliquidated entries of merchandise entered or withdrawn from warehouse, for consumption, on or after January 1, 2015.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF956

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting of the South Atlantic Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) Socio-Economic Panel (SEP).

SUMMARY: The Council will hold a meeting of its SSC SEP to receive updates on fisheries issues being addressed by the Council and provide recommendations as appropriate. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEP meeting will be held February 6, 2018, from 1 p.m. until 5 p.m. and February 7, 2018, from 9 a.m. to 12:30 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the Crowne Plaza Hotel, 4831 Tanger Outlet Boulevard, North Charleston, SC 29418; phone: (843) 744–4422. The meeting is open to members of the public. The meeting will also be available via webinar. Registration is required. Registration information will be posted on the Council's website at *http://safmc.net/safmc-meetings/scientific-and-statistical-committee-meetings/* as it becomes available.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: John Hadley; 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *john.hadley@safmc.net.*

SUPPLEMENTARY INFORMATION: The following items will be discussed by the SEP during the meeting:

1. An update on recent Council actions and the Council's Citizen Science Program;
2. Review and discussion of the recent review of the Council's Individual Transferable Quota (ITQ) Program for the Wreckfish fishery;
3. Discussion on recreational reporting as proposed in Amendment 46 to the Snapper Grouper Fishery Management Plan for the South Atlantic;
4. A review of the outline for a socio-economic report of the Council's managed fisheries;
5. Discussion on fishing trip metrics used to estimate the economic impacts of recreational fisheries for species managed by the Council; and
6. A presentation of the results from the Socio-Economic Profile of the Commercial Snapper Grouper Fishery in the South Atlantic.

The SEP will provide recommendations on agenda items as appropriate. Agenda items are subject to change. A public comment period on agenda items will be held at the beginning and end of the meeting.

Written comment on SEP agenda topics is to be distributed to the Committee through the Council office, similar to all other briefing materials. Written comment to be considered by the SEP shall be provided to the Council office no later than one week prior to the SEP meeting. For this meeting the deadline for submission of written comment is 12 p.m., Tuesday, January 30, 2018. An online comment form will be posted as it becomes available at the Council's website at: *http://safmc.net/safmc-meetings/scientific-and-statistical-committee-meetings/.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: January 12, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–00762 Filed 1–17–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF954

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will meet February 5, 2018 through February 12, 2018, in Seattle, WA.

DATES: The meetings will be held Monday, February 5, 2018 through Monday, February 12, 2018. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES:

Meeting address: The meeting will be held at the Renaissance Hotel, 515 Madison St., Seattle, WA 98104.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: David Witherell, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Council, SSC, and AP will meet all day on Wednesday, February 7, 2018 for the Ecosystem Research Workshop in the Ballroom. The Council will begin its plenary session at 8 a.m. in the South Room on Thursday, February 8, continuing through Monday, February 12, 2018. The Scientific and Statistical Committee (SSC) will begin at 8 a.m. in the East Room on Monday, February 5, and continue through Tuesday, February 6, 2018. The Council's Advisory Panel (AP) will begin at 8 a.m. in the North/West Room on Tuesday, February 6, and continue through Friday, February 9, 2018. The IFQ Committee will meet on Monday, February 5, 2018, from 8 a.m. to 5 p.m. in the Marion Room. The Legislative Committee will meet on Monday, February 5, 2018, from 1 p.m. to 5 p.m. (Room TBD). The Ecosystem Committee will meet on Tuesday, February 6, 2018, from 8 a.m. to 5 p.m. in the Marion Room.

Agenda

Monday, February 5, 2018 Through Monday, February 12, 2018

Council Plenary Session: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

(1) Executive Director's Report
(2) NMFS Management Report
(3) ADF&G Report
(4) USCG Report
(5) USFWS Report
(6) IPHC Report
(7) Protected Species Report
(8) BSAI Crab: Norton Sound RKC ACL, Crab Plan Team Report
(9) Small Sideboards
(10) GOA Catcher Vessel Chinook PSC limit adjustments
(11) IFQ medical lease provision
(12) IFQ beneficiary designation provision
(13) IFQ Committee—Report on proposals
(14) Arctic Exploratory Fishing
(15) Observer and EM Projects
(16) Programmatic Groundfish Objectives
(17) Economic SAFE Report
(18) Staff Tasking

The Advisory Panel will address most of the same agenda issues as the Council except B reports.

The SSC agenda will include the following issues:

(1) AFSC Report
(2) GOA Climate Report
(3) Marine Mammal Status
(4) Draft Agenda for Plan Team Workshop
(5) BSAI Crab
(6) Arctic Exploratory Fishing
(7) GOA Chinook PSC
(8) Economic SAFE
(9) Pollock Ageing Method

In addition to providing ongoing scientific advice for fishery management decisions, the SSC functions as the Councils primary peer review panel for scientific information as described by the Magnuson-Stevens Act section 302(g)(1)(e), and the National Standard 2 guidelines (78 FR 43066). The peer review process is also deemed to satisfy the requirements of the Information Quality Act, including the OMB Peer Review Bulletin guidelines.

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/.*

Although other non-emergency issues not on the agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: January 12, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–00763 Filed 1–17–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF959

Pacific Island Fisheries; Western Pacific Stock Assessment Review; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: NMFS and the Western Pacific Fishery Management Council (Council) will convene a Western Pacific Stock Assessment Review (WPSAR) of the draft 2017 benchmark stock assessments for Guam coral reef fish.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates, times, and daily agenda.

ADDRESSES: The meeting will be held at the Council office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Michael Seki, Director, NMFS Pacific Islands Fisheries Science Center (PIFSC), tel 808–725–5360.

SUPPLEMENTARY INFORMATION: PIFSC scientists are conducting stock assessments on exploited Pacific Islands coral reef fish included in the Council's fishery ecosystem plans. These stocks are generally classified as data-poor because they lack reliable, long-term, catch and fishing effort data. Historically, the Council has recommended, and NMFS has approved, setting annual catch limits (ACLs) using a percentile of median historical catch levels and, more recently, a biomass-augmented catch-MSY (maximum sustainable yield) method has been applied.

In an effort to use additional available data sources for these stocks, PIFSC scientists have conducted new coral reef fish assessments using length composition data, abundance data from diver surveys, and certain key population demographic parameters related to growth, maturity, and longevity. PIFSC scientists have been implementing an approach that uses size structure data to obtain an estimate

of total and fishing mortality rates for coral reef fish stocks. These rates, combined with population demographic parameters, are used in a numerical population model to obtain stock sustainability metrics (for example, spawning potential ratio, F/F_{MSY}).

Overfishing limits can be generated by using recent total catch estimates and/or population size estimates from diver surveys. Furthermore, a meta-analytical approach using stochastic simulations was developed at PIFSC to obtain demographic parameter estimates for species with even less data than data-poor species (that is, ''data-less'' species). These scientific methods passed a rigorous independent review by a panel organized by the Center for Independent Experts in 2015. In 2017, these methods were applied to individual species in the main Hawaiian Islands, and now this general approach will be used to assess 20 species from the U.S. territory of Guam. Per WPSAR, there is a need to independently review these species-specific stock assessments prior to submission to a fishery management organization for consideration.

Section 301(a)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that fishery conservation and management measures be based upon the best scientific information available. Magnuson-Stevens Act Section 302(g)(1)(E) provides that the Secretary of Commerce and each regional fishery management council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of a fishery. Consistent with this provision, the Council, PIFSC, and the NMFS Pacific Islands Regional Office have established the WPSAR process in an effort to improve the quality, timeliness, objectivity, and integrity of stock assessments and other scientific information used in managing Pacific Island fishery resources.

Meeting Agenda for WPSAR Review

The meeting schedule and agenda are as follows (9 a.m.–5 p.m. every day). The agenda order may change and the meeting will run as late as necessary to complete scheduled business.

Monday, February 5, 2018

1. Welcome and introductions
2. Background information—Objectives and terms of reference
3. Fishery operation and management
4. History of stock assessments and reviews
5. Data
   a. Guam Division of Aquatic and Wildlife Resources data collection
   b. Commercial Fisheries Biosampling Program
   c. NMFS Coral Reef Ecosystem Division surveys
   d. Biological data
   e. Other data
6. Presentation and review of stock assessment

Tuesday, February 6, 2018

7. Continue review of stock assessment

Wednesday, February 7, 2018

8. Continue review of stock assessment

Thursday, February 8, 2018

9. Continue review of stock assessment
10. Public comment period
11. Panel discussions (closed)

Friday, February 9, 2018

12. Panel discussions (closed)
13. Present panel recommendations (afternoon)
14. Adjourn

Special Accommodations

This meeting is physically accessible to people with disabilities. Please direct requests for sign language interpretation or other auxiliary aides to Michael Seki, Director, PIFSC, tel 808–725–5360, fax 808–725–5360), at least 5 days prior to the meeting date.

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

Dated: January 12, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–00786 Filed 1–17–18; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 18 January 2018, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW, Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our website: *www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *cfastaff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, on January 10, 2018.

Thomas Luebke,

Secretary.

[FR Doc. 2018–00663 Filed 1–17–18; 8:45 am]

BILLING CODE 6330–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Performance Measurement in AmeriCorps; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Performance Measurement in AmeriCorps for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments may be submitted, identified by the title of the information collection activity, by February 20, 2018.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Adrienne DiTommaso, at 202–606–3611 or email to *aditommaso@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;

• Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

• Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on 11/03/2017 at 82 FR 51224. This comment period ended January, 2nd, 2017. No public comments were received from this Notice.

Description: All members in the three AmeriCorps programs—AmeriCorps State & National, VISTA, and the National Civilian Community Corps (NCCC)—are invited to complete a questionnaire upon completing their service term. The questionnaire asks members about their motivations for joining AmeriCorps, experiences while serving, and future plans and aspirations. Completion of the questionnaire is not required to successfully exit AmeriCorps, receive any stipends, educational awards, or other benefits of service. The purpose of the information collection is to learn more about the member experience and member perceptions of their AmeriCorps experience in order to improve the program. Members complete the questionnaire electronically through the AmeriCorps Member Portal. Members are invited to respond as their exit date nears and are allowed to respond for an indefinite period following the original invitation. CNCS seeks to renew the current information collection. The questionnaire submitted for clearance is unchanged from the previously cleared questionnaire. The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on 2/28/2018.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Performance Measurement in AmeriCorps.

OMB Number: 30450094.

Agency Number: None.

Affected Public: Individuals—AmeriCorps members.

Total Respondents: 80,000.

Frequency: Annually.

Average Time per Response: 15 minutes.

Estimated Total Burden Hours: 20,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: January 12, 2018.

Mary Hyde,

Director of Research and Evaluation.

[FR Doc. 2018–00801 Filed 1–17–18; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2018–0002; OMB Control Number 0704–0483]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Independent Research and Development Technical Descriptions

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through March 31, 2018. DoD proposes that OMB extend its approval for three additional years.

DATES: DoD will consider all comments received by March 19, 2018.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0483, using any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: osd.dfars@mail.mil. Include OMB Control Number 0704–0483 in the subject line of the message.

Fax: 571–372–6094.

Mail: Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Gomersall, 571–372–6099. The information collection requirements addressed in this notice are available electronically on the internet at: *http://www.acq.osd.mil/dpap/dfars/index.htm.* Paper copies are available from Mr. Mark Gomersall, OUSD (AT&L) DPAP (DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Independent Research and Development Technical Descriptions; OMB Control Number 0704–0483.

Needs and Uses: DFARS 231.205–18 requires contractors to report independent research and development (IR&D) projects to the Defense Technical Information Center (DTIC) using DTIC's online IR&D database. The data provide in-process information on IR&D projects for which DoD reimburses the contractor as an allowable indirect expense. In addition to improving the Department's ability to determine whether contractor IR&D costs are allowable, the data provide visibility into the technical content of industry IR&D activities to meet DoD needs.

Affected Public: Businesses and other for-profit entities.

Respondent's Obligation: Required to obtain or retain benefits.

Type of Request: Revision of a currently approved collection.

Reporting Frequency: On occasion.

Number of Respondents: 77.

Responses per Respondent: 87.
Annual Responses: 6,699.
Average Burden per Response: 0.5 hours.
Annual Response Burden Hours: 3,350.

Summary of Information Collection

DFARS 231.205–18 requires contractors to report independent research and development projects to DTIC using the DTIC's online IR&D database. The inputs must be updated at least annually and when the project is completed.

Jennifer L. Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2018–00792 Filed 1–17–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–69]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–69 with attached Policy Justification and Sensitivity of Technology.

Dated: January 12, 2018.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 09 2018

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-69, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost $133.3 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–69

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Japan

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$123.0 million
Other	$ 10.3 million
Total	$133.3 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Four (4) Standard Missile-3 (SM–3) Block IIA Missiles

Non-MDE:

Also included are four (4) MK 29 missile canisters, U.S. Government and contractor representatives' technical assistance, transportation, engineering and logistics support services, and other related elements of logistical and program support.

(iv) *Military Department:* Navy (JA–P–ATB)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* January 9, 2018

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—Standard Missile-3 (SM–3) Block IIA Missiles

The Government of Japan has requested a possible sale of four (4) Standard Missile-3 (SM–3) Block IIA missiles. Also included are four (4) MK 29 missile canisters, U.S. Government and contractor representatives' technical assistance, transportation, engineering and logistics support services, and other related elements of logistical and program support. The estimated total case value is $133.3 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the security of a major ally that has been, and continues to be, a force for political stability and economic progress in the Asia-Pacific region.

The proposed sale will provide Japan with an increased ballistic missile defense capability to assist in defending the Japanese homeland and U.S. personnel stationed there. Japan will have no difficulty absorbing these additional munitions and support into the Japan Maritime Self Defense Force (JMSDF).

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon Missile Systems, Tucson, AZ (SM–3); and BAE Systems, Minneapolis, MN (MK 29). There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require annual trips to Japan involving U.S. Government and contractor representatives for technical reviews, support, and oversight for approximately five years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–69

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The proposed sale will involve the release of sensitive technology to the Government of Japan related to the Standard Missile-3 (SM–3) Block IIA missile. The ship- or ground-launched SM–3 Block IIA is the most recent iteration in the SM–3 family. It has two distinct new features: larger rocket motors that will allow it to defend broader areas from ballistic missile threats; and a larger kinetic warhead. The kinetic warhead has been enhanced, improving the search, discrimination, acquisition and tracking functions, to address emerging threats. Once enclosed in the canister, the SM–3 Block IIA missile is classified CONFIDENTIAL. The optics hardware and signal processor are classified SECRET.

2. If a technologically advanced adversary were to obtain knowledge of specific hardware, the information could be used to develop countermeasures which might reduce weapons system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Japan can provide substantially the same degree of protection for sensitive technology being released as the U.S. Government. This proposed sustainment program is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Japan.

[FR Doc. 2018–00764 Filed 1–17–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency National Intelligence University Board of Visitors; Notice of Federal Advisory Committee Meeting

AGENCY: National Intelligence University, Department of Defense.

ACTION: Notice of closed meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the National Intelligence University Board of Visitors has been scheduled. The meeting is closed to the public.

DATES: Tuesday, January 23, 2018 (7:30 a.m. to 5:15 p.m.) and Wednesday, January 24, 2018 (7:30 a.m. to 1:00 p.m.).

ADDRESSES: Defense Intelligence Agency, 7400 Pentagon, ATTN: NIU, Washington, DC 20301–7400.

FOR FURTHER INFORMATION CONTACT: Dr. J. Scott Cameron, President, DIA National Intelligence University, Bethesda, MD 20816, Phone: (301) 243–2118.

SUPPLEMENTARY INFORMATION:

Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the National Intelligence University Board of Visitors was unable to provide public notification concerning it meeting on January 23–24, 2018, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose: The Board will discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the National Intelligence University.

Agenda: The following topics are listed on the National Intelligence University Board of Visitors meeting agenda: Welcome by President and Board Chair; Accreditation Update; the Research Mission; Congressional Update, Board Business; Executive Sessions; Working Lunch with IC Senior Leaders.

The entire meeting is devoted to the discussion of classified information as defined in 5 U.S.C. 552b(c)(1) and therefore will be closed. Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the National Intelligence University Board of Visitors about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the National Intelligence University Board of Visitors. All written statements shall be submitted to the Designated Federal Officer for the National Intelligence University Board of Visitors, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Officer can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

Dated: January 12, 2018.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–00774 Filed 1–17–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

National Petroleum Council; Notice of Renewal

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act and in accordance with Title 41 of the Code of Federal Regulations, section 102.3.65, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the National Petroleum Council has been renewed for a two-year period.

The Council will continue to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas, and the oil and natural gas industries. The Secretary of Energy has determined that renewal of the National Petroleum Council is essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed by law upon the Department of Energy. The Council will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), the General Services Administration Final Rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those Acts.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Johnson at (202) 586–6458

Issued at Washington, DC on January 8, 2018.

Wayne D. Smith,

Committee Management Officer.

[FR Doc. 2018–00777 Filed 1–17–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before March 19, 2018. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to Sharon Archer by fax at 202–287–1349 or by email to *Sharon.Archer@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Sharon Archer at 202–287–1739 or by fax at 202–287–1349 or by email at *Sharon.Archer@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No.: 1910–4100; (2) Information Collection Request Title: Procurement Requirements; (3) Type of Review: Renewal; (4) Purpose: Under 48 CFR part 952 and subpart 970.52, DOE must collect certain types of information from those seeking to do business with the Department or those awarded contracts by the Department. This package contains information collections necessary for the solicitation, award, administration, and closeout of procurement contracts. (5) Annual Estimated Number of Respondents: 7,469; (6) Annual Estimated Number of Total Responses: 7,469; (7) Annual Estimated Number of Burden Hours: 670,833; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $52,995,807.

Statutory Authority: 42 U.S.C. 2201.

Issued in Washington, DC, on December 12, 2017.

John Bashista,

Director, Office of Acquisition Management.

[FR Doc. 2018–00783 Filed 1–17–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Defense Programs Advisory Committee

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces a closed meeting of the Defense Programs Advisory Committee (DPAC). The Federal Advisory Committee Act requires that public notice of meetings be announced in the **Federal Register**. Due to national security considerations, the meeting will be closed to the public and matters to be discussed are exempt from public disclosure under Executive Order 13526 and the Atomic Energy Act of 1954.

DATES: February 2, 2018, 8:30 a.m. to 5:00 p.m.

ADDRESSES: U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Dana Hunter, Office of RDT&E (NA–11), National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, (202) 287–6287.

SUPPLEMENTARY INFORMATION:

Background: The DPAC provides advice and recommendations to the Deputy Administrator for Defense

Programs on the stewardship and maintenance of the Nation's nuclear deterrent.

Purpose of the Meeting: The purpose of this meeting of the DPAC is to provide organizational updates, the path forward on the Committee report provided to the National Nuclear Security Administration in response to its charge, and to have initial discussion of the next charges to the Committee.

Type of Meeting: In the interest of national security, the meeting will be closed to the public. The Federal Advisory Committee Act, 5 U.S.C., App. 2, section 10(d), and the Federal Advisory Committee Management Regulation, 41 CFR 102–3.155, incorporate by reference the Government in the Sunshine Act, 5 U.S.C. 552b, which, at 552b(c)(1) and (c)(3) permits closure of meetings where restricted data or other classified matters will be discussed. Such data and matters will be discussed at this meeting.

Tentative Agenda: Opening Remarks; DP Programmatic Updates; Path forward on DPAC report; Subcommittee Update, Discussion of next charges; Conclusion.

Public Participation: There will be no public participation in this closed meeting. Those wishing to provide written comments or statements to the Committee are invited to send them to Dana Hunter at the address listed above.

Minutes: The minutes of the meeting will not be available.

Issued in Washington, DC, on January 11, 2018.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–00759 Filed 1–17–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–624–000]

Woomera Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Woomera Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is January 29, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 9, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00753 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2593–000; 2823–000]

Algonquin Power (Beaver Falls), LLC; Notice of Authorization for Continued Project Operation

On December 30, 2015, Algonquin Power (Beaver Falls), LLC, licensee for the Upper Beaver Falls Hydroelectric Project No. 2593 and the Lower Beaver Falls Hydroelectric Project No. 2823, filed a joint application for subsequent license [1] pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Both projects are located on the Beaver River in the towns of Croghan and New Bremen in Lewis County, New York.

The license terms for Project Nos. 2593 and 2823 ended on December 31, 2017. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2593 is issued to the licensee for a period effective January 1, 2018 through December 31, 2018 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before December 31, 2018, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license

[1] The Commission issued a minor license for the Upper Beaver Falls Project on April 19, 1985 (expiring December 31, 2017), and for the Lower Beaver Falls Project on October 18, 1979 (expiring September 30, 2019). On June 8, 2012, the licensee requested to accelerate expiration of the Lower Beaver Falls Project license term to December 31, 2017, in order to coordinate relicensing proceedings for both projects, which the Commission granted on October 10, 2012. In its December 30, 2015, license application, Algonquin Power (Beaver Falls), LLC proposes to combine both minor projects into a single, major project under 5 megawatts. However, the current licenses for both projects are minor licenses where the applicability of section 15 of the FPA was waived.

under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the projects are not subject to section 15 of the FPA, notice is hereby given that the licensee, Algonquin Power (Beaver Falls), LLC, is authorized to continue operation of the Upper Beaver Falls and Lower Beaver Falls Hydroelectric Projects, until such time as the Commission acts on its license application.

Dated: January 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00751 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–24–000]

Steel Reef Pipelines US LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Saskatchewan Pipeline Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the South Saskatchewan Pipeline Project involving construction and operation of facilities by Steel Reef Pipelines US LLC (Steel Reef) in Burke County, North Dakota. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before February 10, 2018.

If you sent comments on this project to the Commission before the opening of this docket on December 8, 2017, you will need to file those comments in Docket No. CP18–24–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

Steel Reef provided landowners with a fact sheet prepared by the FERC entitled An Interstate Natural Gas Facility On My Land? What Do I Need To Know? This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* If you are filing a comment on a particular project, please select Comment on a Filing as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (C18–24–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Steel Reef's proposed Saskatchewan Pipeline Project, referred to as the Border Crossing Facilities in its application, includes a 250-foot-long 10.75-inch-outside-diameter pipeline along with aboveground facilities including a metering facility, a remote telemetry unit, and a pig trap launcher. The facilities are part of the southern end of Steel Reef's planned 2.2-mile-long 10.75-inch-outside-diameter South Saskatchewan Access Pipeline (SSA Pipeline) it plans to build connecting gathering facilities owned by Petro Harvester Oil & Gas, LLC near Portal, North Dakota to an interconnection with an existing natural gas processing plant owned by Steel Reef Infrastructure Corporation near North Portal in Saskatchewan, Canada. Steel Reef states that the Saskatchewan Pipeline Project's facilities would, as part of the SSA Pipeline, permit the transport of up to 30 million standard cubic feet per day of sour natural gas gathered from existing oil wells owned and operated by Petro Harvester Oil & Gas, LLC (Petro Harvester) within the Burke County region of North Dakota.

Steel Reef requests certification by July 2, 2018, and expects to perform its construction activities in a 30-day period.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Steel Reef would limit its construction activities to 0.75 acres of agricultural land, comprised of 0.35 acres of new permanent pipeline right-of-way and 0.40 acres of temporary workspace. The new permanent pipeline right-of-way width would be 65 feet. Steel Reef would restore the temporary right-of-way to pre-abandonment conditions. An 0.14 acre portion of the permanent right-of-way would overlap the Petro Harvester lease where Steel Reef would have a shared land use agreement. None of the route would be co-located with other existing utilities, roads or other infrastructure.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

[2] We, us, and our refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an intervenor which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the Document-less Intervention Guide under the e-filing link on the Commission's website. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP18–24–000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: January 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00745 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12966–005; Docket No. EL18–56–000]

Utah Board of Water Resources; Notice of Petition for Declaratory Order

Take notice that on December 27, 2017, Utah Board of Water Resources (Utah BWR), applicant for the proposed Lake Powell Pipeline Project No. 12966, filed a petition for declaratory order (petition) pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2). Utah BWR requests that the Commission declare that the Commission's licensing jurisdiction under the Federal Power Act (FPA) includes all of the project facilities identified in the license application as the ''Hydro System,'' in particular, the penstock alignments there described as associated with the hydroelectric generating facilities, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211, 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 12, 2018.

Dated: January 10, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00746 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Exempt:

Docket No.	File date	Presenter or requester
CP15–138–000	12–29–2017	U.S. House Representative Charles W. Dent.

Dated: January 9, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00755 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–403–001.

Applicants: Westar Energy, Inc.

Description: Tariff Amendment: Amendment to Notice of Cancellation of certain designated Rate Schedules to be effective 6/1/2017.

Filed Date: 1/10/18.

Accession Number: 20180110–5168.

Comments Due: 5 p.m. ET 1/31/18.

Docket Numbers: ER18–634–000.

Applicants: Access Energy Solutions, LLC.
Description: Baseline eTariff Filing: MBR Tariff to be effective 1/31/2018.
Filed Date: 1/11/18.
Accession Number: 20180111–5081.
Comments Due: 5 p.m. ET 2/1/18.

Docket Numbers: ER18–635–000.
Applicants: Sierra Pacific Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 71—CalPeco & SPPC 609 Line Termination Agr to be effective 1/12/2018.
Filed Date: 1/11/18.
Accession Number: 20180111–5105.
Comments Due: 5 p.m. ET 2/1/18.

Docket Numbers: ER18–636–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–01–11_Revisions to update Attachment X: Appendix 1 Interconnection Request to be effective 3/1/2018.
Filed Date: 1/11/18.
Accession Number: 20180111–5113.
Comments Due: 5 p.m. ET 2/1/18.

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 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00742 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14715–001]

Lock +™ Hydro Friends Fund XII; Notice of Surrender of Preliminary Permit

Take notice that Lock +™ Hydro Friends Fund XII, permittee for the proposed Hepburn Street Dam Hydroelectric Project, has requested that its preliminary permit be terminated. The permit was issued on February 10, 2016, and would have expired on January 31, 2019.[1] The project would have been located on West Branch of the Susquehanna River, near Williamsport, Lycoming County, Pennsylvania.

The preliminary permit for Project No. 14715 will remain in effect until the close of business, February 9, 2018. But, if the Commission is closed on this day, then the permit remains in effect until the close of business on the next day in which the Commission is open.[2] New applications for this site may not be submitted until after the permit surrender is effective.

Dated: January 10, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00747 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12966–005; Docket No. EL18–56–000]

Utah Board of Water Resources; Notice Suspending Procedural Schedule

On December 11, 2017, the Commission issued notice that the license application for the proposed Lake Powell Pipeline Project No. 12966 is accepted for filing, soliciting motions to intervene and protests, ready for environmental analysis, and soliciting comments, recommendations, terms and conditions, and prescriptions. The notice established a deadline of 60 days from issuance for initial filings and 105 days from issuance for reply comments.

On December 27, 2017, Utah Board of Water Resources (Utah BWR), applicant for the proposed Lake Powell Pipeline Project, filed a petition for declaratory order (petition) pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2). Utah BWR requests that the Commission declare that the Commission's licensing jurisdiction under the Federal Power Act (FPA) includes all of the project facilities identified in the license application as the ''Hydro System,'' in particular, the penstock alignments there described as associated with the hydroelectric generating facilities. Together with the petition, Utah BWR filed a motion to suspend the procedural schedule for the licensing proceeding until the Commission rules on the petition.

The Commission is requesting comments on the petition by separate notice. Utah BWR asserts that the Commission's resolution of the jurisdictional issues may affect the status under sections 4(e) and 33 of the FPA of any preliminary conditions provided by the Bureau of Land Management (BLM) for the 50 miles of penstock alignments in the Hydro System that would traverse BLM lands using the Southern Route, or provided by the Bureau of Indian Affairs (BIA) for the 16.5 miles of penstock alignments in the Hydro System that would traverse the Kaibab Indian Reservation under the alternative route. To avoid possible confusion regarding these preliminary conditions, Utah BWR's request to suspend the procedural schedule is granted, effective immediately, until after the Commission issues a decision on the petition. Therefore, the deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions is extended to 60 days after issuance of a Commission decision on the petition, and the deadline for filing reply comments is extended to 105 days after issuance of a Commission decision on the petition.

Dated: January 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00752 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2912–006.
Applicants: Alliance for Cooperative Energy Services Power Marketing LLC.
Description: Notice of Non-Material Change in Status of Alliance For Cooperative Energy Services Power Marketing LLC.
Filed Date: 1/9/18.
Accession Number: 20180109–5063.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER13–1667–002.
Applicants: Battery Utility of Ohio, LLC.
Description: Notice of Change in Status of Battery Utility of Ohio, LLC.

[1] 154 FERC ¶ 62,094 (2016).
[2] 18 CFR 385.2007(a)(2) (2017).

Filed Date: 1/8/18.
Accession Number: 20180108–5236.
Comments Due: 5 p.m. ET 1/29/18.

Docket Numbers: ER16–1610–003.
Applicants: V3 Commodities Group, LLC.
Description: Notice of Non-Material Change in Status of V3 Commodities Group, LLC.
Filed Date: 1/8/18.
Accession Number: 20180108–5238.
Comments Due: 5 p.m. ET 1/29/18.

Docket Numbers: ER18–614–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata to Sch. 12—Appx A revisions submitted in Docket No. ER18–614 to be effective 4/5/2018.
Filed Date: 1/9/18.
Accession Number: 20180109–5102.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER18–620–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Update to the Forward Capacity Market Dynamic De-List Bid Threshold to be effective 3/9/2018.
Filed Date: 1/8/18.
Accession Number: 20180108–5189.
Comments Due: 5 p.m. ET 1/29/18.

Docket Numbers: ER18–621–000.
Applicants: Battery Utility of Ohio, LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 3/10/2018.
Filed Date: 1/8/18.
Accession Number: 20180108–5194.
Comments Due: 5 p.m. ET 1/29/18.

Docket Numbers: ER18–622–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2018–01–08_Compliance to Order 831 Energy Offer Cap to be effective 11/1/2018.
Filed Date: 1/8/18.
Accession Number: 20180108–5195.
Comments Due: 5 p.m. ET 1/29/18.

Docket Numbers: ER18–623–000.
Applicants: GenOn Energy Management, LLC.
Description: Request for Limited Tariff Waiver, Expedited Action, a Shortened Comment Period and Confidential Treatment of GenOn Energy Management, LLC.
Filed Date: 1/8/18.
Accession Number: 20180108–5233.
Comments Due: 5 p.m. ET 1/19/18.

Docket Numbers: ER18–624–000.
Applicants: Woomera Energy, LLC.
Description: Baseline eTariff Filing: Woomera Energy Market Based Rate Tariff to be effective 1/10/2018.
Filed Date: 1/9/18.
Accession Number: 20180109–5060.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER18–625–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: Avangrid NITSA Rev 3 (fka Iberdrola) to be effective 1/1/2018.
Filed Date: 1/9/18.
Accession Number: 20180109–5114.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER18–626–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2018–01–09 Expedited Interconnection Procedures Enhancements Amendment to be effective 3/11/2018.
Filed Date: 1/9/18.
Accession Number: 20180109–5144.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER18–627–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 775, Utilities Agreement with MDT (Manchester Proj.) to be effective 1/10/2018.
Filed Date: 1/9/18.
Accession Number: 20180109–5149.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER18–628–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-Duke Energy Renewables Solar IA 1st Amend & Restated Cancellation to be effective 1/2/2018.
Filed Date: 1/9/18.
Accession Number: 20180109–5150.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER18–629–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: Bentonville POD #8: SWEPCO Phyllis St. to Substation J DPA to be effective 12/15/2017.
Filed Date: 1/9/18.
Accession Number: 20180109–5151.
Comments Due: 5 p.m. ET 1/30/18.

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 9, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00748 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–27–000.
Applicants: GSP Lost Nation LLC.
Description: Self-Certification of EWG of GSP Lost Nation LLC.
Filed Date: 1/9/18.
Accession Number: 20180109–5224.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: EG18–28–000.
Applicants: GSP Merrimack LLC.
Description: Self-Certification of EWG of GSP Merrimack LLC.
Filed Date: 1/9/18.
Accession Number: 20180109–5225.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: EG18–29–000.
Applicants: GSP Newington LLC.
Description: Self-Certification of EWG of GSP Newington LLC.
Filed Date: 1/9/18.
Accession Number: 20180109–5226.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: EG18–30–000.
Applicants: GSP Schiller LLC.
Description: Self-Certification of EWG of GSP Schiller LLC.
Filed Date: 1/9/18.
Accession Number: 20180109–5227.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: EG18–31–000.
Applicants: GSP White Lake LLC.
Description: Self-Certification of EWG of GSP White Lake LLC.
Filed Date: 1/9/18.
Accession Number: 20180109–5228.
Comments Due: 5 p.m. ET 1/30/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–535–006.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Compliance Filing Pursuant to the Commission's Dec 8, 2017 Order on Rehearing to be effective 12/8/2017.
Filed Date: 1/9/18.

Accession Number: 20180109–5201.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER18–214–001.
Applicants: Consolidated Edison Company of New York, Inc.
Description: Compliance filing: VDER Compliance Filing to be effective 11/1/2017.
Filed Date: 1/9/18.
Accession Number: 20180109–5211.
Comments Due: 5 p.m. ET 1/30/18.

Docket Numbers: ER18–630–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revised Service Agreement No. 4794; Queue No. AC1–116 (WMPA Assignment) to be effective 8/22/2017.
Filed Date: 1/10/18.
Accession Number: 20180110–5038.
Comments Due: 5 p.m. ET 1/31/18.

Docket Numbers: ER18–631–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 4082; Queue No. Z1–015 to be effective 1/21/2015.
Filed Date: 1/10/18.
Accession Number: 20180110–5091.
Comments Due: 5 p.m. ET 1/31/18.

Docket Numbers: ER18–632–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 784, Agreement to Provide Services with CHS Inc. to be effective 1/11/2018.
Filed Date: 1/10/18.
Accession Number: 20180110–5123.
Comments Due: 5 p.m. ET 1/31/18.

Docket Numbers: ER18–633–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 794, Agreement to Provide Services with Phillips Cty to be effective 1/11/2018.
Filed Date: 1/10/18.
Accession Number: 20180110–5126.
Comments Due: 5 p.m. ET 1/31/18.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES18–19–000.
Applicants: New York State Electric & Gas Corporation.
Description: Application for authorization to issue short-term debt of New York State Electric & Gas Corporation.
Filed Date: 1/10/18.
Accession Number: 20180110–5124.
Comments Due: 5 p.m. ET 1/31/18.

Docket Numbers: ES18–20–000.
Applicants: Rochester Gas & Electric Corporation.
Description: Application for authorization to issue short-term debt of Rochester Gas & Electric Corporation.
Filed Date: 1/10/18.
Accession Number: 20180110–5125.
Comments Due: 5 p.m. ET 1/31/18.

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 10, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00741 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–12–001.
Applicants: Rocky Mountain Natural Gas LLC.
Description: Tariff filing per 284.123(b),(e)+(g): Amended Statement of Operating Conditions to be effective 11/1/2017.
Filed Date: 1/4/18.
Accession Number: 201801045167.
Comments Due: 5 p.m. ET 1/25/18.
284.123(g) Protests Due: 5 p.m. ET 1/25/18.

Docket Number: PR18–19–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff filing per 284.123(b),(e)/: Revised Operating Statement to be effective 12/7/2017.
Filed Date: 1/5/18.
Accession Number: 201801055111.
Comments/Protests Due: 5 p.m. ET 1/26/18.

Docket Number: PR18–20–000.
Applicants: Columbia Gas of Ohio, Inc.
Description: Tariff filing per 284.123(b),(e)/: COH Rates Effective 1–2–2018 to be effective 1/2/2018.
Filed Date: 1/8/18.
Accession Number: 201801085082.
Comments/Protests Due: 5 p.m. ET 1/29/18.

Docket Number: PR18–21–000.
Applicants: Columbia Gas of Maryland, Inc.
Description: Tariff filing per 284.123(b),(e)/: CMD Rates Effective 1–1–2018 to be effective 1/1/2018.
Filed Date: 1/8/18.
Accession Number: 201801085083.
Comments/Protests Due: 5 p.m. ET 1/29/18.

Docket Number: PR18–22–000.
Applicants: Public Service Company of Colorado.
Description: Tariff filing per 284.123(b),(e)+(g): 20180108_SOR Interim GRSA Eff 1–1–2018 and FLU Change to be effective 1/1/2018.
Filed Date: 1/9/18.
Accession Number: 201801095099.
Comments Due: 5 p.m. ET 1/30/18.
284.123(g) Protests Due: 5 p.m. ET 3/12/18.

Docket Number: PR18–4–001.
Applicants: Alpine High Pipeline LLC.
Description: Tariff filing per 284.123(b),(e)/: Amendment to Petition for NGPA Section 311 Rate Approval to be effective 9/26/2017.
Filed Date: 1/9/18.
Accession Number: 201801095187.
Comments/Protests Due: 5 p.m. ET 1/30/18.

Docket Numbers: RP18–339–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: § 4(d) Rate Filing: Clean-up Filing—Contact Information & Expired NegRate to be effective 2/9/2018.
Filed Date: 1/10/18.
Accession Number: 20180110–5024.
Comments Due: 5 p.m. ET 1/22/18.

Docket Numbers: RP18–340–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: § 4(d) Rate Filing: Neg Rate 2018–01–10 Mieco PALS to be effective 1/10/2018.
Filed Date: 1/10/18.
Accession Number: 20180110–5095.
Comments Due: 5 p.m. ET 1/22/18.

Docket Numbers: RP18–341–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—Twin Eagle Resources LLC to be effective 1/10/2018.

Filed Date: 1/10/18.
Accession Number: 20180110–5162.
Comments Due: 5 p.m. ET 1/22/18.

Docket Numbers: RP18–342–000.
Applicants: Viking Gas Transmission Company.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—Twin Eagle Resource Management, LLC to be effective 1/10/2018.
Filed Date: 1/10/18.
Accession Number: 20180110–5167.
Comments Due: 5 p.m. ET 1/22/18.

Docket Numbers: RP18–343–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Amendments to Neg Rate Agmts (QEP 37657–236, 36601–69) to be effective 1/11/2018.
Filed Date: 1/11/18.
Accession Number: 20180111–5041.
Comments Due: 5 p.m. ET 1/23/18.

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 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00744 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–321–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 010418 Negotiated Rates—Consolidated Edison Energy R–2275–13 to be effective 1/4/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5030.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–324–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 010418 Negotiated Rates—Consolidated Edison Energy, Inc. H–2275–89 to be effective 1/4/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5033.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–325–000.
Applicants: Gas Transmission Northwest LLC.
Description: Interruptible Transportation Refund Report for the Coyote Springs Lateral of Gas Transmission Northwest LLC.
Filed Date: 1/5/18.
Accession Number: 20180105–5064.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–326–000.
Applicants: Viking Gas Transmission Company.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreements—Sequent & Koch to be effective 1/5/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5072.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–327–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Capacity Release Agmts with Neg Rate Provisions to be effective 11/1/2017.
Filed Date: 1/5/18.
Accession Number: 20180105–5101.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–328–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rate—Range Amended NRA 911376 to be effective 1/6/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5133.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–329–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: § 4(d) Rate Filing: Merger Filing 2018 to be effective 2/5/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5160.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–330–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 010518 Negotiated Rates—Sierentz Global Merchants LLC R–7845–03 to be effective 1/5/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5191.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–331–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 010518 Negotiated Rates—Statoil Natural Gas LLC R–7120–04 to be effective 1/5/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5193.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–332–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 010518 Negotiated Rates—ENI Trading & Shipping Inc. R–7825–03 to be effective 1/5/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5195.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–333–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 010518 Negotiated Rates—Wells Fargo Commodities, LLC R–7810–04 to be effective 1/5/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5196.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–334–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—EDF & MIECO to be effective 1/5/2018.
Filed Date: 1/5/18.
Accession Number: 20180105–5198.
Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: RP18–335–000.
Applicants: Saltville Gas Storage Company L.L.C.
Description: § 4(d) Rate Filing: Duke Neg Rate Release k490099 to be effective 1/6/2018.
Filed Date: 1/8/18.
Accession Number: 20180108–5038.
Comments Due: 5 p.m. ET 1/22/18.

Docket Numbers: RP18–336–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Update to Contact Person to be effective 2/7/2018.
Filed Date: 1/8/18.
Accession Number: 20180108–5047.
Comments Due: 5 p.m. ET 1/22/18.

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 9, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00749 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2531–000]

Brookfield White Pine, LLC; Notice of Authorization for Continued Project Operation

On August 10, 2012, Brookfield White Pine LLC, licensee for the West Buxton Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The West Buxton Hydroelectric Project facility is located on the Saco River in the towns of Buxton, Hollis, and Standish, within York and Cumberland Counties, Maine.

The license for Project No. 2531 was issued for a period ending December 31, 2017. Section 15(a) (1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2531 is issued to the licensee for a period effective January 1, 2018 through December 31, 2018 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before December 31, 2018, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Brookfield White Pine, LLC is authorized to continue operation of the West Buxton Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: January 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00750 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–272–001.
Applicants: Ryckman Creek Resources, LLC.
Description: Tariff Amendment: Amended Non Conforming Service Agreement Filing to be effective 12/28/2017.
Filed Date: 1/9/18.
Accession Number: 20180109–5145.
Comments Due: 5 p.m. ET 1/22/18.

Docket Numbers: RP18–337–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Neg Rate Agmt Filing (BP 1936) to be effective 1/9/2018.
Filed Date: 1/9/18.
Accession Number: 20180109–5022.
Comments Due: 5 p.m. ET 1/22/18.

Docket Numbers: RP18–338–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—MIECO INC to be effective 1/10/2018.
Filed Date: 1/9/18.
Accession Number: 20180109–5146.
Comments Due: 5 p.m. ET 1/22/18.

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 10, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00743 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14799–001]

Lock 13 Hydro Partners, LLC; Notice Soliciting Scoping Comments

a. *Type Filing:* Notice of Intent to File License Application and Pre-Application Document for an Original Major License.

b. *Project No.:* P–14799–001.

c. *Date Filed:* September 7, 2017.

d. *Applicant:* Lock 13 Hydro Partners, LLC.

e. *Name of Project:* Evelyn Hydroelectric Project.

f. *Location:* On the Kentucky River, in Lee and Estill Counties, Kentucky. The project would be located at the Commonwealth of Kentucky's existing Lock and Dam No. 13. No federal land would be occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Lock 13 Hydro Partners, LLC, 414 S. Wenzel Street, Louisville, KY

40204; (502) 589–0975; email—*kyhydropower@gmail.com.*

i. *FERC Contact:* Sarah Salazar, (202) 502–6863 or *sarah.salazar@ferc.gov.*

j. *Cooperating Agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC 61,076 (2001).

k. *Deadline for Filing Scoping Comments:* February 8, 2018.

l. With this notice, we are soliciting comments on Commission staff's Scoping Document 1 (SD1). All comments on the SD1 should be sent to the address above in paragraph h. In addition, all comments on SD1, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission. Documents may be filed electronically via the internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

All filings with the Commission must include on the first page, the project name (Evelyn Hydroelectric Project and number (P–14799–001), and bear the appropriate heading: Comments on Scoping Document 1, Request for Cooperating Agency Status, or Communications to and from Commission Staff. Any individual or entity interested in commenting on the SD1 must do so by February 8, 2018.

m. A copy of the Pre-Application Document is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's website (*http://www.ferc.gov*) using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Scoping Process:* The Commission staff intends to prepare a single Environmental Assessment (EA) for the Evelyn Hydroelectric Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we are soliciting comments, recommendations, and information, on the SD1 issued on January 9, 2018.

Copies of the SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of the SD1 may be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: January 9, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00754 Filed 1–17–18; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0441]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 19, 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 Number: 3060–0441.

Title: Section 90.621, Selection and Assignment of Frequencies and Section 90.693, Grandfathering Provisions for Incumbent Licensees.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 50 respondents; 50 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection

is contained in 47 U.S.C. Sections 154(i) and 309(j).

Total Annual Burden: 75 hours.

Total Annual Cost: $6,250.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Section 90.621(b)(4) allows stations to be licensed at distances less than those prescribed in the Short-Spacing Separation Table where applicants ''secure a waiver.'' Applicants seeking a waiver in these circumstances are still required to submit with their application an interference analysis, based upon any of the generally-accepted terrain-based propagation models, demonstrating that co-channel stations would receive the same or greater interference protection than provided in the Short-Spacing Separation Table.

Section 90.621(b)(5) permits stations to be located closer than the required separation, so long as the applicant provides letters of concurrence indicating that the applicant and each co-channel licensee within the specified separation agree to accept any interference resulting from the reduced separation between systems. Applicants are still required to file such concurrence letters with the Commission. Additionally, the Commission did not eliminate filings required by provisions such as international agreements, its environmental (National Environmental Protection Act (NEPA)) rules, its antenna structure registration rules, or quiet zone notification/filing procedures.

Section 90.693 requires that 800 MHz incumbent Specialized Mobile Radio (SMR) service licensees ''notify the Commission within 30 days of any changes in technical parameters or additional stations constructed that fall within the short-spacing criteria.'' It has been standard practice for incumbents to notify the Commission of all changes and additional stations constructed in cases where such stations are in fact located less than the required 70 mile distance separation, and are therefore technically ''short-spaced,'' but are in fact fully compliant with the parameters of the Commission's Short-Spacing Separation Table.

The Commission uses this information to determine whether to grant licenses to applicants making ''minor modifications'' to their systems which do not satisfy mileage separation requirements pursuant to the Short-Spacing Separation Table.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–00761 Filed 1–17–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0791]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 19, 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: 3060–0791.

Title: Section 32.7300, Accounting for Judgments and Other Costs Associated with Litigation, CC Docket No. 93–240.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 2 respondents; 2 responses.

Estimated Time per Response: 4–36 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. Sections 151, 152, 154, 161, 201–205 and 218–220 of the Communications Act of 1934, as amended.

Total Annual Burden: 40 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality. The Commission is not requesting that respondents submit confidential information to the FCC.

Needs and Uses: The Commission is seeking Office of Management and Budget (OMB) approval for an extension of this information collection (no

change in the reporting and/or recordkeeping requirements). The Commission will submit this information collection after this 60-day comment period to the OMB. The Commission adopted accounting rules that require carriers to account for adverse federal antitrust judgments and post-judgment special charges. With regard to settlements of such lawsuits there will be a presumption that carriers can recover the portion of the settlement that represents the avoidable costs of litigation; provided that the carrier makes a required showing. To receive recognition of its avoided cost of litigation a carrier must demonstrate, in a request for special relief, the avoided costs of litigation by showing the amount corresponding to the additional litigation expenses discounted to present value, that the carrier reasonably estimates it would have paid if it had not settled. Settlement costs in excess of the avoided costs of litigation are presumed not recoverable unless a carrier rebuts that presumption by showing the basic factors that enticed the carrier to settle and demonstrating that ratepayers benefited from the settlement.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–00805 Filed 1–17–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1158]

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 19, 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: 3060–1158.

Title: Transparency Rule Disclosures, Restoring internet Freedom, Report and Order, WC Docket No. 17–108.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit entities; State, local, or Tribal governments.

Number of Respondents and Responses: 1,919 respondents; 1,919 responses.

Estimated Time per Response: 26 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for these collections is contained in Section 257 of the Communications Act of 1934, as amended, 47 U.S.C. Section 257.

Total Annual Burden: 49,894 hours.

