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Federal Policy for the Protection of Human Subjects: Delay of the Revisions to the Federal Policy for the Protection of Human Subjects

AGENCY: Department of Homeland Security; Department of Agriculture; Department of Energy; National Aeronautics and Space Administration; Department of Commerce; Consumer Product Safety Commission; Social Security Administration; Agency for International Development; Department of Labor; Department of Defense; Department of Education; Department of Veterans Affairs; Environmental Protection Agency; Department of Health and Human Services; National Science Foundation; and Department of Transportation.

ACTION: Interim final rule; delay of effective and compliance dates; request for comments.

SUMMARY: In a final rule published on January 19, 2017, federal departments and agencies listed in this document made revisions to the Federal Policy for the Protection of Human Subjects. The Consumer Product Safety Commission (CPSC) adopted the same regulatory changes in a separate final rule published on September 18, 2017. The revised policy, reflected in both final rules, is described here as the ''2018 Requirements.'' The 2018 Requirements are scheduled to become effective on January 19, 2018, with a general compliance date of January 19, 2018 (with the exception of the revisions to the cooperative research provision).

This interim final rule delays the effective date and general compliance date of the 2018 Requirements to July 19, 2018. The federal departments and agencies listed in this document are in the process of developing a proposed rule to further delay implementation of the 2018 Requirements. The limited implementation delay accomplished by this interim final rule both provides additional time to regulated entities for the preparations necessary to implement the 2018 Requirements, and additional time for the departments and agencies listed in this document to seek input from interested stakeholders through a notice and comment rulemaking process that allows for public engagement on the proposal for a further implementation delay.

DATES: This interim final rule is effective on July 19, 2018. This interim final rule delays until July 19, 2018, the effective date and general compliance date of the final rule published in the **Federal Register** (82 FR 7149, Jan. 19 2017) and of the final rule published by the Consumer Product Safety Commission in the **Federal Register** (82 FR 43459, Sept. 18, 2017). To be assured consideration, comments must be received at one of the addresses provided below, no later than 11:59 p.m. Eastern Standard Time on March 19, 2018.

ADDRESSES: You may submit comments, identified by docket ID number HHS–OPHS–2017–0001 by one of the following methods:

- *Federal eRulemaking Portal (http://www.regulations.gov):*
  - ○ Enter the following link into your web browser's address bar: *https://www.regulations.gov/document?D=HHS-OPHS-2017-0001.*
  - ○ Click the blue ''Comment Now!'' button in the upper right hand corner and follow the instructions on how to submit a comment.
  - ○ Alternatively, you can enter the docket ID number into the ''search'' box on the main page of the Federal eRulemaking Portal (*http://www.regulations.gov*) to find the electronic docket.
- *Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions] to:* Jerry Menikoff, M.D., J.D., OHRP,

1101 Wootton Parkway, Suite 200, Rockville, MD 20852.

• Comments received, including any personal information, will be posted without change to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jerry Menikoff, M.D., J.D., Office for Human Research Protections (OHRP), Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852; telephone: 240–453–6900 or 1–866–447–4777; facsimile: 301–402–2071; email *Jerry.Menikoff@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 8, 2015, HHS and 15 other federal departments and agencies published a Notice of Proposed Rulemaking (NPRM) proposing revisions to each agency's codification of the Federal Policy for the Protection of Human Subjects, originally promulgated as a Common Rule in 1991. 80 FR 53931. On January 19, 2017, HHS and other federal departments and agencies published a final rule revising the Federal Policy for the Protection of Human Subjects. 82 FR 7149. The revised policy is hereafter referred to as the ''2018 Requirements.'' The 2018 Requirements are scheduled to become effective on January 19, 2018, with a general compliance date of January 19, 2018 (with the exception of the revisions to the cooperative research provision at § __.114(b), for which the compliance date is January 20, 2020).

After publication of the 2018 Requirements, representatives of the regulated community, including organizations representing recipients of federal human subjects research awards, expressed concern regarding the regulated community's ability to implement all of the 2018 Requirements by the scheduled general compliance date.[1] Some of these stakeholders asked for a delay in the general compliance date of the 2018 Requirements with the exception of certain burden-reducing provisions of the 2018 Requirements, including certain carve-outs from the definition of ''research,'' exemptions, elimination of the continuing review requirement for certain categories of research, and the elimination of the requirement that institutional review boards (IRBs) review grant applications. The HHS Secretary's Advisory Committee on Human Research Protections (SACHRP) also recommended in August 2017 that implementation of the 2018 Requirements should be delayed.[2]

II. Delay of the Effective Date and General Compliance Date

Through this interim final rule, we are delaying the effective date and the general compliance date of the 2018 Requirements for six months, until July 19, 2018. As described below, we revise § __.101(l)(3)–(4) to specify that the general compliance date for the 2018 Requirements is July 19, 2018.