Total Annual Cost: $560,000.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: The *Restoring Internet Freedom Report and Order (Restoring Internet Freedom Order*) revises the information collection requirements applicable to internet service providers (ISPs). The *Open Internet Order,* adopted in 2010, required ISPs to disclose certain network management processes, performance characteristics, and other attributes of broadband internet access service. These disclosure requirements were significantly increased by the *Title II Order,* adopted in 2015. The *Restoring Internet Freedom Order* eliminates the additional collection imposed by the *Title II Order* and adds a few discrete elements to the *Open Internet Order's* information collection requirements. The *Restoring Internet Freedom Order* requires an ISP to publicly disclose network management practices, performance, and commercial terms of its broadband internet access service sufficient to enable consumers to make informed choices regarding the purchase and use of such services, and entrepreneurs and other small businesses to develop, market, and maintain internet offerings. As part of these disclosures, the rule requires ISPs to disclose their congestion management, application-specific behavior, device attachment rules, and security practices, as well as any blocking, throttling, affiliated prioritization, or paid prioritization in which they engage. The rule also requires ISPs to disclose performance characteristics, including a service description and the impact of non-broadband internet access services data services. Finally, the rule requires ISPs to disclose the price of the service,

privacy policies, and redress options. The rule requires ISPs to make such disclosure available either via a publicly available, easily accessible website or through transmittal to the Commission, which will make such disclosures available via a publicly available, easily accessible website. The information collection will assist the Commission in its statutory obligation to report to Congress on market entry barriers in the telecommunications market. The Commission anticipates that the revised disclosures will empower consumers and businesses with information about their broadband internet access service, protecting the openness of the internet. Although this collection was bifurcated in 2016 with respect to fixed and mobile ISPs, the Commission seeks to have this collection encompass both fixed and mobile ISPs.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–00806 Filed 1–17–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, January 16, 2018, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Mick Mulvaney (Acting Director, Consumer Financial Protection Bureau), and concurred in by Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B).

Dated: January 16, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–00905 Filed 1–16–18; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, January 23, 2018 at 10:00 a.m.

PLACE: 999 E Street NW, Washington, DC.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Matters relating to internal personnel decisions, or internal rules and practices.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2018–00941 Filed 1–16–18; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011223–057.

Title: Transpacific Stabilization Agreement.

Parties: American President Lines, Ltd. and APL Co. Pte. Ltd. (operating as a single carrier); COSCO Container Lines Company Ltd.; Evergreen Line Joint Service Agreement, FMC Agreement No. 011982; Hapag-Lloyd A.G.; Hyundai Merchant Marine Co., Ltd.; Orient Overseas Container line Limited; Yang Ming Marine Transport Corp.; CMA CGM S.A.; and MSC Mediterranean Shipping Company S.A.

Filing Party: David Smith; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The amendment revises Appendix A of the Agreement to remove Maersk Line A/S as a party to the Agreement.

Agreement No.: 011550–016.

Title: ABC Discussion Agreement.

Parties: Crowley Caribbean Services LLC; King Ocean Services Limited, Inc.; and Seaboard Marine Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The amendment deletes Hamburg-Sud as a party to the Agreement.

By Order of the Federal Maritime Commission.

Dated: January 12, 2018.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2018–00799 Filed 1–17–18; 8:45 am]

BILLING CODE 6731–AA–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0047; Docket No. 2017–0053; Sequence 15]

Submission for OMB Review; Place of Performance

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning place of performance.

DATES: Submit comments on or before February 20, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503.

Additionally submit a copy to GSA by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB Control number 9000–0047. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0047, Place of Performance''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0047 Place of Performance'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB) 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0047, Place of Performance.

Instructions: Please submit comments only and cite Information Collection 9000–0047 Place of Performance, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Acquisition Policy Division at 202–208–4949 or email *michaelo.jackson@gsa.gov.*

A. Purpose

The information relative to the place of performance and owner of plant or facility, if other than the prospective contractor, is a basic requirement when contracting for supplies or services (including construction). A prospective contractor must affirmatively demonstrate its responsibility. Hence, the Government must be apprised of this information prior to award. The contracting officer must know the place of performance and the owner of the plant or facility to (1) determine bidder responsibility; (2) determine price reasonableness; (3) conduct plant or source inspections; and (4) determine whether the prospective contractor is a manufacturer or a regular dealer.

The information is used to determine the prospective contractor's eligibility for awards and to assure proper preparation of the contract. Prospective contractors are only required to submit place of performance information on an exceptional basis; that is, whenever the place of performance for a specific solicitation is different from the address of the prospective contractor as indicated in the proposal. A notice was published in the **Federal Register** at 82 FR 51257 on November 3, 2017. No comments were received.

B. Annual Reporting Burden

Time required to read, prepare, and record information is estimated at 2.73 minutes per completion. The Federal Procurement Data System (FPDS) shows that for fiscal year 2016, there were 1,960,218 solicitations that would have contained the two provisions (including contracts and orders, excluding modifications) for manufacturing in the United States. The 1,960,218 actions will be used as the new basis for total annual responses.

Respondents: 16,754.

Responses per Respondent: 117.

Total Responses: 1,960,218.

Hours per Response: .0455.

Total Burden Hours: 89,190.

Affected Public: Businesses or other for-profit and not-for-profit.

Respondent's Obligation: Required to obtain or retain benefits.

Type of Request: Revision of a currently approved collection.

Reporting Frequency: On occasion.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0047, Place of Performance, in all correspondence.

Dated: January 12, 2018.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2018–00778 Filed 1–17–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0153; Docket 2017–0053; Sequence 17]

Submission for OMB Review; OMB Circular A–119

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning OMB Circular A–119.

DATES: Submit comments on or before February 20, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0153. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0153, OMB Circular A–119''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0153, OMB Circular A–119'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0153, OMB Circular A–119.

Instructions: Please submit comments only and cite Information Collection 9000–0153, OMB Circular A–119, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Acquisition Policy Division, GSA 202–208–4949 or email *michaelo.jackson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

A revised OMB Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,'' was published at *https://www.nist.gov/sites/default/files/revised_circular_a-119_as_of_01-22-2016.pdf,* on January 22, 2016. FAR Subparts 11.1 and 11.2 were revised and a solicitation provision was added at 52.211–7, Alternatives to Government-Unique Standards, to implement the requirements of the revised OMB

circular. If an alternative standard is proposed, the offeror must furnish data and/or information regarding the alternative in sufficient detail for the Government to determine if it meets the Government's requirements.

We believe the burden for FAR 52.211–7 to be negative, as it is purely a permissive means for offerors to propose reducing regulatory burden on a given solicitation. There are other places A–119 has an effect, though we believe these to be positive. One is by enabling the single process initiative. Another is the general replacement of Mil standards with commercial standards, *e.g.,* ISO 9000. Also, A–119 is the basis for the language in FAR 53.105, which reduces the chaos in data standards development. The whole purpose of A–119 was to reduce regulatory burden by promoting the use of industry standards in lieu of federal ones.

To the extent that the data on the annual frequency of the use of voluntary consensus standards under FAR 52.211–7 is not available, we believe 100 is reasonable. As an aside, FAR part 45 recognizes the use of voluntary consensus standards in the management of Government property. However, in these cases, there is no Government standard per se, with the voluntary consensus standard serving as the Government standard. Consequently, when under part 45 voluntary consensus standards are used, they are not an alternative to a Government standard under FAR 52.211–7.

This collection implements OMB Circular A–119, Federal Participation in the Development and Use of Voluntary Consensus Standards. FAR solicitation provision 52.211–7, Alternatives to Government-Unique Standards, is the collection instrument. We have previously indicated that ''to the extent that the data on the annual frequency of the use of voluntary consensus standards under FAR 52.211–7 is not available, we believe that 100 is reasonable.'' This is the number that has been reported since the inception of this PRA collection, which indicates that revised data has been consistently unavailable since responses are provided to contracting personnel at the local level in response to a local solicitation. We checked the FPDS data dictionary and there are no codes to flag data fields or provide a count of when Mil standards are used in solicitations/contracts. Considering the lack of FPDS or other data, we recommend continuing the PRA coverage at the current level.

B. Public Comment

A 60 day notice was published in the **Federal Register** at 82 FR 51256, on November 3, 2017. One comment was received; however, it was not substantive, and did not change the estimate of the burden.

C. Annual Reporting Burden

Respondents: 100.
Responses per Respondent: 1.
Total Responses: 100.
Hours per Response: 1.
Total Burden Hours: 100.
Affected Public: Businesses or other for-profit and not-for-profit.
Respondent's Obligation: Required to obtain or retain benefits.
Reporting Frequency: On occasion.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0153, OMB Circular A–119, in all correspondence.

Dated: January 12, 2018.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2018–00779 Filed 1–17–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0890]

William Ralph Kincaid; Denial of Hearing; Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is denying William Ralph Kincaid's (Kincaid's) request for a hearing and is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) permanently debarring Kincaid from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Kincaid was convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. Kincaid was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Kincaid submitted a request for hearing but failed to file with the Agency information and analysis sufficient to create a basis for a hearing.

DATES: This order is applicable January 18, 2018.

ADDRESSES: Any application by Kincaid for special termination of debarment under section 306(d) of the FD&C Act (application) may be submitted as follows:

Electronic Submissions

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. An application submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your application, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: Your application must include the Docket No. FDA–2015–N–0890. An application will be placed in the docket and, unless submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• *Confidential Submissions*—To submit an application with confidential information that you do not wish to be made publicly available, submit your application only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of your application. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your application and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852 between 9 a.m. and 4 p.m., Monday through Friday. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT: Julie Finegan, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4218, Silver Spring, MD 20993, 301–796–8618.

SUPPLEMENTARY INFORMATION:

I. Background

On June 24, 2013, the U. S. District Court for the Eastern District of Tennessee entered a criminal judgment against William Ralph Kincaid pursuant to his guilty plea. Kincaid pled guilty to a felony under the FD&C Act, namely receiving in interstate commerce a misbranded drug with intent to defraud or mislead, in violation of sections 301(c) and 303(a)(2) of the FD&C Act (21 U.S.C. 331(c) and 333(a)(2)) and 18 U.S.C. 2. The basis for this conviction was Kincaid's admission that he obtained drugs from Quality Specialty Products (QSP), a foreign company, for use at East Tennessee Hematology-Oncology Associates, P.C. (McLeod Cancer). These drugs were not FDA approved and were misbranded in that they lacked adequate directions for use and were manufactured in an establishment that was not registered with FDA and that did not list with FDA the drug products it manufactured. From approximately September 2007 to early 2008 and from August 2009 to February 2012, McLeod Cancer purchased more than $2 million in misbranded unapproved drugs for use at McLeod Cancer. Additionally, Kincaid and McLeod Cancer billed Medicare, TennCare, and other government health benefit programs approximately $2.5 million for these unapproved drugs.

Kincaid is subject to debarment based on a finding, under section 306(a)(2) of the FD&C Act (21 U.S.C. 335a(a)(2)), that he was convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. By the letter dated May 20, 2015, FDA notified Kincaid of a proposal to permanently debar him from providing services in any capacity to a person having an approved or pending drug product application. The proposal also offered Kincaid an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request and 60 days from the date of receipt of the letter to support that request with information sufficient to justify a hearing. In a letter dated June 17, 2015, Kincaid requested a hearing and indicated that the information justifying the hearing would be forthcoming. More than 60 days have passed from the date Kincaid received FDA's letter, and Kincaid has not filed any additional information to support his request.

Under the authority delegated to him by the Commissioner of Food and Drugs, the Director of the Office of Scientific Integrity (OSI) has considered Kincaid's request for a hearing. Hearings will not be granted on issues of policy or law, on mere allegations, denials, or general descriptions of positions and contentions, or on data and information insufficient to justify the factual determination urged (see 21 CFR 21.24(b)).

Because Kincaid has not presented any information to support his hearing request, OSI concludes that Kincaid failed to raise a genuine and substantial issue of fact requiring a hearing. Therefore, OSI denies Kincaid's request for a hearing.

II. Findings and Order

Therefore, OSI, under section 306(a)(2) of the FD&C Act and under the authority delegated, finds that William Ralph Kincaid has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act.

As a result of the foregoing findings, William Ralph Kincaid is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under section 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(ii) and 21 U.S.C. 321(dd)). Any person with an approved or pending drug product application who knowingly uses the services of Kincaid, in any capacity during his period of debarment, will be subject to civil money penalties. See section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6)). If Kincaid, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be subject to civil money penalties. See section 307(a)(7) of the FD&C Act (21 U.S.C. 335b(a)(7)). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Kincaid during his period of debarment.

Dated: January 10, 2018.

G. Matthew Warren,

Director, Office of Scientific Integrity.

[FR Doc. 2018–00719 Filed 1–17–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Annual Update of the HHS Poverty Guidelines

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice provides an update of the Department of Health and Human Services (HHS) poverty guidelines to account for last calendar year's increase in prices as measured by the Consumer Price Index.

DATES: Applicable beginning January 13, 2018, unless an office administering a program using the guidelines specifies a different applicability date for that particular program.

ADDRESSES: Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: For information about how the guidelines are used or how income is defined in a particular program, contact the Federal, state, or local office that is responsible for that program. For information about poverty figures for immigration forms, the Hill-Burton Uncompensated Services Program, and the number of people in poverty, use the specific telephone numbers and addresses given below.

For general questions about the poverty guidelines themselves, contact Kendall Swenson, Office of the Assistant Secretary for Planning and Evaluation, Room 422F.5, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 690–7409—or visit *http://aspe.hhs.gov/poverty/.*

For information about the percentage multiple of the poverty guidelines to be used on immigration forms such as USCIS Form I–864, Affidavit of Support, contact U.S. Citizenship and Immigration Services at 1–800–375–5283.

For information about the Hill-Burton Uncompensated Services Program (free or reduced-fee health care services at certain hospitals and other facilities for persons meeting eligibility criteria involving the poverty guidelines), contact the Health Resources and Services Administration Information Center at 1–800–275–4772. You also may visit *https://www.hrsa.gov/get-health-care/affordable/hill-burton/index.html.*

For information about the number of people in poverty, visit the Poverty section of the Census Bureau's website at *https://www.census.gov/topics/income-poverty/poverty.html* or contact the Census Bureau's Customer Service Center at 1–800–923–8282 (toll-free) or visit *https://ask.census.gov* for further information.

SUPPLEMENTARY INFORMATION:

Background

Section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C. 9902(2)) requires the Secretary of the Department of Health and Human Services to update the poverty guidelines at least annually, adjusting them on the basis of the Consumer Price Index for All Urban Consumers (CPI–U). The poverty guidelines are used as an eligibility criterion by Medicaid and a number of other Federal programs. The *poverty guidelines* issued here are a simplified version of the *poverty thresholds* that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

As required by law, this update is accomplished by increasing the latest published Census Bureau poverty thresholds by the relevant percentage change in the Consumer Price Index for All Urban Consumers (CPI–U). The guidelines in this 2018 notice reflect the 2.1 percent price increase between calendar years 2016 and 2017. After this inflation adjustment, the guidelines are rounded and adjusted to standardize the differences between family sizes. In rare circumstances, the rounding and standardizing adjustments in the formula result in small decreases in the poverty guidelines for some household sizes even when the inflation factor is not negative. In cases where the year-to-year change in inflation is not negative and the rounding and standardizing adjustments in the formula result in reductions to the guidelines from the previous year for some household sizes, the guidelines for the affected household sizes are fixed at the prior year's guidelines. As in prior years, these 2018 guidelines are roughly equal to the poverty thresholds for calendar year 2017 which the Census Bureau expects to publish in final form in September 2018.

The poverty guidelines continue to be derived from the Census Bureau's current official poverty thresholds; they are not derived from the Census Bureau's Supplemental Poverty Measure (SPM).

The following guideline figures represent annual income.

2018 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Persons in family/household	Poverty guideline
1	$12,140
2	16,460
3	20,780
4	25,100
5	29,420
6	33,740
7	38,060
8	42,380

For families/households with more than 8 persons, add $4,320 for each additional person.

2018 Poverty Guidelines for Alaska

Persons in family/household	Poverty guideline
1	$15,180
2	20,580
3	25,980
4	31,380
5	36,780
6	42,180
7	47,580
8	52,980

For families/households with more than 8 persons, add $5,400 for each additional person.

2018 Poverty Guidelines for Hawaii

Persons in family/household	Poverty guideline
1	$13,960
2	18,930
3	23,900
4	28,870
5	33,840
6	38,810
7	43,780
8	48,750

For families/households with more than 8 persons, add $4,970 for each additional person.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office that administers the program is generally responsible for deciding whether to use the contiguous-states-and-DC guidelines for those jurisdictions or to follow some other procedure.

Due to confusing legislative language dating back to 1972, the poverty guidelines sometimes have been mistakenly referred to as the ''OMB'' (Office of Management and Budget) poverty guidelines or poverty line. In fact, OMB has never issued the guidelines; the guidelines are issued each year by the Department of Health and Human Services. The poverty guidelines may be formally referenced as ''the poverty guidelines updated periodically in the **Federal Register** by

the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).''

Some federal programs use a percentage multiple of the guidelines (for example, 125 percent or 185 percent of the guidelines), as noted in relevant authorizing legislation or program regulations. Non-Federal organizations that use the poverty guidelines under their own authority in non-Federally-funded activities also may choose to use a percentage multiple of the guidelines.

The poverty guidelines do not make a distinction between farm and non-farm families, or between aged and non-aged units. (Only the Census Bureau poverty thresholds have separate figures for aged and non-aged one-person and two-person units.)

Note that this notice does not provide definitions of such terms as ''income'' or ''family,'' because there is considerable variation in defining these terms among the different programs that use the guidelines. These variations are traceable to the different laws and regulations that govern the various programs. This means that questions such as ''Is income counted before or after taxes?'', ''Should a particular type of income be counted?'', and ''Should a particular person be counted as a member of the family/household?'' are actually questions about how a specific program applies the poverty guidelines. All such questions about how a specific program applies the guidelines should be directed to the entity that administers or funds the program, since that entity has the responsibility for defining such terms as ''income'' or ''family,'' to the extent that these terms are not already defined for the program in legislation or regulations.

Dated: January 12, 2018.

Eric D. Hargan,

Acting Secretary of Health and Human Services.

[FR Doc. 2018–00814 Filed 1–12–18; 4:15 pm]

BILLING CODE 4150–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Automated Commercial Environment (ACE) Becoming the Sole CBP-Authorized Electronic Data Interchange (EDI) System for Processing Electronic Drawback Filings

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces that the Automated Commercial Environment (ACE) will be the sole electronic data interchange (EDI) system authorized by U.S. Customs and Border Protection (CBP) for processing electronic drawback filings under part 181 (NAFTA drawback) and part 191 (non-TFTEA drawback) of Title 19 of the Code of Federal Regulations. This document also announces that the Automated Commercial System (ACS) will no longer be a CBP-authorized EDI system for purposes of processing such filings. This notice further announces the deployment of a new ACE filing code for all electronic drawback filings, replacing the six distinct drawback codes previously filed in ACS.

DATES: As of February 24, 2018, ACE will be the sole CBP-authorized EDI system for processing drawback filings under part 181 (NAFTA drawback) and part 191 (non-TFTEA drawback) of Title 19 of the Code of Federal Regulations, and ACS will no longer be a CBP-authorized EDI system for such purpose.

FOR FURTHER INFORMATION CONTACT: Randy Mitchell, Commercial Operations and Entry Division, Trade Policy and Programs, Office of Trade at (202) 863–6532 or *RANDY.MITCHELL@CBP.DHS.GOV.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1484), establishes the requirement for importers of record to make entry for merchandise to be imported into the customs territory of the United States. Customs entry information is used by U.S. Customs and Border Protection (CBP) and Partner Government Agencies (PGAs) to determine whether merchandise may be released from CBP custody. Importers of record are also obligated to complete the entry by filing an entry summary declaring the value, classification, rate of duty applicable to the merchandise and such other information as is necessary for CBP to properly assess duties, collect accurate statistics and determine whether any other applicable requirement of law is met.

The customs entry requirements were amended by Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, December 8, 1993), commonly known as the Customs Modernization Act, or Mod Act. In particular, section 637 of the Mod Act amended section 484(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(1)(A)) by revising the requirement to make and complete customs entry by submitting documentation to CBP to allow, in the alternative, the electronic transmission of such entry information pursuant to a CBP-authorized electronic data interchange (EDI) system. CBP created the Automated Commercial System (ACS) to track, control, and process all commercial goods imported into the United States. CBP established the specific requirements and procedures for the electronic filing of entry and entry summary data for imported merchandise through the Automated Broker Interface (ABI) to ACS.

II. Transition Into the Automated Commercial Environment

In an effort to modernize the business processes essential to securing U.S. borders, facilitating the flow of legitimate shipments, and targeting illicit goods pursuant to the Mod Act and the Security and Accountability for Every (SAFE) Port Act of 2006 (Pub. L. 109–347, 120 Stat. 1884), CBP developed the Automated Commercial Environment (ACE) to eventually replace ACS as the CBP-authorized EDI system. Over the last several years, CBP has tested ACE and provided significant public outreach to ensure that the trade community is fully aware of the transition from ACS to ACE.

On October 13, 2015, CBP published an Interim Final Rule in the **Federal Register** (80 FR 61278) that designated ACE as a CBP-authorized EDI system. The designation of ACE as a CBP-authorized EDI system was effective November 1, 2015. In the Interim Final Rule, CBP stated that ACS would be phased out and anticipated that ACS would no longer be supported for entry and entry summary filing. Filers were encouraged to adjust their business practices so that they would be prepared when ACS was decommissioned.

CBP developed a staggered transition strategy for decommissioning ACS. The phases of the transition were announced in several **Federal Register** notices. *See* 81 FR 10264 (February 29, 2016); 81 FR 30320 (May 16, 2016); 81 FR 32339 (May 23, 2016); 82 FR 38924 (August 16, 2017); and 82 FR 51852 (November 8, 2017). This notice announces another transition as the processing of electronic drawback filings under parts 181 and 191 of title 19 of the Code of Federal Regulations (CFR) is transitioning into ACE.

III. ACE as the Sole CBP-Authorized EDI System for the Processing of Electronic Filings of NAFTA Drawback and Non-TFTEA-Drawback

This notice announces that, beginning February 24, 2018, ACE will become the sole CBP-authorized EDI system for electronic filings of NAFTA drawback (19 CFR part 181) and non-TFTEA drawback (19 CFR part 191), and ACS will no longer be a CBP-authorized EDI system for purposes of processing these electronic filings. A separate **Federal Register** document will be published containing proposed regulations regarding TFTEA-Drawback claims, which are those claims filed under 19 U.S.C. 1313, as amended by the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Pub. L. 114–125, 130 Stat. 122, February 24, 2016). The electronic filings referred to in this document, *i.e.,* non-TFTEA drawback claims, are limited to drawback claims filed in compliance with the regulations in parts 181 and 191 and under 19 U.S.C. 1313, as it was in effect prior to the TFTEA amendments.

IV. Deployment of New Filing Code for Drawback in ACE

CBP announces the deployment of a new ACE filing code 47 for drawback as of February 24, 2018, which will replace the following six drawback codes previously filed in ACS:

- 41—Direct Identification Manufacturing Drawback
- 42—Direct Identification Unused Merchandise Drawback
- 43—Rejected Merchandise Drawback
- 44—Substitution Manufacturing Drawback
- 45—Substitution Unused Merchandise Drawback
- 46—Other Drawback

V. Entry Types With Low Shipment Volume

This notice announces that the following entry types will not be automated in either ACS or ACE due to low shipment volume:

- 04—Appraisement
- 05—Vessel—Repair
- 24—Trade Fair
- 25—Permanent Exhibition
- 26—Warehouse—Foreign Trade Zone (FTZ) (Admission)
- 33—Aircraft and Vessel Supply (For Immediate Exportation)
- 64—Barge Movement
- 65—Permit To Proceed
- 66—Baggage

Dated: January 12, 2018.

Kevin K. McAleenan,

Acting Commissioner, U.S. Customs and Border Protection.

[FR Doc. 2018–00803 Filed 1–17–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Modification of the National Customs Automation Program (NCAP) Test Regarding Reconciliation and Transition of the Test From the Automated Commercial System (ACS) to the Automated Commercial Environment (ACE)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces that certain previously announced modifications to the National Customs Automation Program (NCAP) test regarding reconciliation will become operational, and that the test program will transition from the Automated Commercial System (ACS) to the Automated Commercial Environment (ACE).

DATES: As of February 24, 2018, the modifications to the reconciliation test will become operational. As of the same date, the test will transition into ACE, and ACS will be decommissioned for the filing of reconciliation entries.

ADDRESSES: Comments concerning this test program may be submitted via email, with a subject line identifier reading, ''Comment on Reconciliation test'' to *OFO-RECONFOLDER@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Randy Mitchell, Commercial Operations and Entry Division, Trade Policy and Programs, Office of Trade at (202) 863–6532 or *RANDY.MITCHELL@CBP.DHS.GOV.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Reconciliation Test Program

Title VI of the North American Free Trade Agreement (NAFTA) Implementation Act (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993), commonly known as the Customs Modernization Act or Mod Act, amended the Tariff Act of 1930 and related laws, in part, to increase voluntary compliance with customs laws and improvements to customs enforcement. Subtitle B of Title VI established the National Customs Automation Program (NCAP) which is an automated and electronic system for processing commercial importations, and includes the testing of existing and planned components. (19 U.S.C. 1411). Section 637 of the Mod Act amended Section 484 of the Tariff Act of 1930 to establish a new section (b), entitled ''Reconciliation'', a planned component of the NCAP. (19 U.S.C. 1484(b), 19 U.S.C. 1411(a)(2)(C)).

Reconciliation is the process that allows an importer, at the time an entry summary is filed, to identify indeterminable information (other than that affecting admissibility) to U.S. Customs and Border Protection (CBP) and to provide that outstanding information at a later date. The importer identifies the outstanding information by means of an electronic ''flag'' which is placed on the entry summary at the time the entry summary is filed and payment (applicable duty, taxes, and fees) is made.

Section 101.9(b) of Title 19 of the Code of Federal Regulations (19 CFR 101.9(b)) provides for the testing of NCAP components. *See* T.D. 95–21, 60 FR 14211 (March 16, 1995). The reconciliation test was established pursuant to this regulation, and is currently being tested in the Automated Commercial System (ACS). CBP announced and explained the test in a general notice published in the **Federal Register** (63 FR 6257) on February 6, 1998. Clarifications and operational changes were announced in subsequent **Federal Register** notices: 63 FR 44303 (August 18, 1998); 64 FR 39187 (July 21, 1999); 64 FR 73121 (December 29, 1999); 66 FR 14619 (March 13, 2001); 67 FR 61200 (September 27, 2002) (with a correction document published at 67 FR 68238 (November 8, 2002)); 69 FR 53730 (September 2, 2004); 70 FR 1730 (January 10, 2005); 70 FR 46882 (August 11, 2005); 71 FR 37596 (June 30, 2006); 78 FR 27984 (May 13, 2013); and 79 FR 34334 (June 16, 2014). On September 13, 2000, CBP extended the test indefinitely in a notice published in the **Federal Register** (65 FR 55326).

B. Transition to the Automated Commercial Environment

The Security and Accountability for Every (SAFE) Port Act of 2006 (Pub. L. 109–347, 120 Stat. 1884) modified the Mod Act and added subsection (d) to 19 U.S.C. 1411. This subsection established the International Trade Data System (ITDS) which allows for the collection and distribution of standard import and export data required by CBP through a single portal system. The Automated

Commercial Environment (ACE), the ''single window,'' is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions.

Over the last several years, CBP has tested ACE and provided significant public outreach to ensure that the trade community is fully aware of the transition from ACS to ACE. On October 13, 2015, CBP published an Interim Final Rule in the **Federal Register** (80 FR 61278) that designated ACE as a CBP-authorized EDI system, to be effective November 1, 2015. In the Interim Final Rule, CBP stated that ACS would be phased out and anticipated that ACS would no longer be supported for entry and entry summary filing. Filers were encouraged to adjust their business practices so that they would be prepared when ACS was decommissioned.

CBP has developed a staggered transition strategy for decommissioning ACS to give the trade additional time to adjust their business practices. The phases of the transition were announced in several **Federal Register** notices. *See* 81 FR 10264 (February 29, 2016); 81 FR 30320 (May 16, 2016); 81 FR 32339 (May 23, 2016); 82 FR 38924 (August 16, 2017); and 82 FR 51852 (November 8, 2017). This notice announces a further transition as CBP is transitioning the reconciliation test from ACS to ACE.

C. Modifications of the Reconciliation Test

On December 12, 2016, CBP published a notice in the **Federal Register** (81 FR 89486) announcing modifications to the reconciliation test and the transition of the test from ACS to ACE, effective January 14, 2017. On January 17, 2017, CBP published a notice in the **Federal Register** (82 FR 4901) announcing that the effective date for the test modifications and transition would be delayed indefinitely. Then, on June 8, 2017, CBP published a notice in the **Federal Register** (82 FR 26699) announcing that the modifications to the test and the transition would be effective on July 8, 2017. Subsequently, on June 30, 2017, CBP published a notice in the **Federal Register** (82 FR 29910) announcing that the effective date for the modifications to the reconciliation test and for mandatory filing of reconciliation entries in ACE had been delayed until further notice.

II. Announcement of Reconciliation Test Transitioning Into ACE and Modifications to Test Becoming Operational

This notice announces that, beginning February 24, 2018, all reconciliation entries must be filed in ACE regardless of whether the underlying entry was filed in ACS or ACE and regardless of whether it is a replacement, substitution or follow-up to a reconciliation entry originally filed in ACS, and ACS is decommissioned for the filing of such entries. In addition, as of February 24, 2018, the test modifications announced in the December 12, 2016 notice will become operational.

Dated: January 12, 2018.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2018–00802 Filed 1–17–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2011–0108]

RIN 1601–ZA11

Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

AGENCY: Office of the Secretary, DHS.

ACTION: Notice.

SUMMARY: Under Department of Homeland Security (DHS) regulations, U.S. Citizenship and Immigration Services (USCIS) may generally only approve petitions for H–2A and H–2B nonimmigrant status for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated by notice published in the **Federal Register**. That notice must be renewed each year. This notice announces that the Secretary of Homeland Security, in consultation with the Secretary of State, is identifying 83 countries whose nationals are eligible to participate in the H–2A program and 82 countries whose nationals are eligible to participate in the H–2B program for the coming year.

DATES: *Effective Date:* This notice is effective January 18, 2018, and shall be without effect after January 18, 2019.

FOR FURTHER INFORMATION CONTACT: Eric B. Johnson, Office of Policy, Department of Homeland Security, Washington, DC 20528, (202) 282–8652.

SUPPLEMENTARY INFORMATION:

Background

Generally, USCIS may approve H–2A and H–2B petitions for nationals of only those countries [1] that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated as participating countries. Such designation must be published as a notice in the **Federal Register** and expires after one year. USCIS, however, may allow a national from a country not on the list to be named as a beneficiary of an H–2A or H–2B petition based on a determination that such participation is in the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F) and 8 CFR 214.2(h)(6)(i)(E).

In designating countries to include on the list, the Secretary of Homeland Security, with the concurrence of the Secretary of State, will take into account factors including, but not limited to: (1) The country's cooperation with respect to issuance of travel documents for citizens, subjects, nationals, and residents of that country who are subject to a final order of removal; (2) the number of final and unexecuted orders of removal against citizens, subjects, nationals, and residents of that country; (3) the number of orders of removal executed against citizens, subjects, nationals, and residents of that country; and (4) such other factors as may serve the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1). Examples of factors serving the U.S. interest that could result in the non-inclusion of a country or the removal of a country from the list include, but are not limited to, fraud, abuse, overstay rates, and non-compliance with the terms and conditions of the H–2 visa programs by nationals of that country.

In December 2008, DHS published in the **Federal Register** two notices, ''Identification of Foreign Countries

[1] With respect to all references to ''country'' or ''countries'' in this document, it should be noted that the Taiwan Relations Act of 1979, Public Law 96–8, Section 4(b)(1), provides that ''[w]henever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.'' 22 U.S.C. 3303(b)(1). Accordingly, all references to ''country'' or ''countries'' in the regulations governing whether nationals of a country are eligible for H–2 program participation, 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1), are read to include Taiwan. This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

Whose Nationals Are Eligible to Participate in the H–2A Visa Program,'' and ''Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2B Visa Program,'' which designated 28 countries whose nationals are eligible to participate in the H–2A and H–2B programs. *See* 73 FR 77043 (Dec. 18, 2008); 73 FR 77729 (Dec. 19, 2008). The notices ceased to have effect on January 17, 2010 and January 18, 2010, respectively. *See* 8 CFR 214.2(h)(5)(i)(F)(2) and 8 CFR 214.2(h)(6)(i)(E)(3). In implementing these regulatory provisions, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has published a series of notices on a regular basis. *See* 75 FR 2879 (Jan. 19, 2010) (adding 11 countries); 76 FR 2915 (Jan. 18, 2011) (removing Indonesia and adding 15 countries); 77 FR 2558 (Jan. 18, 2012) (adding 5 countries); 78 FR 4154 (Jan. 18, 2013) (adding 1 country); 79 FR 3214 (Jan.17, 2014) (adding 4 countries); 79 FR 74735 (Dec. 16, 2014) (adding 5 countries); 80 FR 72079 (Nov. 18, 2015) (removing Moldova from the H–2B program and adding 16 countries); 81 FR 74468 (Oct. 26, 2016) (adding 1 country).

The Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that 82 countries previously designated in the October 26, 2016 notice continue to meet the standards identified in that notice for eligible countries and therefore should remain designated as countries whose nationals are eligible to participate in the H–2A program. Additionally, the Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that 81 countries previously designated in the October 26, 2016 notice continue to meet the standards identified in that notice for eligible countries and therefore should remain designated as countries whose nationals are eligible to participate in the H–2B program.

Further, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has determined that it is now appropriate to add one country whose nationals are eligible to participate in the H–2A and H–2B programs, and to add one country whose nationals are eligible to participate in the H–2B program. This determination is made taking into account the four regulatory factors identified above. The Secretary of Homeland Security's consideration of factors that may serve the U.S. interest included, but were not limited to, evidence of past usage of the H–2A and H–2B programs by nationals of the country to be added, as well as evidence relating to the economic impact on particular U.S. industries or regions resulting from the addition or continued non-inclusion of specific countries.

The Secretary of Homeland Security has determined, however, with the concurrence of the Secretary of State, that the following countries should no longer be designated as eligible countries because they are not meeting the standards set out in the regulation: Belize, Haiti, and Samoa.

Belize is listed on the U.S. Department of State's 2017 Trafficking in Persons Report as a ''Tier 3'' country. ''Tier 3'' means the country does not fully meet the Trafficking Victims Protection Act's minimum standards and is not making significant efforts to do so.

Haitian nationals applying for H–2A and H–2B visas present extremely high rates of refusal, and those issued H–2A or H–2B visas have historically demonstrated high levels of fraud and abuse and a high rate of overstaying the terms of their H–2 admission. Haiti has shown no improvement in these areas, and the Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that Haiti's inclusion on the 2018 H–2A and H–2B lists is no longer in the U.S. interest.

Samoa is currently listed as ''At Risk of Non-Compliance'' according to ICE's year-end assessment of foreign countries' cooperation in accepting back their nationals that have been ordered removed from the United States. Despite attempts to improve cooperation on removals to Samoa, there has been not been sufficient progress on removals to Samoa.

Accordingly, DHS has removed these countries from the H–2A and H–2B eligibility lists for 2018, though their nationals may still be beneficiaries of approved H–2A and H–2B petitions upon the request of the petitioner if DHS determines, as a matter of discretion, that it is in the U.S. interest for the individual to be a beneficiary of such petition. See 8 CFR 214.2(h)(5)(i)(F)(1)(D)(ii) and 8 CFR 214.2(h)(6)(i)(E)(2).

The Secretary of Homeland Security has also determined, with the concurrence of the Secretary of State, that Mongolia should be designated as an eligible H–2A and H–2B country because it is now meeting the standards set out in the regulation. Mongolia is no longer listed as ''At Risk of Non-Compliance'' according to ICE's year-end assessment of foreign countries that cooperate in accepting back their nationals that have been ordered deported from the United States, and has demonstrated increased cooperation with the United States regarding the return of their nationals with final orders of removal.

Designation of Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1), 215(a)(1), and 241 of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1), 1185(a)(1), and 1231), I am designating, with the concurrence of the Secretary of State, nationals from the following countries to be eligible to participate in the H–2A nonimmigrant worker program:

1. Andorra
2. Argentina
3. Australia
4. Austria
5. Barbados
6. Belgium
7. Brazil
8. Brunei
9. Bulgaria
10. Canada
11. Chile
12. Colombia
13. Costa Rica
14. Croatia
15. Czech Republic
16. Denmark
17. Dominican Republic
18. Ecuador
19. El Salvador
20. Ethiopia
21. Estonia
22. Fiji
23. Finland
24. France
25. Germany
26. Greece
27. Grenada
28. Guatemala
29. Honduras
30. Hungary
31. Iceland
32. Ireland
33. Israel
34. Italy
35. Jamaica
36. Japan
37. Kiribati
38. Latvia
39. Liechtenstein
40. Lithuania
41. Luxembourg
42. Macedonia
43. Madagascar
44. Malta
45. Mexico
46. Moldova
47. Monaco
48. Mongolia
49. Montenegro
50. Nauru
51. The Netherlands
52. Nicaragua
53. New Zealand
54. Norway
55. Panama
56. Papua New Guinea

57. Peru
58. The Philippines
59. Poland
60. Portugal
61. Romania
62. San Marino
63. Serbia
64. Singapore
65. Slovakia
66. Slovenia
67. Solomon Islands
68. South Africa
69. South Korea
70. Spain
71. St. Vincent and the Grenadines
72. Sweden
73. Switzerland
74. Taiwan
75. Thailand
76. Timor-Leste
77. Tonga
78. Turkey
79. Tuvalu
80. Ukraine
81. United Kingdom
82. Uruguay
83. Vanuatu

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1), 215(a)(1), and 241 of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1), 1185(a)(1), and 1231), I am designating, with the concurrence of the Secretary of State, nationals from the following countries to be eligible to participate in the H–2B nonimmigrant worker program:

1. Andorra
2. Argentina
3. Australia
4. Austria
5. Barbados
6. Belgium
7. Brazil
8. Brunei
9. Bulgaria
10. Canada
11. Chile
12. Colombia
13. Costa Rica
14. Croatia
15. Czech Republic
16. Denmark
17. Dominican Republic
18. Ecuador
19. El Salvador
20. Estonia
21. Ethiopia
22. Fiji
23. Finland
24. France
25. Germany
26. Greece
27. Grenada
28. Guatemala
29. Honduras
30. Hungary
31. Iceland
32. Ireland
33. Israel
34. Italy
35. Jamaica
36. Japan
37. Kiribati
38. Latvia
39. Lichtenstein
40. Lithuania
41. Luxembourg
42. Macedonia
43. Madagascar
44. Malta
45. Mexico
46. Monaco
47. Mongolia
48. Montenegro
49. Nauru
50. The Netherlands
51. Nicaragua
52. New Zealand
53. Norway
54. Panama
55. Papua New Guinea
56. Peru
57. The Philippines
58. Poland
59. Portugal
60. Romania
61. San Marino
62. Serbia
63. Singapore
64. Slovakia
65. Slovenia
66. Solomon Islands
67. South Africa
68. South Korea
69. Spain
70. St. Vincent and the Grenadines
71. Sweden
72. Switzerland
73. Taiwan
74. Thailand
75. Timor-Leste
76. Tonga
77. Turkey
78. Tuvalu
79. Ukraine
80. United Kingdom
81. Uruguay
82. Vanuatu

This notice does not affect the status of aliens who currently hold valid H–2A or H–2B nonimmigrant status. Persons currently holding such status, however, will be affected by this notice should they seek an extension of stay in H–2 classification, or a change of status from one H–2 status to another. Similarly, persons holding nonimmigrant status other than H–2 status are not affected by this notice unless they seek a change of status to H–2 status.

Nothing in this notice limits the authority of the Secretary of Homeland Security or her designee or any other federal agency to invoke against any foreign country or its nationals any other remedy, penalty, or enforcement action available by law.

Elaine C. Duke,

Deputy Secretary.

[FR Doc. 2018–00812 Filed 1–17–18; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2615–17; DHS Docket No. USCIS–2014–0001]

RIN 1615–ZB70

Termination of the Designation of Haiti for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security.

ACTION: Notice.

SUMMARY: The designation of Haiti for Temporary Protected Status (TPS) is set to expire on January 22, 2018. After reviewing country conditions and consulting with the appropriate U.S. Government agencies, the Acting Secretary of Homeland Security determined on November 20, 2017 that conditions in Haiti no longer support its designation for TPS and is therefore terminating the TPS designation of Haiti. To provide time for an orderly transition, this termination is effective on July 22, 2019, 18 months following the end of the current designation.

Nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) who have been granted TPS and wish to maintain their TPS and receive TPS-based Employment Authorization Documents (EAD) valid through July 22, 2019, must re-register for TPS in accordance with the procedures set forth in this Notice. After July 22, 2019, nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) who have been granted TPS under the Haiti designation will no longer have TPS.

DATES: The designation of Haiti for TPS is terminated effective at 11:59 p.m., local time, on July 22, 2019.

The 60-day re-registration period runs from January 18, 2018 through March 19, 2018.

(**Note:** It is important for re-registrants to timely re-register during this 60-day period.)

FOR FURTHER INFORMATION CONTACT:

• You may contact Alex King, Branch Chief, Waivers and Temporary Services Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, 20 Massachusetts Avenue NW, Washington, DC 20529–2060; or by phone at (202) 272–8377 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquiries.

• For further information on TPS, including guidance on the re-registration process and additional information on eligibility, please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* You can find specific information about this termination of Haiti's TPS by selecting ''Haiti'' from the menu on the left side of the TPS web page.

• Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833). Service is available in English and Spanish.

• Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
DOS—Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
FR—Federal Register
Government—U.S. Government
IJ—Immigration Judge
INA—Immigration and Nationality Act
IER—U.S. Department of Justice Civil Rights Division, Immigrant and Employee Rights Section
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services
U.S.C.—United States Code

Through this Notice, DHS sets forth procedures necessary for eligible nationals of Haiti (or aliens having no nationality who last habitually resided in Haiti) to re-register for TPS and to apply for renewal of their EADs with USCIS. Re-registration is limited to persons who have previously registered for TPS under the designation of Haiti and whose applications have been granted.

For individuals who have already been granted TPS under Haiti's designation, the 60-day re-registration period runs from January 18, 2018 through March 19, 2018. USCIS will issue new EADs with a July 22, 2019 expiration date to eligible Haitian TPS beneficiaries who timely re-register and apply for EADs. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on January 22, 2018. Accordingly, through this **Federal Register** notice, DHS automatically extends the validity of EADs issued under the TPS designation of Haiti for 180 days, through July 21, 2018. This Notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and how this affects the Form I–9, Employment Eligibility Verification, and E-Verify processes.

What is Temporary Protected Status (TPS)?

• TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the INA, or to eligible persons without nationality who last habitually resided in the designated country.

• During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to work and obtain EADs so long as they continue to meet the requirements of TPS.

• TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion.

• The granting of TPS does not result in or lead to lawful permanent resident status.

• To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(2), 8 U.S.C. 1254a(c)(2).

• When the Secretary terminates a country's TPS designation, beneficiaries return to one of the following:

○ The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or been terminated); or

○ Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid on the date TPS terminates.

When was Haiti designated for TPS?

On January 21, 2010, the Secretary of Homeland Security (Secretary) designated Haiti for TPS under INA section 244(b)(1)(C) based on ''extraordinary and temporary conditions'' within the country, specifically the effects of the 7.0-magnitude earthquake that occurred on January 12, 2010, that prevented Haitians from returning in safety. *See* Designation of Haiti for Temporary Protected Status, 75 FR 3476 (Jan. 21, 2010). In 2011, the Secretary both extended Haiti's designation and redesignated Haiti for TPS for 18 months through January 22, 2013. *See* Extension and Redesignation of Haiti for Temporary Protected Status, 76 FR 29000 (May 19, 2011). The last extension of Haiti's TPS designation, for 6 months, was announced on May 24, 2017. *See* Extension of the Designation of Haiti for Temporary Protected Status, 82 FR 23830 (May 24, 2017). DHS estimates that there are approximately 58,550 nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) who currently hold TPS under Haiti's designation.

What authority does the Secretary have to terminate the designation of Haiti for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate U.S. Government agencies, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.[1] The Secretary may then grant TPS to eligible nationals of that foreign state (or eligible aliens having no nationality who last habitually resided in the designated country). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that a foreign state continues to meet the conditions for TPS designation, the designation must be extended for an additional period of 6 months and, in the Secretary's discretion, may be extended for 12 or 18 months. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation, but such termination may not take effect earlier than 60 days after the date the **Federal Register** notice of termination is published, or if later, the expiration of the most recent previous extension of

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to the U.S. Department of Homeland Security (DHS) ''shall be deemed to refer to the Secretary'' of Homeland Security. *See* 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

the country designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). The Secretary may determine the appropriate effective date of the termination and the expiration of any TPS-related documentation, such as EADs, for the purpose of providing for an orderly transition. *See id.;* INA section 244(d)(3), 8 U.S.C. 1254a(d)(3).

Why is the Secretary terminating the TPS designation for Haiti as of July 22, 2019?

DHS has reviewed conditions in Haiti. Based on the review, including input received from other appropriate U.S. Government agencies, the Acting Secretary of Homeland Security determined on November 20, 2017 that the conditions for Haiti's designation for TPS—on the basis of ''extraordinary and temporary conditions'' relating to the 2010 earthquake that prevented Haitian nationals from returning in safety—are no longer met.

Haiti has made progress recovering from the 2010 earthquake and subsequent effects that formed the basis for its designation. For example, the number of internally displaced persons (IDP) from the earthquake has continued to decline—98 precent of IDP sites have closed, and only approximately 38,000 of the estimated 2 million Haitians who lost their homes in the earthquake were still living in camps as of June 2017. In October 2017, the United Nations withdrew its peacekeeping mission, noting the mission had achieved its goals. The peacekeeping mission has been replaced by a successor operation that is a police-only force focused on strengthening rule of law, promoting human rights and supporting the Haitian National Police.

Haiti successfully completed its presidential election in February 2017. The 2010 earthquake destroyed key government infrastructure, including dozens of primary federal buildings, which the Haitian government is working to rebuild. The Supreme Court is already reconstructed and operational, and, in April 2017, President Moïse announced a project to rebuild Haiti's National Palace. A Palace spokesperson announced on January 8 that a project to reconstruct the Palace would commence on January 12, 2018.

Haiti's economy continues to recover from the 2010 earthquake. Annual GDP growth has been generally positive since 2010, averaging 1.7 percent over the period (2010–2016). Although Haiti has grappled with a cholera epidemic that began in 2010 in the aftermath of the earthquake, cholera is currently at its lowest level since the outbreak began.

Notice of Termination of the TPS Designation of Haiti

By the authority vested in the Secretary of Homeland Security under INA section 244(b)(3), 8 U.S.C. 1254a(b)(3), the Acting Secretary of Homeland Security determined on November 20, 2017, after consultation with appropriate U.S. Government agencies, that the conditions for the designation of Haiti for TPS under 244(b)(1)(C) of the INA. 8 U.S.C. 1254a(b)(1)(C), are no longer met. Accordingly, I order as follows:

(1) Pursuant to INA section 244(b)(3)(B) and in accordance with INA section 244(d)(3), in order to provide for an orderly transition, the designation of Haiti for TPS is terminated effective at 11:59 p.m., local time, on July 22, 2019, 18 months following the end of the current designation.

(2) Information concerning the termination of TPS for nationals of Haiti (and aliens having no nationality who last habitually resided in Haiti) will be available at local USCIS offices upon publication of this Notice and through the USCIS National Customer Service Center at 1–800–375–5283. This information will be published on the USCIS website at *www.USCIS.gov.*

Elaine C. Duke,
Deputy Secretary.

Required Application Forms and Application Fees To Re-Register for TPS

To re-register for TPS based on the designation of Haiti, you *must* submit an Application for Temporary Protected Status (Form I–821). You do not need to pay the filing fee for the Form I–821. *See* 8 CFR 244.17. You may be required to pay the biometric services fee. Please see additional information under the ''Biometric Services Fee'' section of this Notice.

Through operation of this **Federal Register** notice, your existing EAD issued under the TPS designation of Haiti with the expiration date of January 22, 2018, is automatically extended for 180 days, through July 21, 2018. You do not need to apply for a new EAD in order to benefit from this 180-day automatic extension. However, if you want to obtain a new EAD valid through July 22, 2019, you must file an Application for Employment Authorization (Form I–765) and pay the Form I–765 fee. Note, if you do not want a new EAD, you do not have to file Form I–765 or pay the Form I–765 fee. If you do not want to request a new EAD now, you may also file Form I–765 at a later date and pay the fee (or request a fee waiver), provided that you still have TPS or a pending TPS application. But unless you timely re-register and properly file an EAD application in accordance with this Notice, the validity of your current EAD will end on July 21, 2018. You may file the application for a new EAD either prior to or after your current EAD has expired. However, you are strongly encouraged to file your application for a new EAD as early as possible to avoid gaps in the validity of your employment authorization documentation and to ensure that you receive your new EAD by July 22, 2018.

If you are seeking an EAD with your re-registration for TPS, please submit both the Form I–821 and Form I–765 together. If you are unable to pay the application fee and/or biometric services fee, you may complete a Request for Fee Waiver (Form I–912) or submit a personal letter requesting a fee waiver with satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* Fees for the Form I–821, the Form I–765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Note: If you have a Form I–821 and/or Form I–765 that was still pending as of January 18, 2018, then you do *not* need to file a new application or applications. If your TPS application is approved, you will be granted TPS through July 22, 2019. Similarly, if you have a pending TPS-related application for an EAD that is approved, it will be valid through the same date.

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may complete a Form I–912 or submit a personal letter requesting a fee waiver with satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS website at *http://www.uscis.gov.* If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometrics screening process please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at *www.dhs.gov/privacy.*

Re-Filing a Re-Registration TPS Application After Receiving a Denial of a Fee Waiver Request

You should file as soon as possible within the 60-day re-registration period so USCIS can process your application

and issue an EAD promptly. Properly filing early will also allow you to have time to re-file your application before the deadline, should USCIS deny your fee waiver request. If, however, you receive a denial of your fee waiver request and are unable to re-file by the re-registration deadline, you may still re-file your Form I–821 with the biometrics fee. This situation will be reviewed to determine whether you established good cause for late TPS re-registration. However, you are urged to re-file within 45 days of the date on any USCIS fee waiver denial notice, if possible. *See* INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(b). For more information on good cause for late re-registration, visit the USCIS TPS web page at *http://www.uscis.gov/tps.* Following denial of your fee waiver request, you may also re-file your Form I–765 with fee either with your Form I–821 or at a later time, if you choose.

Note: Although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the Form I–821 fee) when filing a TPS re-registration application, you may decide to wait to request an EAD. Therefore, you do not have to file the Form I–765 or pay the associated Form I–765 fee (or request a fee waiver) at the time of re-registration, and could wait to seek an EAD until after USCIS has approved your TPS re-registration. If you choose to do this, to re-register for TPS you would only need to file the Form I–821 with the biometrics services fee, if applicable, (or request a fee waiver).

Mailing Information

Mail your application for TPS to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You live in the State of Florida	*For U.S. Postal Service:* U.S. Citizenship and Immigration Services, P.O. Box 4464, Chicago, IL 60680. *For FedEx, UPS and DHL deliveries:* U.S. Citizenship and Immigration Services, Attn: TPS Haiti, 131 S. Dearborn—3rd Floor, Chicago, IL 60603–5517.
You live in the State of New York	*For U.S. Postal Service:* U.S. Citizenship and Immigration Services, P.O. Box 660167, Dallas, TX 75266. *For FedEx, UPS and DHL deliveries:* U.S. Citizenship and Immigration Services, Attn: TPS Haiti, 2501 S. State Highway, 121 Business Suite 400, Lewisville, TX 75067.
You live in any other state	*For U.S. Postal Service:* U.S. Citizenship and Immigration Services, P.O. Box 24047, Phoenix, AZ 85074. *For FedEx, UPS and DHL deliveries:* U.S. Citizenship and Immigration Services, Attn: TPS Haiti, 1820 E. Skyharbor Circle S, Suite 100, Phoenix, AZ 85034.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate mailing address in Table 1. When re-registering and requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us to verify your grant of TPS and process your application, as USCIS may not have received records of your grant of TPS by either the IJ or the BIA.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying or registering for TPS on the USCIS website at *www.uscis.gov/tps* under ''Haiti.''

Employment Authorization Document (EAD)

How can I obtain information on the status of my EAD request?

To get case status information about your TPS application, including the status of an EAD request, you can check Case Status Online at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833). If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may request an EAD inquiry appointment with USCIS by using the InfoPass system at *https://infopass.uscis.gov.* However, we strongly encourage you first to check Case Status Online or call the USCIS National Customer Service Center for assistance before making an InfoPass appointment.

Am I eligible to receive an automatic 180-day extension of my current EAD through July 21, 2018, using this ***Federal Register*** *notice?*

Yes. Provided that you currently have a Haiti TPS-based EAD, this **Federal Register** notice automatically extends your EAD by 180 days (through July 21, 2018) if you:

- Are a national of Haiti (or an alien having no nationality who last habitually resided in Haiti);
- Have an EAD with a marked expiration date of January 22, 2018, bearing the notation A–12 or C–19 on the face of the card under Category.

Although this **Federal Register** notice automatically extends your EAD through July 22, 2018, you must re-register timely for TPS in accordance with the procedures described in this **Federal Register** notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as evidence of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Form I–9. Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization), or one document from List B (which provides evidence of your identity) together with one document from List C (which is evidence of employment authorization), or you may present an acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional detailed information about Form I–9 on USCIS' I–9 Central web page at *http://www.uscis.gov/I-9Central.*

An EAD is an acceptable document under List A. If your EAD has an

expiration date of January 22, 2018, and states A–12 or C–19 under Category, it has been extended automatically for 180 days by virtue of this **Federal Register** notice and you may choose to present your EAD to your employer as proof of identity and employment eligibility for Form I–9 through July 21, 2018, unless your TPS has been withdrawn or your request for TPS has been denied. If you properly filed for a new EAD in accordance with this notice, you will receive Form I–797C, Notice of Action that will state your current A–12 or C–19 coded EAD is automatically extended for 180 days. You may choose to present your EAD to your employer together with this Form I–797C as a List A document that provides evidence of your identity and employment authorization for Form I–9 through July 21, 2018, unless your TPS has been finally withdrawn or your request for TPS has been finally denied. See the subsection titled, ''*How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?*'' for further information.

To reduce confusion over this extension at the time of hire, you should explain to your employer that your EAD has been automatically extended through July 21, 2018. You may also provide your employer with a copy of this **Federal Register** notice, which explains that your EAD has been automatically extended. As an alternative to presenting evidence of your automatically extended EAD, you may choose to present any other acceptable document from List A, a combination of one selection from List B and one selection from List C, or a valid receipt.

What documentation may I present to my employer for Employment Eligibility Verification (Form I–9) if I am already employed but my current TPS-related EAD is set to expire?

Even though your EAD has been automatically extended, your employer will need to ask you about your continued employment authorization no later than before you start work on January 23, 2018. You will need to present your employer with evidence that you are still authorized to work. Once presented, you may correct your employment authorization expiration date in Section 1 and your employer should correct the EAD expiration date in Section 2 of Form I–9. See the subsection titled, ''*What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?*'' for further information. You may also show this **Federal Register** notice to your employer to explain what to do for Form I–9.Your employer may need to reinspect your automatically extended EAD to check the expiration date and Category code to record the updated expiration date on your Form I–9 if your employer did not keep a copy of this EAD when you initially presented it. In addition, if you properly filed your Form I–765 to obtain a new EAD, you will receive a Form I–797C, Notice of Action. Form I–797C will state that your current A–12 or C–19 coded EAD is automatically extended for 180 days. You may present Form I–797C to your employer along with your EAD to confirm that the validity of your EAD has been automatically extended through July 21, 2018, unless your TPS has been finally withdrawn or your request for TPS has been finally denied. You may also present this **Federal Register** notice to your employer to show that your EAD has been automatically extended through July 21, 2018. To reduce the possibility of gaps in your employment authorization documentation, you should file your Form I–765 to request a new EAD as early as possible during the re-registration period.

The last day of the automatic EAD extension is July 21, 2018. Before you start work on July 22, 2018, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Form I–9 Lists of Acceptable Documents, or an acceptable List A or List C receipt described in the Form I–9 Instructions to reverify employment authorization.

By July 22, 2018, your employer must complete Section 3 of the current version of the form, Form I–9 07/17/17 N, and attach it to the previously completed Form I–9, if your original Form I–9 was a previous version. Your employer can check the USCIS' I–9 Central web page at *http://www.uscis.gov/I-9Central* for the most current version of Form I–9.

Note that your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

Can my employer require that I provide any other documentation to prove my status, such as proof of my Haitian citizenship?

No. When completing Form I–9, including reverifying employment authorization, employers must accept any documentation that appears on the Form I–9 ''Lists of Acceptable Documents'' that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of Haitian citizenship or proof of re-registration for TPS when completing Form I–9 for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such documents as a valid List A document so long as the EAD reasonably appears to be genuine and relates to the employee. Refer to the Note to Employees section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

How do my employer and I complete Employment Eligibility Verification (Form I–9) using my automatically extended employment authorization for a new job?

When using an automatically extended EAD to complete Form I–9 for a new job before July 22, 2018, you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work until'' and enter July 21, 2018, the automatically extended EAD expiration date as the ''expiration date, if applicable, mm/dd/yyyy''; and

b. Enter your Alien Number/USCIS number or A-Number where indicated (your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix).

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring it is in category A–12 or C–19 and has a January 22, 2018 expiration date;

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Insert July 21, 2018, the date that is 180 days from the date the current EAD expires.

If you also filed for a new EAD, as proof of the automatic extension of your employment authorization, you may present your expired or expiring EAD with category A–12 or C–19 in combination with the Form I–797C

Notice of Action showing that the EAD renewal application was filed and that the qualifying eligibility category is either A–12 or C–19. Unless your TPS has been finally withdrawn or your request for TPS has been finally denied, this document combination is considered an unexpired EAD (Form I–766) under List A. In these situations, to complete Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring:

- It is in category A–12 or C–19; and
- The category code on the EAD is the same category code on Form I–797C, noting that employers should consider category codes A–12 and C–19 to be the same category code.

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Insert July 21, 2018, the date that is 180 days from the date the current EAD expires. Before the start of work on July 22, 2018, employers must reverify the employee's employment authorization in Section 3 of Form I–9.

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?

If you presented a TPS-related EAD that was valid when you first started your job and your EAD has now been automatically extended, your employer may need to re-inspect your current EAD if they do not have a copy of the EAD on file. You and your employer should correct your previously completed Form I–9 as follows:

1. For Section 1, you may:

a. Draw a line through the expiration date in Section 1;

b. Write July 21, 2018, the date that is 180 days from the date your current EAD expires above the previous date (January 22, 2018); and

c. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring:

- It is in category A–12 or C–19; and
- Has an expiration date of January 22, 2018.

b. Draw a line through the expiration date written in Section 2;

c. Write July 21, 2018, the date that is 180 days from the date the employee's current EAD expires above the previous date (January 22, 2018); and

d. Initial and date the correction in the margin of Section 2.

In the alternative, if you properly applied for a new EAD, you may present your expired EAD with category A–12 or C–19 in combination with the Form I–797C Notice of Action. The Form I–797C should show that the EAD renewal application was filed and that the qualifying eligibility category is either A–12 or C–19. To avoid confusion, you may also provide your employer a copy of this Notice. Your employer should correct your previously completed Form I–9 as follows:

For Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring:

- It is in category A–12 or C–19; and
- The category code on the EAD is the same category code on Form I–797C, noting that employers should consider category codes A–12 and C–19 to be the same category code.

b. Draw a line through the expiration date written in Section 2;

c. Write July 21, 2018, the date that is 180 days from the date the employee's current EAD expires above the previous date (January 22, 2018); and

d. Initial and date the correction in the Additional Information field in Section 2.

Note: This is not considered a reverification. Employers do not need to complete Section 3 until either the 180-day extension has ended or the employee presents a new document to show continued employment authorization, whichever is sooner. By July 22, 2018, when the employee's automatically extended EAD has expired, employers must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for a new employee using the EAD with expiration date January 22, 2018, or the Form I–797C receipt information provided on Form I–9. In either case, the receipt number entered as the document number on Form I–9 should be entered into the document number field in E-Verify.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD?

E-Verify automated the verification process for employees whose TPS-related EAD was automatically extended. If you have employees who are TPS beneficiaries who provided a TPS-related EAD when they first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when the auto-extension period for this EAD is about to expire. This indicates that you should update Form I–9 in accordance with the instructions above. Before such an employee starts to work on July 22, 2018, employment authorization must be reverified in Section 3. Employers should not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER) (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices) Employer Hotline at 800–255–8155 (TTY 800–237–2515). The IER offers language interpretation in numerous languages. Employers may also email IER at *IER@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* Calls are accepted in English, Spanish, and many other languages. Employees or applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Employment Eligibility Verification (Form I–9) and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Employment Eligibility Verification (Form I–9) Instructions. Employers may

not require extra or additional documentation beyond what is required for Form I–9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from an employee's Form I–9 differs from Federal or state government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E-Verify procedures is available on the IER website at *https://www.justice.gov/ier* and the USCIS website at *http://www.dhs.gov/E-verify.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples of such documents are:

(1) Your current EAD;

(2) A copy of your Notice of Action (Form I–797C) for your application to renew your current EAD providing an automatic extension of your currently expired or expiring EAD;

(3) A copy of your Application for Temporary Protected Status Notice of Action (Form I–797) for this re-registration; and

(4) A copy of your past or current Application for Temporary Protected Status Notice of Action (Form I–797), if you received one from USCIS.

Check with the government agency regarding which document(s) the agency will accept. Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements (SAVE) program to confirm the current immigration status of applicants for public benefits. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at the following link: *https://save.uscis.gov/casecheck/,* then by clicking the ''Check Your Case'' button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE website at *http://www.uscis.gov/save.*

[FR Doc. 2018–00886 Filed 1–17–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2616–18; DHS Docket No. USCIS–2008–0034]

RIN 1615–ZB71

Termination of the Designation of El Salvador for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security.

ACTION: Notice.

SUMMARY: The designation of El Salvador for Temporary Protected Status (TPS) is set to expire on March 9, 2018. After reviewing country conditions and consulting with appropriate U.S. Government agencies, the Secretary of Homeland Security has determined that conditions in El Salvador no longer support its designation for TPS and that termination of the TPS designation of El Salvador is required pursuant to statute. To provide time for an orderly transition, the Secretary is terminating the designation effective on September 9, 2019, which is 18 months following the end of the current designation.

Nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) who have been granted TPS and wish to maintain their TPS and receive TPS-based Employment Authorization Documents (EAD) valid through September 9, 2019, must re-register for TPS in accordance with the procedures set forth in this Notice. After September 9, 2019, nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) who have been granted TPS under the El Salvador designation will no longer have TPS.

DATES: The designation of El Salvador for TPS is terminated effective at 11:59 p.m., local time, on September 9, 2019.

The 60-day re-registration period runs from January 18, 2018 through March 19, 2018. (**Note:** It is important for re-registrants to timely re-register during this 60-day period.)

FOR FURTHER INFORMATION CONTACT:

- You may contact Alex King, Branch Chief, Waivers and Temporary Services Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, 20 Massachusetts Avenue NW, Washington, DC 20529–2060; or by phone at (202) 272–8377 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquiries.
- For further information on TPS, including guidance on the re-registration process and additional information on eligibility, please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* You can find specific information about this termination of El Salvador's TPS by selecting ''El Salvador'' from the menu on the left side of the TPS web page.
- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at *http://*

www.uscis.gov, or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833). Service is available in English and Spanish.

- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
DOS—Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
FR—Federal Register
Government—U.S. Government
IJ—Immigration Judge
INA—Immigration and Nationality Act
IER—U.S. Department of Justice Civil Rights Division, Immigrant and Employee Rights Section
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services
U.S.C.—United States Code

Through this Notice, DHS sets forth procedures necessary for eligible nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) to re-register for TPS and to apply for renewal of their EADs with USCIS. Re-registration is limited to persons who have previously registered for TPS under the designation of El Salvador and whose applications have been granted.

For individuals who have already been granted TPS under El Salvador's designation, the 60-day re-registration period runs from January 19, 2018 through March 19, 2018. USCIS will issue new EADs with a September 9, 2019 expiration date to eligible Salvadoran TPS beneficiaries who timely re-register and apply for EADs. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on March 9, 2018. Accordingly, through this **Federal Register** notice, DHS automatically extends the validity of EADs issued under the TPS designation of El Salvador for 180 days, through September 5, 2018. This Notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and how this affects the Form I–9, Employment Eligibility Verification, and E-Verify processes.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the INA, or to eligible persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to lawful permanent resident status.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).
- When the Secretary terminates a country's TPS designation, beneficiaries return to one of the following:
  - The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or been terminated); or
  - Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid on the date TPS terminates.

When was El Salvador designated for TPS?

On March 9, 2001, the Attorney General designated El Salvador for TPS based on an environmental disaster within that country, specifically the devastation resulting from a series of earthquakes that occurred in 2001. *See* Designation of El Salvador Under Temporary Protected Status, 66 FR 14214 (Mar. 9, 2001). The designation has been continuously extended since its initial designation. The Secretary of Homeland Security last announced an extension of TPS for El Salvador on July 8, 2016, based on the Secretary's determination that the conditions warranting the designation continued to be met. *See* Extension of the Designation of El Salvador for Temporary Protected Status, 81 FR 44645 (July 8, 2016).

What authority does the Secretary have to terminate the designation of El Salvador for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate U.S. Government agencies, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.[1] The Secretary may then grant TPS to eligible nationals of that foreign state (or eligible aliens having no nationality who last habitually resided in the designated country). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in the foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the foreign state continues to meet the conditions for TPS designation, the designation must be extended for an additional period of 6 months and, in the Secretary's discretion, may be extended for 12 or 18 months. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer continues to meet the conditions for TPS designation, the Secretary must terminate the designation, but such termination may not take effect earlier than 60 days after the date the **Federal Register** notice of termination is published, or if later, the expiration of the most recent previous extension of the country designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). The Secretary may determine the appropriate effective date of the termination and the expiration of any TPS-related documentation, such as EADs, for the purpose of providing for an orderly transition. *See id.;* INA section 244(d)(3), 8 U.S.C. 1254a(d)(3).

Why is the Secretary terminating the TPS designation for El Salvador as of September 9, 2019?

DHS has reviewed conditions in El Salvador. Based on the review, including input received from other appropriate U.S. Government agencies, including the Department of State, the Secretary of Homeland Security has determined that the conditions supporting El Salvador's 2001 designation for TPS on the basis of

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to the U.S. Department of Homeland Security (DHS) ''shall be deemed to refer to the Secretary'' of Homeland Security. *See* 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

environmental disaster due to the damage caused by the 2001 earthquakes are no longer met. Recovery efforts relating to the 2001 earthquakes have largely been completed. The social and economic conditions affected by the earthquakes have stabilized, and people are able to conduct their daily activities without impediments directly related to damage from the earthquakes. Additionally, El Salvador has been regularly accepting the return of its nationals with final removal orders In fiscal year 2016, DHS removed 20,538 Salvadoran nationals, and, in fiscal year 2017, DHS removed 18,838 Salvadoran nationals.

Following the 2001 earthquake, El Salvador received a significant amount of international aid to assist in its recovery efforts, including millions of dollars dedicated to emergency and long-term assistance. Accordingly, many reconstruction projects have now been completed. Damaged schools and hospitals have been reconstructed and repaired, homes have been rebuilt, and money has been provided for water and sanitation and to repair damaged roads and other infrastructure. Additionally, El Salvador's economy is steadily improving. The Salvadoran Government has estimated that the country's unemployment rate was 7 percent in 2014, 2015, and 2016. The Gross Domestic Product (GDP) in El Salvador reached an all-time high of $26.80 billion (USD) in 2016 and is expected to reach $27.3 billion (USD) by the end of 2017. El Salvador's GDP is projected to increase to about $28.6 billion in 2020.

Government assistance and resources for returnees are reportedly limited, but the Salvadoran Government, U.S. Government, and international organizations are working cooperatively to improve security and economic opportunities in El Salvador to lay the groundwork for an eventual return of many Salvadorans from the United States. DHS estimates that there are approximately 262,500 nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) who hold TPS under El Salvador's designation.

Notice of Termination of the TPS Designation of El Salvador

By the authority vested in the Secretary of Homeland Security under INA section 244(b)(3), 8 U.S.C. 1254a(b)(3), I have determined, after consultation with appropriate U.S. Government agencies, that the conditions for the designation of El Salvador for TPS under 244(b)(1)(B) of the INA, 8 U.S.C. 1254a(b)(1)(B), are no longer met. Accordingly, I order as follows:

(1) Pursuant to INA section 244(b)(3)(B) and in accordance with INA section 244(d)(3), in order to provide for an orderly transition, the designation of El Salvador for TPS is terminated effective at 11:59 p.m., local time, on September 9, 2019, which is 18 months following the end of the current designation.

(2) Information concerning the termination of TPS for nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) will be available at local USCIS offices upon publication of this Notice and through the USCIS National Customer Service Center at 1–800–375–5283. This information will be published on the USCIS website at *www.uscis.gov.*

Kirstjen M. Nielsen,

Secretary.

Required Application Forms and Application Fees To Re-Register for TPS

To re-register for TPS based on the designation of El Salvador, you *must* submit an Application for Temporary Protected Status (Form I–821). You do not need to pay the filing fee for the Form I–821. *See* 8 CFR 244.17. You may be required to pay the biometric services fee. Please see additional information under the ''Biometric Services Fee'' section of this Notice.

Through operation of this **Federal Register** notice, your existing EAD issued under the TPS designation of El Salvador with the expiration date of March 9, 2018, is automatically extended for 180 days, through September 5, 2018. You do not need to apply for a new EAD in order to benefit from this 180-day automatic extension. However, if you want to obtain a new EAD valid through September 9, 2019, you must file an Application for Employment Authorization (Form I–765) and pay the Form I–765 fee (or request a fee waiver). Note, if you do not want a new EAD, you do not have to file Form I–765 or pay the Form I–765 fee. If you do not want to request a new EAD now, you may also file Form I–765 at a later date and pay the fee (or request a fee waiver), provided that you still have TPS or a pending TPS application. But unless you timely re-register and properly file an EAD application in accordance with this Notice, the validity of your current EAD will end on September 5, 2018. You may file the application for a new EAD either prior to or after your current EAD has expired. However, you are strongly encouraged to file your application for a new EAD as early as possible to avoid gaps in the validity of your employment authorization documentation and to ensure that you receive your new EAD by September 5, 2018.

If you are seeking an EAD with your re-registration for TPS, please submit both the Form I–821 and Form I–765 together. If you are unable to pay the application fee and/or biometric services fee, you may complete a Request for Fee Waiver (Form I–912) or submit a personal letter requesting a fee waiver with satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* Fees for the Form I–821, the Form I–765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Note: If you have a Form I–821 and/or Form I–765 that was still pending as of January 18, 2018, then you do *not* need to file either application again. If your pending TPS application is approved, you will be granted TPS through September 9, 2019. Similarly, if you have a pending TPS-related application for an EAD that is approved, it will be valid through the same date.

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may complete a Form I–912 or submit a personal letter requesting a fee waiver with satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS website at *http://www.uscis.gov.* If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometrics screening process please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at *www.dhs.gov/privacy.*

Refiling a Re-Registration TPS Application After Receiving a Denial of a Fee Waiver Request

You should file as soon as possible within the 60-day re-registration period so USCIS can process your application and issue any EAD promptly. Properly filing early will also allow you to have time to refile your application before the deadline, should USCIS deny your fee waiver request. If, however, you receive a denial of your fee waiver request and are unable to refile by the re-registration deadline, you may still refile your Form

I–821 with the biometrics fee. This situation will be reviewed to determine whether you established good cause for late TPS re-registration. However, you are urged to refile within 45 days of the date on any USCIS fee waiver denial notice, if possible. *See* INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(b). For more information on good cause for late re-registration, visit the USCIS TPS web page at *http://www.uscis.gov/tps.* Following denial of your fee waiver request, you may also refile your Form I–765 with fee either with your Form I–821 or at a later time, if you choose.

Note: Although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the Form I–821 fee) when filing a TPS re-registration application, you may decide to wait to request an EAD. Therefore, you do not have to file the Form I–765 or pay the associated Form I–765 fee (or request a fee waiver) at the time of re-registration, and could wait to seek an EAD until after USCIS has approved your TPS re-registration application. If you choose to do this, to re-register for TPS you would only need to file the Form I–821 with the biometrics services fee, if applicable, (or request a fee waiver).

Mailing Information

Mail your application for TPS to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If you . . .	Mail to . . .
Are applying for re-registration and you live in the following states/territories: Alabama, Alaska, American Samoa, Arkansas, Colorado, Guam, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Northern Mariana Islands, Oklahoma, Puerto Rico, South Dakota, Tennessee, Texas, Utah, Virgin Islands, Wisconsin, Wyoming.	*U.S. Postal Service:* U.S. Citizenship and Immigration Services, Attn: TPS El Salvador, P.O. Box 660864, Dallas, TX 75266. *Non-U.S. Postal Delivery Service:* U.S. Citizenship and Immigration Services, Attn: TPS El Salvador, 2501 S. State Highway, 121 Business Suite 400, Lewisville, TX 75067.
Are applying for re-registration and you live in the following states/territories: Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, DC, West Virginia.	*U.S. Postal Service:* U.S. Citizenship and Immigration Services, Attn: TPS El Salvador, P.O. Box 8635, Chicago, IL 60680–8635. *Non-U.S. Postal Delivery Service:* U.S. Citizenship and Immigration Services, Attn: TPS El Salvador, 131 S. Dearborn—3rd Floor, Chicago, IL 60603–5517.
Are applying for re-registration and you live in the following states: Arizona, California, Nevada, Oregon, Washington.	*U.S. Postal Service:* U.S. Citizenship and Immigration Services, Attn: TPS El Salvador, P.O. Box 21800, Phoenix, AZ 85036. *Non-U.S. Postal Delivery Service:* U.S. Citizenship and Immigration Services, Attn: TPS El Salvador, 1820 E. Skyharbor Circle S, Suite 100, Phoenix, AZ 85034.
Are applying for the first time as a late initial registration (this is for all states/territories).	*U.S. Postal Service:* U.S. Citizenship and Immigration Services, Attn: TPS El Salvador, P.O. Box 8635, Chicago, IL 60680–8635. *Non-U.S. Postal Delivery Service:* U.S. Citizenship and Immigration Services, Attn: TPS El Salvador, 131 S. Dearborn—3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate mailing address in Table 1. When re-registering and requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us to verify your grant of TPS and process your application.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying or registering for TPS on the USCIS website at *www.uscis.gov/tps* under ''El Salvador.''

Employment Authorization Document (EAD)

How can I obtain information on the status of my EAD request?

To get case status information about your TPS application, including the status of an EAD request, you can check Case Status Online at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833). If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may request an EAD inquiry appointment with USCIS by using the InfoPass system at *https://infopass.uscis.gov.* However, we strongly encourage you first to check Case Status Online or call the USCIS National Customer Service Center for assistance before making an InfoPass appointment.

Am I eligible to receive an automatic 180-day extension of my current EAD through September 5, 2018, using this ***Federal Register*** *notice?*

Yes. Provided that you currently have an El Salvador TPS-based EAD, this **Federal Register** notice automatically extends your EAD by 180 days (through September 5, 2018) if you:

- Are a national of El Salvador (or an alien having no nationality who last habitually resided in El Salvador);
- Have an EAD with a marked expiration date of March 9, 2018, bearing the notation A–12 or C–19 on the face of the card under Category.

Although this **Federal Register** notice automatically extends your EAD through September 5, 2018, you must re-register timely for TPS in accordance with the procedures described in this **Federal Register** notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as evidence of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Form I–9. Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees

must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization), or one document from List B (which provides evidence of your identity) together with one document from List C (which is evidence of employment authorization), or you may present an acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional detailed information about Form I–9 on USCIS' I–9 Central web page at *http://www.uscis.gov/I-9Central.*

An EAD is an acceptable document under List A. If your EAD has an expiration date of March 9, 2018, and states A–12 or C–19 under Category, it has been extended automatically for 180 days by virtue of this **Federal Register** notice and you may choose to present this Notice along with your EAD to your employer as proof of identity and employment eligibility for Form I–9 through September 5, 2018, unless your TPS has been withdrawn or your request for TPS has been denied. If you properly filed for a new EAD in accordance with this Notice, you will also receive Form I–797C, Notice of Action that will state your current A–12 or C–19 coded EAD is automatically extended for 180 days. You may choose to present your EAD to your employer together with this Form I–797C as a List A document that provides evidence of your identity and employment authorization for Form I–9 through September 5, 2018, unless your TPS has been withdrawn or your request for TPS has been denied. See the subsection titled, ''How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?'' for further information.

To reduce confusion over this extension at the time of hire, you should explain to your employer that your EAD has been automatically extended through September 5, 2018. You may also provide your employer with a copy of this **Federal Register** notice, which explains that your EAD has been automatically extended. As an alternative to presenting evidence of your automatically extended EAD, you may choose to present any other acceptable document from List A, a combination of one selection from List B and one selection from List C, or a valid receipt.

What documentation may I present to my employer for Employment Eligibility Verification (Form I–9) if I am already employed but my current TPS-related EAD is set to expire?

Even though your EAD has been automatically extended, your employer will need to ask you about your continued employment authorization no later than before you start work on March 10, 2018. You will need to present your employer with evidence that you are still authorized to work. Once presented, you may correct your employment authorization expiration date in Section 1 and your employer should correct the EAD expiration date in Section 2 of Form I–9. See the subsection titled, ''What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?'' for further information. You may show this **Federal Register** notice to your employer to explain what to do for Form I–9 and to show that your EAD has been automatically extended through September 5, 2018. Your employer may need to reinspect your automatically extended EAD to check the expiration date and Category code to record the updated expiration date on your Form I–9 if your employer did not keep a copy of this EAD when you initially presented it. In addition, if you properly filed your Form I–765 to obtain a new EAD, you will receive a Form I–797C, Notice of Action. Form I–797C will state that your current A–12 or C–19 coded EAD is automatically extended for 180 days. You may present Form I–797C to your employer along with your EAD to confirm that the validity of your EAD has been automatically extended through September 5, 2018, unless your TPS has been withdrawn or your request for TPS has been denied. To reduce the possibility of gaps in your employment authorization documentation, you should file your Form I–765 to request a new EAD as early as possible during the re-registration period.

The last day of the automatic EAD extension is September 5, 2018. Before you start work on September 6, 2018, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Form I–9 Lists of Acceptable Documents, or an acceptable List A or List C receipt described in the Form I–9 Instructions to reverify employment authorization.

By September 6, 2018, your employer must complete Section 3 of the current version of the form, Form I–9 07/17/17 N, and attach it to the previously completed Form I–9, if your original Form I–9 was a previous version. Your employer can check the USCIS' I–9 Central web page at *http://www.uscis.gov/I-9Central* for the most current version of Form I–9.

Note that your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

Can my employer require that I provide any other documentation to prove my status, such as proof of my Salvadoran citizenship?

No. When completing Form I–9, including reverifying employment authorization, employers must accept any documentation that appears on the Form I–9 ''Lists of Acceptable Documents'' that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of Salvadoran citizenship or proof of re-registration for TPS when completing Form I–9 for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such documents as a valid List A document so long as the EAD reasonably appears to be genuine and relates to the employee. Refer to the Note to Employees section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

How do my employer and I complete Employment Eligibility Verification (Form I–9) using my automatically extended employment authorization for a new job?

When using an automatically extended EAD to complete Form I–9 for a new job before September 6, 2018, you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work until'' and enter September 5, 2018, the automatically extended EAD expiration date as the ''expiration date, if applicable, mm/dd/yyyy''; and

b. Enter your Alien Number/USCIS number or A-Number where indicated (your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix).

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring it is in category A–12 or C–19 and has a March 9, 2018 expiration date;

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Insert September 5, 2018, the date that is 180 days from the date the current EAD expires.

If you also filed for a new EAD, as proof of the automatic extension of your employment authorization, you may present your expired or expiring EAD with category A–12 or C–19 in combination with the Form I–797C Notice of Action showing that the EAD renewal application was filed and that the qualifying eligibility category is either A–12 or C–19. Unless your TPS has been withdrawn or your request for TPS has been denied, this document combination is considered an unexpired EAD under List A. In these situations, to complete Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring:

- It is in category A–12 or C–19; and
- The category code on the EAD is the same category code on Form I–797C, noting that employers should consider category codes A–12 and C–19 to be the same category code.

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Insert September 5, 2018, the date that is 180 days from the date the current EAD expires. Before the start of work on September 6, 2018, employers must reverify the employee's employment authorization in Section 3 of Form I–9.

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?

If you presented a TPS-related EAD that was valid when you first started your job and your EAD has now been automatically extended, your employer may need to re-inspect your current EAD if they do not have a copy of the EAD on file. You may, and your employer should, correct your previously completed Form I–9 as follows:

1. For Section 1, you may:

a. Draw a line through the expiration date in Section 1;

b. Write September 5, 2018, the date that is 180 days from the date your current EAD expires above the previous date (March 9, 2018); and

c. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring:

- It is in category A–12 or C–19; and
- Has an expiration date of March 9, 2018.

b. Draw a line through the expiration date written in Section 2;

c. Write September 5, 2018, the date that is 180 days from the date the employee's current EAD expires above the previous date (March 9, 2018); and

d. Initial and date the correction in the Additional Information field in Section 2.

In the alternative, if you properly applied for a new EAD, you may present your expired EAD with category A–12 or C–19 in combination with the Form I–797C Notice of Action. The Form I–797C should show that the EAD renewal application was filed and that the qualifying eligibility category is either A–12 or C–19. To avoid confusion, you may also provide your employer a copy of this Notice. Your employer should correct your previously completed Form I–9 as follows:

For Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring:

- It is in category A–12 or C–19; and
- The category code on the EAD is the same category code on Form I–797C, noting that employers should consider category codes A–12 and C–19 to be the same category code.

b. Draw a line through the expiration date written in Section 2;

c. Write September 5, 2018, the date that is 180 days from the date the employee's current EAD expires above the previous date (March 9, 2018); and

d. Initial and date the correction in the Additional Information field in Section 2.

Note: This is not considered a reverification. Employers do not need to complete Section 3 until either the 180-day extension has ended or the employee presents a new document to show continued employment authorization, whichever is sooner. By September 6, 2018, when the employee's automatically extended EAD has expired, employers must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for a new employee using the EAD bearing the expiration date March 9, 2018, or the Form I–797C receipt information provided on Form I–9. In either case, the receipt number entered as the document number on Form I–9 should be entered into the document number field in E-Verify.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD?

E-Verify automated the verification process for employees whose TPS-related EAD was automatically extended. If you have employees who are TPS beneficiaries who provided a TPS-related EAD when they first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when the auto-extension period for this EAD is about to expire. This indicates that you should update Form I–9 in accordance with the instructions above. Before such an employee starts to work on September 6, 2018, employment authorization must be reverified in Section 3. Employers should not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER) (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices) Employer Hotline at 800–255–8155 (TTY 800–237–2515). The IER offers language interpretation in numerous

languages. Employers may also email IER at *IER@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at *I–9Central@dhs.gov.* Calls are accepted in English, Spanish, and many other languages. Employees or applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Employment Eligibility Verification (Form I–9) and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Employment Eligibility Verification (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Form I–9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from an employee's Form I–9 differs from Federal or state government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee because of the TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E-Verify procedures is available on the IER website at *https://www.justice.gov/ier* and the USCIS website at *http://www.dhs.gov/E-verify.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples of such documents are:

(1) Your current EAD;

(2) A copy of your Notice of Action (Form I–797C), the notice of receipt, for your application to renew your current EAD providing an automatic extension of your currently expired or expiring EAD;

(3) A copy of your Notice of Action (Form I–797C), the notice of receipt, for your Application for Temporary Protected Status for this re-registration; and

(4) A copy of your Notice of Action (Form I–797), the notice of approval, for a past or current Application for Temporary Protected Status, if you received one from USCIS. Check with the government agency regarding which document(s) the agency will accept. Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements (SAVE) program to confirm the current immigration status of applicants for public benefits. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at the following link: *https://save.uscis.gov/casecheck/,* then by clicking the ''Check Your Case'' button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE website at *http://www.uscis.gov/save.*

[FR Doc. 2018–00885 Filed 1–17–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6047–D–01]

Consolidated Delegation of Authority for the Government National Mortgage Association (Ginnie Mae)

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: This notice is issued to consolidate the authorities delegated from the Secretary to the President and Executive Vice President—Chief Operations Officer of the Government National Mortgage Association (Ginnie Mae).

DATES: *Applicability date:* December 19, 2017.

FOR FURTHER INFORMATION CONTACT: Senior Vice President and Chief Risk Officer, Office of Enterprise Risk, Government National Mortgage Association, Department of Housing and Urban Development, Capital View, 425 3rd Street SW, 4th Floor, Washington, DC 20024; telephone number 202–475–4918 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: Ginnie Mae is a wholly owned U.S. Government corporation within the Department of Housing and Urban Development. Ginnie Mae's organic statute vests all the powers and duties of Ginnie Mae in the Secretary of HUD (12 U.S.C. 1723).

In Ginnie Mae's bylaws, the Secretary has delegated all the powers and duties of Ginnie Mae that were vested in the Secretary to Ginnie Mae. In previous **Federal Register** notices, the Secretary has delegated authority over Ginnie Mae to the Ginnie Mae President. Specifically, the Secretary has delegated: (1) All the Secretary's authority with respect to managing

Ginnie Mae and Ginnie Mae's programs pursuant to title III of the National Housing Act (12 U.S.C. 1723 and 68 FR 41840); (2) authority to waive regulations issued by the U.S. Department of Housing and Urban Development (73 FR 76674); (3) authority to impose suspensions and debarments, with the concurrence of the General Counsel or his or her designee (54 FR 4913 and 63 FR 57133); and (4) the power to affix HUD's seal and authenticate documents (68 FR 41840).

This notice consolidates the functions that the Secretary has delegated to the President of Ginnie Mae, while also delegating concurrent authority to Ginnie Mae's Executive Vice President—Chief Operations Officer. While the Secretary has delegated authority to the Ginnie Mae President and Ginnie Mae Executive Vice President—Chief Operations Officer, the Secretary retains authority under 12 U.S.C. 1723.

Section A. Consolidation of Authority Delegated

The Secretary hereby concurrently delegates authority to the President and the Executive Vice President—Chief Operations Officer of Ginnie Mae.

1. All powers and duties of Ginnie Mae, which are by law vested in the Secretary, except as otherwise provided in the Ginnie Mae bylaws (posted at *www.ginniemae.gov*).
2. All authority of the Secretary with respect to the management of Ginnie Mae and Ginnie Mae programs pursuant to title III of the National Housing Act, 12 U.S.C. 1723 (68 FR 41840);
3. The power to waive HUD regulations; section 7(q), Department of Housing and Urban Development Act (42 U.S.C. 3535(q) and 73 FR 76674);
4. The power to impose suspensions and debarments, with the concurrence of the General Counsel; section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d); 54 FR 4913 and 63 FR 57133); and
5. Authority to authenticate documents and affix the seal of HUD to documents (68 FR 41840).

Section B. Authority To Redelegate

The Ginnie Mae President and Ginnie Mae Executive Vice President—Chief Operations Officer may redelegate the authorities delegated by the Secretary, except for the authority to waive HUD regulations. The authority to waive HUD regulations is reserved for the Ginnie Mae President, pursuant to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), and may not be redelegated. However, if the Ginnie Mae President is absent from office, the Ginnie Mae Executive Vice President—Chief Operations Officer or other persons authorized to act in the President's absence may exercise the waiver authority of the President consistent with HUD's policies and procedures (73 FR 76674 and 66 FR 13944).

Section C. Authority Superseded

This delegation of authority supersedes all previous delegations of authority and redelegations of authority for Ginnie Mae, including the delegation of authority published in the **Federal Register** on August 30, 2011 (76 FR 53931), and the June 21, 2017, memorandum entitled ''Amendment to Delegation of Authority and Order of Succession for Ginnie Mae.'' The Secretary may revoke the authority authorized herein, in whole or part, at any time.

Section D. Actions Ratified

The Secretary hereby ratifies all actions previously taken by the Ginnie Mae President and Ginnie Mae Executive Vice President—Chief Operations Officer that are consistent with the delegations of authority provided in this notice.

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Article 3, Bylaws of the Government National Mortgage Association, posted at ginniemae.gov; 24 CFR part 310.

Dated: December 19, 2017.

Benjamin S. Carson, Sr.,

Secretary.

[FR Doc. 2018–00797 Filed 1–17–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6047–D–03]

Order of Succession for Government National Mortgage Association (Ginnie Mae)

AGENCY: Office of the President of the Government National Mortgage Association, HUD.

ACTION: Notice of order of succession.

SUMMARY: In this Notice, the Secretary of Housing and Urban Development designates the Order of Succession for the Government National Mortgage Association (Ginnie Mae). This Order of Succession supersedes all prior Orders of Succession for Ginnie Mae.

DATES: *Applicability Date:* December 19, 2017.

FOR FURTHER INFORMATION CONTACT: Senior Vice President and Chief Risk Officer, Office of Enterprise Risk, Government National Mortgage Association, Department of Housing and Urban Development, Capital View, 425 3rd Street SW, Washington, DC 20024; telephone number (202) 475–4918. (This is not a toll-free number). Persons with hearing- or speech-impairments may access this number though TTY by calling the toll-free Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Secretary of Housing and Urban Development hereby issues this Order of Succession pursuant to the Bylaws of Ginnie Mae which authorize the Secretary of Housing and Urban Development or the President of Ginnie Mae to designate the sequence in which other officers of Ginnie Mae shall act. The officers designated below shall perform the duties and exercise the power and authority of the President, when the President is absent or unable to act, or when there is a vacancy in the Office of the President of Ginnie Mae. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998 (5 U.S.C. 3345–3349d) and the Bylaws of the Government National Mortgage Association, as published at *www.ginniemae.gov.* Accordingly, the Secretary of Housing and Urban Development designates the following Order of Succession:

Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998 and the Bylaws of Ginnie Mae, during any period when, by reason of absence, disability, or vacancy in office, the President of Ginnie Mae is not available to exercise the powers or perform the duties of the President, the following officials within Ginnie Mae are hereby designated to exercise the powers and perform the duties of the Office:

(1) Executive Vice President—Chief Operations Officer;
(2) Executive Vice President;
(3) Senior Vice President, Office of Enterprise Risk;
(4) Senior Vice President, Office of Issuer and Portfolio Management;
(5) Senior Vice President, Office of Capital Markets;
(6) Senior Vice President, Office of Securities Operations;
(7) Senior Vice President, Office of Chief Financial Officer;
(8) Senior Vice President, Office of Enterprise Data and Technology Solutions;
(9) Senior Vice President, Office of Management Operations.

These officials shall perform the functions and duties of the Office in the

order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

Section B. Authority Superseded

This Order of Succession supersedes the prior Orders of Succession for the President of Ginnie Mae.

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). Section 3.05, Bylaws of the Government National Mortgage Association, as published in the Bylaws published at *www.ginniemae.gov.*

Dated: December 19, 2017.

Benjamin S. Carson, Sr.,

Secretary.

[FR Doc. 2018–00796 Filed 1–17–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900]

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) owns or has an interest in irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We request your comments on the proposed rate adjustments.

DATES: Interested parties may submit comments on the proposed rate adjustments on or before March 19, 2018.

ADDRESSES: All comments on the proposed rate adjustments must be in writing and addressed to: Ms. Yulan Jin, Chief, Division of Water and Power, Office of Trust Services, Mail Stop 4637–MIB, 1849 C Street NW, Washington, DC 20240, Telephone (202) 219–0941.

FOR FURTHER INFORMATION CONTACT: For details about a particular irrigation project, please use the tables in **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

SUPPLEMENTARY INFORMATION: The first table in this notice provides contact information for individuals who can give further information about the irrigation projects covered by this notice. The second table provides the proposed rates for calendar year (CY) 2018 and CY 2019.

What is the meaning of the key terms used in this notice?

In this notice:

Administrative costs mean all costs we incur to administer our irrigation projects at the local project level and are a cost factor included in calculating your operation and maintenance assessment. Costs incurred at the local project level do not normally include agency, region, or central office costs unless we state otherwise in writing.

Assessable acre means lands designated by us to be served by one of our irrigation projects, for which we collect assessments in order to recover costs for the provision of irrigation service. (*See total assessable acres.*)

BIA means the Bureau of Indian Affairs.

Bill means our statement to you of the assessment charges and/or fees you owe the United States for administration, operation, maintenance, and/or rehabilitation. The date we mail or hand-deliver your bill will be stated on it.

Costs mean the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility. (*See* administrative costs, operation costs, maintenance costs, and rehabilitation costs).

Customer means any person or entity to whom or to which we provide irrigation service.

Due date is the date on which your bill is due and payable. This date will be stated on your bill.

I, me, my, you and *your* mean all persons or entities that are affected by this notice.

Irrigation project means a facility or portion thereof for the delivery, diversion, and storage of irrigation water that we own or have an interest in, including all appurtenant works. The term ''irrigation project'' is used interchangeably with irrigation facility, irrigation system, and irrigation area.

Irrigation service means the full range of services we provide customers of our irrigation projects. This includes our activities to administer, operate, maintain, and rehabilitate our projects in order to deliver water.

Maintenance costs means costs we incur to maintain and repair our irrigation projects and associated equipment and is a cost factor included in calculating your operation and maintenance assessment.

Operation and maintenance (O&M) assessment means the periodic charge you must pay us to reimburse costs of administering, operating, maintaining, and rehabilitating irrigation projects consistent with this notice and our supporting policies, manuals, and handbooks.

Operation or operating costs means costs we incur to operate our irrigation projects and equipment and is a cost factor included in calculating your O&M assessment.

Past due bill means a bill that has not been paid by the close of business on the 30th day after the due date as stated on the bill. Beginning on the 31st day after the due date, we begin assessing additional charges accruing from the due date.

Rehabilitation costs means costs we incur to restore our irrigation projects or features to original operating condition or to the nearest state which can be achieved using current technology and is a cost factor included in calculating your O&M assessment.

Responsible party means an individual or entity that owns or leases land within the assessable acreage of one of our irrigation projects and is responsible for providing accurate information to our billing office and paying a bill for an annual irrigation rate assessment.

Total assessable acres means the total acres served by one of our irrigation projects.

Water delivery is an activity that is part of the irrigation service we provide our customers when water is available.

We, us, and *our* mean the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this notice.

Does this notice affect me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

Where can I get information on the regulatory and legal citations in this notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the internet site for the Government Printing Office at *http://www.gpo.gov.*

Why are you publishing this notice?

We are publishing this notice to inform you that we propose to adjust

our irrigation assessment rates. This notice is published in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, found at 25 CFR part 171. This regulation provides for the establishment and publication of the proposed rates for annual irrigation assessments as well as related information about our irrigation projects.

What authorizes you to issue this notice?

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior's Departmental Manual.

When will you put the rate adjustments into effect?

We will put the rate adjustments into effect for CY 2018 and CY 2019.