Prior to July 19, 2018, regulated entities will continue to comply with the pre-2018 Requirements and those requirements will be enforced by the Common Rule departments and agencies. To clarify, regulated entities are not allowed, prior to July 19, 2018, to comply with the 2018 Requirements in lieu of the pre-2018 Requirements. Unless further regulatory action is taken, studies initiated on or after July 19, 2018, will be required to comply with the 2018 Requirements. Studies initiated prior to July 19, 2018 (*i.e.,* studies initially approved by an IRB, studies for which IRB review was waived pursuant to § __.101(i), or studies determined to be exempt, before July 19, 2018) would, as a default, continue to be subject to the pre-2018 Requirements for their duration. This will maintain the ability of institutions to hold such studies to the same set of standards throughout the studies' duration, and will avoid a requirement that such research be subject to two sets of rules. However, on or after July 19, 2018, institutions may elect instead to conduct such studies in compliance with the 2018 Requirements, as set forth in § __.101(l)(3).

This interim final rule does not delay the compliance date for the cooperative research provision of the 2018 Requirements (§ __.114(b)), which remains January 20, 2020.

III. Good Cause for Interim Final Rule

Under Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*), a notice of proposed rulemaking is not required when an agency, for good cause, finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest. Pursuant to 5 U.S.C. 553(b)(3)(B), we find that good cause exists to waive normal rulemaking requirements for the delay of the effective date and general compliance date to July 19, 2018. We believe that a notice-and-comment procedure, in this limited instance, is impracticable, unnecessary, or contrary to the public interest.

Representatives of the regulated community, and HHS's own advisory committee, have requested a delay in implementation of the 2018 Requirements, citing the final rule's complexity, the absence of needed guidance, and the need to revamp institutional procedures and electronic systems in order to come into compliance with the requirements of the rule. We agree that regulated entities need additional time for implementation and compliance, which would be furthered by the issuance of guidance by the Common Rule agencies. Without a delay, and without guidance, institutions that have expected a delay who hastily attempt to implement the revised rule without adequate preparation are bound to make mistakes, the consequences of which may jeopardize the proper conduct of research and the safety and wellbeing of human subjects. At this point, it is impracticable to gather comments on an implementation delay prior to January 19, 2018, the scheduled effective date of the 2018 Requirements.

In addition, the benefits underlying this interim final rule, *i.e.,* providing certainty to entities in the regulated community that they will be afforded additional time before being subject to compliance with the 2018 Requirements prior to the date such requirements are scheduled to go into effect, would be substantially undermined if a notice and comment process were to occur before the delay set forth in this interim final rule was finalized. For example, we understand that regulated entities may need to devise new policies and procedures and new information technology systems to accommodate the 2018 Requirements in advance of the applicable effective and compliance date. In addition, the effect of this interim final rule is simply to maintain the status quo by continuing to require compliance with the pre-2018 Requirements for several months.

Further, the federal departments and agencies named in this interim final rule are developing a notice of proposed rulemaking in order to fully engage regulated entities and the public regarding further delay of the 2018 Requirements until January 21, 2019.

[1] See the June 21, 2017 letter to Jerry Menikoff from the Association of American Medical Colleges, Association of American Universities, Association of Public & Land-grant Universities, and Council on Governmental Relations, available at *http://www.cogr.edu/sites/default/files/AAMC_AAU_APLU_COGR%20Common%20Rule%20Delay%20Letter%206-21-2017.pdf.* See the June 9, 2017 letter to Secretary Thomas Price from the American Medical Informatics Association at *https://www.amia.org/sites/default/files/AMIA%20Letter%20Regarding%20the%20Common%20Rule.pdf.*

[2] SACHRP Recommendations of August 2, 2017, Attachment A: *https://www.hhs.gov/ohrp/sachrp-committee/recommendations/attachment-a-august-2-2017/index.html.*

The additional time provided by the six month delay in this interim final rule will allow sufficient time for the notice and comment rulemaking process to be completed. Issuance of this interim final rule avoids the possible result of having the federal departments and agencies propose an implementation delay but be unable to complete the rulemaking process and publish a final rule that would be effective by January 19, 2018. This could have resulted in the absurd circumstance in which regulated entities would be technically required to come into compliance with the 2018 Requirements on January 19, 2018, only until the date a final rule implementing the delay became effective. In this unique circumstance, allowing the regulation to become effective while further rulemaking for delay is ongoing would create confusion for, and impose unnecessary burdens on, the regulated community.

We also find that good cause exists for immediate implementation of this interim final rule and waiver of the 30-day delay in the effective date generally required by the APA. The APA provides that an agency is not required to delay the effective date when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(d)(3)). Given the reasons identified above for the good cause to dispense with notice and comment, we believe that this requirement is also met here. Further, the 30-day delay in the effective date is normally intended to give affected parties time to adjust their business practices and make preparations before a final rule takes effect. Because the action being taken delays the effective date to July 19, 2018 and thus maintains the status quo, an additional 30-day delay of this action is unnecessary.