How do you calculate irrigation rates?

We calculate annual irrigation assessment rates in accordance with 25 CFR part 171.500 by estimating the annual costs of operation and maintenance at each of our irrigation projects and then dividing by the total assessable acres for that particular irrigation project. The result of this calculation for each project is stated in the rate table in this notice.

What kinds of expenses do you consider in determining the estimated annual costs of operation and maintenance?

Consistent with 25 CFR part 171.500, these expenses include the following:

(a) Personnel salary and benefits for the project engineer/manager and project employees under the project engineer/manager's management or control;

(b) Materials and supplies;

(c) Vehicle and equipment repairs;

(d) Equipment costs, including lease fees;

(e) Depreciation;

(f) Acquisition costs;

(g) Maintenance of a reserve fund available for contingencies or emergency costs needed for the reliable operation of the irrigation facility infrastructure;

(h) Maintenance of a vehicle and heavy equipment replacement fund;

(i) Systematic rehabilitation and replacement of project facilities;

(j) Contingencies for unknown costs and omitted budget items; and

(k) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

When should I pay my irrigation assessment?

We will mail or hand-deliver your bill notifying you (a) the amount you owe to the United States and (b) when such amount is due. If we mail your bill, we will consider it as being delivered no later than five business days after the day we mail it. You should pay your bill by the due date stated on the bill.

What information must I provide for billing purposes?

All responsible parties are required to provide the following information to the billing office associated with the irrigation project where you own or lease land within the project's assessable acreage or to the billing office associated with the irrigation project with which you have a carriage agreement:

(1) The full legal name of person or entity responsible for paying the bill;

(2) An adequate and correct address for mailing or hand delivering our bill; and

(3) The taxpayer identification number or social security number of the person or entity responsible for paying the bill.

Why are you collecting my taxpayer identification number or social security number?

Public Law 104–134, the Debt Collection Improvement Act of 1996, requires that we collect the taxpayer identification number or social security number before billing a responsible party and as a condition to servicing the account.

What happens if I am a responsible party but I fail to furnish the information required to the billing office responsible for the irrigation project within which I own or lease assessable land or for which I have a carriage agreement?

If you are late paying your bill because of your failure to furnish the required information listed above, you will be assessed interest and penalties as provided below, and your failure to provide the required information will not provide grounds for you to appeal your bill or any penalties assessed.

What can happen if I do not provide the information required for billing purposes?

We can refuse to provide you irrigation service.

If I allow my bill to become past due, could this affect my water delivery?

Yes. 25 CFR 171.545(a) states: ''We will not provide you irrigation service until: (1) Your bill is paid; or (2) You make arrangement for payment pursuant to § 171.550 of this part.'' If we do not receive your payment before the close of business on the 30th day after the due date stated on your bill, we will send you a past due notice. This past due notice will have additional information concerning your rights. We will consider your past due notice as delivered no later than five business days after the day we mail it. We follow the procedures provided in 31 CFR 901.2, ''Demand for Payment,'' when demanding payment of your past due bill.

Are there any additional charges if I am late paying my bill?

Yes. We will assess you interest on the amount owed, using the rate of interest established annually by the Secretary of the United States Treasury (Treasury) to calculate what you will be assessed. You will not be assessed this charge until your bill is past due. However, if you allow your bill to become past due, interest will accrue from the original due date, not the past due date. Also, you will be charged an administrative fee of $12.50 for each time we try to collect your past due bill. If your bill becomes more than 90 days past due, you will be assessed a penalty charge of six percent per year, which will accrue from the date your bill initially became past due. Pursuant to 31 CFR 901.9, ''Interest, penalties and administrative costs,'' as a Federal agency, we are required to charge interest, penalties, and administrative costs in accordance with 31 U.S.C. 3717.

What else will happen to my past due bill?

If you do not pay your bill or make payment arrangements to which we agree, we are required to send your past due bill to the Treasury for further action. Under the provisions of 31 CFR 901.1, ''Aggressive agency collection activity,'' Federal agencies should consider referring debts that are less than 180 days delinquent, and we must send any unpaid annual irrigation assessment bill to Treasury no later than 180 days after the original due date of the bill.

Who can I contact for further information?

The following tables are the regional and project/agency contacts for our irrigation facilities.

Project name	Project/agency contacts
Northwest Region Contacts	
Stanley Speaks, Regional Director, Bureau of Indian Affairs, Northwest Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4169, Telephone: (503) 231–6702.	
Flathead Irrigation Project	Peter Plant, Acting Superintendent, Peter Plant, Irrigation Project Manager, P.O. Box 40, Pablo, MT 59855, Telephones: (406) 675–0207 ext. 1 Superintendent, (406) 745–2661 ext. 2 Project Manager.
Fort Hall, Irrigation Project	David Bollinger, Irrigation Project Manager, Building #2 Bannock Ave., Fort Hall, ID 83203–0220, Telephone: (208) 238–6264.
Wapato, Irrigation Project	David Shaw, Superintendent, Larry Nelson, Acting Project Administrator, P.O. Box 220, Wapato, WA 98951–0220, Telephone: (509) 865–2421 Superintendent, (509) 877–3155 Acting Project Administrator.
Rocky Mountain Region Contacts	
Darryl LaCounte, Regional Director, Bureau of Indian Affairs, Rocky Mountain Regional Office, 316 North 26th Street, Billings, MT 59101, Telephone: (406) 247–7943.	
Blackfeet, Irrigation Project	Thedis Crowe, Superintendent, Greg Tatsey, Irrigation Project Manager, Box 880, Browning, MT 59417, Telephones: (406) 338–7544, Superintendent, (406) 338–7519, Irrigation Project Manager.
Crow, Irrigation Project	Vianna Stewart, Superintendent, John Anevski, Acting Irrigation Project Manager, P.O. Box 69, Crow Agency, MT 59022, Telephones: (406) 638–2672, Superintendent, (406) 247–7998, Acting Irrigation Project Manager.
Fort Belknap, Irrigation Project	John St. Pierre, Superintendent, Vacant, Irrigation Project Manager (Project operations & maintenance contracted to Tribes), R.R. 1, Box 980, Harlem, MT 59526, Telephones: (406) 353–2901, Superintendent, (406) 353–8466, Irrigation Project Manager (Tribal Office).
Fort Peck, Irrigation Project	Howard Beemer, Superintendent, Huber Wright, Acting Irrigation Project Manager, P.O. Box 637, Poplar, MT 59255, Telephones: (406) 768–5312, Superintendent, (406) 653–1752, Irrigation Project Manager.
Wind River, Irrigation Project	Norma Gourneau, Superintendent, John Anevski, Acting Irrigation Project Manager, P.O. Box 158, Fort Washakie, WY 82514, Telephones: (307) 332–7810, Superintendent, (406) 247–7998, Acting Irrigation Project Manager.
Southwest Region Contacts	
William T. Walker, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, Albuquerque, NM 87104, Telephone: (505) 563–3100.	
Pine River, Irrigation Project	Priscilla Bancroft, Superintendent, Vickie Begay, Irrigation Project Manager, P.O. Box 315, Ignacio, CO 81137–0315, Telephones: (970) 563–4511, Superintendent, (970) 563–9484, Irrigation Project Manager.
Western Region Contacts	
Bryan Bowker, Regional Director, Bureau of Indian Affairs, Western Regional Office, 2600 N. Central Ave., 4th Floor Mailroom, Phoenix, AZ 85004, Telephone: (602) 379–6600.	
Colorado River, Irrigation Project	Kellie Youngbear, Superintendent, Gary Colvin, Irrigation Project Manager, 12124 1st Avenue, Parker, AZ 85344, Telephone: (928) 669–7111.
Duck Valley, Irrigation Project	Joseph McDade, Superintendent (Project operations & management compacted to Tribes), 2719 Argent Avenue, Suite 4, Gateway Plaza, Elko, NV 89801, Telephone: (775) 738–5165, (208) 759–3100, (Tribal Office).
Yuma Project, Indian Unit	Denni Shields, Superintendent, 256 South Second Avenue, Suite D, Yuma, AZ 85364, Telephone: (928) 782–1202.
San Carlos, Irrigation Project, Indian Works and Joint Works.	Ferris Begay, Project Manager, Clarence Begay, Irrigation Manager, 13805 N. Arizona Boulevard, Coolidge, AZ 85128, Telephone: (520) 723–6225.
Uintah, Irrigation Project	Antonio Pingree, Acting Superintendent, Ken Asay, Irrigation System Manager, P.O. Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722–4300, (435) 722–4344.
Walker River, Irrigation Project	Robert Eben, Superintendent, 311 E. Washington Street, Carson City, NV 89701, Telephone: (775) 887–3500.

What irrigation assessments or charges are proposed for adjustment by this notice?

The rate table below contains the current rates for all irrigation projects where we recover costs of administering, operating, maintaining, and rehabilitating them. The table also contains the proposed rates for the CY 2018 and CY 2019. An asterisk immediately following the rate category notes the irrigation projects where rates are proposed for adjustment.

Project name	Rate category	Final 2017 rate	Final 2018 rate	Proposed 2019 rate
Northwest Region Rate Table				
Flathead Irrigation Project (See Note #1)	Basic per acre—A *	$26.00	$29.00	$33.50
	Basic per acre—B *	13.00	14.50	16.75
	Minimum Charge per tract	75.00	75.00	75.00

Project name	Rate category	Final 2017 rate	Proposed 2018 rate	Proposed 2019 rate
Fort Hall Irrigation Project	Basic per acre *	$54.00	$56.00	$58.00
	Minimum Charge per tract *	38.50	39.00	40.00
Fort Hall Irrigation Project—Minor Units	Basic per acre *	32.50	35.00	36.50
	Minimum Charge per tract *	38.50	39.00	40.00
Fort Hall Irrigation Project—Michaud	Basic per acre *	57.50	59.50	62.00
	Pressure per acre *	88.50	92.50	98.00
	Minimum Charge per tract *	38.50	39.00	40.00
Wapato Irrigation Project—Toppenish/Simcoe Units.	Minimum Charge per bill	25.00	25.00	25.00
	Basic per acre	25.00	25.00	25.00
Wapato Irrigation Project—Ahtanum Units	Minimum Charge per bill	30.00	30.00	30.00
	Basic per acre	30.00	30.00	30.00
Wapato Irrigation Project—Satus Unit	Minimum Charge per bill	79.00	79.00	79.00
	"A" Basic per acre	79.00	79.00	79.00
	"B" Basic per acre	85.00	85.00	85.00
Wapato Irrigation Project—Additional Works	Minimum Charge per bill	80.00	80.00	80.00
	Basic per acre	80.00	80.00	80.00
Wapato Irrigation Project—Water Rental	Minimum Charge	86.00	86.00	86.00
	Basic per acre	86.00	86.00	86.00
Rocky Mountain Region Rate Table				
Blackfeet Irrigation Project	Basic-per acre	20.00	20.00	20.00
Crow Irrigation Project—Willow Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units).	Basic-per acre	28.00	28.00	28.00
Crow Irrigation Project—All Others (includes Bighorn, Soap Creek, and Pryor Units).	Basic-per acre	28.00	28.00	28.00
Crow Irrigation Project—Two Leggins Unit	Basic-per acre	14.00	14.00	14.00
Crow Irrigation Two Leggins Drainage District	Basic-per acre	2.00	2.00	2.00
Fort Belknap Irrigation Project	Basic-per acre	16.00	16.00	16.00
Fort Peck Irrigation Project	Basic-per acre *	26.50	26.50	27.00
Wind River Irrigation Project—Units 2, 3 and 4.	Basic-per acre *	23.50	24.00	25.00
Wind River Irrigation Project—Unit 6	Basic-per acre *	21.00	22.00	22.00
Wind River Irrigation Project—LeClair District (See Note #2).	Basic-per acre	47.00	47.00	47.00
Wind River Irrigation Project—Crow Heart Unit.	Basic-per acre *	15.50	16.50	16.50
Wind River Irrigation Project—A Canal Unit	Basic-per acre *	15.50	16.50	16.50
Wind River Irrigation Project—Riverton Valley Irrigation District.	Basic-per acre	30.65	30.65	30.65
Southwest Region Rate Table				
Pine River Irrigation Project	Minimum Charge per tract	50.00	50.00	50.00
	Basic-per acre *	19.00	20.00	21.00
Western Region Rate Table				
Colorado River Irrigation Project	Basic per acre up to 5.75 acre-feet	54.00	54.00	54.00
	Excess Water per acre-foot over 5.75 acre-feet.	17.00	17.00	17.00
Duck Valley Irrigation Project (See Note #3)	Basic per acre	5.30	5.30	(+)
Yuma Project, Indian Unit (See Note #4)	Basic per acre up to 5.0 acre-feet	118.50	(+)	(+)
	Excess Water per acre-foot over 5.0 acre-feet.	27.50	(+)	(+)
	Basic per acre up to 5.0 acre-feet (Ranch 5)	118.50	(+)	(+)

Project name	Rate category	Final 2017 rate	Final 2018 rate	Proposed 2019 rate
San Carlos Irrigation Project (Joint Works) (See Note #5).	Basic per acre *	$25.00	$27.90	$31.25
	Proposed 2018–2019 Construction Water Rate Schedule:			
		Off project construction	On project construction—gravity water	On project construction—pump water
	Administrative Fee	$300.00	$300.00	$300.00.
	Usage Fee	$250.00 per month.	No Fee	$100.00 per acre foot.
	Excess Water Rate †	$5.00 per 1,000 gal.	No Charge	No Charge.
	† The excess water rate applies to all water used in excess of 50,000 gallons in any one month.			

Project name	Rate category	Final 2017 rate	Proposed 2018 rate	Proposed 2019 rate
San Carlos Irrigation Project (Indian Works) (See Note #6).	Basic per acre *	$81.00	$87.60	$95.40
Uintah Irrigation Project	Basic per acre *	18.00	20.00	21.00
	Minimum Bill	25.00	25.00	25.00
Walker River Irrigation Project	Basic per acre	31.00	31.00	31.00

+ These rates have not yet been determined; BIA will publish a separate notice for these rates at a later date.
* Notes irrigation projects where rates are proposed for adjustment.
Note #1 **Federal Register** Notice 82 FR 37604, published August 11, 2017, established the final 2018 rate for the Flathead Irrigation Project.
Note #2 The O&M rate varies yearly based upon the budget submitted by the LeClair District.
Note #3 The annual O&M rate is established by the Shoshone-Paiute Tribes who perform O&M under a self-governance compact.
Note #4 The O&M rate for the Yuma Project, Indian Unit has two components. The first component of the O&M rate is established by the Bureau of Reclamation (BOR), the owner and operator of the Project. BOR's rate, which is based upon the annual budget submitted by BOR, has not been established for 2018 or 2019. The second component of the O&M rate is established by BIA to cover administrative costs, which includes billing and collections for the Project. The proposed 2018 and 2019 BIA rate component is $3.50/acre.
Note #5 The construction water rate schedule proposes the fees assessed for use of irrigation water for non-irrigation purposes. **Federal Register** Notice 82 FR 37604, published August 11, 2017, established the final 2018 rate for the SCIP–JW.
Note #6 The proposed 2018 and 2019 O&M rates for the San Carlos Irrigation Project—Indian Works has three components. The first component is the O&M rate established by the San Carlos Irrigation Project—Indian Works, the owner and operator of the Project; this rate is proposed to be $50.00 per acre each year. The second component is for the O&M rate established by the San Carlos Irrigation Project—Joint Works and is determined to be $27.90 per acre for 2018 and $31.25 per acre for 2019. The third component is the O&M rate established by the San Carlos Irrigation Project Joint Control Board and is proposed to be $9.70 per acre for 2018 and $14.15 per acre for 2019.

Consultation and Coordination With Tribal Governments (Executive Order 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this notice under the Department's consultation policy and under the criteria of Executive Order 13175 and have determined there to be substantial direct effects on federally recognized Tribes because the irrigation projects are located on or associated with Indian reservations. To fulfill its consultation responsibility to Tribes and Tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by project, agency, and regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The proposed rate adjustments are not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

Regulatory Planning and Review (Executive Order 12866)

These proposed rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

These proposed rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish ''a rule of particular applicability relating to rates.'' 5 U.S.C. 601(2).

Unfunded Mandates Reform Act of 1995

These proposed rate adjustments do not impose an unfunded mandate on state, local, or Tribal governments in the aggregate, or on the private sector, of more than $130 million per year. They do not have a significant or unique effect on State, local, or Tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Takings (Executive Order 12630)

These proposed rate adjustments do not effect a taking of private property or otherwise have ''takings'' implications

under Executive Order 12630. The proposed rate adjustments do not deprive the public, State, or local governments of rights or property.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, these proposed rate adjustments do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement because they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This notice complies with the requirements of Executive Order 12988. Specifically, in issuing this notice, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct as required by section 3 of Executive Order 12988.

Paperwork Reduction Act of 1995

These proposed rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076–0141 and expires June 30, 2019.

National Environmental Policy Act

The Department has determined that these proposed rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370(d)), pursuant to 43 CFR 46.210(i). In addition, the proposed rate adjustments do not present any of the 12 extraordinary circumstances listed at 43 CFR 46.215.

Dated: December 6, 2018.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–00794 Filed 1–17–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G]

Indian Gaming; Approval of an Amendment to a Tribal-State Class III Gaming Compact in the State of Nevada

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Washoe Tribe of Nevada and California negotiated the First Amended Compact between the Washoe Tribe of Nevada and California and the State of Nevada governing Class III gaming; this notice announces approval of the amended Compact.

DATES: This compact takes effect on January 18, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Section 11 of the Indian Gaming Regulatory Act (IGRA) requires the Secretary of the Interior to publish in the **Federal Register** notice of approved Tribal-State compacts that are for the purpose of engaging in Class III gaming activities on Indian lands. *See* Public Law 100–497, 25 U.S.C. 2701 *et seq.* All Tribal-State Class III compacts, including amendments, are subject to review and approval by the Secretary under 25 CFR 293.4. The First Amended Compact between the Washoe Tribe of Nevada and California and the State of Nevada replaces the previous compact. The First Amended Compact allows the Tribe to operate all forms of Class III gaming within its Indian Lands that may be lawfully operated in the State. The First Amended Compact between the Washoe Tribe of Nevada and California and the State of Nevada is approved. *See* 25 U.S.C. 2710(d)(8)(A).

Dated: December 27, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–00793 Filed 1–17–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–24812; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before December 16, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by February 2, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before December 16, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ARKANSAS

Benton County

Gentry Grand Army of the Republic Monument, NE Sec. of Gentry Cemetery, Pioneer Ln., Gentry, MP100001990

Highfill School (No. 71), 11978 Highfill Ave., Highfill, SG100001991

Faulkner County

College Avenue Historic District, S side 1600, 1700, 1800, 1900 & N side 1800 blks. College Ave., Conway, SG100001993

Fulton County

Green Valley Homestead, 2605 Sturkie Rd., Salem vicinity, SG100001994

Garland County

Greenwood School, 1425 Greenwood Ave., Hot Springs, SG100001995

Mississippi County

Blytheville Air Force Base Strategic Air Command (SAC) Alert and Weapons Storage Areas, Historic District, 4701 Memorial Drive, Blytheville, SG100001999

Farm No. 266, 4791 W Cty. Rd. 924, Dyess vicinity, MP100002000

Pulaski County

Arkansas Teachers Association Headquarters Building and Professional Services Building, 1304 & 1306 Wright Ave., Little Rock, SG100002002

Sebastian County

Elmwood Cemetery, SW of intersection of Zero & S 24th Sts., Fort Smith, SG100002004

Fitzgerald Historic District, Roughly bounded by Rogers & Dodson Aves., S I, S 22nd & S 25th Sts., Fort Smith, SG100002005

Wanslow, Robert, House, 2815 S Q St, Fort Smith, SG100002007

Washington County

Leach, R.L., Grocery Store, W side of Dutch Mills Rd., 175 ft. from Cty. Rd. 418, Dutch Mills, SG100002013

CALIFORNIA

Los Angeles County

Malibu Historic District, Roughly along Pacific Coast from E of Malibu Pier to Malibu Colony privacy fence, Malibu vicinity, SG100002022

FLORIDA

Leon County

Leon County Health Unit Building 325 E Gaines St., Tallahassee, SG100002023

Works Progress Administration Building, 319 East Gaines Street, Tallahassee, MP100002025

MASSACHUSETTS

Worcester County

Manchaug Village Historic District, Roughly bounded by Putnam Hill, Whitins, Morse, Mumford & Manchaug Rds. Ledge, Main, 3rd & Maple Sts., Stevens Pond, Sutton, SG100002026

MISSISSIPPI

Coahoma County

Myrtle Hall Branch Library for Negroes, 1109 State St., Clarksdale, SG100002027

Forrest County

Temple B'nai Israel, 901 Mamie St., Hattiesburg, SG100002028

Hinds County

Casey Elementary School, 2101 Lake Cir., Jackson, SG100002029

Spann, Pearl, Elementary School, 1615 Brecon Dr., Jackson, SG100002030

MISSOURI

Greene County

Producers Ice and Manufacturing Company, 524 W Chase St., Springfield, SG100002031

Jackson County

Kansas City Power and Light Company Substation ''A'', 2645 Madison Ave., Kansas City, SG100002032

Michelson Building, 3125–3133 Troost Ave., Kansas City, SG100002033

National Cloak and Suit Company, 5401 Independence Ave., Kansas City, SG100002034

Shankman Building, 3115–3123 Troost Ave., Kansas City, SG100002035

Johnson County

Miller, Joseph M., Mausoleum, .8 mi. N of jct. of MO 131 & 2nd St., Holden, SG100002036

Perry County

Mack's Chapel Cemetery, 1.25 mi. E of jct. Hwy. D & Cty. Rd. 439, Altenburg vicinity, SG100002037

St. Louis Independent city, Pruitt School, 1212 N 22nd St., St Louis (Independent City), SG100002038

Warren County

Glosemeyer General Store, 16011 Concord Hill Rd., Marthasville vicinity, SG100002039

NEW JERSEY

Hunterdon County, Old Stone Presbyterian Church, Corner of Oak Summit Rd. & Cty. Rd. 519, Kingwood Township, SG100002053

NEW YORK

Monroe County

G.W. Todd—Wilmot Castle Company Building, 1255 University Ave., Rochester, SG100002054

New York County

Harlem African Burial Ground, 2460 2nd Ave., Manhattan, SG100002055

NORTH CAROLINA

Buncombe County

Chiles, James Madison and Leah Arcouet, House, 21 Chiles Ave., Asheville, SG100002045

Burke County

Magnolia Place (Boundary Decrease), 1201 Burkemont Ave., Morganton vicinity, BC100002046

Caswell County

Caswell County Training School, 403 Dillard School Dr., Yanceyville, SG100002047

Haywood County

Windover, 40 Old Hickory St., Waynesville, SG100002048

Martin County

West Martin School, 402 S Cherry St., Oak City, SG100002049

Orange County

North Carolina Industrial Home for Colored Girls, 201 Redman Crossing, Efland vicinity, SG100002051

Rowan County

East Spencer Graded School, 110 S Long St., East Spencer, SG100002050

RHODE ISLAND

Providence County

Central Falls Mill Historic District (Boundary Increase), (Central Falls MRA), 381, 396, 403, 404, 413, 548, 558 Roosevelt Ave., Central Falls, BC100002058

Jenckes Spinning Company, Weeden, Barton, Pine, Lily Pond & Conant Sts., Pawtucket, SG100002059

SOUTH CAROLINA

Anderson County

Pendleton Cotton Mill, 250 S. Depot St., Pendleton, SG100002060

A request for removal has been made for the following resources:

ARKANSAS

Benton County

Daniels House, (Benton County MRA), 902 E. Central, Bentonville, OT87002317

Blake House, (Benton County MRA), 211 SE A St., Bentonville, OT87002324

Drane House, (Benton County MRA), 1004 S. First St., Rogers, OT87002389

Stroud House, (Benton County MRA), 204 S. Third St., Rogers, OT87002400

Crawford County

Mills, Henry Clay, House, 425 N. 15th St., Van Buren, OT77000250

Jefferson County

Parker Sr., Dr. John Walter, House, 1405 S. Alabama St., Pine Bluff, OT03000947

Brown, Floyd B., House, 1401 S. Georgia St., Pine Bluff, OT04001493

Dilley House, 656 Laurel St., Pine Bluff, OT77000258

Phillips County

New Light Missionary Baptist Church, (Ethnic and Racial Minority Settlement of the Arkansas Delta MPS), 522 Arkansas St., Helena, OT95001410

Randolph County

Black River Bridge, (Historic Bridges of Arkansas MPS), US 67, over the Black River, Pocahontas, OT90000522

Searcy County

Dugger and Schultz Millinery Store Building, (Searcy County MPS), Jct. of Glade and Nome Sts., SW corner, Marshall, OT93000973

Sebastian County

McLeod, Angus, House, 912 N. 13th St., Fort Smith, OT78000632

Washington County

Durham School, (Public Schools in the Ozarks MPS), Co. Rd. 183, Durham, OT92001121

White County

Hicks, Ida, House, (White County MPS), 410 W. Arch St., Searcy, OT91001180

Arnold Farmstead, (White County MPS), Off Maple St. S of Deener Cr., Searcy, OT91001187

Sears, Dean L. C., House, (White County MPS), 805 E. Center St., Searcy, OT91001208

Rascoe House, (White County MPS), 702 Main St., Searcy, OT91001213

Rogers, Bob, House, (White County MPS), Jct. of S. Spring St. and W. Woodruff Ave., Searcy, OT91001219

Coward House, (White County MPS), 1105 N. Maple St., Searcy, OT91001229

Rodgers, Porter, Sr., House, (White County MPS), Jct. of N. Oak and E. Race Sts., Searcy, OT91001230

Lightle House, (White County MPS), 107 N. Elm St., Searcy, OT91001244

Smith—Moore House, (White County MPS), 901 N. Main St., Beebe, OT91001246

Lemay House, (White County MPS), 305 S. Cypress St., Beebe, OT91001254

Cross House, (White County MPS), 410 S. Main St., Beebe, OT91001259

Additional documentation has been received for the following resource:

NEW JERSEY

Essex County

Military Park Commons Historic District, Roughly bounded by Washington Pl., McCarter Hwy, E. Park St. and Raymond Blvd., Newark, AD04000649

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

MONTANA

Missoula County

Double Arrow Lookout, Approx. 3 mi. SW of Seeley Lake, Seeley Lake vicinity, MP100002041

Mineral Peak Lookout, Mineral Pk., Lolo NF, Missoula vicinity, MP100002042

West Fork Butte Lookout, West Fork Butte, Lolo NF, Missoula vicinity, MP100002043

Ravalli County

Boulder Point Lookout, 2 mi. NW of West Fork Ranger Station, Darby vicinity, MP100002044

OKLAHOMA

McClain County

United States Post Office Purcell,228 W Main St., Purcell, MP100002056

Muskogee County

''Spirit of the American Doughboy'' Statue, Jack C. Montgomery VA Medical Center, 1011 Honor Heights Dr., Muskogee, SG100002057

Authority: 60.13 of 36 CFR part 60

Dated: December 21, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program and Keeper, National Register of Historic Places.

[FR Doc. 2018–00765 Filed 1–17–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Microfluidic Systems and Components Thereof and Products Containing Same, DN 3287;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of 10X Genomics, Inc. on January 11, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain microfluidic systems and components thereof and products containing same. The complaint names as respondent: Bio-Rad Laboratories, Inc. of Hercules, CA. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3287) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: January 11, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–00707 Filed 1–17–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1349, 1352, and 1357 (Final)]

Carbon and Certain Alloy Steel Wire Rod From Belarus, Russia, and the United Arab Emirates

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of carbon and certain alloy steel wire rod from Belarus, Russia, and the United Arab Emirates, provided for in subheadings 7213.91.30, 7213.91.45, 7213.91.60, 7213.99.00, 7227.20.00, and 7227.90.60 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2]

Background

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted these investigations effective March 28, 2017, following receipt of a petition filed with the Commission and Commerce by Charter Steel, Saukville, Wisconsin; Gerdau Ameristeel US Inc., Tampa, Florida; Keystone Consolidated Industries, Inc., Peoria, Illinois; and Nucor Corporation, Charlotte, North Carolina. The Commission scheduled the final phase of the investigations following notification of preliminary determinations by Commerce that imports of carbon and certain alloy steel wire rod from Belarus, Russia, and the United Arab Emirates were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 20, 2017 (82 FR 44001). The hearing was held in Washington, DC, on November 16, 2017 and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on January 11, 2018. The views of the Commission are contained in USITC Publication 4752, January 2018, entitled *Carbon and Certain Alloy Steel Wire Rod From Belarus, Russia, and the United Arab Emirates: Investigation Nos. 731–TA–1349, 1352, and 1357 (Final).*

By order of the Commission.

Issued: January 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–00737 Filed 1–17–18; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The Commission also finds that imports of wire rod subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the antidumping duty order on Russia.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1026]

Certain Audio Processing Hardware, Software, and Products Containing the Same; Commission Determination To Review-in-Part the Final Initial Determination; Schedule for Filing Written Submissions on the Issues Under Review

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part the final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') on October 26, 2017, finding no violation of section 337 of the Tariff Act of 1930, as amended. The Commission requests certain briefing from the parties on the issues under review, as indicated in this notice.

FOR FURTHER INFORMATION CONTACT: Amanda Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202)

205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 25, 2016, based on a complaint filed by Andrea Electronics Corp. of Bohemia, New York (''Andrea''). 81 FR 73418 (Oct. 25, 2016). The complaint alleges violations of section 337 by reason of infringement of certain claims of U.S. Patent No. 6,049,607 (''the '607 patent''), U.S. Patent No. 6,363,345 (''the '345 patent''), and U.S. Patent No. 6,377,637 (''the '637 patent''). The Commission's notice of investigation named the following respondents: Apple Inc. of Cupertino, California (''Apple''); and Samsung Electronics Co., Ltd. of Gyeonggi-do, Republic of Korea, and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, ''Samsung''). The Office of Unfair Import Investigations (''OUII'') is also a party in this investigation. Samsung was previously terminated from the investigation. All asserted claims of the '607 and '637 patents were also previously terminated from the investigation.

On October 26, 2017, the ALJ issued her final ID finding no violation of section 337 by Apple for the '345 patent. Specifically, the final ID found that Andrea does not have standing to assert the '345 patent, the accused products do not infringe the '345 patent, and Andrea has not met the domestic industry requirements.

On November 8, 2017, Andrea and OUII each filed timely petitions for review of the final ID. That same day, Apple filed a contingent petition for review of the final ID. On November 16, 2017, the parties each filed a timely response to the petitions for review. On November 27, 2017, the private parties filed their public interest comments pursuant to Commission Rule 210.50. No public interest comments were received from the public.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review-in-part the final ID. Specifically, the Commission has determined to review the ID's findings on (1) standing, (2) infringement, (3) invalidity, (4) inequitable conduct, and (5) domestic industry.

The parties are invited to brief their responses to the following question only, with reference to the applicable law and the evidentiary record.

1. Is a determination on whether a licensee is subject to an exclusive license necessary to reach the ''all substantial rights'' analysis? Are the factors set forth in *Azure Networks, LLC* v. *CSR PLC,* 771 F.3d 1336 (Fed. Cir. 2014), *judgment vacated on other grounds, CSR PLC et.al.* v. *Azure Networks,* 135 S. Ct. 1846, 2015 W1 582818 (Apr. 20, 2015), relevant to the question of standing raised in this investigation?

The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings. At this time, the Commission is not requesting written submissions on remedy, public interest, or bonding.

Written Submissions: Each party's written submission responding to the above questions and any response to the initial submissions should be no more than 20 pages. The written submissions must be filed no later than close of business on Wednesday, January 24, 2018. Reply submissions must be filed no later than the close of business on Wednesday, January 31, 2018. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to Commission Rule 210.4(f), 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 1026'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures,*https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: January 11, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–00736 Filed 1–17–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Chemtos, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 19, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on October 23, 2017, Chemtos, LLC, 14101 W. Highway 290, Building 2000B, Austin, Texas 78737–9331 applied to be registered as a bulk manufacturer for the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3–FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4–FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4–MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB–FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR–144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB–FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ–2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone	7024	I
AB–CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide	7031	I
MAB–CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F–AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F–ADB; 5F–MDMB–PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
MDMB–CHMICA, MMB–CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate).	7042	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
5F–APINACA, 5F–AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole	7104	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH–073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7)	7348	I
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahexyl	7374	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C–T–2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I

Controlled substance	Drug code	Schedule
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP)	7498	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C–I)	7518	I
2-(4-Chiara-2,5-dimethoxyphenyl) ethanamine (2C–C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P)	7524	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B–NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C–NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
AM–694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I
Acetorphine	9319	I
Drotebanol	9335	I
U–47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH–7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I

Controlled substance	Drug code	Schedule
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Clonitazene	9612	I
Dextromoramide	9613	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimenoxadol	9617	I
Dimepheptanol	9618	I
Dimethylthiambutene	9619	I
Dioxaphetyl butyrate	9621	I
Dipipanone	9622	I
Ethylmethylthiambutene	9623	I
Etonitazene	9624	I
Etoxeridine	9625	I
Furethidine	9626	I
Hydroxypethidine	9627	I
Ketobemidone	9628	I
Levomoramide	9629	I
Levophenacylmorphan	9631	I
Morpheridine	9632	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Norpipanone	9636	I
Phenadoxone	9637	I
Phenampromide	9638	I
Phenoperidine	9641	I
Piritramide	9642	I
Proheptazine	9643	I
Properidine	9644	I
Racemoramide	9645	I
Trimeperidine	9646	I
Phenomorphan	9647	I
Propiram	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Tilidine	9750	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCI	9059	II

Controlled substance	Drug code	Schedule
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Methadone	9250	II
Methadone intermediate	9254	II
Metopon	9260	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Dihydroetorphine	9334	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Phenazocine	9715	II
Thiafentanil	9729	II
Piminodine	9730	II
Racemethorphan	9732	II
Racemorphan	9733	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II
Moramide-intermediate	9802	II

The company plans to manufacture small quantities of the listed controlled substances in bulk for distribution to its customers.

Dated: January 5, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–00710 Filed 1–17–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Alcami Wisconsin Corporation

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 19, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 4, 2017, Alcami Wisconsin Corporation, W130 N10497 Washington Drive, Germantown, Wisconsin 53022 applied to be registered as a bulk manufacturer of thebaine (9333), a basic class of controlled substance listed in schedule II.

The company states they plan to conduct clinical trials.

Dated: January 5, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–00709 Filed 1–17–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Proposed Settlement Agreement Under the Oil Pollution Act

On January 9, 2018, a fully-executed proposed Settlement Agreement was received by the Department of Justice, among the United States on behalf of the U.S. Department of the Interior, U.S. Fish and Wildlife Service (''FWS''), the State of Georgia, on behalf of the Georgia Department of Natural Resources (''GDNR''), and Fukunaga Kaiun Co., Ltd., a Japanese company that was the former operator of the Motor Vessel Fortune Epoch in November 2004.

The Settlement Agreement resolves certain claims by the FWS and GDNR for natural resource damages resulting from a November 2004 oil spill from the M/V Fortune Epoch near Tybee Island, Georgia. The Settlement Agreement requires Fukunaga Kaiun Co., Ltd. to pay $775,000 to pay the FWS and GDNR, the natural resource trustees (''Trustees'') for this matter, for past assessment costs and for the joint benefit and use of the Trustees to pay for Trustee-sponsored natural resource restoration efforts.

The publication of this notice opens a period for public comment on the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Georgia's Settlement Agreement with Fukunaga Kaiun Co. Ltd.,* D.J. Ref. No. 90–5–1–1–10825. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the proposed Settlement Agreement may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–00811 Filed 1–17–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0027]

Respiratory Protection 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 OMB approval of the information collection requirements specified by the Respiratory Protection Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by March 19, 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–2011–0027, U.S. Department of Labor, Occupational Safety and Health Administration, 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–2011–0027) 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 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: Charles McCormick or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; 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–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 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 Respiratory Protection Standard (29 CFR 1910.134; hereafter, ''the Standard'') contains information collection requirements that require employers to: develop a written respirator program; conduct worker medical evaluations and provide follow-up medical evaluations to determine the worker's ability to use a respirator; provide the physician or other licensed healthcare professional with information about the worker's respirator and the conditions under

which the worker will use the respirator; and administer fit tests for workers who will use negative- or positive-pressure, tight-fitting facepieces. In addition, employers must ensure that workers store emergency-use respirators in compartments clearly marked as containing emergency-use respirators. For respirators maintained for emergency use, employers must label or tag the respirator with a certificate stating the date of the inspection, the name of the individual who did the inspection, the findings of the inspection, required remedial action, and the identity of the respirator.

The Standard also requires employers to ensure that cylinders used to supply breathing air to respirators have a certificate of analysis from the supplier stating that the breathing air meets the requirements for Type 1—Grade D breathing air; such certification assures employers that the purchased breathing air is safe. Compressors used to supply breathing air to respirators must have a tag containing the most recent change date and the signature of the individual authorized by the employer to perform the change. Employers must maintain this tag at the compressor. These tags provide assurance that the compressors are functioning properly.

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 Respiratory Protection Standard (29 CFR 1910.134). The Agency is requesting an adjustment increase in the number of burden hours from 6,642,537 to 7,622,100 hours, a total increase of 979,563 burden hours. This increase is based on updated data showing an increase in the number of covered establishments. In addition, OSHA is requesting an adjustment increase of $139,348,226 in operation and maintenance costs (from $232,934,143 to $372,282,369) associated with increased estimated costs for employee medical exams, fit-testing materials and fit-tests. 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: Respiratory Protection Standard (29 CFR 1910.134).

OMB Control Number: 1218–0099.

Affected Public: Business or other for-profits.

Number of Respondents: 631,607.

Frequency of Responses: Initially; Annually; On occasion.

Total Responses: 25,621,506.

Average Time per Response: Varies from 5 minutes (.08 hour) to mark a storage compartment or protective cover to 8 hours for large employers to gather and prepare information to develop a written plan.

Estimated Total Burden Hours: 7,622,100.

Estimated Cost (Operation and Maintenance): $372,282,369.

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 (Docket No. OSHA–2011–0027) 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 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 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 11, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–00731 Filed 1–17–18; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (18–002)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Lori Parker, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the information collection instrument(s) and instructions should be directed to Lori Parker, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546, (202) 358–1351.

SUPPLEMENTARY INFORMATION:

I. Abstract

Citizen science and crowdsourcing are tools that engage, educate and empower the public to apply their curiosity and contribute their talents to a wide range of scientific and societal issues. NASA's mission is to *reach for new heights and reveal the unknown so that what we do and learn will benefit all humankind.* NASA uses the vantage point of space to achieve with the science community and our partners a deep scientific understanding of our planet, other planets and solar system bodies, the interplanetary environment, the Sun and its effects on the solar system, and the universe beyond. Citizen science and crowdsourcing can support NASA's mission and purpose by providing new opportunities to explore our solar system and our own home planet like never before, producing critical data that expands our knowledge of the universe, and advancing our ability to provide societal benefit through the synergy of satellite and ground based observations.

II. Methods of Collection

Citizen science and crowdsourcing collections submitted under this generic clearance can be stand-alone projects or the methods may be incorporated into an existing or new project, including, but not limited to, projects in the following typology:

• *Data gathering projects.* These projects may include (1) observation, characterization and documentation of natural phenomena or general environmental health observations, opinions, or preferences or (2) surveying participants or screening environmental conditions, including using specialized equipment provided by project leaders to record and submit data, or submitting samples plus descriptors (*e.g.* of air or water) for testing. Data may be collected using technologies mentioned above, through structured data forms, surveys, focus groups or interviews, submitting photographs or other media, surveys or questionnaires, or providing written observations.

• *Classification/problem solving projects.* Participants' tasks may include: (1) Observation of recorded materials provided by project organizers (images, video, etc.) through structured data submission forms, surveys or questionnaires in an online or computer program, clicking boxes, highlighting parts of text or image, and providing comments and/or annotations; (2) Classification of images or sounds using structured data submission forms or clicking boxes in an online or computer program; (3) Transcribing information, by typing handwritten logs or notes; (4) Performing a function meant to generate human behavior data; or (5) Problem-solving or manipulation of data. Tasks 1–5 may be conducted via structured actions or instructions or through the use of ''human-based computational game'' or ''game with a purpose'', a human-based computational technique in which a computational process performs its function by presenting certain steps to humans in an entertaining way.

III. Data

Title: NASA Citizen Science.

OMB Number: 2700–XXXX.

Type of review: New information collection.

Affected Public: Individuals.

Estimated Number of Respondents: 10,000–50,000.

Estimated Time per Response: 5–10 minutes.

Estimated Total Annual Public Burden Hours: 450,000 to 600,000 hours.

Estimated Total Annual Government Cost: $100,000.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2018–00780 Filed 1–17–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2018–017]

National Industrial Security Program Policy Advisory Committee (NISPPAC)

AGENCY: Information Security Oversight Office, National Archives and Records Administration (NARA).

ACTION: Notice of advisory committee meeting.

SUMMARY: NARA announces the following committee meeting.

DATES: The meeting will be held on March 14, 2018, from 10:00 a.m. to 12:00 p.m.

ADDRESSES: National Archives and Records Administration; 700 Pennsylvania Avenue NW, Archivist's Reception Room, Room 105; Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Robert Tringali, Program Analyst, by mail at ISOO; National Archives Building; 700 Pennsylvania Avenue NW, Washington, DC 20408, by telephone at (202) 357–5335, or by email at *robert.tringali@nara.gov.* Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss National Industrial Security Program policy matters. This announcement is in accord with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101–6. This meeting will be open to the public. However, due to space limitations and access procedures, you must submit the name and telephone number of individuals planning to attend to the Information Security Oversight Office (ISOO) no later than Friday, March 9. ISOO will provide additional instructions for gaining access to the meeting.

Patrice Little Murray,

Alternate Committee Management Officer.

[FR Doc. 2018–00791 Filed 1–17–18; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–016]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA announces that we have submitted to OMB for renewed approval under the Paperwork Reduction Act our information collection on researcher applications, and we invite you to comment on the proposed information collection.

DATES: OMB must receive written comments at the address below on or before February 20, 2018.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser by mail to Office of Management and Budget; New Executive Office Building; Washington, DC 20503, by fax to 202–395–5167, or by email to *Nicholas_A._Fraser@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information or copies of the proposed information collection and supporting statement, please contact Tamee Fechhelm by phone at 301–837–1694 or by fax at 301–837–0319.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite comments on proposed information collections. We published a notice of proposed collection for this information collection on October 27, 2017 (82 FR 49857), and we received no comments. We have therefore submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for NARA to properly perform its functions; (b) the accuracy of our estimate of the information collection's burden on respondents; (c) ways to enhance the quality, utility, and clarity of the information we propose to collect; (d) ways to minimize the burden on respondents of collecting the information, including through the use of automated collection techniques or other forms of information technology; and (e) whether the collection affects small businesses. In this notice, NARA solicits comments concerning the following information collection:

Title: Researcher Application.

OMB number: 3095–0016.

Agency form number: NA Form 14003.

Type of review: Regular.

Affected public: Individuals or households, business or other for-profit, not-for-profit institutions, Federal, state, local or tribal government.

Estimated number of respondents: 19,183.

Estimated time per response: 8 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 2,552 hours.

Abstract: The information collection is prescribed by 36 CFR 1254.8. The collection is an application for a research card. Respondents are individuals who wish to use original archival records in a NARA facility and we request their name, address, contact information, and information about the research purpose and the records they wish to access. NARA uses the information to screen individuals, to identify which types of records they should use, and to allow further contact.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2018–00790 Filed 1–17–18; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, February 6, 2018

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW, Washington, DC 20594

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED:

57381 ... Special Investigation Report: End-of-Track Collisions at Terminal Stations, Hoboken, New Jersey, September 29, 2016, and Atlantic Terminal, Brooklyn, New York, January 4, 2017.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, January 25, 2018.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

FOR MEDIA INFORMATION CONTACT: Eric Weiss at (202) 314–6100 or by email at *eric.weiss@ntsb.gov.*

Dated: January 16, 2018.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2018–00901 Filed 1–16–18; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

Request for Applications; Qualified Candidates for the Advisory Committee on Reactor Safeguards

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for resumes.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) seeks qualified candidates for the Advisory Committee on Reactor Safeguards (ACRS). Submit resumes to Kendra Freeland and Jamila Perry, ACRS, Mail Stop T2E26, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or email *Kendra.Freeland@nrc.gov* and *Jamila.Perry@nrc.gov.*

SUPPLEMENTARY INFORMATION: The ACRS is a part-time advisory group, which is statutorily mandated by the Atomic Energy Act of 1954, as amended. ACRS provides independent expert advice on matters related to the safety of existing and proposed nuclear power plants and on the adequacy of proposed reactor safety standards. Of primary importance are the safety issues associated with the operation of 99 commercial nuclear power plants in the United States and regulatory initiatives, including risk-informed and performance-based regulation, license renewal, power uprates, and the use of mixed oxide and high burnup fuels. An increased emphasis is being given to safety issues associated with new reactor designs and technologies, including passive system reliability and thermal hydraulic phenomena, use of digital instrumentation and control, international codes and standards used in multinational design certifications, materials, and structural engineering, nuclear analysis and reactor core performance, and nuclear materials and radiation protection. In addition, the ACRS may be requested to provide advice on radiation protection, radioactive waste management, and earth sciences in the agency's licensing reviews for fuel fabrication and enrichment facilities, and for waste disposal facilities. The ACRS also has some involvement in security matters related to the integration of safety and security of commercial reactors.

See the NRC website *http://www.nrc.gov/aboutnrc/regulatory/*

advisory/acrs.html for additional information about the ACRS. Criteria used to evaluate candidates include education and experience, demonstrated skills in nuclear reactor safety matters, the ability to solve complex technical problems, and the ability to work collegially on a board, panel, or committee. The Commission, in selecting its Committee members, also considers the need for specific expertise to accomplish the work expected to be before the ACRS. ACRS Committee members are appointed for four-year terms with no term limits. The Commission looks to fill one vacancy as a result of this request. For this position, a candidate must have extensive experience in nuclear power plant light water reactor (LWR) severe accident behavior, accident source terms (*i.e.,* fission product release and transport and aerosol/particulate dynamics for LWRs), and advanced reactor systems. Best qualified candidates must also have at least 20 years of broad experience and a distinguished record of achievement in one or more areas of nuclear science and technology or related engineering disciplines. It would be useful if the candidate also has experience in fuel qualification, fuel performance, fuel fabrication and process development, as well as irradiation testing and post-irradiation examination. Candidates with pertinent graduate level experience will be given additional consideration.

Consistent with the requirements of the Federal Advisory Committee Act, the Commission seeks candidates with diverse backgrounds, so that the membership on the Committee is fairly balanced in terms of the points of view represented and functions to be performed by the Committee. Candidates will undergo a thorough security background check to obtain the security clearance that is mandatory for all ACRS members. The security background check will involve the completion and submission of paperwork to the NRC. Candidates for ACRS appointments may be involved in or have financial interests related to NRC-regulated aspects of the nuclear industry. However, because conflict-of-interest considerations may restrict the participation of a candidate in ACRS activities, the degree and nature of any such restriction on an individual's activities as a member will be considered in the selection process.

Each qualified candidate's financial interests must be reconciled with applicable Federal and NRC rules and regulations prior to final appointment. This might require divestiture of securities or discontinuance of certain contracts or grants. Information regarding these restrictions will be provided upon request. As a part of the Stop Trading on Congressional Knowledge Act of 2012, which bans insider trading by members of Congress, their staff, and other high-level Federal employees, candidates for appointments will be required to disclose additional financial transactions.

A resume describing the educational and professional background of the candidate, including any special accomplishments, publications, and professional references should be provided. Candidates should provide their current address, telephone number, and email address. All candidates will receive careful consideration. Appointment will be made without regard to factors such as race, color, religion, national origin, sex, age, or disabilities. Candidates must be citizens of the United States and be able to devote approximately 100 days per year to Committee business, but may not be compensated for more than 130 calendar days. Resumes will be accepted until February 20, 2018.

Dated at Rockville, Maryland, this 11th day of January, 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2018–00770 Filed 1–17–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–206, 50–361, and 50–362; NRC–2018–0004]

Southern California Edison Company; San Onofre Nuclear Generating Station, Units 1, 2, and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption from the requirement to maintain a specified level of onsite property damage insurance in response to an October 22, 2015, request from the Southern California Edison Company (the licensee). Specifically, the licensee requested that the San Onofre Nuclear Generating Station, Units 1, 2, and 3, be granted an exemption to permit the licensee to reduce its onsite property damage insurance from $1.06 billion to $50 million.

ADDRESSES: Please refer to Docket ID NRC–2018–0004 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0004. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Marlayna Vaaler, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178; email: *Marlayna.Vaaler@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The San Onofre Nuclear Generating Station, Units 1, 2, and 3 (SONGS), operated by the Southern California Edison Company (SCE) is located approximately 4 miles south of San Clemente, California. The SONGS, Unit 1, Docket No. 50–206, was a Westinghouse 456 megawatt electric (MWe) pressurized water reactor which was granted Facility Operating License No. DPR–13 on January 1, 1968 (ADAMS Accession No. ML13309A138), and ceased operation on November 30, 1992 (ADAMS Accession No. ML13319B040). The licensee completed defueling on March 6, 1993 (ADAMS Accession No. ML13319B055), and maintained the unit in SAFSTOR until June 1999, when it initiated decommissioning (ADAMS Accession No. ML13319B111). On December 28, 1993 (ADAMS Accession No.

ML13319B059), the NRC approved the Permanently Defueled Technical Specifications for SONGS, Unit 1.

The SCE submitted the proposed Decommissioning Plan for SONGS, Unit 1, on November 3, 1994 (ADAMS Accession No. ML13319B073). As a result of the 1996 revision to the regulations in section 50.82 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC replaced the requirement for a decommissioning plan with a requirement for a Post Shutdown Decommissioning Activities Report (PSDAR). On August 28, 1996, the SONGS, Unit 1, Decommissioning Plan became the SONGS 1 PSDAR (61 FR 67079; December 19, 1996). On December 15, 1998 (ADAMS Accession No. ML13184A353), SCE submitted an update to the PSDAR to the NRC, as required by 10 CFR 50.82(a)(7), in order to begin planning for the dismantlement and decommissioning of SONGS, Unit 1.

The SONGS, Units 2 and 3, Docket Nos. 50–361 and 50–362, are Combustion Engineering 1127 MWe pressurized water reactors, which were granted Facility Operating Licenses NPF–10 on February 16, 1982, and NPF–15 on November 15, 1982, respectively. In June 2013, pursuant to 10 CFR 50.82(a)(1)(i), the licensee certified to the NRC that as of June 7, 2013, operations had ceased at SONGS, Units 2 and 3 (ADAMS Accession No. ML131640201). The licensee subsequently certified, pursuant to 10 CFR 50.82(a)(1)(ii), that all fuel had been removed from the reactor vessels of both units, and committed to maintaining the units in a permanently defueled status (ADAMS Accession Nos. ML13204A304 and ML13183A391 for Unit 2 and Unit 3, respectively). Therefore, pursuant to 10 CFR 50.82(a)(2), SCE's 10 CFR part 50 licenses no longer authorize operation of SONGS or emplacement or retention of fuel into the reactor vessels. The licensee is still authorized to possess and store irradiated nuclear fuel. Irradiated fuel is currently being stored onsite in spent fuel pools (SFPs) and in dry casks at an Independent Spent Fuel Storage Installation (ISFSI).

The PSDAR for SONGS, Units 2 and 3, was submitted on September 23, 2014 (ADAMS Accession No. ML14272A121), and the associated public meeting was held on October 27, 2014, in Carlsbad, California (ADAMS Accession No. ML14352A063). The NRC confirmed its review of the SONGS, Units 2 and 3, PSDAR and addressed public comments in a letter dated August 20, 2015 (ADAMS Accession No. ML15204A383). On July 17, 2015, the NRC approved the Permanently Defueled Technical Specifications for SONGS, Units 2 and 3 (ADAMS Accession No. ML15139A390).

II. Request/Action

Pursuant to 10 CFR 50.12, ''Specific exemptions,'' SCE requested an exemption from 10 CFR 50.54(w)(1), by letter dated October 22, 2015 (ADAMS Accession No. ML15299A220). The exemption from the requirements of 10 CFR 50.54(w)(1) would permit the licensee to reduce the required level of onsite property damage insurance from $1.06 billion to $50 million.

The regulation at 10 CFR 50.54(w)(1) requires each licensee to have and maintain onsite property damage insurance to stabilize and decontaminate the reactor and reactor site in the event of an accident. The onsite insurance coverage must be either $1.06 billion or whatever amount of insurance is generally available from private sources (whichever is less).

The licensee states that the risk of an incident at a permanently shutdown and defueled reactor is much less than the risk from an operating power reactor. In addition, since reactor operation is no longer authorized at SONGS, there are no events that would require the stabilization of reactor conditions after an accident. Similarly, the risk of an accident that that would result in significant onsite contamination at SONGS is also much lower than the risk of such an event at operating reactors. Therefore, SCE is requesting an exemption from 10 CFR 50.54(w)(1) to reduce its onsite property damage insurance from $1.06 billion to $50 million, commensurate with the reduced risk of an incident at the permanently shutdown and defueled SONGS site.

III. Discussion

Under 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) any of the special circumstances listed in 10 CFR 50.12(a)(2) are present.

The financial protection limits of 10 CFR 50.54(w)(1) were established after the Three Mile Island accident out of concern that licensees may be unable to financially cover onsite cleanup costs in the event of a major nuclear accident. The specified $1.06 billion coverage amount requirement was developed based on an analysis of an accident at a nuclear reactor operating at power, resulting in a large fission product release and requiring significant resource expenditures to stabilize the reactor and ultimately decontaminate and cleanup the site.

These cost estimates were developed based on the spectrum of postulated accidents for an operating nuclear reactor. Those costs were derived from the consequences of a release of radioactive material from the reactor. Although the risk of an accident at an operating reactor is very low, the consequences onsite and offsite can be significant. In an operating plant, the high temperature and pressure of the reactor coolant system (RCS), as well as the inventory of relatively short-lived radionuclides, contribute to both the risk and consequences of an accident. With the permanent cessation of reactor operations at SONGS and the permanent removal of the fuel from the reactor cores, such accidents are no longer possible. As a result, the reactors, RCS, and supporting systems no longer operate and have no function related to the storage of the irradiated fuel. Therefore, postulated accidents involving failure or malfunction of the reactors, RCS, or supporting systems are no longer applicable.

As described in the PSDAR, SONGS, Unit 1, is being returned to a condition suitable for unrestricted use. According to SCE, there are no structures, systems, or components (SSCs) classified as safety-related remaining at SONGS, Unit 1. Plant dismantlement is complete and nearly all of the SSCs have been shipped offsite for disposal. Only the spent fuel, reactor vessel, and the below-grade portions of some buildings remain onsite. The principal remaining decommissioning activities are soil remediation, compaction, and grading. This is to be completed in conjunction with the future decommissioning of the ISFSI subsequent to shipment offsite of the SONGS stored spent fuel.

The licensee also stated that decommissioning of SONGS, Units 2 and 3, has begun and the nuclear reactors and essentially all associated SSCs in the nuclear steam supply system and balance of plant that supported the generation of power have been retired in place and are being prepared for removal. The SSCs that remain operable are associated with the SFPs and the spent fuel building, are needed to meet other regulatory requirements, or are needed to support other site facilities (*e.g.,* radioactive waste handling, ventilation and air conditioning, etc.). No remaining active SSCs are classified as safety-related.

During reactor decommissioning, the largest radiological risks are associated with the storage of spent fuel onsite. In its October 22, 2015, exemption request, SCE discusses both design-basis and beyond design-basis events involving irradiated fuel stored in the SFPs. The licensee determined that there are no possible design-basis events at SONGS that could result in an offsite radiological release exceeding the limits established by the U.S. Environmental Protection Agency's (EPA) early-phase Protective Action Guidelines (PAGs) of 1 rem (roentgen equivalent man) at the exclusion area boundary, as a way to demonstrate that any possible radiological releases would be minimal and not require precautionary protective actions (*e.g.,* sheltering in place or evacuation). The staff evaluated the radiological consequences associated with various decommissioning activities, and design basis accidents at SONGS, in consideration of SONGS's permanently shut down and defueled status. The possible design-basis accident scenarios at SONGS have greatly reduced radiological consequences. Based on its review, the staff concluded that no reasonably conceivable design-basis accident exists that could cause an offsite release greater than the EPA PAGs.

The only incident that might lead to a significant radiological release at a decommissioning reactor is a zirconium fire. The zirconium fire scenario is a postulated, but highly unlikely, beyond design-basis accident scenario that involves loss of water inventory from the SFP, resulting in a significant heat-up of the spent fuel, and culminating in substantial zirconium cladding oxidation and fuel damage. The probability of a zirconium fire scenario is related to the decay heat of the irradiated fuel stored in the SFP. Therefore, the risks from a zirconium fire scenario continue to decrease as a function of the time that SONGS has been permanently shut down. The licensee provided a detailed analysis of hypothetical beyond-design-basis accidents that could result in a radiological release at SONGS in its March 31, 2014, submittal to the NRC (ADAMS Accession No. ML14092A332), as supplemented by letters dated September 9, October 2, October 7, October 27, November 3, and December 15, 2014 (ADAMS Accession Nos. ML14258A003, ML14280A265, ML14287A228, ML14303A257, ML14309A195, and ML14351A078, respectively). One of these beyond design-basis accidents involves a complete loss of SFP water inventory, where cooling of the spent fuel would be primarily accomplished by natural circulation of air through the uncovered spent fuel assemblies. The licensee's analysis of this accident shows that by August 31, 2014, air-cooling of the spent fuel assemblies will be sufficient to keep the fuel within a safe temperature range indefinitely without fuel damage or offsite radiological release.

The Commission has previously authorized a lesser amount of onsite financial protection, based on this analysis of the zirconium fire risk. In SECY–96–256, ''Changes to Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors, 10 CFR 50.54(w)(1) and 10 CFR 140.11,'' dated December 17, 1996 (ADAMS Accession No. ML15062A483), the staff recommended changes to the power reactor financial protection regulations that would allow licensees to lower onsite insurance levels to $50 million upon demonstration that the fuel stored in the SFP can be air-cooled. In its Staff Requirements Memorandum to SECY–96–256, dated January 28, 1997 (ADAMS Accession No. ML15062A454), the Commission supported the staff's recommendation that, among other things, would allow permanently shutdown power reactor licensees to reduce commercial onsite property damage insurance coverage to $50 million when the licensee was able to demonstrate the technical criterion that the spent fuel could be air-cooled if the spent fuel pool was drained of water. The staff has used this technical criterion to grant similar exemptions to other decommissioning reactors (*e.g.,* Maine Yankee Atomic Power Station, published in the **Federal Register** on January 19, 1999 (64 FR 2920); and Zion Nuclear Power Station, published in the **Federal Register** on December 28, 1999 (64 FR 72700)). These prior exemptions were based on these licensees demonstrating that the SFP could be air-cooled, consistent with the technical criterion discussed above.

In SECY–00–0145, ''Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning,'' dated June 28, 2000, and SECY–01–0100, ''Policy Issues Related to Safeguards, Insurance, and Emergency Preparedness Regulations at Decommissioning Nuclear Power Plants Storing Fuel in the Spent Fuel Pool,'' dated June 4, 2001 (ADAMS Accession Nos. ML003721626 and ML011450420, respectively), the NRC staff discussed additional information concerning SFP zirconium fire risks at decommissioning reactors and associated implications for onsite property damage insurance. Providing an analysis of when the spent fuel stored in the SFP is capable of air-cooling is one measure that can be used to demonstrate that the probability of a zirconium fire is exceedingly low. However, the staff has more recently used an additional analysis that bounds an incomplete drain down of the SFP water, or some other catastrophic event (such as a complete drainage of the SFP with rearrangement of spent fuel rack geometry and/or the addition of rubble to the SFP). The analysis postulates that decay heat transfer from the spent fuel via conduction, convection, or radiation would be impeded. This analysis is often referred to as an adiabatic heatup.

The licensee's analyses referenced in its exemption request demonstrates that under conditions where the SFP water inventory has drained completely and only air-cooling of the stored irradiated fuel is available, there is reasonable assurance that after August 2014, the SONGS spent fuel will remain at temperatures far below those associated with a significant radiological release. However, a portion of the air-cooling analyses credits operation of the normal fuel building ventilation systems because the fuel building structures are robust and offer little potential for natural air exchange with the environment for cooling. Because the normal fuel building ventilation could become unavailable during an initiating event that would lead to complete SFP drainage (*i.e.,* a seismic event), the NRC staff also relied upon the additional time that the fuel in the SONGS SFPs has had to cool since the plant was permanently shutdown in June 2013 during its evaluation of the licensee's exemption request. As discussed in the staff response to a question in SECY–00–0145, ''the staff believes that full insurance coverage must be maintained for 5 years or until a licensee can show by analysis that its spent fuel pool is no longer vulnerable to such [a zirconium] fire.''

Although the official certifications for permanent cessation of power operations and permanent removal of fuel from the reactor vessel were not submitted until June 2013, the staff notes that SONGS was in an extended outage to address steam generator issues, and neither SONGS, Units 2 nor 3, have produced power since January 2012. This additional storage time for the fuel in the SONGS SFPs has allowed it to cool for greater than the 5 years suggested in SECY–00–0145, which supports the conclusion that zirconium fire risks from the irradiated fuel stored in the SFPs is of negligible concern and exemption from the requested requirements is warranted.

In addition to the air-cooling scenario, the licensee's adiabatic heat-up analyses demonstrate that as of October 12, 2014, there would be at least 17 hours after the loss of all means of cooling (both air and/or water), before the spent fuel cladding would reach a temperature where the potential for a significant offsite radiological release could occur. The licensee states that for this loss of all cooling scenario, 10 hours is sufficient time for personnel to respond with additional resources, equipment, and capability to restore cooling to the SFPs, even after a non-credible, catastrophic event.

As provided in SCE's letters dated October 7 and December 15, 2014, the licensee furnished information concerning its makeup strategies, in the event of a loss of SFP coolant inventory. The multiple strategies for providing makeup to the SFPs include: using existing plant systems for inventory makeup; an internal strategy that relies on installed fire water pumps and service water or fire water storage tanks; or an external strategy that uses portable pumps to initiate makeup flow into the SFPs through a seismic standpipe and standard fire hoses routed to the SFPs or to a spray nozzle. These strategies will be maintained by a license condition until such time as all fuel has been moved to dry storage in an onsite ISFSI. The licensee states that the equipment needed to perform these actions are located onsite, and that the external makeup strategy (using portable pumps) is capable of being deployed within 2 hours. The licensee also stated that, considering the very low-probability of beyond design-basis accidents affecting the SFPs, these diverse strategies provide defense-in-depth and time to mitigate and prevent a zirconium fire, using makeup or spray into the SFPs before the onset of zirconium cladding rapid oxidation.

In the safety evaluation of the licensee's request for exemptions from certain emergency planning requirements dated June 4, 2015 (ADAMS Accession No. ML15082A204), the NRC staff assessed the SCE accident analyses associated with the radiological risks from a zirconium fire at the permanently shutdown and defueled SONGS site. The NRC staff has confirmed that under conditions where cooling air flow can develop, suitably conservative calculations indicate that by the end of August 2014, the fuel would remain at temperatures where the cladding would be undamaged for an unlimited period. The staff also finds that the additional cooling time provided for the fuel between January 2012 and the issuance of this exemption provides reasonable assurance that zirconium fire risks from the irradiated fuel stored in the SFPs is of negligible concern. For the very unlikely beyond design-basis accident scenario, where the SFP coolant inventory is lost in such a manner that all methods of heat removal from the spent fuel are no longer available, there will be a minimum of 10 hours from the initiation of the accident until the cladding reaches a temperature where offsite radiological release might occur. The staff finds that 10 hours is sufficient time to support deployment of mitigation equipment, consistent with plant conditions, to prevent the zirconium cladding from reaching a point of rapid oxidation.

The staff's basis as to why it considers $50 million to be an adequate level of onsite property damage insurance for a decommissioning reactor, once the spent fuel in the SFP is no longer susceptible to a zirconium fire, is provided in SECY–96–256. The staff has postulated that there is still a potential for other radiological incidents at a decommissioning reactor that could result in significant onsite contamination besides a zirconium fire. In SECY–96–256, the NRC staff cited the rupture of a large (~450,000 gallon) liquid radioactive waste storage tank containing slightly radioactive water, causing soil contamination and potential groundwater contamination, as the most costly postulated event to decontaminate and remediate (other than a SFP zirconium fire). The postulated large liquid radwaste storage tank rupture event was determined to have a bounding onsite cleanup cost of approximately $50 million.

The NRC staff has determined that the licensee's proposed reduction in onsite property damage insurance coverage to a level of $50 million is consistent with SECY–96–256 and subsequent insurance considerations, resulting from additional zirconium fire risks, as discussed in SECY–00–0145 and SECY–01–0100. In addition, the NRC staff notes that similar exemptions have been granted to other permanently shutdown and defueled power reactors, upon demonstration that the criterion of the zirconium fire risks from the irradiated fuel stored in the SFP is of negligible concern. As previously stated, the staff concluded that as of October 12, 2014, sufficient irradiated fuel decay time has elapsed at SONGS to decrease the probability of an onsite radiological release from a postulated zirconium fire accident to negligible levels. In addition, the licensee's proposal to reduce onsite insurance to a level of $50 million is consistent with the maximum estimated cleanup costs for the recovery from the rupture of a large liquid radwaste storage tank. Finally, the staff notes that in accordance with the SONGS PSDAR, all spent fuel will be removed from the SFPs and moved into dry storage at an onsite independent spent fuel storage installation (ISFSI) by the end of 2019, and the probability of an initiating event that would threaten pool integrity occurring before that time is extremely low, which further supports the conclusion that the zirconium fire risk is negligible.

The Exemption Is Authorized by Law

In accordance with 10 CFR 50.12, the Commission may grant exemptions from the regulations in 10 CFR part 50 as the Commission determines are authorized by law. The NRC staff has determined that granting the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, Section 170, as amended, other laws, or the Commission's regulations, which require licensees to maintain adequate financial protection. Therefore, the proposed exemption for SONGS from the onsite property damage insurance requirements of 10 CFR 50.54(w)(1) is authorized by law.

The Exemption Will Not Present an Undue Risk to Public Health and Safety

The onsite property damage insurance requirements of 10 CFR 50.54(w)(1) were established to provide financial assurance that following a significant nuclear incident, onsite conditions could be stabilized and the site decontaminated. The requirements of 10 CFR 50.54(w)(1) and the existing level of onsite insurance coverage for SONGS are predicated on the assumption that the reactor is operating. However, SONGS is a permanently shutdown and defueled facility. The permanently defueled status of the facility has resulted in a significant reduction in the number and severity of potential accidents, and correspondingly, a significant reduction in the potential for and severity of onsite property damage. The proposed reduction in the amount of onsite insurance coverage does not impact the probability or consequences of potential accidents. The proposed level of insurance coverage is commensurate with the reduced risk and reduced cost consequences of potential nuclear accidents at SONGS. Therefore, the NRC staff concludes that granting the requested exemption will not present an undue risk to the health and safety of the public.

The Exemption Is Consistent With the Common Defense and Security

The proposed exemption would not eliminate any requirements associated with physical protection of the site and would not adversely affect SCE's ability to physically secure the site or protect special nuclear material. Physical security measures at SONGS are not affected by the requested exemption. Therefore, the proposed exemption is consistent with the common defense and security.

Special Circumstances

Under 10 CFR 50.12(a)(2)(ii), special circumstances are present if the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.54(w)(1) is to provide reasonable assurance that adequate funds will be available to stabilize conditions and cover onsite cleanup costs associated with site decontamination, following an accident that results in the release of a significant amount of radiological material. Because SONGS is permanently shut down and defueled, it is no longer possible for the radiological consequences of design-basis accidents or other credible events at SONGS to exceed the limits of the EPA PAGs at the exclusion area boundary. The licensee has performed site-specific analyses of highly unlikely, beyond-design-basis zirconium fire accidents involving the stored irradiated fuel in the SFPs. The analyses show that after October 12, 2014, the probabilities of such an accident are minimal. The NRC staff's evaluation of the licensee's analyses confirm this conclusion.

The NRC staff also finds that the licensee's proposed $50 million level of onsite insurance is consistent with the bounding cleanup and decontamination cost, as discussed in SECY–96–256, to account for hypothetical rupture of a large liquid radwaste tank at the SONGS site, should such an event occur. The staff notes that the SONGS technical specifications provide controls for unprotected outdoor liquid storage tanks to limit the quantity of radioactivity contained in these tanks, in the event of an uncontrolled release of the contents of these tanks. Therefore, the staff concludes that the application of the current requirements in 10 CFR 50.54(w)(1) to maintain $1.06 billion in onsite insurance coverage is not necessary to achieve the underlying purpose of the rule for the permanently shutdown and defueled SONGS reactors.

Under 10 CFR 50.12(a)(2)(iii), special circumstances are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated. The NRC staff concludes that if the licensee was required to continue to maintain an onsite insurance level of $1.06 billion, the associated insurance premiums would be in excess of those necessary and commensurate with the radiological contamination risks posed by the SONGS site now that it has entered decommissioning. In addition, such insurance levels would be significantly in excess of other decommissioning reactor facilities that have been granted similar exemptions by the NRC.

The NRC staff finds that compliance with the existing rule would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted and are significantly in excess of those incurred by others similarly situated. Therefore, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii) exist for the proposed exemption from the onsite property damage insurance requirements of 10 CFR 50.54(w)(1).

Environmental Considerations

The NRC approval of an exemption to insurance or indemnity requirements belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Specifically, the exemption is categorically excluded from further analysis under 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation in Chapter I of 10 CFR is a categorical exclusion provided that (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought are among those identified in 10 CFR 51.22(c)(25)(vi).

The NRC staff has determined that approval of the exemption request involves no significant hazards consideration because reducing the licensee's onsite property damage insurance at the decommissioning San Onofre Nuclear Generating Station, Units 1, 2, and 3, does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The exempted financial protection regulation is unrelated to the operation of SONGS.

Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and no significant increase in individual or cumulative public or occupational radiation exposure. The exempted regulation is not associated with construction, so there is no significant construction impact. The exempted regulation does not concern the source term (*i.e.,* potential amount of radiation involved an accident) or accident mitigation; therefore, there is no significant increase in the potential for, or consequences from, a radiological accident. In addition, there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. The requirement for onsite property damage insurance may be viewed as involving surety, insurance, or indemnity matters in accordance with 10 CFR 51.22(c)(25)(vi).

Therefore, pursuant to 10 CFR 51.22(b) and 10 CFR 51.22(c)(25), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption from 10 CFR 50.54(w)(1) is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. In addition, special circumstances are present. Therefore, the Commission hereby grants SCE an exemption from the requirements of 10 CFR 50.54(w)(1), to permit the licensee to reduce its onsite property damage insurance to a level of $50 million.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, on January 10, 2018.

For the Nuclear Regulatory Commission.

Gregory Suber,

Deputy Division Director, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–00715 Filed 1–17–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–0938; NRC–2016–0152]

Massachusetts Institute of Technology, Cambridge, Massachusetts; License Renewal; Issuance

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued a renewal of Special Nuclear Materials (SNM) License No. SNM–986 held by the Massachusetts Institute of Technology (MIT) to possess and use SNM for education, research, and training programs. The renewed license authorizes MIT to continue to possess and use SNM for an additional 10 years from the date of issuance.

DATES: The renewed license SNM–986 was issued on December 14, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0152 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0152. 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 a document is referenced. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Tyrone D. Naquin, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7352; email: *Tyrone.Naquin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

Pursuant to section 2.106 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC is providing notice of the issuance of license renewal to Material License No. SNM–986, to MIT, which authorizes MIT to possess and use SNM for education, research, and training programs at its campus in Cambridge, Massachusetts. This licensee's request for renewal of its license was made on February 24, 2016. Because the licensed material will be used for research and development and for educational purposes, renewal of SNM License No. SNM–986 is an action that is categorically excluded from a requirement to prepare an environmental assessment or environmental impact statement, pursuant to 10 CFR 51.22(c)(14)(v). A notice of receipt of the license renewal application with an opportunity to request a hearing and petition for leave to intervene was published in the **Federal Register** on August 8, 2016 (81 FR 52478). The NRC did not receive a request for a hearing or for a petition for leave to intervene. This license renewal complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations as set forth in 10 CFR Chapter 1. Accordingly, this license renewal was issued on December 14, 2017, and is effective immediately.

The NRC prepared a safety evaluation report for the renewal of SNM–986 and concluded that the licensee can continue to operate the facility without endangering the health and safety of the public.

II. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS accession numbers as indicated.

Document	ADAMS accession No.
Massachusetts Institute of Technology Request for Renewal Application	ML16092A171
NRC Request for Additional Information	ML16257A205
MIT Response to Request for Additional Information	ML16302A017
Transmittal of MIT License Renewal (SNM–0986)	ML17086A517
Safety Evaluation Report for MIT License Renewal	ML17086A565
SNM–986 MIT Materials License	ML17086A581

Dated at Rockville, Maryland, this 11th day of January, 2018.

For the Nuclear Regulatory Commission.

Tyrone D. Naquin,

Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety, Safeguards and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–00800 Filed 1–17–18; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

President's Commission on White House Fellowships Advisory Committee: Closed Meeting

AGENCY: President's Commission on White House Fellowships, Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The President's Commission on White House Fellowships (PCWHF) was established by an Executive Order in 1964. The PCWHF is an advisory committee composed of Special Government Employees appointed by the President.

Name of Committee: President's Commission on White House Fellowships.

Date: January 30, 2018.

Time: 8:00 a.m.–5:30 p.m.

Place: Eisenhower Executive Office Building.

Agenda: The Commission holds a mid-year meeting to talk with current Fellows on how their placements are going and discuss preparations for future events.

Location: Washington, DC.

FOR FURTHER INFORMATION CONTACT: By mail: Elizabeth Pinkerton, Director, President's Commission on White House Fellowships, 712 Jackson Place NW, Washington, DC 20503; By phone: 202–395–4522.

President's Commission on White House Fellowships.

Elizabeth Pinkerton,

Director.

[FR Doc. 2018–00766 Filed 1–17–18; 8:45 am]

BILLING CODE 6325–44–P

POSTAL REGULATORY COMMISSION

[Docket No. T2018–1; Order No. 4368]

Income Tax Review

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the calculation of the assumed Federal income tax on competitive products income for Fiscal Year 2017. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 2, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3634 and 39 CFR 3060.40 *et seq.,* the Postal Service filed its calculation of the assumed Federal income tax on competitive products income for fiscal year (FY) 2017.[1] The calculation details the FY 2017 competitive product revenue and expenses, the net competitive products income before tax, and the assumed Federal income tax on that income.

II. Notice of Commission Action

In accordance with 39 CFR 3060.42, the Commission establishes Docket No. T2018–1 to review the calculation of the assumed Federal income tax and supporting documentation.

The Commission invites comments on whether the Postal Service's filing in this docket is consistent with the policies of 39 U.S.C. 3634 and 39 CFR 3060.40 *et seq.* Comments are due no later than February 2, 2018. The Postal Service's filing can be accessed via the Commission's website (*http://www.prc.gov*).

The Commission appoints Jennaca D. Upperman to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. T2018–1 to consider the calculation of the assumed Federal income tax on competitive products for FY 2017.

2. Pursuant to 39 U.S.C. 505, Jennaca D. Upperman is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than February 2, 2018.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–00782 Filed 1–17–18; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Notice of the United States Postal Service of Submission of the Calculation of the FY 2017 Assumed Federal Income Tax on Competitive Products, January 10, 2018.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82490; File No. SR–PEARL–2017–40]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX PEARL Fee Schedule

January 11, 2018.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 29, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX PEARL Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Add/Remove Tiered Rebates/Fees set forth in Section (1)(a) of the Fee Schedule to (i) modify the monthly volume thresholds that apply to MIAX PEARL Market Makers[3] in certain tiers, and to establish rebates and fees for new Tier 2 and new Tier 6 applicable to Market Makers, (ii) modify the monthly volume thresholds that apply to MIAX PEARL Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers in Tier 4, and to establish rebates and fees for a new Tier 5 applicable to such market participants who are not Priority Customers[4] or MIAX PEARL Market Makers; and (iii) offer Members[5] the Maker Rebate and

[3] ''Market Maker'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[4] ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). *See* Exchange Rule 100, including Interpretations and Policies .01.

[5] ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the

the Taker Fee associated with the highest Tier in Non-Penny classes (as defined below) for transactions in Non-Penny classes if such Member executes more than 0.30% volume in Non-Penny classes, not including Excluded Contracts,[6] as compared to the TCV[7] in all MIAX PEARL listed option classes.

The Exchange currently assesses transaction rebates and fees to all market participants which are based upon the total monthly volume executed by the Member on MIAX PEARL in the relevant, respective origin type (not including Excluded Contracts) expressed as a percentage of TCV. In addition, the per contract transaction rebates and fees are applied retroactively to all eligible volume for that origin type once the respective threshold tier (''Tier'') has been reached by the Member. The Exchange aggregates the volume of Members and their Affiliates.[8] Members that place resting liquidity, *i.e.,* orders resting on the book of the MIAX PEARL System,[9] are paid the specified ''maker'' rebate (each a ''Maker''), and Members that execute against resting liquidity are assessed the specified ''taker'' fee (each a ''Taker''). For opening transactions and ABBO uncrossing transactions, per contract transaction rebates and fees are waived for all market participants. Finally, Members are assessed lower transaction fees and receive lower rebates for order executions in standard option classes in the Penny Pilot Program[10] (''Penny classes'') than for order executions in standard option classes which are not in the Penny Pilot Program (''Non-Penny classes''), where Members are assessed higher transaction fees and receive higher rebates within the same tier.

Transaction Rebates and Fees for MIAX PEARL Market Makers

Transaction rebates and fees applicable to all MIAX PEARL Market Makers are currently assessed according to the following table:

Origin	Tier	Volume criteria	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker	Taker
All MIAX PEARL Market Makers ..	1	0.00%–0.10%	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.10%–0.50%	(0.40)	0.48	(0.60)	1.03
	3	Above 0.50%–0.75% or Above 2.0% in SPY.	(0.47)	0.47	(0.65)	1.02
	4	Above 0.75%	(0.48)	0.47	(0.70)	1.02

The Exchange proposes to modify the monthly volume thresholds applicable to the Exchange's Market Makers to adjust the thresholds in current Tiers 1, 3 and 4 and to add a new Tier 2 threshold and corresponding Tier 2 rebates and fees, as well as to add a new Tier 6 threshold and corresponding Tier 6 rebates and fees. Specifically, the Exchange proposes to adjust the calculation threshold of Tier 1's volume criteria from 0.00% up to 0.10% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.00% up to 0.05% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV. The Exchange then proposes to add a new Tier 2 threshold applicable to all MIAX PEARL Market Makers. The new Tier 2 threshold volume criteria shall be calculated as above 0.05% up to 0.25% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

Further, the Exchange proposes to adjust the calculation threshold of former Tier 2 and now Tier 3's volume criteria from above 0.10% up to 0.50% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.25% up to 0.50% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV. Former Tier 3 will now become Tier 4.

The Exchange additionally proposes to adjust the calculation threshold of former Tier 4 and now Tier 5's volume criteria from above 0.75% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.75% up to 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange then proposes to add a new Tier 6 threshold applicable to all MIAX PEARL Market Makers. The new Tier 6 threshold volume criteria shall be calculated as above 1.00% of the total monthly volume executed by the

Definitions Section of the Fee Schedule and Exchange Rule 100.

[6] ''Excluded Contracts'' means any contracts routed to an away market for execution. *See* the Definitions Section of the Fee Schedule.

[7] ''TCV'' means total consolidated volume calculated as the total national volume in those classes listed on MIAX PEARL for the month for which the fees apply, excluding consolidated volume executed during the period time in which the Exchange experiences an ''Exchange System Disruption'' (solely in the option classes of the affected Matching Engine (as defined below)). The term Exchange System Disruption, which is defined in the Definitions section of the Fee Schedule, means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours. The term Matching Engine, which is also defined in the Definitions section of the Fee Schedule, is a part of the MIAX PEARL electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. The Exchange believes that it is reasonable and appropriate to select two consecutive hours as the amount of time necessary to constitute an Exchange System Disruption, as two hours equates to approximately 1.4% of available trading time per month. The Exchange notes that the term ''Exchange System Disruption'' and its meaning have no applicability outside of the Fee Schedule, as it is used solely for purposes of calculating volume for the threshold tiers in the Fee Schedule. *See* the Definitions Section of the Fee Schedule.

[8] ''Affiliate'' means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX PEARL Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX PEARL Market Maker) that has been appointed by a MIAX PEARL Market Maker, pursuant to the process described in the Fee Schedule. *See* the Definitions Section of the Fee Schedule.

[9] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[10] *See* Securities Exchange Act Release No. 82391 (December 22, 2017), 82 FR 61622 (December 28, 2017) (SR–PEARL–2017–39).

Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The new thresholds for MIAX PEARL Market Makers will be as set forth in the following table:

Origin	Tier	Volume criteria	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker	Taker
All MIAX PEARL Market Makers ..	1	0.00%–0.05%	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.05%–0.25%	(0.40)	0.50	(0.30)	1.05
	3	Above 0.25%–0.50%	(0.40)	0.48	(0.60)	1.03
	4	Above 0.50%–0.75% or Above 2.0% in SPY.	(0.47)	0.47	(0.65)	1.02
	5	Above 0.75%–1.00%	(0.48)	0.47	(0.70)	1.02
	6	Above 1.00%	(0.48)	0.47	(0.85)	1.02

The Exchange believes that the proposed new monthly volume tier and new rebates/fees in Tier 2 should provide incentives for the Exchange's Market Makers to more aggressively provide liquidity in Penny classes so that they can achieve the higher Maker rebate in Penny classes with less volume than previously required in the former tier. The Exchange additionally believes that the proposed new monthly volume tier and new rebates/fees in Tier 6 should provide incentives for the Exchange's Market Makers to more aggressively provide liquidity in Non-Penny classes so that they can achieve a higher Maker rebate in Non-Penny classes than previously offered. The Exchange believes that increased MIAX PEARL Market Maker volume should make the MIAX PEARL marketplace an attractive venue where the Exchange's Market Makers are incentivized to submit orders with narrow spreads and with greater size, deepening and enhancing the quality of the MIAX PEARL marketplace. This should in turn provide more trading opportunities and tighter spreads for other market participants and result in a corresponding increase in order flow from such other market participants.

Transaction Rebates and Fees for Other Market Participants That Are Not Priority Customers or MIAX PEARL Market Makers

Transaction rebates and fees applicable to all other market participants that are not Priority Customers or MIAX PEARL Market Makers are currently assessed according to the following table:

Origin	Tier	Volume criteria	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker	Taker
Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers.	1	0.00%–0.10%	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.10%–0.50%	(0.40)	0.49	(0.60)	1.04
	3	Above 0.50%–0.75%	(0.45)	0.48	(0.65)	1.04
	4	Above 0.75%	(0.48)	0.48	(0.70)	1.04

The Exchange proposes to modify the monthly volume thresholds applicable to all Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers to adjust the threshold in Tier 4 set forth above and to add a new Tier 5 threshold and corresponding Tier 5 rebates and fees. Specifically, the Exchange proposes to adjust the calculation threshold of Tier 4's volume criteria from above 0.75% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.75% up to 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV. The rebates and fees applicable in the new Tier 5 shall be ($0.48) and $0.48 per contract for Penny classes, and ($0.85) and $1.04 for Non-Penny classes.

Additionally, the Exchange proposes to add a new Tier 5 threshold applicable to all such market participants. The new Tier 5 threshold volume criteria shall be calculated as above 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The new thresholds for Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers will be as set forth in the following table:

Origin	Tier	Volume criteria	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker	Taker
Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers.	1	0.00%–0.10%	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.10%–0.50%	(0.40)	0.49	(0.60)	1.04
	3	Above 0.50%–0.75%	(0.45)	0.48	(0.65)	1.04
	4	Above 0.75%–1.00%	(0.48)	0.48	(0.70)	1.04
	5	Above 1.00%	(0.48)	0.48	(0.85)	1.04

The Exchange believes that the proposed new monthly volume tier and higher rebate in Tier 5 should provide incentives for such market participants to direct greater volume to the Exchange in Non-Penny classes. The Exchange believes that increased order flow by these market participants should make the MIAX PEARL marketplace an attractive venue where these market participants are incentivized to submit orders with narrower spreads and with greater size, deepening and enhancing the quality of the MIAX PEARL marketplace. This should in turn provide more trading opportunities and tighter spreads for all market participants and result in a corresponding increase in order flow from all market participants.

Member Transaction Maker Rebates and Taker Fees for Non-Penny Classes

The Exchange proposes to offer Members transacting volume in MIAX PEARL Market Maker, Non-Priority Customer, Firm, Broker Dealer, and Non-MIAX PEARL Market Maker origin types (the ''Select Origins'') a new method to achieve higher rebates and lower fees for transactions in Non-Penny classes. Specifically, the Exchange proposes to offer Members transacting volume in the Select Origins the Maker rebate and the Taker fee associated with the highest Tier for that respective origin type in Non-Penny classes for transactions in Non-Penny classes if such Member executes more than 0.30% volume in Non-Penny classes, not including Excluded Contracts, as compared to the TCV in all MIAX PEARL listed option classes. For example, under the proposed tiers, if a Market Maker transacted monthly volume of 0.45% in both Penny and Non-Penny classes, not including Excluded Contracts, as divided by TCV, such Member would receive proposed Tier 3 rebates and fees: Maker rebate of ($0.40) for orders that placed resting liquidity on the book and Taker fee of $0.48 for orders that removed liquidity from the book in Penny classes; Maker rebate of ($0.60) for orders that placed resting liquidity on the book and Taker fee of $1.03 for orders that removed liquidity from the book in Non-Penny classes. However, if such Member's volume was heavily concentrated in Non-Penny classes where its Non-Penny executed volume was above 0.30%, not including Excluded Contracts, as divided by TCV in all MIAX PEARL listed options classes, such Member would receive a Maker rebate of ($0.85) and Taker fee of $1.02, the proposed rates for Tier 6 in Non-Penny classes for Market Makers. Its Maker rebate of ($0.40) and Taker fee of $0.48 will continue to apply for Penny classes for Market Makers in proposed Tier 3. This example would be similar for Non-Priority Customers, Firms, Broker Dealers, and Non-MIAX PEARL Market Makers, except for the variations in the rates and thresholds. For example, under the proposed tiers, if a Member in these origins transacted monthly volume of 0.45% in both Penny and Non-Penny classes, not including Excluded Contracts, as divided by TCV, such Member would receive Tier 2 rebates and fees: Maker rebate of ($0.40) for orders that placed resting liquidity on the book and Taker fee of $0.49 for orders that removed liquidity from the book in Penny classes; Maker rebate of ($0.60) for orders that placed resting liquidity on the book and Taker fee of $1.04 for orders that removed liquidity from the book in Non-Penny classes. However, if such Member's volume was heavily concentrated in Non-Penny classes where its Non-Penny executed volume was above 0.30%, not including Excluded Contracts, as divided by TCV in all MIAX PEARL listed options classes, such Member would receive a Maker rebate of ($0.85) and Taker fee of $1.04, the proposed rates for Tier 5 in Non-Penny classes for these origins. Its Maker rebate of ($0.40) and Taker fee of $0.49 will continue to apply for Penny classes in that origin type in proposed Tier 2.

Lastly, the Exchange proposes to offer Members an alternative method to achieve such higher rebates and lower fees for transactions in Non-Penny classes by permitting the Member to aggregate its volume in Non-Penny classes with that of its Affiliates [11] in the Select Origins. For avoidance of doubt, volume from Priority Customer in Non-Penny classes will not be aggregated toward the 0.30% volume threshold. Specifically, any Member and its Affiliates will be credited the Maker rebate associated with the highest tier for transactions in Non-Penny classes and will be assessed the lowest Taker fee associated with the highest tier for transactions in Non-Penny classes if such Member together with its Affiliates in the Select Origins executes more than 0.30% volume in Non-Penny classes, not including Excluded Contracts, as compared to TCV in all MIAX PEARL option classes. The Exchange believes that these incentives will encourage Members to transact a greater number of contracts in Non-Penny classes on the Exchange.

The proposed rule change is scheduled to become operative January 2, 2018.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [12] in general, and furthers the objectives of Section 6(b)(4) of the Act,[13] in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange members and issuers and other persons using its facilities, and 6(b)(5) of the Act,[14] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed new tier structure applicable to the Exchange's Market Makers is consistent with Section 6(b)(4) of the Act in that it is fair, equitable and not unreasonably discriminatory and should improve market quality for the Exchange's Market Makers and

[11] ''Affiliate'' means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX PEARL Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX PEARL Market Maker) that has been appointed by a MIAX PEARL Market Maker, pursuant to the following process. A MIAX PEARL Market Maker appoints an EEM and an EEM appoints a MIAX PEARL Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to *membership@miaxoptions.com* no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(1) and (b)(5).

consequently all market participants. The proposed changes to the MIAX PEARL Market Maker tier structure and rebates and fees are fair and equitable and not unreasonably discriminatory because they apply equally to all MIAX PEARL Market Maker orders. All similarly situated MIAX PEARL Market Maker orders are subject to the same rebate and fee schedule, and access to the Exchange is offered on terms that are not unfairly discriminatory.

The Exchange believes that the proposed rule changes applicable to MIAX PEARL Market Makers are consistent with Section 6(b)(5) of the Act in that they promote equitable access to the Exchange for all market participants. To the extent that MIAX PEARL Market Maker volume is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders that are narrower and larger-sized. The resulting increased volume and liquidity will benefit all Exchange participants by providing more trading opportunities and tighter spreads.

The specific volume thresholds of the Tiers and the rebates and fees set forth in new Tiers 2 and 6 applicable to the Exchange's Market Makers were set based upon business determinations and an analysis of current volume levels. The Exchange believes that the proposed new monthly volume tier and new rebates/fees in Tier 2 should provide incentives for the Exchange's Market Makers to more aggressively provide liquidity so that they can achieve the higher Maker rebate in Penny classes with less volume than previously required in the former tier. The Maker Rebates and Taker Fees set forth in new Tier 6 are within the range of rebates and fees at other exchanges that have a Maker-Taker fee structure.[15] The volume thresholds are intended to incentivize MIAX PEARL Market Makers to increase the number of orders they send to the Exchange so that they can achieve the next threshold, and to encourage all market participants to send more orders as well. Increasing the number of orders sent to the Exchange will in turn provide tighter and more liquid markets, and therefore attract more business overall. Similarly, the different rebate rates at the different tier levels are based on an analysis of current revenue and volume levels and are intended to provide increasing incentives to MIAX PEARL Market Makers for increasing the volume of orders sent to, and contracts executed on, the Exchange. The specific amounts of the tiers and rates are set in order to encourage MIAX PEARL Markets Makers to reach for higher tiers.

The Exchange believes that the proposed new tier structure applicable to the Exchange's other market participants who are not Priority Customers or MIAX PEARL Market Makers, *i.e.* Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers, is consistent with Section 6(b)(4) of the Act in that it is fair, equitable and not unreasonably discriminatory and should improve market quality for such market participants as well as MIAX PEARL Market Makers and Priority Customers. The proposed changes to the tier structure and rebates and fees applicable to such market participants are fair and equitable and not unreasonably discriminatory because they apply equally to all orders of such market participants. All similarly situated orders of such market participants are subject to the same rebate and fee schedule, and access to the Exchange is offered on terms that are not unfairly discriminatory.

The Exchange believes that the proposed rule changes applicable to Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers are consistent with Section 6(b)(5) of the Act in that they promote equitable access to the Exchange for all market participants. To the extent order flow by these market participants is increased by the proposal, other market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders that are narrower and larger sized. The resulting increased volume and liquidity will benefit all Exchange participants by providing more trading opportunities and tighter spreads.

The specific volume thresholds of Tiers 4 and 5 and the rebates and fees set forth in new Tier 5 applicable to Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers were set based upon business determinations and an analysis of current volume levels. The Maker Rebates and Taker Fees set forth in new Tier 5 are within the range of rebates and fees at other exchanges that have a Maker-Taker fee structure.[16] The volume thresholds are intended to incentivize such market participants to increase the number of orders they send to the Exchange so that they can achieve the next threshold, and to encourage all market participants to send more orders as well. Increasing the number of orders sent to the Exchange will in turn provide tighter and more liquid markets, and therefore attract more business overall. Similarly, the different rebate rates at the different tier levels are based on an analysis of current revenue and volume levels and are intended to provide increasing incentives to Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers for increasing the volume of orders sent to, and contracts executed on, the Exchange. The specific amounts of the tiers and rates are set in order to encourage such market participants to reach for higher tiers.

The Exchange believes that the proposed rule change applicable to Members' volume in Non-Penny classes is consistent with Section 6(b)(4) of the Act in that it is fair, equitable and not unreasonably discriminatory and should improve market quality for the Exchange's order flow in Non-Penny classes which will benefit all market participants. The proposed changes are fair and equitable and not unreasonably discriminatory because they apply equally to all Member orders in Non-Penny classes. All similarly situated Member orders in Non-Penny classes are subject to the same rebates and fees if they achieve the specified volume in Non-Penny classes, and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange's proposal to offer Members and its Affiliates the opportunity to achieve such higher rebates and lower fees for transactions in Non-Penny classes by permitting the Member to aggregate its volume in Non-Penny classes with that of its Affiliates in the Select Origins, is equitable and not unfairly discriminatory because the Exchange will offer such market participants a means to reduce transaction fees by qualifying for higher volume in Non-Penny classes. The Exchange believes that offering all such market participants the opportunity to lower transaction fees by incentivizing them to transact order flow in Non-Penny classes in turn benefits all market participants. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow in Non-Penny classes directed to the Exchange will benefit all market participants and improve competition on the Exchange.

The Exchange believes that the proposal to allow the aggregation of

[15] *See* NYSE Arca Options Fees and Charges under ''NYSE Arca Options: Trade-Related Charges For Standard Options''; *see also* Cboe BZX Options Exchange Fee Schedule under ''Transaction Fees''.

[16] *Id.*

trading activity of Members and their Affiliates for purposes of the fee reduction is fair, equitable and not unreasonably discriminatory. The Exchange believes the proposed rule change is reasonable because it would allow aggregation of the trading activity of Members and their Affiliates in the Select Origins for purposes of the fee reduction only in very narrow circumstances, namely, where the firm is an Affiliate as defined in the Exchange's Fee Schedule. Furthermore, other exchanges, including MIAX PEARL's affiliate, Miami International Securities Exchange, LLC (''MIAX Options,''), as well as the Exchange, have rules that permit the aggregation of the trading activity of affiliated entities for the purposes of calculating and assessing certain fees.[17] The Exchange believes that offering all such market participants the opportunity to lower transaction fees by incentivizing them to transact order flow in Non-Penny classes in turn benefits all market participants.

The Exchange believes that the proposal, which would only include volume transacted in Non-Penny classes of Members and their Affiliates from the Select Origins for purposes of the threshold aggregation, is fair, equitable and not unreasonably discriminatory. The Exchange believes that not including Priority Customer volume transacted in Non-Penny classes is reasonable because Priority Customers already receive a higher level of rebates offered by the Exchange for transactions in Non-Penny classes, higher than the rebate amounts proposed for the Select Origins. In Non-Penny classes, Priority Customers can receive Maker rebates of between ($0.85) to ($1.05) compared to the proposed highest tier rebate of ($0.85) for Select Origins. Other exchanges use similar qualifications for use in tier thresholds. For example, on Cboe BZX, for Firm, Broker Dealer, and Joint Back Office, a member would be required to have an ADAV (average daily added volume) in Non-Customer Non-Penny Orders >=0.20% of average OCV (OCC Customer Volume), as one of the criteria (criteria 3) to reach tier 3 or tier 4.[18] Accordingly, the Exchange believes that it is fair, equitable, and not unreasonably discriminatory to not include the Priority Customer volume of Members and their Affiliates from the Select Origins for purposes of the threshold aggregation.

[17] *See* MIAX Options Fee Schedule, Section (1)(a)(i).

[18] *See* Cboe BZX Options Exchange Fee Schedule (Firm, Broker Dealer, and Joint Back Office Non-Penny Pilot Add Volume Tiers).

The Exchange believes that the proposed rule changes applicable to Members' volume in Non-Penny classes are consistent with Section 6(b)(5) of the Act in that they to promote just and equitable principles of trade of options in Non-Penny classes. To the extent Member volume in Non-Penny classes is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange in Non-Penny classes which could result in more orders that are narrower and larger-sized. The resulting increased volume and liquidity will benefit all Exchange participants by providing more trading opportunities and tighter spreads.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX PEARL does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes would increase both intermarket and intramarket competition by encouraging MIAX PEARL Market Makers as well as Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers to direct their orders to the Exchange, which should provide liquidity to the marketplace and increase the volume of contracts traded on MIAX PEARL. The Exchange believes that the proposed changes in the tier structure for these market participants should provide additional liquidity that enhances the quality of the Exchange's markets and increases the number of trading opportunities on MIAX PEARL for all participants who will be able to compete for such opportunities. The Exchange additionally believes that the proposed changes in volume associated with Non-Penny classes and the opportunity to receive higher rebates and lower fees as a result of achieving the specified volume in Non-Penny classes should provide additional liquidity in Non-Penny classes and encourage order flow for such classes. To the extent that there are market participants that are not able to aggregate order flow with Affiliates, the Exchange believes that this should incent such market participants to direct additional order flow to the Exchange and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here especially in Non-Penny classes. This should benefit all market participants and improve competition on the Exchange.

The Exchange notes that it 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. In such an environment, the Exchange must continually adjust its rebates and fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule changes reflect this competitive environment because they modify the Exchange's fees in a manner that encourages all market participants to provide liquidity and to send order flow to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[19] and Rule 19b–4(f)(2)[20] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2017–40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

[19] 15 U.S.C. 78s(b)(3)(A)(ii).

[20] 17 CFR 240.19b–4(f)(2).

All submissions should refer to File Number SR–PEARL–2017–40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet 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–PEARL–2017–40 and should be submitted on or before February 8, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00724 Filed 1–17–18; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82491; File No. SR–BOX–2018–01]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend BOX Rule 3030 To Establish Rules Related to the Use of Floor Broker Error Accounts

January 11, 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 January 2, 2018, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend BOX Rule 3030 to establish rules related to the use of Floor Broker error accounts. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxoptions.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BOX Rule 3030 to establish rules related to the use of Floor Broker error accounts. First, the Exchange proposes that each Participant who conducts a business as a Floor Broker on the Exchange and who is not self-clearing must establish and maintain an account with a clearing Participant of the Exchange, for the sole purpose of carrying positions resulting from bona fide errors made in the course of its floor brokerage business.[3] Further, with respect to Floor Brokers only, such an account for option transactions must be maintained with an entity that is also a member of the Options Clearing Corporation.

In practice, a Floor Broker will remedy a bona fide error by entering a subsequent trade on behalf of the customer on the correct terms of the original order. These types of transactions are transactions which broker-dealers place to remedy the execution of customer orders that have been placed in error or mishandled due to an error involving any term of an order, including but not limited to, for example, price, number of contracts, identification of security, or execution of a transaction on the wrong side of the market.

Next, the Exchange proposes that each Participant which conducts business as a Floor Broker must make available to the Exchange, upon request, accurate and complete records of all trades cleared in such Participant's error account. These records must include the following audit trail data elements: (1) Name or identifying symbol of the security; (2) number of shares or quantity of security; (3) transaction price; (4) time of trade execution; (5) executing Floor Broker badge number, or alpha symbol as may be used from time to time, in regard to its side of the contract; (6) executing Floor Broker badge number, or alpha symbol as may be used from time to time, of the contra side to the contract; (7) clearing firm number, or alpha symbol as may be used from time to time, in regard to its side of the contract; (8) clearing firm number, or alpha symbol as may be used from time to time, in regard to the contra side of the contract; (9) designation of whether the account for which the order was executed was that of a Participant; (10) the nature and amount of the error; (11) the Participant that cleared the error trade on the Participant's behalf; (12) an explanation of the means by which the Participant resolved the error; (13) the aggregate amount of liability that the Participant

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Bona fide Error'' is defined as (i) the inaccurate conveyance or execution of any term of an order including, but not limited to, price, number of shares or other unit of trading; identification of the security; identification of the account for which securities are purchased or sold; lost or otherwise misplaced order tickets; short sales that were instead sold long or vice versa; or the execution of an order on the wrong side of a market; (ii) the unauthorized or unintended purchase, sale, or allocation of securities, or the failure to follow specific client instructions; (iii) the incorrect entry of data into relevant systems, including reliance on incorrect cash positions, withdrawals, or securities positions reflected in an account; or (iv) a delay, outage, or failure of a communication system used to transmit market data prices or to facilitate the delivery or execution of an order. *See* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007) (Order Exempting Certain Error Correction Transactions from Rule 611 of Regulation NMS under the Securities Exchange Act of 1934).

incurred and: (i) Had outstanding as of the time each such error trade entry was recorded or (ii) had cleared by other Participant. The Exchange believes that it is important for the Participant to provide the above information because it will aid the Exchange in the surveillance of error account activity. The Exchange notes that the proposed change is substantially similar to rules at another options exchange with an open outcry trading floor.[4]

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 that the proposed rule is consistent with the Act because it does not unfairly discriminate between Public Customers, Professional Customers, Broker Dealers and Market Makers as the rule applies to all Participants equally. The Exchange believes that the proposal allows Floor Brokers the flexibility to execute orders that correct bona fide errors out of the Floor Broker's error account, ensuring that customer orders (which were previously entered in error) are executed, thereby protecting investors and the public interest by ensuring that customer orders are executed properly. Further, the Exchange believes the proposed rule promotes just and equitable principles of trade by ensuring customer orders are not harmed for order entry errors. The Exchange does not believe the proposed rule is unfairly discriminatory toward customers, issuers, or brokers because the proposed rule simply sets forth the process for floor brokers to correct certain bona fide errors. As discussed above, the Exchange believes that the proposed change is appropriate as it is similar to rules in place at another options exchange with an open outcry trading floor.[7]

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. More specifically, the Exchange does not believe that the proposed rule change will impose any burden on intramarket competition because it will be applicable to all Floor Brokers. In addition, the Exchange does not believe that the proposed change will impose any burden on intermarket competition because proposed Rule 3030 simply provides a mechanism for correcting errors. Further, the Exchange believes that the proposed change does not impose a burden on competition because it simply sets forth the process for Floor Brokers to correct bone fide errors on the Trading Floor.

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 comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (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.[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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2018–01 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–BOX–2018–01. 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 such 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–BOX–2018–01, and should be submitted on or before February 8, 2018.

[4] *See* NYSE Arca, Inc. (''NYSE Arca'') Rule 11.17.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *See supra* note 4.

[8] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00725 Filed 1–17–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82488; File No. SR–MIAX–2018–01]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Options Rules 700, 1308, and 1322

January 11, 2018.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 3, 2018, Miami International Securities Exchange, LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to make minor corrective changes to Exchange Rule 700, Exercise of Option Contracts; Rule 1308, Supervision of Accounts; and Rule 1322, Options Communications.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/* at MIAX Options' principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 700, Exercise of Option Contracts; Rule 1308, Supervision of Accounts; and Rule 1322, Options Communications, to make minor non-substantive corrective changes.

First, the Exchange proposes to amend Exchange Rule 700(l) to make minor typographical corrections to cross-references in subsections (3), (5), and (7). The Exchange recently amended Rule 700 by renumbering paragraph (h) as paragraph (l).[3] However, the Exchange inadvertently left in cross-references to Rule 700(h) in subsections (3), (5), and (7). Specifically, Rule 700(l)(3) currently reads ''[t]he Exchange may determine to extend the applicable deadline for the delivery of ''exercise advice'' and ''advice cancel'' notifications pursuant to this paragraph (h) if unusual circumstances are present.'' The Exchange proposes to correct the cross-reference from ''paragraph (h)'' to ''paragraph (l).'' Rule 700(l)(5) currently reads ''[t]he failure of any Member to follow the procedures in this paragraph (h) may result in the assessment of a fine, which may include but is not limited to disgorgement of potential economic gain obtained or loss avoided by the subject exercise, as determined by the Exchange.'' The Exchange proposes to correct the cross-reference from ''paragraph (h)'' to ''paragraph (l).'' Furthermore, Rule 700(l)(7) currently reads ''[t]he procedures set forth in subparagraphs (1)–(2) of this subparagraph (h) do not apply (i) on the business day prior to expiration in series expiring on a day other than a business day or (ii) on the expiration day in series expiring on a business day.'' The Exchange proposes to correct the cross-reference from ''subparagraph (h)'' to ''subparagraph (l).'' The Exchange is not proposing any change to the wording of the Rule or to its application. The Exchange is only proposing to amend Rule 700(l) to renumber incorrect cross-references in the text of the Rule.

Second, the Exchange proposes to amend Exchange Rule 1308, Supervision of Accounts, to make minor typographical corrections to cross-references in the rule text. Specifically, Rule 1308(g)(6) cross-references Rule 1307(g) and 1307(h), which should instead cross-reference Rule 1308(g) and 1308(h) respectively. Rule 1308(g)(6) currently reads ''[a] Member that specifically includes its options compliance program in a report that complies with substantially similar requirements of the New York Stock Exchange or FINRA will be deemed to have met the requirements of this Rule 1307(g) and Rule 1307(h).'' The Exchange proposes to correct this language to instead cross-reference ''Rule 1308(g)'' and ''Rule 1308(h)'' respectively. Additionally, Rule 1308(h) cross-references Rule 1307(g), which should instead cross-reference Rule 1308(g). Rule 1308(h) currently reads ''[b]y April 1 of each year, each Member shall submit a copy of the report that Rule 1307(g) requires the Member to prepare . . .'' The Exchange proposes to correct the cross-reference from ''Rule 1307(g)'' to Rule ''1308(g).''

Finally, the Exchange proposes to amend Exchange Rule 1322, Options Communications, to make minor typographical corrections and to make corrections to cross-references in the rule text. Specifically, Rule 1322(e)(1)(ii) is currently missing the word ''and'' after the semicolon in this section. Therefore, the Exchange proposes to amend Rule 1322(e)(1)(ii) to read ''[c]ontain contact information for obtaining a copy of the ODD; and.'' Additionally, the Exchange proposes to correct a typographical error in Rule 1322(e)(1)(iii). Currently, this section contains both a period and a semicolon at the end of the text. The Exchange proposes to remove the semicolon and leave only the period. Additionally, the Exchange proposes to make minor typographical changes to a cross-reference in Rule 1322(f). Currently, this section references ''Rule 1322(e)(1)(B).'' However, that is an erroneous cross-reference and the Exchange proposes to replace it with a cross-reference to ''Rule 1322(e)(1)(ii).'' The Exchange notes that this does not change the wording of the rule or its application, but only corrects the cross-reference to properly conform to the hierarchical heading scheme used throughout the Exchange's rulebook.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[4] in general, and furthers the objectives of Section 6(b)(5)

[9] 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. 81976 (October 30, 2017), 82 FR 51312 (November 3, 2017)(SR–MIAX–2017–43).

[4] 15 U.S.C. 78f(b).

of the Act[5] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes the proposed changes promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed rule change corrects minor typographical errors and corrects errors in the hierarchical heading scheme to provide uniformity in the Exchange's rulebook. The Exchange notes that the proposed changes to Exchange Rule 700, Exercise of Option Contracts; Rule 1308, Supervision of Accounts; and Rule 1322, Options Communications, do not alter the application of each rule. As such, the proposed amendments would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national exchange system. In particular, the Exchange believes that the proposed changes will provide greater clarity to Members[6] and the public regarding the Exchange's Rules. It is in the public interest for rules to be accurate and concise so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX Options does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will have no impact on competition as it is not designed to address any competitive issues but rather is designed to add additional clarity to existing rules and to remedy minor non-substantive issues in the text of various rules identified in this proposal.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition as the Rules apply equally to all Exchange Members.

[5] 15 U.S.C. 78f(b)(5).

[6] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6)[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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2018–01 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–MIAX–2018–01. 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–MIAX–2018–01 and should be submitted on or before February 8, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00722 Filed 1–17–18; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82487; File No. SR–NYSEArca–2017–138]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To List and Trade the Shares of the Goldman Sachs Access Emerging Markets Local Currency Bond ETF Under Commentary .02 to NYSE Arca Rule 5.2–E(j)(3)

January 11, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934

[1] 15 U.S.C. 78s(b)(1).

(''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on December 28, 2017, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade the shares of the Goldman Sachs Access Emerging Markets Local Currency Bond ETF (the ''Fund''), a series of Goldman Sachs ETF Trust (the ''Trust''), under Commentary .02 to NYSE Arca Rule 5.2–E(j)(3) (''Investment Company Units''). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the Goldman Sachs Access Emerging Markets Local Currency Bond ETF (''Fund'') under Commentary .02 to NYSE Arca Rule 5.2–E(j)(3), which governs the listing and trading of Investment Company Units (''ICUs'') on the Exchange.[4] The Fund will be an index-based exchange traded fund (''ETF''). The Shares will be offered by the Goldman Sachs ETF Trust (the ''Trust''), which is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (the ''Registration Statement'') with the Commission on behalf of the Fund.[5]

The investment adviser to the Fund will be Goldman Sachs Asset Management, L.P. (''Adviser''), a wholly-owned subsidiary of The Goldman Sachs Group, Inc.[6] ALPS Distributors, Inc. will serve as the distributor (the ''Distributor'') of Fund Shares on an agency basis. The Bank of New York Mellon (the ''Administrator'') will be the administrator, custodian and transfer agent for the Fund.

Goldman Sachs Access Emerging Markets Local Currency Bond ETF

Principal Investments

According to the Registration Statement, the Fund will seek to provide investment results that closely correspond, before fees and expenses, to the performance of the Citi Goldman Sachs Emerging Markets Local Currency Government Bond Index (the ''Index''). Under normal market conditions,[7] the Fund will seek to achieve its investment objective by investing at least 80% of its assets (exclusive of collateral held from securities lending) in securities included in the Index.

Other Investments

While, under normal market conditions, the Fund will seek to achieve its investment objective by investing at least 80% of its assets (exclusive of collateral held from securities lending) in securities included in the Index, the Fund may invest up to 20% of its net assets in the securities and financial instruments not included in the Index, as described below.

The Fund may invest in commercial paper and other short-term obligations issued or guaranteed by U.S. corporations, non-U.S. corporations or other entities.

The Fund may hold foreign currencies.

The Fund may invest in investment company securities, including exchange-traded funds (''ETFs'')[8] and money market funds.

The Fund may invest in equity and fixed income securities of foreign issuers, including securities quoted or denominated in a currency other than U.S. dollars.

The Fund may invest in Global Depositary Notes, credit linked notes and loan participation notes.

The Fund may purchase and sell futures contracts and may also purchase and write call and put options on futures contracts. The Fund may purchase and sell futures contracts based on US and foreign securities indices, foreign currencies, interest rates and Eurodollars.[9]

The Fund may enter into interest rate, credit, total return, and currency swaps. The Fund also may enter into index swaps.

The Fund may invest in foreign currency forward contracts.

The Fund may enter into repurchase and reverse repurchase agreements.

The Fund may invest in U.S. Government Securities.

The Fund may invest in zero coupon, deferred interest, pay-in-kind and capital appreciation bonds.

The Fund may invest in inflation protected securities of varying maturities issued by the U.S. Treasury and other U.S. and non-U.S. Government agencies and corporations.

The Fund may invest in restricted securities (Rule 144A securities).

Citi Goldman Sachs Emerging Markets Local Currency Government Bond Index

The Index is a rules-based index that is designed to measure the performance of bonds issued by emerging market

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] NYSE Arca Rule 5.2–E(j)(3)(A) provides that an Investment Company Unit is a security that represents an interest in a registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities (or holds securities in another registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities).

[5] *See* the Trust's post-effective amendment to the Trust's registration statement on Form N–1A, dated November 9, 2017 (File Nos. 333–200933 and 811–23013) (''Registration Statement''). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940. *See* Investment Company Act Release No. 31465 (February 23, 2015) (File No. 812–14361).

[6] The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented and will maintain a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Fund's portfolio.

[7] The term ''normal market conditions'' for these purposes will have the same meaning as the term defined in NYSE Arca Rule 8.600–E(c)(5).

[8] For purposes of this filing, ETFs include Investment Company Units (as described in NYSE Arca Rule 5.2–E (j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Rule 8.100–E); and Managed Fund Shares (as described in NYSE Arca Rule 8.600–E). The ETFs all will be listed and traded in the U.S. on registered exchanges. The Fund will not invest in inverse or leveraged (*e.g.,* +2x, –2X) index ETFs.

[9] In the aggregate, at least 90% of the weight of the Fund's holdings invested in futures shall consist of futures for which the Exchange may obtain information via the ISG from other members or affiliates of the ISG or for which the principal market is a market with which the Exchange has a comprehensive surveillance sharing agreement.

governments and denominated in the local currency of the issuer that meet certain liquidity and fundamental screening criteria. As of July 31, 2017, there were 189 issues in the Index.

The Index is a custom index that is owned and calculated by FTSE Fixed Income LLC (''FTSE'' or the ''Index Provider''), and is based on the Citi Emerging Markets Government Bond Index (the ''Reference Index'') using concepts developed with Goldman Sachs Asset Management.[10]

The Index Provider constructs the Index in accordance with a rules-based methodology that involves two steps:

Step 1

In the first step, the Index Provider defines the universe of potential index components (''Universe'') by applying specified criteria to the constituent securities of the Reference Index. The Reference Index includes sovereign debt issued in local currency that has a minimum of one year to maturity and is rated at least C by S&P or Ca by Moody's. Issuers need to have a minimum of local currency equivalent of $10 billion outstanding for three consecutive months to be eligible for inclusion in the Reference Index. Only constituents of the Reference Index that have a minimum local currency equivalent of approximately $1 billion outstanding are included in the Universe. Provided there are 10 or more countries represented in the Universe, the weight of each country within the Universe is capped at 10%.

Step 2

In the second step, the Index Provider applies a fundamental screen to the Universe. Issuers are measured by two fundamental factors, money supply growth and current account to gross domestic product (''GDP''). The Index Provider ranks each issuer based on the two fundamental factors, equally weighted. The Index is constructed by including the highest ranking eligible securities, screening out lowest ranking eligible securities.

The Index is rebalanced (i) monthly on the last business day of each month, to account for changes in maturities or ratings migration, and (ii) quarterly, to account for updates to the constituent securities on the basis of the fundamental factors (as described above).

As of July 31, 2017, issuers from the following emerging market countries were included in the Index: Brazil, Chile, Colombia, Hungary, Indonesia, Malaysia, Mexico, Peru, Poland, Russia, South Africa, and Thailand. The countries included in the Index may change over time. The percentage of the portfolio exposed to any country or geographic region will vary from time to time as the weightings of the securities within the Index change, and the Fund may not be invested in each country or geographic region at all times. All such issuers are a government of a foreign country or a political subdivision of a foreign country.

The Exchange is submitting this proposed rule change because the Index does not meet all of the ''generic'' listing requirements of Commentary .02 to NYSE Arca Rule 5.2–E(j)(3) applicable to the listing of Units. The Index meets all such requirements except for those set forth in Commentary .02(a)(5) to NYSE Arca Rule 5.2–E(j)(3) that an underlying index or portfolio (excluding one consisting entirely of exempted securities) must include a minimum of 13 non-affiliated issuers. Specifically, as of July 31, 2017, the Index included components from 12 non-affiliated issuers, each of which is a foreign government or political subdivision of a foreign country.[11]

The Exchange represents that (1) except for the requirement under Commentary .02(a)(5) to NYSE Arca Rule 5.2–E(j)(3) that an underlying index or portfolio (excluding one consisting entirely of exempted securities) must include a minimum of 13 non-affiliated issuers, the Shares of the Fund would satisfy all of the generic listing standards under NYSE Arca Rule 5.2–E(j)(3); (2) the continued listing standards under NYSE Arca Rules 5.2–E(j)(3) and 5.5–E(g)(2) applicable to ICUs shall apply to the Shares; and (3) the Trust is required to comply with Rule 10A–3 [12] under the Act for the initial and continued listing of the Shares.

The Exchange represents that the Fund will comply with the initial and continued listing requirements of NYSE Arca Rules 5.2–E(j)(3) and 5.5–E(g)(2) applicable to ICUs on a continued basis. In addition, the Exchange represents that the Shares will comply with all other requirements applicable to ICUs including, but not limited to, requirements relating to the dissemination of key information such as the Index value and Intraday Indicative Value, rules governing the trading of equity securities, initial minimum number of shares required to be outstanding at commencement of trading, hours of trading in the Exchange's Early, Core and Late Trading Sessions, trading halts, surveillance,[13] and the Information Bulletin to ETP Holders, as set forth in prior Commission orders approving the generic listing rules applicable to the listing and trading of ICUs.[14]

The Exchange believes it is appropriate to permit the listing and trading of the Shares notwithstanding that the requirement of Commentary .02(a)(5) to NYSE Arca Rule 5.2–E(j)(3) is not met because the non-affiliated issuers represented by the Index components each is and will be a foreign sovereign government or government entity with a substantial amount of debt issuances outstanding, and, therefore, will make manipulation of the Index less feasible.[15] In addition,

[10] The Index Provider is not a broker-dealer and is not affiliated with a broker dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Index.

[11] The 12 non-affiliated issuers are the following; Republic of Colombia; Kingdom of Thailand; Government of Malaysia; Republic of Hungary; Indonesia Republic; Mexico (United Mexican States); Republic of Peru; Republic of Poland; Republic of South Africa; Brazil (Federative Republic and Secretaria Tesouro Nacional); Chile (Republic of Chile and Banco Central de Chile); and Russian Federation.

[12] 17 CFR 240.10A–3.

[13] The Exchange or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and certain futures with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and certain futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. For a list of current members of ISG, see *www.isgportal.org.* In addition, the Exchange is able to access from FINRA, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

[14] *See* Securities Exchange Act Release Nos. 55621 (April 12, 2007), 72 FR 19571 (April 18, 2007) (SR–NYSEArca–006–86) (order approving generic listing standards for ICUs based on international or global indexes); 44551 (July 12, 2001), 66 FR 37716 (July 19, 2001) (SR–PCX–2001–14) (order approving generic listing standards for ICUs and Portfolio Depositary Receipts); 41983 (October 6, 1999), 64 FR 56008 (October 15, 1999) (SR–PCX–98–29) (order approving rules for listing and trading of ICUs); 55783 (May 17, 2007), 72 FR 29194 (May 24, 2007) (SR–NYSEArca–2007–36) (notice of filing of proposed rule change and Amendment No. 1 thereto to establish generic listing standards for exchange-traded funds based on fixed income indexes and order granting accelerated approval of proposed rule change as amended); 55437 (March 9, 2007), 72 FR 12233 (March 15, 2007) (SR–Amex–2006–118) (approving generic listing standards for series of ETFs based on Fixed Income and Combination Indexes).

[15] The Exchange notes, for informational purposes, that, as of November 30, 2017, the largest bond in the Index had $32.5 billion outstanding and the smallest bond in the Index had $762 million outstanding. The average size of Index component

Continued

the Index currently substantially exceeds the requirements of Commentary .02(a)(2) and Commentary .02(a)(4) [16] to NYSE Arca Rule 5.2–E(j)(3).[17]

The Index will at all times include a minimum of ten non-affiliated issuers that are foreign sovereign government or government entities, and a minimum of 75 components, in addition to meeting the other continued listing requirements of Commentary .02 to NYSE Arca Rule 5.2–E (j)(3).

All statements and representations made in this filing regarding (a) the description of the index, portfolio or reference asset, (b) limitations on index or portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing will constitute continued listing requirements for listing the Shares of the Fund on the Exchange.

The issuer must notify the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [18] in general and Section 6(b)(5) of the Act [19] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the generic listing criteria in Commentary .02 to NYSE Arca Rule 5.2–E(j)(3), except that the Index does not meet the requirement in Commentary .02(a)(5) to NYSE Arca Rule 5.2–E(j)(3) that an underlying index or portfolio (excluding one consisting entirely of exempted securities) must include a minimum of 13 non-affiliated issuers. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Index will at all times include a minimum of ten non-affiliated issuers that are foreign sovereign government or government entities; as noted above, such sovereign issuers have a substantial amount of debt outstanding.[20] The Index will at all times include at least 75 components. In addition, the Index will meet the other continued listing requirements of Commentary .02 to NYSE Arca Rule 5.2–E (j)(3).[21] The Exchange believes the Index is and will continue to be well-diversified based on the minimum number of components (75) of at least ten sovereign issuers with substantial amounts of debt outstanding, and is therefore not susceptible to manipulation.

In addition, the Exchange will obtain a representation from the issuer of the Shares that the net asset value (''NAV'') per Share will be calculated daily every day the New York Stock Exchange is open, and that the NAV will be made available to all market participants at the same time. In addition, a large amount of publicly available information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency.

Moreover, the Intraday Indicative Value (''IIV'') will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session (normally, 9:30 a.m. to 4:00 p.m., Eastern Time). Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotations and last sale information will be available via the Consolidated Tape Association (''CTA'') high-speed line. Quotation and last sale information for the Shares will be available via the CTA high-speed line. Price information for the Index components will be available from automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. The Fund's website, which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Trust will disclose on its website the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding); the identity of the security, index or other asset or instrument underlying the holding, if any; maturity date, if any; coupon rate, if any; effective date, if any; for options, the strike price; market value of the holding; quantity of each security or other asset held; and the percentage weighting of the holding in the Fund's portfolio. In addition, a portfolio composition file, which will include the security names and quantities of securities and other assets required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated prior to the opening of the Exchange via the National Securities Clearing

bonds was $4.8 billion and the total value of bonds in the Index was $998.7 billion. As of July 31, 2017, the twelve sovereign entities which have debt issues included in the Index had approximately $3.1 trillion in debt outstanding in the aggregate, with each such sovereign entity having approximately the following debt amount outstanding: Brazil ($1.1 trillion), Chile ($83.7 billion), Colombia ($88.6 billion), Hungary ($91.7 billion), Indonesia ($237.6 billion), Malaysia $168.3 billion), Mexico ($444.9 billion), Peru ($39.3 billion), Poland ($237.4 billion), Russia ($185.6 billion), South Africa ($171.9 billion), and Thailand ($229.7 billion).

[16] Commentary .02(a)(2) to NYSE Arca Rule 5.2–E(j)(3) provides that components that in aggregate account for at least 75% of the Fixed Income Securities portion of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more. Commentary .02(a)(4) to NYSE Arca Rule 5.2–E(j)(3) provides that no component fixed-income security (excluding Treasury Securities and GSE Securities) shall represent more than 30% of the Fixed Income Securities portion of the weight of the index or portfolio and the top 5 fixed-income securities (excluding Treasury Securities and GSE Securities) shall not represent more than 65% of the Fixed Income Securities portion of the weight of the index or portfolio.

[17] The Exchange notes, for informational purposes, that, as of July 31, 2017, the Index included 189 components; components that in aggregate accounted for 100% of the weight of the Index each had a minimum original principal amount outstanding of $100 million or more; no single component represented more than 3.23% of the weight of the Index; and the top 5 Index components represented 11.49% of the weight of the Index. The Index Provider has stated that the Index methodology is implemented in accordance with International Organization of Securities Commissions (''IOSCO'') ''Principles for Financial Benchmarks''. See *https://www.yieldbook.com/m/indices/announcements.shtml?view=rq.*

[18] 15 U.S.C. 78f.

[19] 15 U.S.C. 78f(b)(5).

[20] *See* note 15, *supra.*

[21] *See* note 16, *supra.*

Corporation. Moreover, prior to commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading the Shares inadvisable. In addition, as noted above, investors will have ready access to information regarding the Fund's portfolio, the IIV, the Index value, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Shares will be subject to the existing trading surveillances administered by the Exchange and FINRA on behalf of the Exchange. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and certain futures with other markets and other entities that are members of ISG, and the Exchange, FINRA on behalf of the Exchange, or both, may obtain trading information in the Shares and certain futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the IIV, and quotation and last sale information for the Shares.

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 Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of exchange-traded fund that principally holds fixed income securities of foreign sovereign governments and government entities and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [22] and Rule 19b–4(f)(6) thereunder.[23]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [24] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [25] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

As discussed above, the Exchange proposes to list and trade the Shares. The Fund will seek to provide investment results that closely correspond, before fees and expenses, to the performance of the Index. The Exchange notes that the Index meets all of the generic listing requirements under Commentary .02 to NYSE Arca Rule 5.2–E(j)(3), except the requirement in Commentary .02(a)(5) that the underlying index or portfolio (excluding one consisting entirely of exempted securities) include a minimum of 13 non-affiliated issuers. Instead, the Index will at all times include a minimum of 10 non-affiliated issuers that are foreign sovereign government or government entities and a minimum of 75 components, in addition to meeting the other listing requirements of Commentary .02 to NYSE Arca Rule 5.2–E(j)(3). Moreover, the Fund will comply with the listing requirements of NYSE Arca Rules 5.2–E(j)(3) and 5.5–E(g)(2) applicable to ICUs on a continued basis, and will comply with all other requirements applicable to ICUs.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. According to the Exchange, waiver of the operative delay would benefit the market and investors by permitting trading of the Shares prior to the 30-day delayed operative date, thereby enhancing market competition. The Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[26]

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–NYSEArca–2017–138 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–138. This file number should be included on the subject line if email is used. To help the Commission process and review your

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[24] 17 CFR 240.19b–4(f)(6).

[25] 17 CFR 240.19b–4(f)(6)(iii).

[26] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSEArca–2017–138 and should be submitted on or before February 8, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00721 Filed 1–17–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82489; File No. SR–NYSEAMER–2017–42]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Modify the NYSE American Options Fee Schedule

January 11, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 29, 2017, NYSE American LLC (''Exchange'' or ''NYSE American'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE American Options Fee Schedule. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify portions of the Fee Schedule, as described below, effective January 1, 2018.

Market Maker Sliding Scale-Electronic (''Sliding Scale'')

Section I.C. of the Fee Schedule sets forth the Sliding Scale of transaction fees charged to NYSE American Options Marker [sic] Makers (referred to as Market Makers herein), which fees decrease upon the Market Maker achieving higher monthly volumes.[4] Currently, Market Makers that have monthly volume on the Exchange of 0.15% or less of total Industry Customer Equity and ETF Option Volume are charged a base rate of $0.25 per contract and, these same market participants, upon reaching certain volume thresholds, or Tiers, receive the same per contract reduction for volume in each respective tier, as set forth in the table below. In addition, the Exchange charges a lower per contract base rate (of $0.23) to Market Makers that participate in a Prepayment Program, with lower marginal rates applied to volumes in successive tiers.

Tier	Market Maker Electronic Monthly Volume as a % of Industry Customer Equity and Exchange Traded Fund (''ETF'') Option Volume	Rate per contract	Rate per contract if Monthly Volume from Posted Volume is more than .85% of Total Industry Customer Equity and ETF Option Volume or for any NYSE American Market Maker participating in a Prepayment Program pursuant to Section I.D.
1	0.00% to 0.15%	$0.25	$0.23
2	>0.15% to 0.60%	0.22	0.18
3	>0.60% to 1.10%	0.14	0.08
4	>1.10% to 1.45%	0.10	0.05
5	>1.45% to 1.80%	0.07	0.04
6	>1.80%	0.05	0.02

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Fee Schedule, Section I.C., *available here, https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf* (excluding any volumes attributable to Mini Options, QCC trades, CUBE Auctions, and Strategy Execution Fee Caps, as these transactions are subject to separate pricing described in Fee Schedule Sections I.B., I.F., I.G., and I.J, respectively). The volume thresholds are based on a Market Makers' volume transacted Electronically as a percentage of total industry Customer equity and Exchange Traded Fund (''ETF'') options volumes (''ADV'') as reported by the Options Clearing Corporation (the ''OCC''). *See* OCC Monthly Statistics Reports, *available here, http://www.theocc.com/webapps/monthly-volume-reports.*

* * * * *

The Exchange proposes to replace the current table that describes the Sliding Scale with the table below, which modifies qualification thresholds and associated transaction fees for all Electronic Marker [sic] Maker volume:

Tier	Market Maker Electronic ADV as a % of TCADV	Rate per contract for Non-Take Volume [1]	Rate per contract for Take Volume	Prepayment Program Participant Rates	
				Rate per contract for Non-Take Volume [1]	Rate per contract for Take Volume
1	0.00% to 0.20%	$0.25	$0.25	$0.22	$0.24
2	>0.20% to 0.65%	0.22	0.24	0.17	0.20
3	>0.65% to 1.40%	0.12	0.17	0.08	0.11
4	>1.40% to 2.00%	0.09	0.14	0.05	0.08
5	>2.00%	0.06	0.09	0.03	0.06

First, the Exchange proposes to restate the volume thresholds in terms of a Market Maker's average daily volume or ADV as a percent of the TCADV, a defined term,[5] which is mathematically equivalent to a Market Maker's monthly total volume as a percent of the Industry Customer equity and ETF Total Volume. This proposed change would add clarity and internal consistency to the Fee Schedule.[6]

Second, as shown in the table above, the Exchange proposes to:

- Increase the minimum volume necessary to achieve each successive Tier;
- Differentiate the type of volume that qualifies for specific rates by applying different rates depending on whether the Market Maker volume is take or non-take volume; [7] [8] and
- Reduce the number of Tiers from 6 to 5.

Third, because the Exchange will be offering different rates depending on whether volume is make or take, the Exchange proposes to eliminate as unnecessary the minimum volume threshold for posted volume (of 0.85% of TCADV) to qualify for a reduced per contract rate. The Exchange proposes to continue to provide reduced rates to Market Makers that participate in the Prepayment Program.

The proposed changes are designed to incent Market Makers to transact more business on the Exchange, including by posting a more meaningful percentage of TCADV, executing more take volume, and committing to transact a certain amount of business on the Exchange by enrolling in the Prepayment Program.[9]

Prepayment Program

The Exchange also proposes to update the Prepayment Programs that it will offer beginning in 2018. In January 2015, the Exchange introduced two Prepayment Programs—for a 1- or 3-year term—to allow Market Makers to prepay a portion of the charges incurred for transactions executed on the Exchange.[10] In 2016, the Exchange introduced a ''Balance of the Year'' program that allowed Market Makers to commit to prepay a portion of their transaction charges for some portion of the calendar year, for a maximum of three-quarters of the year.[11] The terms of the current 3-Year, and the subsequently modified 1-Year, Prepayment Programs terminate at the end of 2017.[12] The Exchange is proposing to modify the Prepayment Programs that it offers beginning in 2018 to encourage broader participation by Market Maker firms. Specifically, the Exchange proposes to eliminate reference to the 3 Year Prepayment Program, which has expired, and to maintain the 1 Year and Balance of the Year Prepayment Programs, as described below.[13]

The Exchange proposes to continue to offer the 1 Year Prepayment Program, without altering any aspects of the Program, including offering the same $3 million prepayment amount as was offered for 2017.[14] Participants in the 1 Year Prepayment Program would continue to qualify its Affiliated (or Appointed) OFP to be eligible to receive the enhanced credit(s) under the American Customer Engagement (''ACE'') Program, including revised credits as proposed herein (and discussed further below).[15] To enroll in the proposed 1 Year Prepayment Program, a Market Maker would have to notify the Exchange by the last business day before the start of the new (following) year and remit payment to the Exchange by the last business day of January the following year (*i.e.,* the year in which the prepayments would be applied). Thus, any Market Maker that would like to participate in the 1 Year Prepayment Program for 2018 should notify the Exchange of its intent by December 29, 2017and remit the $3 million prepayment by January 31, 2018.[16]

[5] *See* Fee Schedule, *supra* note 4, Key Terms and Definitions (defining TCADV as ''Total Industry Customer equity and ETF option average daily volume. TCADV includes OCC calculated Customer volume of all types, including Complex Order transactions and QCC transactions, in equity and ETF options'').

[6] *See, e.g.,* Fee Schedule, *supra* note 4, Section I.A. and I.E. (similarly expressing qualification thresholds in terms of percentage of TCADV).

[7] For purposes of the Sliding Scale, ''all eligible volume that does not remove liquidity'' would be considered non-take volume; whereas any volume that removes liquidity would be considered take volume. '' *See* proposed Fee Schedule, Section I.C., note 1. For example, any Market Maker transaction that interacts with resting liquidity is take volume.

[8] The Exchange notes that other options exchanges similarly differentiate fees based on maker-taker activity. *See, e.g.,* MIAX Options fee schedule, at p.1, *available here, https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Options_Fee_Schedule_12012017B.pdf* (''Market Maker Sliding Scale''); Cboe Exchange, Inc. fee schedule, at p. 3 *available here, http://www.cboe.com/publish/feeschedule/CBOEFeeSchedule.pdf* (''Liquidity Provider Sliding Scale'').

[9] *See* proposed Fee Schedule, Section I.C. *See also* Fee Schedule, *supra* note 4, Section I.D. (Prepayment Program) (describing the 1- and 3-Year Prepayment Programs, including requisite timelines for committing and prepaying as well as various conditions to opt out of the 3-Year Prepayment Program).

[10] *See* Securities Exchange Act Release No. 74086 (January 16, 2015), 80 FR 3701 (January 23, 2015) (SR–NYSEMKT–2015–4) (introducing the prepayment programs).

[11] *See* Securities Exchange Act Release No. 79737 (January 4, 2016), 82 FR 3052 (January 10, 2017) (modifying the description of the Prepayment Programs and introducing the Balance of the Year program).

[12] *See* Fee Schedule, Section I.D (Prepayment Programs), *supra* note 4.

[13] *See* proposed Fee Schedule, Section I.D (Prepayment Programs) (deleting all references to the 3 Year Prepayment Program, including reference to early termination and the ability to opt out; and updating references to 1-Year and Balance of the Year Prepayment Programs to reflect 2018 calendar year and other program updates as described herein).

[14] *See* proposed Fee Schedule, Section I.D.

[15] *See* Fee Schedule, Section I.E. (American Customer Engagement (''ACE'') Program—Standard Options), *supra* note 4.

[16] *See* proposed Fee Schedule, Section I.D (Prepayment Programs) (modifying the description of the 1Year Prepayment Programs to remove

Continued

Next, the Exchange is proposing to continue to offer a ''Balance of the Year'' Prepayment Program, without altering any material aspects of the Program. The Exchange would continue to require the following prepayments based on the quarter in which a Market Maker joined:

	2nd Quarter	3rd Quarter	4th Quarter
Prepayment Amount and Payment Schedule	$2,475,000	$1,800,000	$975,000

Consistent with the current Balance of the Year Prepayment Program, a Market Maker that participates in the Balance of the Year Program would receive a credit equal to its prepayment amount (*i.e.,* $2,475,000; $1,800,000; or $975,000, respectively) toward certain fees it incurs on the Exchange.[17] As proposed, Marker [sic] Makers that enroll in the Balance of the Year Program would be required to notify the Exchange by the last business day before the start of the new (following) quarter (*e.g.,* to participate for three-quarters of the year, notice must be given by the last business day of the first quarter of that year, etc.).[18] In addition, consistent with 2017, participants must remit payment by the last business day in the first month of the respective quarter (*i.e.,* the quarter in which prepayments will begin to apply). However, the Exchange proposes to remove reference to specific dates, which were tied to prior calendar years, to avoid having to revise the Fee Schedule on an annual basis. Thus, as proposed, the deadlines to participate in the Balance of the Year Prepayment Program for each quarter would be the last business day in April, July and October, for the second, third and fourth quarter, respectively.

Finally, the Exchange proposes to make clear that any prepayments made pursuant to the 1 Year Prepayment Program 1 or the Balance of the Year Prepayment Program would apply to transactions effected using the BOLD Mechanism, pursuant to Section I.M. of the Fee Schedule.[19]

American Customer Engagement (''ACE'') Program

Section I. E. of the Fee Schedule describes the Exchange's ACE Program. The ACE Program features a base tier and five higher tiers expressed as a percentage of TCADV[20] and provides two alternative methods by which Order Flow Providers (each an ''OFP'') may receive per contract credits for Electronic Customer volume that the OFP, as agent, submits to the Exchange.[21] The Exchange is proposing to modify certain credits offered in the ACE Program.

First, the Exchange proposes to delete the ACE credits for 3 Year Enhanced Customer Volume Credits, and any references thereto, to reflect that the 3 Year Prepayment Program has expired, as noted above.[22] The Exchange believes these changes would add clarity, transparency and internal consistency to the Fee Schedule.

Next, the Exchange proposes to modify the enhanced per contract credit applicable to Customer Complex Orders for 1 Year and Balance of the Year Prepayment Participants. Specially, the Exchange proposes to reduce the credit for Tier 1 from $0.20 to $0.19 per contract, while increasing the per contract credit for Tier 4 and 5, from $0.21 and $0.23, respectively, to $0.22 and $0.24, respectively.

The Exchange also proposes to modify the per contract credit applicable to Simple Orders on Customer volume for Tiers 3, 4 and 5. Specifically, the Exchange proposes to reduce the credit for Tier 3, 4, and 5 from $0.19, $0.20, and $0.22, respectively, to $0.17, $0.19, and $0.21, respectively. And, the Exchange proposes to increase the enhanced per contract credit applied to Simple Orders on Customer volume for Prepayment participants that qualify for Tier 5 from $0.23 to $0.24.

The proposed changes to credits payable on Customer volume are intended to encourage ATP Holders and their Affiliates and/or Appointed parties to participate in the Prepayment Programs, while still rewarding OFPs that direct significant amounts of Customer volume to the Exchange with credits on transactions.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[24] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

Sliding Scale

The Exchange believes that the proposed modifications to the Sliding Scale are reasonable, equitable and not unfairly discriminatory for a number of reasons. First, the Sliding Scale is available to all Market Makers and is based on the amount of business transacted on—and is designed to attract greater volume to—the Exchange. In addition, the elimination of the alternative basis to qualify for a reduced rate by posting monthly volume of at least 0.85% TCADV (if not participating in a Prepayment Program) is not unfairly discriminatory because Market Makers that would like to receive a more favorable per contract rate under the Sliding Scale have the option to commit to one of the Prepayment Programs, which commitment increases liquidity on the Exchange to the benefit of all market participants. Moreover, all Market Makers will be subject to the proposal to impose differing rates

reference to a specific calendar year and instead maintain requirement [sic] that Market Makers would [sic] the Exchange of their commitment to the Program by sending an email the Exchange at *optionsbilling@nyse.com).*

[17] *See id.* Similarly, just as with the 1-Year Prepayment Program, the Exchange would apply the prepayment as a credit against certain charges incurred on the Exchange. Once the prepayment credit has been exhausted, the Exchange would invoice the Market Maker at the appropriate rates. In the event that a Market Maker does not conduct sufficient activity to exhaust the entirety of their prepayment credit within the calendar year, there would be no refunds issued for any unused portion of their prepayment credit. *See id.*

[18] *See id.* (providing that Market Makers would be required to notify the Exchange of their commitment to the Program by sending an email the Exchange at *optionsbilling@nyse.com*).

[19] *See id.* The Exchange notes that after introducing fees associated with BOLD transactions in 2017, it modified various aspects of the Fee Schedule to account for these fees. However, the Exchange failed to make clear that payments under any of the Prepayment Programs would count towards BOLD transactions and seeks to correct this oversight with this proposed change. *See id.*

[20] *See* Fee Schedule, Section I.E., *supra* note 4. The Exchange also proposes to make a grammatical change to the second sentence of the introductory paragraph by changing the word ''is'' to ''are,'' which should add clarity to the fee schedule. *See* proposed Fee Schedule, Section I.E.

[21] The volume thresholds are based on an OFP's Customer volume transacted Electronically as a percentage of TCADV as reported by the OCC. *See* OCC Monthly Statistics Reports, *available here, http://www.theocc.com/webapps/monthly-volume-reports.*

[22] *See* proposed Fee Schedule, Section I. E.

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(4) and (5).

depending on whether volume is make or take volume. The proposed adjustments are designed to encourage Market Makers to commit to directing their order flow to the Exchange, which would increase volume and liquidity, to the benefit of all market participants by providing more trading opportunities and tighter spreads. Further, the proposed Sliding Scale thresholds and rates are competitive with fees charged by other exchanges and are designed to attract (and compete for) order flow to the Exchange, which provides a greater opportunity for trading by all market participants.[25] In addition, the proposed changes, which are designed to incent market participants to increase the orders sent directly to the Exchange, should provide liquidity that supports the quality of price discovery and promotes market transparency to the benefit of all market participants. Finally, the Exchange notes that other exchanges have established transaction fees for Market Makers based on maker and taker activity.[26]

Prepayment Program

The Exchange believes that the proposed modifications to the Prepayment Programs are reasonable, equitable and not unfairly discriminatory for a number of reasons. First, all of the Prepayment Programs offered on the Exchange are optional and Market Makers can elect to participate (or elect not to participate). Given the expiration of the 3 Year Prepayment Program, the Exchange believes that the goals of the Prepayment Program continue to be served by continuing to offer the 1 Year and Prepayment Program as well as the Balance of the Year Program. The Exchange believes that continuing to offer these Programs would provide Market Makers with the flexibility to join annually or at various points in the year, which may encourage broader participation in the Prepayment Programs. The Exchange anticipates that the potential greater capital commitment and resulting liquidity on the Exchange would benefit all market participants (including non-Market Makers). Moreover, the Exchange notes that other options exchanges likewise offer Prepayment Programs to market makers that may be joined after the start of the year.[27] The Exchange also notes that, similar to the Sliding Scale, the Prepayment Program is designed to incent Market Makers to commit to directing their order flow to the Exchange, which would benefit all market participants by expanding liquidity, providing more trading opportunities and tighter spreads, even to those market participants that are not eligible for the Programs. Thus, the Exchange believes the Prepayment Program, as modified, is reasonable, equitable and not unfairly discriminatory to others.

In addition, the Exchange believes that the proposal to replace specific dates with the term ''last business day'' removes impediments to and perfects the mechanism of a free and open market by eliminating redundant annual rule filings when the Exchange is not changing its fees. The Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by reducing potential confusion among market participants and the investing public who may see a rule filing and mistake it for a fee change when in fact a fee is not changing. The proposed change is also reasonable, equitable and not unfairly discriminatory as it is designed to add clarity to the Fee Schedule to the benefit of all market participants.

The Exchange believes that the proposed change to make clear that fees associated with BOLD transactions would be applied against prepayments made under the Balance of the Year Program would add clarity, transparency and internal consistency to the Fee Schedule.

ACE Program

The Exchange believes the proposed changes to the ACE Program are reasonable, equitable and not unfairly discriminatory for a number of reasons. First, the proposed changes to increase three of the credits associated with participants in one of the Prepayment Programs are designed to incent market participants to increase the orders sent directly to the Exchange and therefore provide liquidity that supports the quality of price discovery and promotes market transparency to the benefit of all market participants. The Exchange believes that the proposed fee change would directly relate to the activity of a Market Maker and the activity of an affiliated ATP Holder on the Exchange, thereby encouraging increased trading activity. The Exchange believes that the proposal to amend the credits associated with various Tiers of the ACE Program is reasonable because it provides ATP Holders affiliated with an NYSE American Options Market Maker with additional incentives to participate in the Prepayment Program. The Exchange believes that the proposal to slightly reduce the credits for Simple Orders not associated with participants in one of the Prepayment Programs are likewise reasonable, equitable and not unfairly discriminatory because such credits are within the range offered by competing options exchanges.[28]

The Exchange's proposed grammatical change (*see supra* note 19) is reasonable, equitable and not unfairly discriminatory as it is designed to add clarity to the Fee Schedule to the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[29] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes relating to the Sliding Scale, the Prepayment Program, and the ACE Program may increase both intermarket and intramarket competition by incenting participants to direct their orders to the Exchange, which would enhance the quality of quoting and may increase the volume of contracts traded on the Exchange. To the extent that there is an additional competitive burden on non-NYSE American Market Makers, the Exchange believes that this is appropriate because Market Makers have heightened obligations that other market participants do not and the proposal should incent market participants to direct additional order flow to the Exchange, and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange.

Given the robust competition for volume among options markets, many of which offer the same products, implementing programs to attract order flow similar to the ones being proposed in this filing, are consistent with the above-mentioned goals of the Act. The

[25] *See* MIAX and Cboe fee schedules, *supra* note 8.

[26] *See id.*

[27] *See, e.g.,* Cboe fee schedule, *supra* note 8, at p. 18, footnote 10 (a market maker may be permitted to pay a pro-rated amount of the $2.4 million if, for example, they join the program mid-year).

[28] *See id.,* Volume Incentive Program, at p. 3 (offering per contracts credits ranging from $0.09–$0.14 for simple orders).

[29] 15 U.S.C. 78f(b)(8).

Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [30] of the Act and subparagraph (f)(2) of Rule 19b–4 [31] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [32] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2017–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2017–42. 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–NYSEAMER–2017–42 and should be submitted on or before February 8, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00723 Filed 1–17–18; 8:45 am]

BILLING CODE 8011–01–P

[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f)(2).

[32] 15 U.S.C. 78s(b)(2)(B).

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82484; File No. SR–CboeBZX–2018–001]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List and Trade Shares of the GraniteShares Bitcoin ETF and the GraniteShares Short Bitcoin ETF, a Series of the GraniteShares ETP Trust, Under Rule 14.11(f)(4), Trust Issued Receipts

January 11, 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 January 5, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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 list and trade shares of the GraniteShares Bitcoin ETF and the GraniteShares Short Bitcoin ETF (each a ''Fund'' and, collectively, the ''Funds''), a series of the GraniteShares ETP Trust (the ''Trust''), under Rule 14.11(f)(4) (''Trust Issued Receipts''). The shares of the Funds are referred to herein as the ''Shares.''

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 list and trade shares of the GraniteShares Bitcoin ETF (the ''Long Fund'') and the GraniteShares Short Bitcoin ETF (the ''Short Fund'') under Rule 14.11(f)(4), which governs the listing and trading of Trust Issued Receipts [3] on the Exchange.[4]

The Shares will be offered by the Trust, which was established as a Delaware statutory trust on November 7, 2016. The Trust will not be registered as an investment company under the Investment Company Act of 1940 and is not required to register under such act.[5] The Trust is registered as a commodity pool under the Commodity Exchange Act (''CEA'').[6] The Shares of the Trust will be registered with the Commission by means of the Trust's registration statement on Form S–1 (the ''Registration Statement'') under the Securities Act of 1933 (the ''Securities Act''). The Registration Statement was filed on December 15, 2017 and the Registration Statement will be effective as of the date of any offer and sale pursuant to the Registration Statement.[7]

GraniteShares Advisors LLC (the ''Sponsor'') serves as the Trust's sponsor and commodity pool operator and is a member of the National Futures Association (the ''NFA''). As a member of the NFA, the Sponsor is subject to NFA standards relating to fair trade practices, financial condition, and consumer protection. Bank of New York Mellon serves as administrator, custodian, and transfer agent for the Funds. Foreside Fund Services, LLC (''Marketing Agent'') serves as the distributor for the Trust.

The Funds are not actively managed by traditional methods (*e.g.,* by effecting changes in the composition of a portfolio on the basis of judgments relating to economic, financial and market considerations with a view toward obtaining positive results under all market conditions) other than for cash management purposes and the rolling methodology employed by the Sponsor described below.

Bitcoin Futures Contracts

Prior to listing a new commodity futures contract, a designated contract market must either submit a self-certification to the CFTC that the contract complies with the CEA and CFTC regulations or voluntarily submit the contract for CFTC approval. This process applies to all futures contracts and all commodities underlying the futures contracts, whether the new futures contracts are related to oil, gold, or any other commodity.[8] On December 1, 2017, it was announced [9] that both Cboe Futures Exchange, Inc. (''CFE'') and Chicago Mercantile Exchange, Inc. (''CME'') had self-certified with the CFTC new contracts for bitcoin [10] futures products.[11] While the CFE bitcoin futures contracts (''XBT Futures'' and the ''Benchmark Futures Contracts'') [12] and the CME bitcoin futures contracts (''CME Futures'') [13] will differ in certain of their implementation details, both contracts will generally trade and settle like any other cash-settled commodity futures contracts.[14]

As such, the Exchange is proposing to list and trade the Funds under Rule 14.11(f)(4), which governs the listing and trading of Trust Issued Receipts on the Exchange.

GraniteShares Bitcoin ETF

The Long Fund seeks as its investment objective results (before fees and expenses) that, both for a single day [15] and over time, match the performance of lead month Benchmark Futures Contracts. By being long Bitcoin Futures Contracts, as defined below, the Long Fund seeks to benefit from daily increases in the price of the Bitcoin Futures Contracts and will lose value when the price of the Bitcoin Futures Contracts decline.

GraniteShares Short Bitcoin ETF

The Short Fund seeks to provide investment results that, on a daily basis correspond (before fees and expenses) to the inverse (-1x) of the daily performance of the Benchmark Futures Contracts for a single day. By being short Bitcoin Futures Contracts, as defined below, the Short Fund seeks to benefit from daily decreases in the price of the Bitcoin Futures Contracts and will lose value when the price of the Bitcoin Futures Contracts increase.

Investment Strategies

Each Fund will, under Normal Market Conditions,[16] hold substantially all of its assets in the Benchmark Futures Contracts and cash and Cash Equivalents [17] (which are used to

[3] Rule 14.11(f)(4) applies to Trust Issued Receipts that invest in ''Financial Instruments.'' The term ''Financial Instruments,'' as defined in Rule 14.11(f)(4)(A)(iv), means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars and floors; and swap agreements.

[4] The Commission approved BZX Rule 14.11(f)(4) in Securities Exchange Act Release No. 68619 (January 10, 2013), 78 FR 3489 (January 16, 2013) (SR–BATS–2012–044).

[5] 15 U.S.C. 80a–1.

[6] 17 U.S.C. 1.

[7] *See* Registration Statement on Form S–1, dated December 15, 2017 (File No. 333–222109). The descriptions of the Trust and the Shares contained herein are based, in part, on information in the Registration Statement.

[8] Section 1a(9) of the CEA defines commodity to include, among other things, ''all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in.'' The definition of commodity is broad. 7 U.S.C. 1a(9).

[9] *See* ''CFTC Statement on Self-Certification of Bitcoin Products by CME, CFE and Cantor Exchange,'' dated December 1, 2017, available at *http://www.cftc.gov/PressRoom/PressReleases/pr7654-17.*

[10] Bitcoin is a digital asset based on the decentralized, open source protocol of the peer-to-peer bitcoin computer network (the ''Bitcoin Network''). No single entity owns or operates the Bitcoin Network; the infrastructure is collectively maintained by a decentralized user base. The Bitcoin Network is accessed through software, and software governs bitcoin's creation, movement, and ownership. The value of bitcoin is determined by the supply of and demand for bitcoin on websites that facilitate the transfer of bitcoin in exchange for government-issued currencies, and in private end-user-to-end-user transactions.

[11] Bitcoin is a commodity as defined in Section 1a(9) of the CEA. 7 U.S.C. 1a(9). *See In re* Coinflip, Inc., No. 15–29 (CFTC Sept. 17, 2015), *available at: http://www.cftc.gov/ucm/groups/public/@lrenforcementactions/documents/legalpleading/enfcoinfliprorder09172015.pdf.*

[12] The XBT Futures are cash-settled futures contracts based on the auction price of bitcoin in U.S. dollars on the Gemini Exchange that will expire on a weekly, monthly and quarterly basis. XBT Futures are designed to reflect economic exposure related to the price of bitcoin. XBT Futures began trading on December 10, 2017.

[13] The CME Futures are also cash-settled futures contracts based on the CME CF Bitcoin Reference Rate, which is based on an aggregation of trade flow from several bitcoin spot exchanges, that will expire on a monthly and quarterly basis. CME Futures began trading on December 17, 2017.

[14] CFE and CME are registered with the CFTC and seek to provide a neutral, regulated marketplace for the trading of derivatives contracts for commodities, such as futures, options and certain swaps. Both the CFE and CME are both members of the Intermarket Surveillance Group (''ISG'').

[15] A ''single day'' is measured from the time a Fund calculates its net asset value (''NAV'') to the time of the Fund's next NAV calculation. The NAV calculation time for the Funds will typically be 4:00 p.m. Eastern time.

[16] The term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[17] ''Cash and Cash Equivalents'' means short-term instruments with maturities of less than three months, including: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial

Continued

collateralize the Benchmark Futures Contracts) in order to achieve its investment objective. Although the Funds generally intend to invest substantially all of their respective assets in Benchmark Futures Contracts, the Funds may invest in other U.S. exchange-listed bitcoin futures contracts, as available, in addition to the Benchmark Futures Contracts (collectively, with Benchmark Futures Contracts, the ''Bitcoin Futures Contracts''). In the event that position price, or accountability limits are reached with respect to Bitcoin Futures Contracts, each Fund may invest in U.S. listed swaps on bitcoin or the Benchmark Futures Contracts (''Listed Bitcoin Swaps''). In the event that position price or accountability limits are reached with respect to Listed Bitcoin Swaps, each Fund may invest in OTC swaps on bitcoin or the Benchmark Futures Contracts.

Each Fund intends to enter into swap agreements only with major, global financial institutions that meet certain credit quality standards and monitoring policies. The Funds will each use various techniques to minimize credit risk, including posting collateral daily that is marked to market, using different counterparties, and limiting the net amount due from any individual counterparty.

Bitcoin Futures Contracts are measures of the market's expectation of the price of bitcoin at certain points in the future, and as such will behave differently than current or spot bitcoin prices. The Funds are not linked to bitcoin and in many cases the Funds could significantly underperform or outperform the price of bitcoin.

The Funds do not intend to hold Bitcoin Futures Contracts through expiration, but instead intend to either close or ''roll'' their respective positions. When the market for these contracts is such that the prices are higher in the more distant delivery months than in the nearer delivery months, the sale during the course of the ''rolling process'' of the more nearby contract would take place at a price that is lower than the price of the more nearby Bitcoin Futures Contracts would take place at a price that is lower than the price of the more distant Bitcoin Futures Contracts [sic]. This pattern of higher futures prices for longer expiration Bitcoin Futures Contracts is referred to as ''contango.'' Alternatively, when the market for certain Bitcoin Futures Contracts is such that the prices are higher in the nearer months than in the more distant months, the sale during the course of the ''rolling process'' of the more nearby Bitcoin Futures Contracts would take place at a price that is higher than the price of the more distant Bitcoin Futures Contracts. This pattern of higher future prices for shorter expiration Bitcoin Futures Contracts is referred to as ''backwardation.'' The presence of contango in the relevant Bitcoin Futures Contracts at the time of rolling would be expected to adversely affect the long positions held by the Long Fund, and positively affect the short positions held by the Short Fund. Similarly, the presence of backwardation in Bitcoin Futures Contracts at the time of rolling such Bitcoin Futures Contracts would be expected to adversely affect the short positions held by the Short Fund and positively affect the long positions held by the Long Fund.

Each Fund's investments will be consistent with its investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage).[18] Each Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.* 2x or -2x) of the Index. Each Fund's use of derivative instruments will be collateralized.

Policy Considerations

The Exchange recognizes that certain policy concerns exist as it relates to any series of Trust Issued Receipts that are listed on the Exchange, but that these concerns, as well as certain other concerns raised by this proposal specifically, are mitigated as it relates to the Funds and their holdings for the reasons enumerated below.

First, the Exchange believes that the policy concerns related to an underlying reference asset and its susceptibility to manipulation are mitigated as it relates to bitcoin because the very nature of the bitcoin ecosystem makes manipulation of bitcoin difficult. The geographically diverse and continuous nature of bitcoin trading makes it difficult and prohibitively costly to manipulate the price of bitcoin and, in many instances, that the bitcoin market is generally less susceptible to manipulation than the equity, fixed income, and commodity futures markets. There are a number of reasons this is the case, including that there is not inside information about revenue, earnings, corporate activities, or sources of supply; it is generally not possible to disseminate false or misleading information about bitcoin in order to manipulate; manipulation of the price on any single venue would require manipulation of the global bitcoin price in order to be effective; a substantial over-the-counter market provides liquidity and shock-absorbing capacity; bitcoin's 24/7/365 nature provides constant arbitrage opportunities across all trading venues; and it is unlikely that any one actor could obtain a dominant market share.

Further, bitcoin is arguably less susceptible to manipulation than other commodities that underlie ETPs; there may be inside information relating to the supply of the physical commodity such as the discovery of new sources of supply or significant disruptions at mining facilities that supply the commodity that simply are inapplicable as it relates to bitcoin. Further, the Exchange believes that the fragmentation across bitcoin exchanges, the relatively slow speed of transactions, and the capital necessary to maintain a significant presence on each exchange make manipulation of bitcoin prices through continuous trading activity unlikely. Moreover, the linkage between the bitcoin markets and the presence of arbitrageurs in those markets means that the manipulation of the price of bitcoin price on any single venue would require manipulation of the global bitcoin price in order to be effective. Arbitrageurs must have funds distributed across multiple bitcoin exchanges in order to take advantage of temporary price dislocations, thereby making it unlikely that there will be strong concentration of funds on any particular bitcoin exchange. As a result, the potential for manipulation on a particular bitcoin exchange would require overcoming the liquidity supply of such arbitrageurs who are effectively eliminating any cross-market pricing differences. For all of these reasons, bitcoin is not particularly susceptible to manipulation, especially as compared to other approved ETP reference assets.

Second, the Exchange believes that the policy concerns related to the susceptibility to manipulation of an underlying futures contract is, in addition to the arguments above, further mitigated by the significant liquidity that the Exchange expects to exist in the market for Bitcoin Futures Contracts. This belief is based on numerous conversations with market participants,

transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[18] The Funds will each include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of a fund, including a fund's use of derivatives, may give rise to leverage, causing a fund to be more volatile than if it had not been leveraged.

issuers, and discussions with personnel of CFE. This expected liquidity in the market for Bitcoin Futures Contracts combined with the CFE, CME, and Exchange surveillance procedures related to the Bitcoin Futures, the Shares, and CFTC oversight,[19] along with the difficulty in manipulating the bitcoin market described above will mitigate the potential policy concerns and further prevent trading in the Shares from being susceptible to manipulation.

Net Asset Value

According to the Registration Statement, the net asset value (''NAV'') of the Shares of the Funds will be calculated by dividing the value of the net assets of the Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of Shares outstanding. Expenses and fees, including the management and administration fees, are accrued daily and taken into account for purposes of determining NAV. The NAV of each Fund is generally determined at 4:00 p.m. Eastern Time each business day when the Exchange is open for trading. If the Exchange or market on which the Fund's investments are primarily traded closes early, the NAV may be calculated prior to its normal calculation time. Creation/redemption transaction order time cutoffs (as further described below) would also be accelerated.

Bitcoin Futures Contracts are generally valued at their settlement price as determined by the relevant exchange. Cash and Cash Equivalents will generally be valued at their market price using market quotations or information provided by a pricing service. Listed Bitcoin Swaps are generally valued at their settlement price as determined by the relevant swap execution facility. OTC swaps will be valued based on the then-current disseminated levels for the Bitcoin Futures Contracts or the applicable reference price for bitcoin applicable to the contract.

For more information regarding the valuation of Fund investments in calculating a Fund's NAV, see the Registration Statement.

The Shares

The Funds will issue and redeem Shares on a continuous basis at the NAV per Share only in large blocks of a specified number of Shares or multiples thereof (''Creation Units'') in transactions with authorized participants who have entered into agreements with the Distributor. The Adviser currently anticipates that a Creation Unit will consist of 10,000 Shares, though this number may change from time to time, including prior to listing of the Shares. The exact number of Shares that will constitute a Creation Unit will be disclosed in the Registration Statement. Once created, Shares of the Funds may trade on the secondary market in amounts less than a Creation Unit.

Although the Adviser anticipates that purchases and redemptions for Creation Units will generally be executed on an all-cash basis, the consideration for purchase of Creation Units of the Funds may consist of an in-kind deposit of a designated portfolio of assets (including any portion of such assets for which cash may be substituted) (*i.e.,* the ''Deposit Assets''), and the ''Cash Component'' computed as described below. Together, the Deposit Assets and the Cash Component constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The specific terms surrounding the creation and redemption of shares are at the discretion of the Adviser.

The Deposit Assets and Fund Securities (as defined below), as the case may be, in connection with a purchase or redemption of a Creation Unit, generally will correspond pro rata, to the extent practicable, to the assets held by the Funds.

The Cash Component will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the ''Deposit Amount,'' which will be an amount equal to the market value of the Deposit Assets, and serve to compensate for any differences between the NAV per Creation Unit and the Deposit Amount. The Funds generally offer Creation Units partially or entirely for cash. The Adviser will make available through the National Securities Clearing Corporation (''NSCC'') on each business day, prior to the opening of business on the Exchange, the list of names and the required number or par value of each Deposit Asset and the amount of the Cash Component to be included in the current Fund Deposit (based on information as of the end of the previous business day) for the Fund.

The identity and number or par value of the Deposit Assets may change pursuant to changes in the composition of a Fund's portfolio as rebalancing and rolling adjustments and corporate action events occur from time to time. The composition of the Deposit Assets may also change in response to adjustments to the weighting or composition of the holdings of the Fund.

The Fund reserves the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Asset that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the Depository Trust Company (''DTC'') or the clearing process through the NSCC.[20]

Except as noted below, all creation orders must be placed for one or more Creation Units and must be received by the Distributor at a time specified by the Adviser. The Fund currently intends that such orders must be received in proper form no later than 2:00 p.m. Eastern Time on the date such order is placed in order for creation of Creation Units to be effected based on the NAV of Shares of each Fund as next determined on such date after receipt of the order in proper form. The ''Settlement Date'' is generally the second business day after the transmittal date. On days when the Exchange or the futures markets close earlier than normal, the Funds may require orders to create or to redeem Creation Units to be placed earlier in the day.

Fund Deposits must be delivered through either the Continuous Net Settlement facility of the NSCC, the Federal Reserve System (for cash and government securities), through DTC (for corporate securities), or through a central depository account, such as with Euroclear or DTC, maintained by each Fund's Custodian (a ''Central Depository Account''), in any case at the discretion of the Adviser, by an authorized participant. Any portion of a Fund Deposit that may not be delivered through the NSCC, Federal Reserve System or DTC must be delivered through a Central Depository Account.

[19] The CFTC issued a press release on December 1, 2017, noting the self-certifications from CFE and CME and highlighting the rigorous process that the CFTC had undertaken in its engagement with CFE and CME prior to the self-certification for the Bitcoin Futures Contracts. The press release focused on the ongoing surveillances that will occur on each listing exchange, including surveillance based on information sharing with the underlying cash bitcoin exchanges as well as the actions that the CFTC will undertake after the contracts are launched, including monitoring and analyzing the size and development of the market, positions and changes in positions over time, open interest, initial margin requirements, and variation margin payments, stress testing positions, conduct reviews of designated contract markets, derivatives clearing organizations, clearing firms, and individual traders involved in trading and clearing bitcoin futures. For more information, *see http://www.cftc.gov/PressRoom/PressReleases/pr7654-17.*

[20] The Adviser represents that, to the extent the Trust permits or requires a ''cash in lieu'' amount, such transactions will be effected in the same or equitable manner for all authorized participants.

A standard creation transaction fee may be imposed to offset the transfer and other transaction costs associated with the issuance of Creation Units.

Shares of the Funds may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor and only on a business day. The Adviser will make available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of assets (including any portion of such assets for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). The redemption proceeds for a Creation Unit generally will consist of a specified amount of cash less a redemption transaction fee. The Fund generally will redeem Creation Units entirely for cash.

A standard redemption transaction fee may be imposed to offset transfer and other transaction costs that may be incurred by the Fund.

Redemption requests for Creation Units of the Funds must be submitted to the Distributor by or through an authorized participant by a time specified by the Adviser. The Fund currently intends that such requests must be received no later than 3:30 p.m. Eastern Time on any business day, in order to receive that day's NAV. The authorized participant must transmit the request for redemption in the form required by the Funds to the Distributor in accordance with procedures set forth in the authorized participant agreement.

Additional information regarding the Shares and the Funds, including investment strategies, risks, creation and redemption procedures, fees and expenses, portfolio holdings disclosure policies, distributions, taxes and reports to be distributed to beneficial owners of the Shares can be found in the Registration Statement or on the website for the Funds (*www.GraniteShares.com*), as applicable.

Availability of Information

The Funds' website, which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for each Fund that may be downloaded. The websites will include additional quantitative information updated on a daily basis, including, for the Fund: (1) The prior business day's reported NAV, the closing market price or the midpoint of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[21] daily trading volume, and a calculation of the premium and discount of the closing market price or Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily closing market price or Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. Daily trading volume information will be available in the financial section of newspapers, through subscription services such as Bloomberg, Thomson Reuters, and International Data Corporation, which can be accessed by authorized participants and other investors, as well as through other electronic services, including major public websites. On each business day, before commencement of trading in Shares during Regular Trading Hours [22] on the Exchange, each Fund will disclose on its website the identities and quantities of the portfolio Bitcoin Futures Contracts and other assets (the ''Disclosed Portfolio'') held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[23] The Disclosed Portfolio will include, as applicable: Ticker symbol or other identifier, a description of the holding, identity of the asset upon which the derivative is based, the quantity of each security or other asset held as measured by select metrics, maturity date, coupon rate, effective date, market value and percentage weight of the holding in the portfolio. The website and information will be publicly available at no charge.

In addition, for each Fund, an estimated value that reflects an estimated intraday value of the Fund's portfolio (the ''Intraday Indicative Value''), will be disseminated. Moreover, the Intraday Indicative Value will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Regular Trading Hours.[24] In addition, the quotations of certain of each Fund's holdings may not be updated for purposes of calculating Intraday Indicative Value during U.S. trading hours where the market on which the underlying asset is traded settles prior to the end of the Exchange's Regular Trading Hours.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of each Fund on a daily basis and provide an estimate of that value throughout the trading day.

Intraday price quotations on Cash Equivalents of the type held by the Funds are available from major broker-dealer firms and from third-parties, which may provide prices free with a time delay, or ''live'' with a paid fee. For Bitcoin Futures Contracts and Listed Bitcoin Swaps, such intraday information is available directly from the applicable listing venue. Intraday price information is also available through subscription services, such as Bloomberg and Thomson Reuters, which can be accessed by authorized participants and other investors. Pricing information related to Cash Equivalents will be available through issuer websites and publicly available quotation services such as Bloomberg, Markit and Thomson Reuters.

Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's closing price and trading volume information for the Shares will be generally available daily in the print and online financial press. Quotation and last sale information for the Shares will be available on the facilities of the CTA.

Initial and Continued Listing

The Shares will be subject to BZX Rule 14.11(f)(4), which sets forth the initial and continued listing criteria applicable to Trust Issued Receipts that invest in Financial Instruments. The Exchange will obtain a representation that the Trust's NAV will be calculated daily and that these values and information about the assets of the Trust will be made available to all market participants at the same time. The Trust currently expects that there will be at least 20,000 Shares outstanding at the time of commencement of trading on the

[21] The Bid/Ask Price of each Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Funds and their service providers.

[22] Regular Trading Hours are 9:30 a.m. to 4:00 p.m. Eastern Time.

[23] Under accounting procedures to be followed by the Funds, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, each Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[24] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available Intraday Indicative Values published via the Consolidated Tape Association (''CTA'') or other data feeds.

Exchange. Upon termination of the Trust, the Shares will be removed from listing. The Trustee, Wilmington Trust Company, is a trust company having substantial capital and surplus and the experience and facilities for handling corporate trust business, as required under Rule 14.11(f)(2)(D)(iv)(a) and that no change will be made to the trustee without prior notice to and approval of the Exchange.

As required in Rule 14.11(f)(4)(D), the Exchange notes that any registered market maker (''Market Maker'') in the Shares must file with the Exchange in a manner prescribed by the Exchange and keep current a list identifying all accounts for trading in an underlying commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, which the registered Market Maker may have or over which it may exercise investment discretion. No registered Market Maker shall trade in an underlying commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, in an account in which a registered Market Maker, directly or indirectly, controls trading activities, or has a direct interest in the profits or losses thereof, which has not been reported to the Exchange as required by this Rule. In addition to the existing obligations under Exchange rules regarding the production of books and records (see, *e.g.,* Rule 4.2), the registered Market Maker in Trust Issued Receipts shall make available to the Exchange such books, records or other information pertaining to transactions by such entity or registered or non-registered employee affiliated with such entity for its or their own accounts for trading the underlying physical commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, as may be requested by the Exchange.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. The Exchange will halt trading in the Shares under the conditions specified in BZX Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the bitcoin underlying the Shares; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 14.11(f)(4)(C)(ii), which sets forth circumstances under which trading in the Shares may be halted and delisting proceedings commenced.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. BZX will allow trading in the Shares from 8:00 a.m. until 5:00 p.m. Eastern Time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in BZX Rule 11.11(a) the minimum price variation for quoting and entry of orders in securities traded on the Exchange is $0.01 where the price is greater than $1.00 per share or $0.0001 where the price is less than $1.00 per share.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Additionally, the Bitcoin Futures Contracts will be subject to the rules and surveillance programs of CFE, CME, and the CFTC.[25] Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Trust Issued Receipts. The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the underlying Bitcoin Futures Contracts via ISG from other exchanges who are members or affiliates of the ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement.[26] The Exchange may also obtain information regarding trading in the spot bitcoin market from exchanges with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). The Exchange prohibits the distribution of material non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Exchange Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value is disseminated; (4) the risks involved in trading the Shares during the Pre-Opening[27] and After Hours Trading Sessions[28] when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Funds for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act.

[25] The CFTC issued a press release on December 1, 2017, noting the self-certifications from CFE and CME and highlighting the rigorous process that the CFTC had undertaken in its engagement with CFE and CME prior to the self-certification for the Bitcoin Futures Contracts. The press release focused on the ongoing surveillances that will occur on each listing exchange, including surveillance based on information sharing with the underlying cash bitcoin exchanges as well as the actions that the CFTC will undertake after the contracts are launched, including monitoring and analyzing the size and development of the market, positions and changes in positions over time, open interest, initial margin requirements, and variation margin payments, stress testing positions, conduct reviews of designated contract markets, derivatives clearing organizations, clearing firms, and individual traders involved in trading and clearing bitcoin futures. For more information, *see http://www.cftc.gov/PressRoom/PressReleases/pr7654-17.*

[26] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for each Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Not more than 10% of the net assets of a Fund in the aggregate invested in Bitcoin Futures Contracts shall consist of Bitcoin Futures Contracts whose principal market is not a member of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[27] The Pre-Opening Session is from 8:00 a.m. to 9:30 a.m. Eastern Time.

[28] The After Hours Trading Session is from 4:00 p.m. to 5:00 p.m. Eastern Time.

In addition, the Information Circular will reference that each Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Funds and the applicable NAV calculation time for the Shares. The Information Circular will disclose that information about the Shares of the Funds will be publicly available on that Fund's website. In addition, the Information Circular will reference that the Trust is subject to various fees and expenses described in the Registration Statement.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [29] in general and Section 6(b)(5) of the Act [30] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Additionally, the Bitcoin Futures Contracts will be subject to the rules and surveillance programs of CFE, CME, and the CFTC. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Trust Issued Receipts. The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the underlying Bitcoin Futures Contracts via ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement. The Exchange may also obtain information regarding trading in the spot bitcoin market via the ISG, from other exchanges who are members or affiliates of the ISG, or from other exchanges with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to TRACE. The Exchange prohibits the distribution of material non-public information by its employees. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.

The Exchange further believes that the proposal is designed to prevent fraudulent and manipulative acts and practices in that the Exchange expects that the market for Bitcoin Futures Contracts will be sufficiently liquid to support numerous ETPs shortly after launch. This belief is based on numerous conversations with market participants, issuers, and discussions with personnel of CFE. As such, the Exchange believes that the expected liquidity in the market for Bitcoin Futures Contracts combined with the Exchange surveillance procedures related to the Shares and the broader regulatory structure will prevent trading in the Shares from being susceptible to manipulation.

Because of its innovative features as a cryptoasset, bitcoin has gained wide acceptance as a secure means of exchange in the commercial marketplace and has generated significant interest among investors. In less than a decade since its creation in 2008, bitcoin has achieved significant market penetration, with payments giant PayPal and thousands of merchants and businesses accepting it as a form of commercial payment, as well as receiving official recognition from several governments, including Japan and Australia. Accordingly, investor interest in gaining exposure to bitcoin is increasing exponentially as well. As expected, the total volume of bitcoin transactions in the market continues to grow exponentially.

Despite the growing investor interest in bitcoin, the primary means for investors to gain access to bitcoin exposure remains either through the Bitcoin Futures Contracts or direct investment through bitcoin exchanges or over-the-counter trading. For regular investors simply wishing to express an investment viewpoint in bitcoin, investment through the Bitcoin Futures Contracts is complex and requires active management and direct investment in bitcoin brings with it significant inconvenience, complexity, expense and risk. The Shares would therefore represent a significant innovation in the bitcoin market by providing an inexpensive and simple vehicle for investors to gain long or short exposure to bitcoin in a secure and easily accessible product that is familiar and transparent to investors. Such an innovation would help to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest by improving investor access to bitcoin exposure through efficient and transparent exchange-traded derivative products.

In addition to improved convenience, efficiency and transparency, the Funds will also help to prevent fraudulent and manipulative acts and practices by enhancing the security afforded to investors as compared to a direct investment in bitcoin. Despite the extensive security mechanisms built into the Bitcoin network, a remaining risk to owning bitcoin directly is the need for the holder to retain and protect the ''private key'' required to spend or sell bitcoin after purchase. If a holder's private key is compromised or simply lost, their bitcoin can be rendered unavailable—*i.e.,* effectively lost to the investor. This risk will be eliminated by the Long Fund because the exposure to bitcoin is gained through cash-settled Bitcoin Futures Contracts that do not present any of the security issues that exist with direct investment in bitcoin.

The Funds expect that they will generally seek to remain fully exposed to Bitcoin Futures Contracts even during times of adverse market conditions. Under Normal Market Conditions, the Funds will generally hold only Bitcoin Futures Contracts and cash and Cash Equivalents (which are used to collateralize the Bitcoin Futures Contracts).

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Funds and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value will be disseminated by one or more major market data vendors at least every 15 seconds during Regular Trading Hours. On each business day, before commencement of trading in Shares during Regular Trading Hours, each Fund will disclose on its website the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the

[29] 15 U.S.C. 78f.

[30] 15 U.S.C. 78f(b)(5).

business day. Pricing information will be available on each Fund's website including: (1) The prior business day's reported NAV, the Bid/Ask Price of the Fund, and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. Additionally, information regarding market price and trading of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available on the facilities of the CTA. The website for each Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Funds will be halted under the conditions specified in BZX Rule 11.18. Trading may also be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Finally, trading in the Shares will be subject to BZX Rule 14.11(f)(4)(B)(ii), which sets forth circumstances under which Shares of the Funds may be halted and delisting proceedings commenced. In addition, as noted above, investors will have ready access to information regarding each Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

Intraday price quotations on Cash Equivalents of the type held by the Funds are available from major broker-dealer firms and from third-parties, which may provide prices free with a time delay, or ''live'' with a paid fee. For Bitcoin Futures Contracts and Listed Bitcoin Swaps, such intraday information is available directly from the applicable listing venue. Intraday price information is also available through subscription services, such as Bloomberg and Thomson Reuters, which can be accessed by authorized participants and other investors. Pricing information related to Cash Equivalents will be available through issuer websites and publicly available quotation services such as Bloomberg, Markit and Thomson Reuters.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement as well as trade information for certain fixed income instruments as reported to FINRA's TRACE. Not more than 10% of the net assets of a Fund in the aggregate invested in Bitcoin Futures Contracts shall consist of Bitcoin Futures Contracts whose principal market is not a member of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding each Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

(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 purpose of the Act. The Exchange notes that the proposed rule change, rather will facilitate the listing and trading of additional actively-managed exchange-traded products that will enhance competition among both market participants and listing venues, to the benefit of investors and the marketplace.

(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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve or disapprove the proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeBZX–2018–001 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–CboeBZX–2018–001. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2018–001 and should be submitted on or before February 8, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00720 Filed 1–17–18; 8:45 am]

BILLING CODE 8011–01–P

[31] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15302 and #15303; FLORIDA Disaster Number FL–00130]

Presidential Declaration Amendment of a Major Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 8.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4337–DR), dated 09/10/2017.

Incident: Hurricane Irma.

Incident Period: 09/04/2017 through 10/18/2017.

DATES: Issued on 01/10/2018.

Physical Loan Application Deadline Date: 11/24/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/11/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Florida, dated 09/10/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Hamilton

Contiguous Counties (Economic Injury Loans Only):

Georgia: Lowndes

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–00768 Filed 1–17–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15425 and #15426; CALIFORNIA Disaster Number CA–00283]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of California (FEMA–4353–DR), dated 01/02/2018.

Incident: Flooding, Mudflows, and Debris Flows directly related to the Wildfires.

Incident Period: 12/04/2017 and continuing.

DATES: Issued on 01/10/2018.

Physical Loan Application Deadline Date: 03/05/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 10/02/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of California, dated 01/02/2018, is hereby amended to expand the incident for this disaster to include flooding, mudflow, and debris flows directly related to the wildfires.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–00767 Filed 1–17–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 10272]

Notice of Public Meeting

The Department of State will conduct an open meeting at 9:30 a.m. on Tuesday, February 13, 2018, at the headquarters of the Radio Technical Commission for Maritime Services (RTCM) in Suite 705, 1621 N. Kent Street, Arlington, Virginia 22209. The primary purpose of the meeting is to prepare for the 5th session of the International Maritime Organization's (IMO) Sub-Committee on Navigation, Communication, and Search and Rescue to be held at the IMO Headquarters, United Kingdom, from February 19–23, 2018.

The agenda items to be considered include:

—Decisions of other IMO bodies
—Routing measures and mandatory ship reporting systems
—Updates to the LRIT system
—Application of the ''Indian Regional Navigation Satellite System (IRNSS)'' in the maritime field and development of performance standards for shipborne IRNSS receiver equipment
—Guidelines for the harmonized display of navigation information received via communications equipment
—Guidelines on standardized modes of operation, S-mode
—Develop guidance on definition and harmonization of the format and structure of Maritime Service Portfolios (MSPs)
—Updating of the GMDSS master plan and guidelines on MSI (maritime safety information) provisions
—Consequential work related to the new Polar Code
—Revision of SOLAS chapters III and IV for Modernization of the Global Maritime Distress and Safety System (GMDSS), including related and consequential amendments to other existing instruments
—Response to matters related to the Radio communication ITU–R Study Group and ITU World Radio Communication Conference
—Measures to protect the safety of persons rescued at sea
—Developments in GMDSS satellite services
—Revised Performance Standards for EPIRBs operating on 406 MHz (resolution A.810(19)) to include Cospas-Sarsat MEOSAR and second generation beacons
—Further development of the provision of global maritime SAR services
—Guidelines on harmonized aeronautical and maritime search and rescue procedures, including SAR training matters
—Amendments to the IAMSAR Manual
—Unified interpretation of provisions of IMO safety, security, and environment-related conventions
—Biennial status report and provisional agenda for NCSR 6
—Election of Chair and Vice-Chair for 2019

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, George Detweiler, by email at *George.H.Detweiler@uscg.mil,* by phone at (202) 372–1566, or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7418, Washington, DC 20593–7418 not later than February 6, 2018, 7 days prior to the meeting. Requests made after February 6, 2018 might not be able to be accommodated. In the case of inclement weather where the U.S. Government is closed or delayed, a public meeting may be conducted virtually by calling (202) 475–4000 or 1–855–475–2447, Participant code: 887 809 72. The meeting coordinator will confirm whether the virtual public meeting will be utilized. Members of the public can find out whether the U.S. Government is delayed or closed by visiting *www.opm.gov/status/.*

Joel C. Coito,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2018–00795 Filed 1–17–18; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fourth RTCA SC–236 Wireless Airborne Intra Communications (WAIC) Joint Plenary With EUROCAE WG–96

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

ACTION: Fourth RTCA SC–236 Wireless Airborne Intra Communications (WAIC) Joint Plenary with EUROCAE WG–96.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Fourth RTCA SC–236 Wireless Airborne Intra Communications (WAIC) Joint Plenary with EUROCAE WG–96.

DATES: The meeting will be held February 27–March 02, 2018, 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW, Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at *rmorrison@rtca.org* or 202–330–0654, or The RTCA Secretariat, 1150 18th Street NW, Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or website at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Fourth RTCA SC–236 Wireless Airborne Intra Communications (WAIC) Joint Plenary with EUROCAE WG–96. The agenda will include the following:

Tuesday, February 27, 2018, 9:00 a.m.–5:00 p.m.

1. Welcome/Administrative Duties
2. IPR/Membership Call-Out and Introductions
3. Acceptance of Meeting Minutes for the Third Joint Plenary of SC–236/WG–96 Held in Cologne In November 2017
4. Review Plenary Agenda and Sub-Working Group Schedule Including Delivery Schedule for White Paper and MOPS
5. Break Into Sub-Working Group Meetings When Plenary Business Complete

Wednesday, February 28, 2018, 9:00 a.m.–5:00 p.m.

6. Continue With Plenary or Sub-Working Group Meetings

Thursday, March 1, 2018, 9:00 a.m.–5:00 p.m.

7. Continue With Plenary or Sub-Working Group Meetings

Friday, March 2, 2018, 9:00 a.m.–12:00 p.m.

8. Continue With Plenary or Sub-Working Group Meetings
9. Reports of the Sub-Working Groups
10. Status and Review of the Draft Paper SC–236 Intermediate Report (Dedicated for ICAO Job Card)
11. Review of Special Committee Schedule
12. Approve Changes and Updates to the Terms of Reference
13. New Business Discussions
14. Review of Action Items
15. Plan for Next Meeting
16. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 12, 2018.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2018–00771 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Mixed Phase and Ice Crystal Icing Envelope (Deep Convective Clouds) Requirements—Revision of Appendix D to 14 CFR Part 33—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC) and solicitation of membership applicants.

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide recommendations on ice crystal icing (ICI) requirements. Because more extensive ICI data is available today, the FAA needs to determine if current regulations accurately reflect the existing ICI environment. This notice informs the public of the new ARAC activity and solicits membership for the new Ice Crystal Icing Working Group (ICIWG).

FOR FURTHER INFORMATION CONTACT: Alan Strom, Federal Aviation Administration, Rulemaking and Policy Branch, AIR–6A1, Engine & Propeller Standards Branch, Aircraft Certification Service, 1200 District Avenue, Burlington, MA 01803–9997, email *alan.strom@faa.gov,* phone (781) 238–7143, facsimile (781) 238–7199.

SUPPLEMENTARY INFORMATION:

ARAC Acceptance of Task

At the September 14, 2017, ARAC meeting, the FAA assigned and ARAC accepted this task. ARAC designated the task to the Transport Airplane and Engine (TAE) Subcommittee to establish the ICIWG. The working group will support the ARAC, through the TAE Subcommittee, and provide advice and recommendations on the assigned task. The TAE Subcommittee will send the recommendation report to the ARAC for review and acceptance. After ARAC accepts the recommendation report, it will send the recommendation report to the FAA.

Background

The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety. This includes obtaining advice and recommendations on the FAA's commitments to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with the European Aviation Safety Agency (EASA).

Amendment 33–34, published in the **Federal Register** (79 FR 65507, November 4, 2014), revised airplane and engine certification requirements in supercooled large drop, mixed phase, and ICI conditions. Appendix D to part 33—Mixed Phase and ICI Envelope (Deep Convective Clouds) was added to depict the ICI envelope derived from adiabatic lapse calculations based on a theoretical atmospheric model. The FAA adopted these requirements, in part, as a response to the National Transportation Safety Board safety recommendations A–96–54 and A–96–56. Since that time, the FAA in concert with other Federal agencies, civil airworthiness agencies, and industry sponsored three separate flight test campaigns to gather detailed ICI environmental test data. This flight test data has enabled a more accurate representation of ICI threat to aircraft turbojet, turbofan, and turboprop engines encountered in service. The objective of the ARAC task is to evaluate whether current engine or airplane air data probe responses to ICI warrant the use of an environmental envelope different from those existing in appendix D to part 33.

The Task

The ICIWG will provide advice and recommendations to the ARAC through the TAE Subcommittee on appendix D to part 33, and harmonization of § 33.68 *Induction system icing* requirements as follows:

1. Evaluate recent ICI environment data obtained from both government and industry to determine whether flight testing data supports the existing appendix D envelope.
2. Evaluate the results carried out in task 1 and recommend changes to the existing appendix D envelope, as applicable.
3. Compare available service data on air data probes from both government and industry probes on appendix D, including any changes proposed in task 2. Determine whether engine or aircraft air data probe responses warrant the use of a different environmental envelope from those proposed in task 2, or to the existing appendix D envelope.
4. Evaluate the results from task 3 and recommend ICI boundaries relevant to aircraft and engine air data probes. If the working group proposes a different envelope for aircraft and engine air data probes, recommend if these should be included in the existing appendix D, or create a new appendix to part 33.
5. Identify non-harmonized FAA or EASA ICI regulations or guidance. If the working group finds significant differences that impact safety, propose changes to increase harmonization.
6. Recommend changes to the advisory circular, AC 20–147A, *Turbojet, Turboprop, Turboshaft, and Turbofan Engine Induction System Icing and Ice Ingestion,* based on task 1 through 5 results.
7. Assist the FAA in determining the initial qualitative and quantitative costs, and benefits that may result from the working group's recommendations.
8. Develop a recommendations report containing the results of tasks 1 through 6. The report should document both majority and dissenting positions on the findings, the rationale for each position, and reasons for disagreement.

Schedule

The recommendation report should be submitted to the FAA for review and acceptance no later than 24 months from the first ICIWG meeting. The ICIWG will remain in existence for 30 months from the first ICIWG meeting.

Working Group Activity

The ICIWG must comply with the procedures adopted by the ARAC as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.
2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan for consideration by the TAE Subcommittee.
3. Provide a status report at each TAE Subcommittee meeting.
4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.
5. Present the recommendation report at the TAE Subcommittee meeting.

Roles and Responsibilities

The ICIWG will be comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC or the TAE Subcommittee. The FAA would like a wide range of members to ensure all aspects of the tasks are considered in development of the recommendations. The provisions of the August 13, 2014, Office of Management and Budget guidance, ''*Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions*'' (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their ''individual capacity.'' The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a ''representative capacity'' for the ''express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.'' (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

If you wish to become a member of the ICIWG, write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. The FAA must receive all requests by February 20, 2018 The ARAC, through the TAE Subcommittee, and the FAA will review the requests and advise you whether or not your request is approved.

The members of the ICIWG must actively participate in the working group, attend all meetings, and provide written comments when requested. The members must devote the resources necessary to support the working group in meeting any assigned deadlines. Members must keep management and those they may represent advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those represented. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the TAE Subcommittee Chair, the Working Group Chair, and the FAA, including the Designated Federal Officer.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Confidential Information

All final work products submitted to ARAC are public documents. Therefore,

it should not contain any non-public proprietary, privileged, business, commercial, and other sensitive information (collectively, Confidential Information) that the working group members would not want to be publicly available. With respect to working groups, there may be instances where members will share Commercial Information within the working group for purposes of completing an assigned tasked. Members must not disclose to any third party, or use for any purposes other than the assigned task, any and all Confidential Information disclosed to one party by the other party, without the prior written consent of the party whose Confidential Information is being disclosed. All parties must treat the Confidential Information of the disclosing party as it would treat its own Confidential Information, but in no event shall it use less than a reasonable degree of care. If any Confidential Information is shared with the FAA representative on a working group, it must be properly marked in accordance with the Office of Rulemaking Committee Manual, ARM–001–15.

Issued in Washington, DC, on January 11, 2018.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2018–00817 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fourteenth RTCA SC–229 406 MHz ELT Joint Plenary With EUROCAE WG–98

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

ACTION: Fourteenth RTCA SC–229 406 MHz ELT Joint Plenary with EUROCAE WG–98.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Fourteenth RTCA SC–229 406 MHz ELT Joint Plenary with EUROCAE WG–98.

DATES: The meeting will be held March 13–16, 2018 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: THALES ALENIA SPACE, 26 avenue J.F. Champollion, Toulouse, FRANCE. Registration is required to attend this event no later than February 2, 2018.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at *rmorrison@rtca.org* or 202–330–0654, or The RTCA Secretariat, 1150 18th Street NW, Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or website at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Fourteenth RTCA SC–229 406 MHz ELT Joint Plenary with EUROCAE WG–98. The agenda will include the following:

Tuesday March 13, 2018, 9:00 a.m.–5:00 p.m.

1. Welcome/introductions/administrative remarks/DFO FAA statement
2. Agenda overview and approval
3. Minutes Washington DC meeting review and approval
4. Review action items from Washington DC meeting
5. Week's plan
6. Working group of the whole meeting (rest of the day) to answer the comments received during the second pre–FRAC/open consultation

Wednesday March 14, 2018 9:00 a.m.–5:00 p.m.

7. Working group of the whole meeting to answer the comments received during the pre–FRAC/OC

Thursday March 15, 2018 9:00 a.m.–5:00 p.m.

8. Working group of the whole meeting to answer the comments received during the pre–FRAC/OC

Friday March 16, 2018 9:00 a.m.–4:00 p.m.

9. Action item review
10. Consider a motion to open final review and comment/open consultation on the revision to RTCA/DO–204B, EUROCAE ED–62B
11. Future meeting plans and dates for formal FRAC/open consultation
12. Future meeting plans for the WG–98 (MASPS for return link service)
13. Other business
14. Adjourn

Attendance is open to the interested public but limited to space availability. Registration is required to attend the event no later than February 2, 2018. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on January 12, 2018.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2018–00772 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—New Task (Part 145 Working Group)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC) and solicitation of membership applicants.

SUMMARY: The FAA has assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide recommendations regarding the agency's guidance on the certification and oversight of all part 145 repair stations. This notice informs the public of the new ARAC activity and solicits membership for the new Part 145 Working Group.

FOR FURTHER INFORMATION CONTACT: Paul M. Cloutier, Federal Aviation Administration, AFS–300, 800 Independence Avenue SW, Washington, DC 20591, *paul.m.cloutier@faa.gov,* (858) 999–7671, (202) 267–1812.

SUPPLEMENTARY INFORMATION:

ARAC Acceptance of Task

As a result of its December 14, 2017, ARAC meeting, the ARAC accepted this tasking to establish a Part 145 Working Group. The Part 145 Working Group will serve as staff to the ARAC and provide advice and recommendations on the assigned task. The ARAC will review and accept the initial and final recommendation reports and will submit them to the FAA.

Background

The FAA established the ARAC to provide information, advice, and recommendations on aviation-related issues to the FAA Administrator, through the Associate Administrator of Aviation Safety.

The FAA recognizes the critical role that guidance documents play. Well-designed guidance documents serve many important functions both within an organization and externally to the regulatory programs they support. While guidance documents do not have the

force of law in the way regulations do, they are often heavily relied on internally to establish, issue, and describe agency policy, responsibilities, methods, and procedures. When guidance documents do not reflect current regulatory requirements and FAA, AVS, and AFS policies, the outcome is an uneven and inconsistent application of agency guidance and standards. The Part 145 Working Group will provide recommendations to the FAA to support the goal of consistent and clear guidance documents.

Additionally, the agency's policies advocate performance-based oversight. However, guidance documents, particularly those directed at the agency's workforce are often prescription based. The Part 145 Working Group is asked to provide recommendations that will support the applicant's performance-based decision making and the agency's evaluation of those decisions.

The Tasks

The Working Group is tasked to:

(1) Perform a comprehensive review of internal and external guidance material, in relation to the current laws and regulations, that pertain to certificating and overseeing all part 145 repair stations. This review will include pertinent—

(a) FAA Orders, Notices, Advisory Circulars, Job Aids and Safety Assurance System (SAS) Data Collection Tools.

(b) Laws and executive orders, particularly those associated with inclusion of small business and paperwork reduction act requirements in agency policy and guidance.

(2) Develop recommendations on improvements to—

(a) Internal and external guidance material to ensure it is:

(i) Aligned and compliant with the aviation safety regulations, other laws and executive orders reviewed in (1)(b).

(ii) Annotated to the applicable rule, other law or executive order; and,

(iii) Consistently numbered to ensure a comprehensive relationship between the guidance document and the annotated rule, law or executive order.

(iv) Developed to communicate the agency's expectations for compliance to the public and the FAA workforce in a comprehensive and consistent manner, including the tools necessary to ensure the application and evaluation of compliance includes performance-based oversight.

(b) Oversight by the FAA's domestic and foreign workforce vis-à-vis the amount, type, scope, and complexity of work being performed and the certificate holders' size.

(3) Develop a preliminary and final report containing recommendations based on the analysis and findings. The reports should document both majority and dissenting positions on the recommendations and the rationale for each position. Disagreements should be documented, including the reason and rationale for each position.

The working group may be reinstated to assist the ARAC in responding to the FAA's questions or concerns after the recommendation report has been submitted.

Schedule

The preliminary and final recommendation reports will be submitted to the ARAC for review, acceptance, and submission to the FAA. The preliminary report is to be submitted no later than 24 months from the first meeting of the Part 145 Working Group. The final report will be submitted no later than 12 months after the preliminary report is forwarded to the FAA by ARAC.

Working Group Activity

The Part 145 Working Group must comply with the procedures adopted by the ARAC, which are as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.

2. Draft and submit a work plan for completion of each task, including the rationale supporting such a plan, for consideration by the ARAC.

3. Provide a status report at each ARAC meeting.

4. Draft and submit the preliminary and final recommendation reports based on the review and analysis of the assigned tasks.

5. Present the preliminary and final recommendation reports to the ARAC at a scheduled meeting for public discussion.

Participation in the Working Group

The Working Group will be comprised of technical and regulatory experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC. The FAA would like a wide range of stakeholders to ensure all aspects of the tasks are considered in development of the recommendations.

The provisions of the August 13, 2014, Office of Management and Budget guidance, ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'' (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their ''individual capacity.'' The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a ''representative capacity'' for the ''express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.'' (For further information see Lobbying Disclosure Act of 1995 as amended, 2 U.S.C. 1603, 1604, and 1605.)

If you wish to become a member of the Part 145 Working Group, contact the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the deliberations.

The FAA must receive all requests by February 20, 2018. The ARAC and the FAA will review the requests and advise you whether or not your request is approved.

If you are chosen for membership on the working group, you must actively participate by attending all meetings, and providing written information when requested. You must devote the resources necessary to support the working group in meeting assigned deadlines. You must keep your management and those you may represent advised of working group activities and decisions to ensure the proposed solutions do not conflict with the position of those you represent. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the FAA, including the Designated Federal Officer, and the Working Group Chair.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Confidential Information

All final work products submitted to ARAC are public documents. Therefore, it should not contain any non-public proprietary, privileged, business, commercial, and other sensitive information (collectively, Confidential Information) that the working group members would not want to be publicly available. With respect to working groups, there may be instances where members will share Commercial Information within the working group

for purposes of completing an assigned tasked. Members must not disclose to any third party, or use for any purposes other than the assigned task, any and all Confidential Information disclosed to one party by the other party, without the prior written consent of the party whose Confidential Information is being disclosed. All parties must treat the Confidential Information of the disclosing party as it would treat its own Confidential Information, but in no event shall it use less than a reasonable degree of care. If any Confidential Information is shared with the FAA representative on a working group, it must be properly marked in accordance with the Office of Rulemaking Committee Manual, ARM–001–15.

Issued in Washington, DC, on January 11, 2018.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2018–00819 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—New Task (Avionics Systems Harmonization Working Group)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC) and solicitation of membership applicants.

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to identify and develop recommendations on low energy alerting requirements to supplement previous work accomplished on low speed alerting in new transport category airplanes. This notice informs the public of the new ARAC activity.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, Airplane & Flight Crew Interface Branch, Transport Airplane Directorate, Federal Aviation Administration, 1601 Lind Ave. SW, Renton, Washington 98057; telephone (425) 227–2011, facsimile (425) 227–1149; email *joe.jacobsen@faa.gov.*

SUPPLEMENTARY INFORMATION:

ARAC Acceptance of Task

At the September 14, 2017, ARAC meeting, the FAA assigned and ARAC accepted this task. ARAC designated the task to the Transport Airplane and Engine (TAE) Subcommittee, which will assign the task to the existing Avionics Systems Harmonization Working Group (ASHWG). The ASHWG will support the ARAC, through the TAE Subcommittee, and will provide advice and recommendations on the assigned task. The TAE Subcommittee will send the recommendation report to the ARAC for review and acceptance. After ARAC accepts the recommendation report, it will submit the recommendation report to the FAA.

Background

The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety.

The FAA previously examined low speed alerting requirements and tasked the ARAC to provide information to develop standards and guidance material for low speed alerting systems. The information from that tasking may result in additional standards that complement existing low speed alerting requirements. However, as a result of the Asiana Flight 214 accident, the FAA needs additional recommendations related to context-dependent low energy safeguards with respect to low speed protection and alerting.

Following the Asiana Flight 214 accident investigation, the National Transportation Safety Board (NTSB) issued the following recommendation to the FAA:

> Task a panel of human factors, aviation operations, and aircraft design specialists, such as the Avionics Systems Harmonization Working Group, to develop design requirements for context-dependent low energy alerting systems for airplanes engaged in commercial operations (NTSB Safety Recommendation A–14–043).

The Task

The ASHWG will provide advice and recommendations to the ARAC through the TAE Subcommittee in a report that addresses the following questions relative to new airplane designs. The report should include rationale for the responses.

1. Do you recommend any changes to the existing low speed alerting requirements to provide additional pilot reaction time in cases where the airplane is both slow and close to the ground?

2. Do you recommend any new or revised guidance material to define an acceptable low energy alert?

3. After reviewing airworthiness, safety, cost, and other relevant factors, including recent certification and fleet experience, are there any additional considerations that the FAA should take into account regarding avoidance of low energy conditions?

4. Is coordination necessary with other harmonization working groups (*e.g.,* Human Factors, Flight Test)? If yes, coordinate with that working group and report on that coordination.

5. Develop a report containing recommendations on the findings and results of the tasks explained above.

a. The recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.

b. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

Schedule

ARAC should submit the recommendation report to the FAA for review and acceptance no later than thirty (30) months from the first ASHWG meeting.

Working Group Activity

The ASHWG must comply with the procedures adopted by the ARAC. As part of the procedures, the working group must:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.

2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the TAE Subcommittee.

3. Provide a status report at each TAE Subcommittee meeting.

4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.

5. Present the recommendation report at the TAE Subcommittee meeting.

Roles and Responsibilities

The ASHWG comprises technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC TAE Subcommittee.

In accordance with the provisions of the August 13, 2014, Office of Management and Budget guidance, ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'' (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their ''individual capacity.'' The revised guidance now allows registered lobbyists to participate

on Agency Boards and Commissions in a ''representative capacity'' for the ''express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.'' (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

If you wish to become a member of the ASHWG, write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. The FAA must receive all requests by February 20, 2018. The ARAC, through the TAE Subcommittee, and the FAA will review the requests and advise you whether or not your request is approved.

All members of the ASHWG who wish to participate in this task must actively participate in the working group, attend all meetings, and provide written comments when requested. Members must devote the resources necessary to support the working group in meeting any assigned deadlines. Each member must keep their management and those they may represent advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those represented. Once the working group has begun deliberations, members will not be added or substituted without the approval of the TAE Subcommittee Chair, the FAA Subcommittee member, and the Working Group Chair.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Confidential Information

All final work products submitted to ARAC are public documents. Therefore, it should not contain any non-public proprietary, privileged, business, commercial, and other sensitive information (collectively, Confidential Information) that the working group members would not want to be publicly available. With respect to working groups, there may be instances where members will share Commercial Information within the working group for purposes of completing an assigned tasked. Members must not disclose to any third party, or use for any purposes other than the assigned task, any and all Confidential Information disclosed to one party by the other party, without the prior written consent of the party whose Confidential Information is being disclosed. All parties must treat the Confidential Information of the disclosing party as it would treat its own Confidential Information, but in no event shall it use less than a reasonable degree of care. If any Confidential Information is shared with the FAA representative on a working group, it must be properly marked in accordance with the Office of Rulemaking Committee Manual, ARM–001–15.

Issued in Washington, DC, on January 11, 2018.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2018–00821 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty Sixth RTCA SC–223 IPS and AeroMACS Plenary

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

ACTION: Twenty Sixth RTCA SC–223 IPS and AeroMACS Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Twenty Sixth RTCA SC–223 IPS and AeroMACS Plenary.

DATES: The meeting will be held March 05–09, 2018 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: Hosted by Rockwell Collins, Inc at, Hilton Melbourne Rialto Place, 200 Rialto Place, Melbourne, FL 32901.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at *rmorrison@rtca.org* or 202–330–0654, or The RTCA Secretariat, 1150 18th Street NW, Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or website at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Twenty Sixth RTCA SC–223 IPS and AeroMACS Plenary. The agenda will include the following:

Monday, March 5, 2018, 9:00 A.M.–5:00 P.M.

1. Welcome, Introductions, Administrative Remarks
2. Review of Previous Meeting Notes and Action Items
3. Review of Current State of Industry Standards
   - A. ICAO WG–I
   - B. AEEC IPS Sub Committee
   - C. EUROCAE WG Status
4. Current State of Industry Activities
   - A. SESAR Programs
   - B. ESA IRIS Precursor
   - C. Any Other Activities
5. IPS Technical Discussions
6. Review of IPS High Level Profile (Working Papers)
7. Review of IPS RFC Detail Profiles
8. Prioritization of Additional IETF RFCS for Profiling
9. Discussion of Potential Joint Work With EUROCAE WG–108
10. Any Other Topics of Interest
11. Plans for Next Meetings
12. Review of Action Items and Meeting Summary

Tuesday, March 6, 2018, 9:00 A.M.–5:00 P.M.

13. Continue With Plenary Agenda

Wednesday, March 7, 2018, 9:00 A.M.–5:00 P.M.

14. Continue With Plenary Agenda

Thursday, March 8, 2018, 9:00 A.M.–5:00 P.M.

15. Continue With Plenary Agenda

Friday, March 9, 2018, 9:00 A.M.–12:00 P.M.

16. Continue With Plenary Agenda
17. Adjourn When Plenary Agenda is Complete

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 12, 2018.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2018–00773 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions of Proposed Highway Improvement in California; Statute of Limitations on Claims

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans. The actions relate to the proposed widening project on State Route 138 (SR–138) between 5th Street East and 10th Street East from two lanes to three lanes in each direction, a distance of approximately 0.5 mile. Additionally, the project proposes to widen Sierra Highway from two lanes to three lanes in each direction between Avenue R and a point 500 feet south of Avenue Q, a distance of approximately 0.9 mil, in the City of Palmdale within the County of Los Angeles, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency Actions on the highway project will be barred unless the claim is filed on or before June 18, 2018. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Lourdes Ortega, Branch Chief, Environmental Planning Division, California Department of Transportation—District 7, 100 South Main Street, Los Angeles, California, 8 a.m. to 5 p.m., 213–897–9572, *lourdes.ortega@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans, has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Caltrans proposes to widen State Route (SR) 138 (Palmdale Boulevard) between 5th Street East and 10th Street East in downtown Palmdale from two lanes to three lanes in each direction. Additionally, Caltrans proposes to widen Sierra Highway from two lanes to three lanes in each direction between Avenue R and a point 500 feet south of Avenue Q, a distance of approximately 0.9 mile. Double left-turn lanes and a right-turn lane are proposed in the northbound and southbound directions of Sierra Highway and SR–138 (Palmdale Boulevard) intersection. The existing on-street parking along northbound Sierra Highway between SR–138 and Avenue Q6 would be maintained. Additionally, the project proposes to extend the existing Class I bicycle path, which runs along the west side of Sierra Highway, southerly to provide connectivity to Avenue R. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Initial Study (IS) with Mitigated Negative Declaration (MND)/Environmental Assessment (EA) with Finding of No Significant Impact (FONSI), approved on December 29, 2017, and in other documents in the FHWA project records. The Final IS/EA with MND/FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans Final IS/EA with MND/FONSI can be viewed and downloaded from the project website at: *http://www.dot.ca.gov/d7/env-docs/docs/,* or viewed at public libraries in the project area. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

(1) Council on Environmental Quality regulations;

(2) National Environmental Policy Act (NEPA);

(3) Moving Ahead for Progress in the 21st Century Act (MAP–21);

(4) Department of Transportation Act of 1966;

(5) Federal Aid Highway Act of 1970;

(6) Clean Air Act Amendments of 1990;

(7) Noise Control Act of 1970;

(8) 23 CFR part 772 FHWA Noise Standards, Policies and Procedures;

(9) Department of Transportation Act of 1966, Section 4(f);

(10) Clean Water Act of 1977 and 1987;

(11) Endangered Species Act of 1973;

(12) Migratory Bird Treaty Act;

(13) National Historic Preservation Act of 1966, as amended;

(14) Historic Sites Act of 1935; and,

(15) Executive Order 13112, Invasive Species.

(16) Title VI of the Civil Rights Act of 1964.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1)

Omar Elkassed,

Senior Transportation Engineer, Federal Highway Administration, California Division.

[FR Doc. 2018–00775 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket no. FHWA–2017–0049]

Automated Driving Systems

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Request for Information (RFI).

SUMMARY: Automated Driving Systems (ADS) are increasingly being tested and introduced onto the public roadways. The FHWA is interested in hearing from the public, including stakeholders (*e.g.,* State and local agencies, vehicle manufacturing industry, road hardware and intelligent transportation systems industry, related associations, transportation advocates, ADS hardware and software platform developers, etc.), on a range of issues related to assessing the infrastructure requirements and standards that may be necessary for enabling safe and efficient operations of ADS.

DATES: Comments must be received on or before March 5, 2018.

ADDRESSES:

To ensure that you do not duplicate your docket submissions, please submit all comments by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.
- *Instructions:* You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to *http://*

www.regulations.gov, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, contact Martin C. Knopp, Associate Administrator for Operations, Federal Highway Administration, (202) 366–9210, or via email at *Martin.Knopp@dot.gov;* for legal questions: Mr. William Winne, Office of the Chief Counsel, (202) 366–1397, or via email at *William.Winne@dot.gov;* 1200 New Jersey Ave. SE, Washington, DC 20590. Business hours for FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of this document is available for download and public inspection under the docket number noted above at the Federal eRulemaking portal at: *http://www.regulations.gov.* You may also submit or retrieve comments online through the Federal eRulemaking portal. The website is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the website.

An electronic copy of this document may also be downloaded from Office of the Federal Register's home page at: *http://www.archives.gov/federal_register* and the Government Publishing Office's web page at: *https://www.gpo.gov/fdsys/.* Late comments will be considered to the extent practicable.

Background

Automated Driving Systems are increasingly being tested and introduced onto the public roadways. Many road owners and operators are trying to determine whether, and which, modifications or enhancements to the infrastructure are needed to eliminate barriers to ADS technology or to further accelerate its adoption, as well as to ensure highway safety. Some vehicle manufacturers have expressed an interest in greater uniformity of lane markings, signage, and other traffic control devices as being helpful for ADS operation. Infrastructure providers have expressed an interest in understanding which traffic control device materials and other characteristics present challenges for ADS, specifically the machine vision technologies' ability to interpret some roadway markings over others.

The FHWA is interested in hearing from the public, including stakeholders (*e.g.,* State and local agencies, vehicle manufacturing industry, road hardware and intelligent transportation systems industry, related associations, transportation advocates, ADS hardware and software platform developers, etc.), on a range of issues related to assessing the infrastructure requirements, ADS-infrastructure interface standards and operating practices that may be necessary for enabling safe and efficient operations of ADS. The FHWA invites the public to provide comments to inform the development of an agency strategy on ADS.

The National Highway Traffic Safety Administration (NHTSA) recently released the ''Automated Driving Systems 2.0: A Vision for Safety'' document. It replaces the 2016 Federal Automated Vehicles Policy. This new document focuses on two sections: Voluntary guidance for ADS and technical assistance to States. The FHWA aims to complement NHTSA's guidance and will continue to coordinate across the U.S. Department of Transportation in its automation activities. For information about the recent guidance, please visit the Department's website at: *www.transportation.gov/av.*

The FHWA seeks information directly from the public and stakeholders to better understand FHWA's role in automation and inform future Agency research and activities. In addition, FHWA seeks comments more broadly on planning, development, maintenance, and operations of the roadway infrastructure necessary for supporting ADS, including any information detailing the costs associated with implementation.

Comments are requested on the following questions:

1. What roadway characteristics are important for influencing the safety, efficiency, and performance of ADS? Are there certain physical infrastructure elements (*e.g.,* lane markings, signage, signals, etc.) that are necessary for ADS? If so, what current challenges exist for ADS to interpret them? Are these characteristics important for all levels of automation, or only specific levels? (For levels of automation, see *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf,* page #4)

2. What challenges do non-uniform traffic control devices present for ADS technologies and how does this affect the costs of ADS systems?

3. How does the state of good repair (*e.g.,* pavement and road markings quality) impact ADS, including technology or safety costs, if at all?

4. How should FHWA engage with industry and automation technology developers to understand potential infrastructure requirements? Are there specific issues that FHWA should engage with industry directly?

5. What is the role of digital infrastructure and data in enabling needed information exchange between ADS and roadside infrastructure? What types of data transmission between ADS and roadside infrastructure could enhance safe and efficient ADS operations? What type of infrastructure and operations data, if available, would help accelerate safe and efficient deployment of the ADS on our Nation's public roadways? How might the interface between ADS and digital infrastructure best be defined to facilitate nationwide interoperability while still maximizing flexibility and cost effectiveness for ADS technology developers and transportation agencies and minimizing threats to cybersecurity or privacy?

6. What concerns do State and local agencies have regarding infrastructure investment and planning for ADS, given the level of uncertainty around the timing and development of this technology? How should FHWA engage with its State and local partners as they consider impacts on infrastructure, transportation funding, finance, and revenue? Are changes to any of the programs that comprise the Federal-aid Highway Program needed to enable State and local agencies to more effectively make infrastructure investments to support deployment of ADS?

7. Are there existing activities and research in the area of assessing infrastructure-ADS interface needs and/or associated standards? What is the current thinking on where potential revisions may be necessary? How should FHWA work with existing research partners (*e.g.,* American Association of State Highway and Transportation Officials, Transportation Research Board, etc.) in sharing research results and information?

8. What are the priority issues that road owners and operators need to consider in terms of infrastructure requirements, modifications, investment, and planning, to accommodate integration of ADS and to derive maximum system efficiency benefits from ADS additional capabilities?

9. What variable information or data would ADS benefit from obtaining and how should that data be best obtained? Examples might include information about zone locations, incidents, special event routing, bottleneck locations, weather conditions, and speed recommendations.

10. What issues do road owners and operators need to consider in terms of

infrastructure modifications and traffic operations as they encounter a mixed vehicle fleet (*e.g.,* fully-automated, partially-automated, and non-automated; cooperative and unconnected) during the transition period to a potentially fully automated fleet? What are likely the most significant impacts of ADS on other motorized and non-motorized users of public roadways? What plans do stakeholders have to address these impacts, and are there possible roles for road owners and operators to support the interaction of ADS with those users through infrastructure changes or operational strategies?

Issued: January 10, 2018.

Brandye L. Hendrickson,

Acting Administrator, Federal Highway Administration.

[FR Doc. 2018–00784 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Strafford and Rockingham County, New Hampshire

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Supplemental Environmental Impact Statement (SEIS) will be prepared to re-evaluate a reasonable range of transportation alternatives associated with the General Sullivan Bridge (GSB) for maintaining access for pedestrians and bicyclists across Little Bay in Newington and Dover, New Hampshire, thereby retaining this regional connectivity in northern coastal New Hampshire.

FOR FURTHER INFORMATION CONTACT: Mr. Jamie Sikora, New Hampshire Division, Federal Highway Administration, 53 Pleasant Street, Suite 2200, Concord, New Hampshire 03301, Telephone: (603) 410–4870. Mr. Kevin Nyhan, Administrator, Bureau of Environment, New Hampshire Department of Transportation, 7 Hazen Drive, JOM Building Room 160, Concord, New Hampshire 03302–0483, Telephone: (603) 271–3226.

SUPPLEMENTARY INFORMATION: FHWA, in cooperation with the New Hampshire Department of Transportation (NHDOT), prepared a Draft EIS and Final EIS [NHS–027–1(37), 11238, December 2007] for proposed improvements to a 3.5-mile section of the Spaulding Turnpike extending north from the Gosling Road/Pease Boulevard Interchange (Exit 1) in the Town of Newington, across the Little Bay Bridges, to a point just south of the existing Toll Plaza in the City of Dover. Consistent with the National Environmental Policy Act (NEPA) regulations, the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Coast Guard, Federal Aviation Administration, N.H. Department of Environmental Services, N.H. Fish and Game Department, N.H. Office of Energy and Planning, and N.H. Division of Historical Resources were cooperating agencies in preparing the Draft EIS and Final EIS.

In October 2008, FHWA issued a Record of Decision (ROD) (FHWA–NH–EIS–06–01–F) following the Final EIS for the Spaulding Turnpike Improvements Project (known as Newington-Dover Project). The ROD proposed to rehabilitate the GSB so that it could continue to serve as a connection for pedestrians and bicyclists across Little Bay and to provide recreational access for fishing. Following the ROD, NHDOT prepared a Type, Size and Location Study which, in part, provided additional information on the condition of the GSB and evaluated the feasibility of rehabilitating the bridge. Based upon the results of the study, NHDOT determined that it was necessary and reasonable to consider alternatives to the proposed rehabilitation.

On August 17, 2017, NHDOT requested that FHWA reopen the FEIS for a specific review of alternatives for the GSB and, on September 5, 2017, FHWA responded in support of NHDOT's request to re-evaluate the reasonable range of transportation alternatives associated with the GSB for maintaining access for pedestrians and bicyclists across Little Bay.

FHWA is initiating a limited scope SEIS pursuant to 23 CFR 771.130 and 40 CFR 1502.9 to evaluate additional alternatives for the Newington-Dover Project; specifically, evaluating the social, economic and environmental effects of reasonable transportation alternatives for maintaining access for pedestrians and bicyclists across the Little Bay in Newington and Dover, New Hampshire, thereby retaining a regional connection in northeastern coastal New Hampshire. Since issues and concerns related to the broader Newington-Dover Project are well known and reported in the Draft and Final EIS, formal scoping will not be conducted.

FHWA will be inviting agencies to become cooperating or participating agencies for the SEIS, including agencies that may have not been cooperating or participating agencies for the Draft and Final EIS. In addition, FHWA and NHDOT will invite participation from tribes, organizations and individuals on the SEIS. Written and verbal comments on the Draft SEIS will be taken by email, through the project website *http://www.newington-dover.com/gsb_subsite/index.html,* at public informational meetings and hearing. Public notice will be given on the time and location of these meetings.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 8, 2018.

Cynthia Vigue,

Assistant Division Administrator, Federal Highway Administration, Concord, New Hampshire.

[FR Doc. 2018–00785 Filed 1–17–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before February 20, 2018.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of

Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on January 12, 2018.

Donald Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
		SPECIAL PERMITS DATA—Granted	
11932–M	THE BOEING COMPANY	173.168(b), 173.168(d), 173.168(d)(1)(i), 173.168(f)(2)(ii).	To modify the special permit to authorize additional designs of modified aircraft subassemblies containing oxygen generators.
14768–M	TOBIN & SONS MOVING & STORAGE, INC.	173.196(a), 173.196(b), 173.199, 178.609.	To modify the special permit to adjust the allowable temperature range and other editorial corrections.
15867–M	FIBA TECHNOLOGIES, INC	180.501(b), 180.505, 180.509(d)(1), 180.509(f)(1), 180.519(a), 180.519(b).	To modify the special permit to authorize individual tubes in a bundle to be equipped with pressure relief devices, remove invalid CGA C–23 references to 107A tubes, and to clarify test procedures and subsequent tube marking.
20232–M	LEIDOS BIOMEDICAL RESEARCH, INC.	173.196, 178.503(f), 178.609	To modify the special permit to authorize an additional Division 6.1 material.
20356–M	TESLA, INC	172.101(j)	To modify the special permit to authorize an increase in the number of cells which make up a battery module. (mode 4)
20370–N	AMERICAN HONDA MOTOR CO., INC.	173.301(a)(1)	To authorize the transportation in commerce of hydrogen, compressed in non-DOT specification carbon fiber composite tanks.
20381–N	WESTERN INTERNATIONAL GAS & CYLINDERS, INC.	172.101	To authorize the transportation in commerce of limited quantities of acetylene not dissolved in a solvent.
20396–N	DIGITAL WAVE CORPORATION.	180.205(g)	To authorize the requalification of tanks manufactured under DOT–SP 14951 and 14402 using modal acoustic emission (MAE) test method.
20504–N	A123 SYSTEMS LLC	172.101(j), 173.185(b)	To authorize the transportation in commerce of lithium ion batteries in excess of 35 kg net weight by cargo-only aircraft.
20527–N	PROCYON–ALPHA SQUARED, INC.	172.400, 172.102(c)(1), 172.200, 172.300, 173.159a(c)(2), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3).	To authorize the manufacture, mark, sale, and use of non-DOT specification fiberboard boxes for the transportation in commerce of certain batteries without shipping papers, marking of the proper shipping name and identification number or labeling, when transported for recycling or disposal.
20531–N	GENERAL ATOMICS	172.101(j), 173.185(a)	To authorize the transportation in commerce of low production lithium batteries in excess of 35 kg by cargo-only aircraft.
20543–N	SODASTREAM USA, INC	172.301(c), 180.209	To authorize the transportation in commerce of certain cylinders that are authorized to be requalified every 10 years.
20547–N	FISHER SCIENTIFIC COMPANY LLC.	173.158(e)	To authorize the one time transportation of nitric acid without tightly closed intermediate inner packagings cushioned with an absorbent material.
20548–M	CONSUMER PRODUCT SAFETY COMMISSION, UNITED STATES.	173.22(a)(4)(i), 173.22(a)(4)(i)(ii), 173.24(f)(2).	To modify the special permit initially issued on an emergency basis and make it permanent.
20550–N	NORTHSTAR TREKKING	172.101(j), 172.200, 172.204(c)(3), 172.300, 173.27(b)(2), 175.30(a)(1), 175.75.	To authorize the transportation in commerce of certain hazardous materials which are forbidden for transportation by air or exceed quantity limitations, to be transported by cargo aircraft within the State of Alaska when other means of transportation are impracticable or not available.
20586–M	HAZ–MAT RESPONSE, INC		To authorize the transportation in commerce of non-DOT specification cylinders for a limited distance to safely analyze the contents and prepare for shipment in accordance with the HMR.
20587–N	SILK WAY WEST AIRLINES MMC.	172.101(j), 172.204(c)(3), 173.27, 175.30(a)(1).	To authorize the transportation in commerce of explosives by cargo only aircraft in amounts forbidden by the regulations.
20589–N	KALITTA AIR, L.L.C	172.101(j), 172.204(c)(3), 173.27(b)(2), 173.27(b)(3), 175.30(a)(1).	To authorize the transportation in commerce of certain explosives which are forbidden by cargo only aircraft.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20590–N	TROY MANUFACTURING CO., INC.	173.306(a)(3)(v)	To authorize the manufacture mark sale and use of DOT Specification 2P nonrefillable aluminum cans with inner aluminum/PET laminate bags containing a Class 3 material.
SPECIAL PERMITS DATA—Denied			
11516–M	CHEMTRONICS INC	172.200, 172.400, 172.500, 173.304a(a), Part 174, Part 177.	To modify the special permit to authorize additional 2.1 hazmat to be transported.
SPECIAL PERMITS DATA—Withdrawn			
20583–N	SPORT WADE INC	180.209(a)	Request for facility registration to re-qualify cylinders by visual inspection method only.

[FR Doc. 2018–00807 Filed 1–17–18; 8:45 am]

BILLING CODE 4901–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before February 2, 2018.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on January 12, 2018.

Donald Burger,

Chief, General Approvals and Permits Branch.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA				
13173–M		LUXFER CANADA LIMITED.	173.302a(a)(1)	To modify the special permit to authorize periodic requalification of cylinders using a pneumatic proof pressure test. (modes 1,2,3,4)
16598–M		SPACEFLIGHT, INC	173.185(a)(1)	To modify the special permit to authorize additional lithium batteries and remove the one-time transportation limit. (modes 1,4)
20351–M		ROEDER CARTAGE COMPANY, INCORPORATED.	180.407(c), 180.407(e), 180.407(f).	To modify the special permit to authorize additional trailers to transport stabilized acrylonitrile. (mode 1)

[FR Doc. 2018–00808 Filed 1–17–18; 8:45 am]

BILLING CODE 4901–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described

herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before February 20, 2018.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on January 12, 2018.

Donald Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
		SPECIAL PERMITS DATA	
20598–N	Cylinder Testing Solutions LLC.	180.209(a), 180.209(b)	To authorize the transportation in commerce of certain hazardous materials in DOT Specification 3AL cylinders manufactured from aluminum alloy 6061–T6 that are requalified every ten years rather than every five years using 100% ultrasound examination. (modes 1, 2)
20599–N	ALAMEDA COUNTY OFFICES.	172.320(a), 173.56(b)	To authorize the transportation in commerce of lifesaving pyrotechnic marine signal devices to disposal by motor vehicle without the use of a manufacturers EX number. (mode 1)
20602–N	THE BOEING COMPANY	173.1	To authorize the transportation in commerce of spacecraft containing certain hazardous materials in non-DOT specification packagings. (mode 1)
20603–N	FIBA TECHNOLOGIES, INC	173.301(f)	To authorize the manufacture, mark, sale, and use of cylinders with pressure relief devices meeting the Fourteenth Edition of CGA S–1.1. (modes 1, 2, 3, 4)

[FR Doc. 2018–00809 Filed 1–17–18; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Guarantee Application Deadline

ACTION: Notice of change to Guarantee Application deadline.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.011.

SUMMARY: On November 2, 2017, the Community Development Financial Institutions Fund (CDFI Fund) published a Notice of Guarantee Availability (NOGA) under the CDFI Bond Guarantee Program in the **Federal Register** (82 FR 50944, November 2, 2017) announcing the availability of up to $500 million in Guarantee Authority, contingent upon Congressional authorization. The CDFI Fund is issuing this notice to amend the NOGA Guarantee Application deadline from 11:59 p.m. EST on January 23, 2018, to 11:59 p.m. EST on February 16, 2018. The deadline for Qualified Issuer Applications will remain at 11:59 p.m. EST on January 9, 2018, and the CDFI Certification Applications must have been received by the CDFI Fund by 11:59 p.m. EST on November 30, 2017, in accordance with the NOGA published on November 2, 2017.

Capitalized terms used in this NOGA and not defined elsewhere are defined in the CDFI Bond Guarantee Program regulations (12 CFR 1808.102) and the CDFI Program Regulations (12 CFR 1805.104).

All other information and requirements set forth in the NOGA published on November 2, 2017, shall remain effective, as published.

I. Agency Contacts

A. *General information on questions and CDFI Fund support.* The CDFI Fund will respond to questions and provide support concerning this NOGA and the Guarantee Application between the hours of 9:00 a.m. and 5:00 p.m. ET, starting on November 2, 2017, until February 6, 2018. Applications and other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at *http://www.cdfifund.gov.* The CDFI Fund will post on its website responses to questions of general applicability regarding the CDFI Bond Guarantee Program.

B. *The CDFI Fund's contact information is as follows:*

TABLE 2—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	Email addresses
CDFI Bond Guarantee Program	(202) 653–0421 Option 5	*bgp@cdfi.treas.gov.*
CDFI Certification	(202) 653–0423	*ccme@cdfi.treas.gov.*
Compliance Monitoring and Evaluation	(202) 653–0423	*ccme@cdfi.treas.gov.*

TABLE 2—CONTACT INFORMATION—Continued

Type of question	Telephone number (not toll free)	Email addresses
Information Technology Support	(202) 653–0422	*AMIS@cdfi.treas.gov.*

C. *Communication with the CDFI Fund.* The CDFI Fund will use the AMIS internet interface to communicate with applicants, Qualified Issuers, Program Administrators, Servicers, Certified CDFIs and Eligible CDFIs, using the contact information maintained in their respective AMIS accounts. Therefore, each such entity must maintain accurate contact information (including contact person and authorized representative, email addresses, fax numbers, phone numbers, and office addresses) in its respective AMIS account. For more information about AMIS, please see the AMIS Landing Page at *https://amis.cdfifund.gov.*

Authority: Pub. L. 111–240; 12 U.S.C. 4701, *et seq.;* 12 CFR part 1808; 12 CFR part 1805; 12 CFR part 1815

Mary Ann Donovan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2018–00813 Filed 1–17–18; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, February 15, 2018 and Friday, February 16, 2018.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Thursday, February 15, 2018, from 8:00 a.m. to 5:00 p.m. Eastern Time and Friday, February 16, 2018, from 8:00 a.m. until 12:00 p.m. Eastern Time at the IRS Office, Jacksonville, Florida. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: January 10, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–00729 Filed 1–17–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, February 12, 2018 and Tuesday, February 13, 2018.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Monday, February 12, 2018, from 1:00 p.m. to 5:00 p.m. Central Time and Tuesday, February 13, 2018, from 8:00 a.m. until 5:00 p.m. Central Time at the IRS Office in Dallas, Texas. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: January 10, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–00734 Filed 1–17–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, February 12, 2018 and Tuesday, February 13, 2018.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Monday, February 12, 2018, from 1:00 p.m. to 5:00 p.m. Eastern Time and Tuesday, February 13, 2018, from 8:00 a.m. until 5:00 p.m. Eastern Time at the IRS Office, Jacksonville, Florida. The public is invited to make oral comments or submit written statements for consideration. Due to

limited time and structure of meeting, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: January 10, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–00733 Filed 1–17–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning information collection requirements related to simplified employee pension-individual retirement accounts contribution agreement.

DATES: Written comments should be received on or before March 19, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

OMB Number: 1545–0499.

Regulation Project Number: Form 5305–SEP.

Abstract: Form 5305–SEP is used by an employer to make an agreement to provide benefits to all employees under a Simplified Employee Pension (SEP) described in Internal Revenue Code section 408(k). This form is not to be filed with the IRS but is to be retained in the employer's records as proof of establishing a SEP and justifying a deduction for contributions to the SEP.

Current Actions: There are no changes to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 4 hr., 57 min.

Estimated Total Annual Burden Hours: 495,000.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 10, 2018.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–00727 Filed 1–17–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, February 15, 2018 and Friday, February 16, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Thursday, February 15, 2018, from 8:00 a.m. to 5:00 p.m. Mountain time and Friday, February 16, 2018, from 1:00 p.m. until 5:00 p.m. Mountain Time at the IRS Office, Albuquerque, New Mexico. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: January 10, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–00730 Filed 1–17–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, February 15, 2018 and Friday, February 16, 2018.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be held Thursday, February 15, 2018, from 8:00 a.m. to 5:00 p.m. Central Time and Friday, February 16, 2018, from 8:00 a.m. until 12:00 p.m. Central Time at the IRS Office in Dallas, Texas. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Gilbert Martinez. For more information please contact Gilbert Martinez at 1–888–912–1227 or 214–413–6523, or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

Dated: January 10, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–00728 Filed 1–17–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, February 12, 2018 and Tuesday, February 13, 2018.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be held Monday, February 12, 2018, from 1:00 p.m. to 5:00 p.m. Mountain Time and Tuesday, February 13, 2018, from 8:00 a.m. until 5:00 p.m. Mountain Time at the IRS Office in Albuquerque, New Mexico. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: January 10, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–00732 Filed 1–17–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. IRS is soliciting comments concerning the reporting and/or record-keeping requirements regarding The Health Coverage Tax Credit (HCTC) Reimbursement Request Form.

DATES: Written comments should be received on or before March 19, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment. Requests for additional information, or copies of the information collection and instructions, or copies of any comments received, contact E. Christophe, at (202) 317–5745, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: The Health Coverage Tax Credit (HCTC) Reimbursement Request Form.

OMB Number: 1545–2152.

Form Number: Form 14095.

Abstract: This form will be used by HCTC participants to request reimbursement for health plan premiums paid prior to the commencement of advance payments.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 3,058.

Estimated Time per Respondent: 40 minutes.

Estimated Total Annual Burden Hours: 2,039.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including

whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Approved: January 8, 2018.

T. Pinkston,

Supervisory, Tax Analyst.

[FR Doc. 2018–00726 Filed 1–17–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Cemeteries and Memorials

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), National Cemetery Administration (NCA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Cemeteries and Memorials (herein-after in this section referred to as ''the Committee''). The Committee was established to advise the Secretary of VA with respect to the administration of VA national cemeteries, soldiers' lots and plots, which are the responsibility of the Secretary, the erection of appropriate memorials and the adequacy of Federal burial benefits.

DATES: Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee. Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on January 31, 2018.

ADDRESSES: All nominations should be mailed to National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave. NW, (40A1), Washington, DC 20420, or faxed to (202) 273–6709.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hamilton, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave. NW, (40A1), Washington, DC 20420, telephone (202) 461–5681. A copy of Committee charter and list of the current membership can be obtained by contacting Ms. Hamilton or by accessing the website managed by NCA at: *http://www.cem.va.gov/cem/about/advisory_committee.asp.*

SUPPLEMENTARY INFORMATION: The Advisory Committee on Cemeteries and Memorials (ACCM) was established to advise the Secretary of VA with respect to the administration of VA national cemeteries, soldiers' lots and plots, which are the responsibility of the Secretary, the erection of appropriate memorials and the adequacy of Federal burial benefits. The Committee responsibilities include:

(1) Advising the Secretary on VA's administration of burial benefits and the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits;

(2) Providing to the Secretary and Congress periodic reports outlining recommendations, concerns, and observations on VA's delivery of these benefits and services to Veterans;

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts in providing burial benefits and outreach on these benefits to Veterans and their dependents;

(4) Undertaking assignments to conduct research and assess existing burial and memorial programs; to examine potential revisions or expansion of burial and memorial programs and services; and to provide advice and recommendations to the Secretary based on this research.

Membership Criteria and Qualification: NCA is requesting nominations for upcoming vacancies on the Committee. The Committee is composed of up to twelve members and several ex-officio members.

The members of the Committee are appointed by the Secretary of Veteran Affairs from the general public, including but not limited to:

(1) Veterans or other individuals who are recognized authorities in fields pertinent to the needs of Veterans;

(2) Veterans who have experience in a military theater of operations;

(3) Recently separated service members;

(4) Officials from Government, non-Government organizations (NGOs) and industry partners in the provision of memorial benefits and services, and outreach information to VA beneficiaries.

The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications, including but not limited to prior military experience and military deployments, experience working with Veterans, and experience in large and complex organizations, and subject matter expertise in the areas described above. We ask that nominations include information of this type so that VA can ensure diverse Committee membership.

Requirements for Nomination Submission: Nominations should be typed (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating the willingness to serve as a member of the Committee;

(2) The nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) The nominee's curriculum vitae; and

(4) A summary of the nominee's experience and qualifications relative to the membership considerations described above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of VA federal advisory committees is diverse in terms of points of view represented and the committee's capabilities. Appointments to this Committee shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identify, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: January 12, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–00788 Filed 1–17–18; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 83 Thursday,

No. 12 January 18, 2018

Part II

The President

Notice of January 17, 2018—Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process

Federal Register
Vol. 83, No. 12
Thursday, January 18, 2018

Presidential Documents

Title 3—

The President

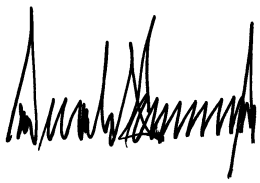
Notice of January 17, 2018

Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process

On January 23, 1995, by Executive Order 12947, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process. On August 20, 1998, by Executive Order 13099, the President modified the Annex to Executive Order 12947 to identify four additional persons who threaten to disrupt the Middle East peace process. On February 16, 2005, by Executive Order 13372, the President clarified the steps taken in Executive Order 12947.

These terrorist activities continue to threaten the Middle East peace process and to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared on January 23, 1995, and the measures adopted to deal with that emergency must continue in effect beyond January 23, 2018. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am, therefore, continuing for 1 year the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process declared in Executive Order 12947.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
January 17, 2018.

[FR Doc. 2018–01024
Filed 1–17–18; 12:30 pm]
Billing code 3295–F8–P

Reader Aids

Federal Register

Vol. 83, No. 12

Thursday, January 18, 2018

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JANUARY

1–208 2
209–462 3
463–588 4
589–704 5
705–970 8
971–1172 9
1173–1288 10
1289–1510 11
1511–2028 12
2029–2328 16
2329–2526 17
2525–2732 18

CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9688 587
Executive Orders:
13799 (Revoked by EO 13820) 969
13820 969
13821 1507
13822 1513
Administrative Orders:
Memorandum of January 8, 2018 1511
Notices:
Notice of January 17, 2018 2731

5 CFR

1201 1173
2634 2329
2636 2329

7 CFR

927 589
959 592
Proposed Rules:
Subtitle A 474
Subtitle B 474
205 ..... 2373, 2498
929 72
930 77

9 CFR

Proposed Rules:
Ch. I 474
Ch. II 474
Ch. III 474

10 CFR

2 1515
13 1515
50 ..... 2331, 2525
205 1174
207 1289
218 1289
429 1289
431 1289
490 1289
501 1289
601 1289
820 1289
824 1289
851 1289
1013 1289
1017 1289
1050 1289
Proposed Rules:
429 2566
430 2566

12 CFR

19 1517
109 1517
217 705
263 1182
308 1519
622 1293
747 2029
1083 1525
Proposed Rules:
213 286

14 CFR

25 ..... 463, 2032, 2035, 2038, 2526, 2529, 2532
39 ..... 209, 594, 596, 1527, 1529, 1532, 1535, 2039, 2042, 2354, 2358, 2361, 2364, 2366
71 ..... 1184, 1185, 1537, 2535
95 971
121 1186
135 1188
1264 2045
1271 2045
Proposed Rules:
39 ..... 80, 83, 1198, 1311, 1313, 1579, 2088, 2090, 2373, 2375, 2378
71 ..... 1201, 1582, 1584, 2574
73 ..... 1316, 1319

15 CFR

6 706
774 709

16 CFR

Proposed Rules:
Ch. II 2382

17 CFR

3 1538
9 ..... 1538, 1548
211 1295
230 2046
232 2369
275 1296
Proposed Rules:
200 291

18 CFR

11 1
250 1550
381 468
385 1550
Proposed Rules:
401 1586
440 1586
1304 2382

20 CFR

404 711
416 711
655 7
702 7

725 7
726 7

21 CFR

1 598
11 598
16 ..... 598, 2057
106 598
110 598
111 598
112 598
114 598
117 598
120 598
123 598
129 598
179 598
211 598
507 598
573 19
801 2057
803 2057
806 2057
810 2057
814 2057
820 2057
821 2057
822 2057
830 2057
864 ..... 20, 232
878 22
892 600
1308 469
Proposed Rules:
10 2388
101 2393
201 2092
800 2388
801 2092
1100 2092

22 CFR

35 234
103 234
127 234
138 234

25 CFR

575 2059

26 CFR

301 24

27 CFR

16 1552

29 CFR

5 7
500 7
501 7
503 7
530 7
570 7
578 7
579 7
801 7
825 7
1601 2536
1902 7
1903 7
2560 7
2575 7
2590 7
4022 1553
4071 1555
4302 1555
Proposed Rules:
2510 614

30 CFR

100 7
250 2538
553 2540

32 CFR

205 1556

33 CFR

100 237
117 ..... 237, 2060
147 237
165 237
Proposed Rules:
100 1597
165 ..... 1599, 2394

34 CFR

36 2062
350 1556
356 1556
359 1556
364 1556
365 1556
366 1556
668 2062

36 CFR

2 2065
14 2069
Proposed Rules:
220 302

37 CFR

2 1559
201 ..... 2070, 2542
202 ..... 2070, 2371, 2542

38 CFR

17 974
Proposed Rules:
17 2396
74 1203

39 CFR

111 980
113 1189
Proposed Rules:
111 995
3050 1320

40 CFR

19 1190
52 ..... 33, 983, 984, 1194, 1195, 1302
63 1559
81 1098
122 712
123 712
180 33
260 420
262 420
263 420
264 420
265 420
271 420
282 985
300 2549
Proposed Rules:
52 ..... 636, 764, 997, 1001, 1003, 1212, 1602, 2097
62 768
63 1604
81 ..... 636, 651
257 2100
282 1003
300 2576

41 CFR

50–201 7
105–70 1303
300–3 602
300–70 602
301–10 602
301–70 602
App. C to Chap. 301 602
302–1 602
302–4 602
304–2 602

42 CFR

2 239
Proposed Rules:
493 1004

44 CFR

Ch. I 472
64 252

45 CFR

1149 2071
1158 2071
1230 2073
2554 2073

46 CFR

506 1304
Proposed Rules:
401 2581
404 2581

47 CFR

0 ..... 732, 2554
1 ..... 37, 2554
2 37
10 1565
11 2557
15 37
25 37
30 37
51 2554
54 ..... 254, 2075
61 2554
63 2563
64 1566
73 733
90 1577
96 992
101 37
Proposed Rules:
1 1215
2 85
25 85
30 85
54 ..... 303, 2104, 2412
64 770
73 774
76 2119

48 CFR

Proposed Rules:
812 1321
813 1321
852 1321

49 CFR

367 605
1022 992
Proposed Rules:
395 ..... 1220, 1222
571 2607

50 CFR

17 ..... 257, 2085
622 ..... 65, 1305
660 757
679 ..... 284, 2564
Proposed Rules:
17 ..... 330, 475, 490, 1223
300 2412
648 780
660 1009

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List January 16, 2018

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.