Department of Homeland Security

The rule issued by the Department of Homeland Security (DHS) is consistent with section 8306 of Public Law 108–458, the Intelligence Reform and Terrorism Prevention Act of 2004, under which DHS shall comply with 45 CFR part 46 or equivalent regulations issued by DHS; continued adherence to the HHS standard best ensures that DHS does not lose critical research opportunities as a result of inconsistent federal standards. The DHS rule is also consistent with DHS's waiver authority under forthcoming 6 CFR 46.101(i), as well as the exemption at 5 U.S.C. 553(a)(2) for rules related to ''loans, grants, benefits, or contracts.''

Department of Education

Continued adherence to the HHS standard protects the Department of Education (ED) from the potential loss of critical research opportunities as a result of inconsistent federal standards. The ED rule is also consistent with ED's waiver authority under 34 CFR 97.101(i).

IV. Legal Authorities

The legal authorities for the departments and agencies that are signatories to this action are as follows:

Department of Homeland Security, 5 U.S.C. 301; Public Law 107–296, sec. 102, 306(c); Public Law 108–458, sec. 8306. Department of Agriculture, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Department of Energy, 5 U.S.C. 301; 42 U.S.C. 7254; 42 U.S.C. 300v–1(b). National Aeronautics and Space Administration, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Department of Commerce, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Consumer Product Safety Commission, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Social Security Administration, 5 U.S.C. 301; 42 U.S.C. 289(a). Agency for International Development, 5 U.S.C. 301; 42 U.S.C. 300v–1(b), unless otherwise noted. Department of Labor, 5 U.S.C. 301; 29 U.S.C. 551. Department of Defense, 5 U.S.C. 301. Department of Education, 5 U.S.C. 301; 20 U.S.C. 1221e–3, 3474. Department of Veterans Affairs, 5 U.S.C. 301; 38 U.S.C. 501, 7331, 7334; 42 U.S.C. 300v–1(b). Environmental Protection Agency, 5 U.S.C. 301; 7 U.S.C. 136a(a) and 136w(a)(1); 21 U.S.C. 346a(e)(1)(C); sec. 201, Public Law 109–54, 119 Stat. 531; and 42 U.S.C. 300v–1(b). Department of Health and Human Services, 5 U.S.C. 301; 42 U.S.C. 289(a); 42 U.S.C. 300v–1(b). National Science Foundation, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Department of Transportation, 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

V. Regulatory Impact Analyses

We have examined the effects of this interim final rule under Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017), the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Regulatory Flexibility Act, (Pub. L. 96–354, September 19, 1980), the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132 on Federalism (August 4, 1999).

A. Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). Executive Order 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in Executive Order 12866, emphasizing the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. In accordance with the provisions of Executive Order 12866, this interim final rule has been determined to be a ''significant'' regulatory action and was submitted to the Office of Management and Budget (OMB) for review.

Executive Order 13771 directs Agencies to identify at least two existing regulations to be repealed for every new regulation unless prohibited by law. The total incremental cost of all regulations issued in a given fiscal year must have costs within the amount of incremental costs allowed by the Director of the Office of Management and Budget, unless otherwise required by law or approved in writing by the Director of the Office of Management and Budget. This action's designation as regulatory or deregulatory will be informed by comments received in response to this interim final rule. Details on the interim estimates of costs and cost savings of this rule can be found in the economic analysis below.

1. Need for Final Rule and Summary

This interim final rule is intended to provide additional time to regulated entities for the preparations necessary to implement the 2018 Requirements. This interim final rule further allows time for the federal departments and agencies named in this interim final rule to conduct a notice and comment rulemaking process that will allow for public engagement as to whether a further delay in the implementation of the 2018 Requirements would be desirable.

2. Analysis of Benefits (Cost-Savings) and Costs (Foregone Benefits) [3]

The RIA for the 2018 Requirements described the benefits and costs of 16

[3] Note, that the terms ''benefits'' and ''cost-savings'' are used interchangeably in this RIA.

Continued

broad categories of changes finalized. The RIA for this interim final rule uses the information and calculations described in the preamble to the 2018 Requirements as a base for estimating benefits and costs of delaying implementation of the 2018 Requirements by six months. The time period for the analysis in this RIA is January 2018 to July 2018.

Table 1 summarizes the quantified costs and cost savings of delaying implementation of 2018 Requirements. Over the period of January 2018 to July 2018, annualized cost savings of $7.4 million are estimated using a 3 percent discount rate; and $6.9 million using a 7 percent discount rate. Annualized costs of $49.5 million are estimated using a 3 percent discount rate; and $45.9 million using a 7 percent discount rate. Note that all values are represented in millions of 2016 dollars, and 2016 is used as the frame of reference for discounting.

TABLE 1—ALL BENEFITS AND COSTS OF DELAYING THE 2018 REQUIREMENTS BY SIX MONTHS

	Annualized value by discount rate (millions of 2016 dollars)	
BENEFITS (COST-SAVINGS)	3 Percent	7 Percent.
Quantified Benefits	7.4	6.9.
COSTS (FOREGONE BENEFITS)	3 Percent	7 Percent.
Quantified Costs	49.5	45.9.

The estimated benefits and costs of delaying the 2018 Requirements by six months are shown in Table 2 below. Note that the categorization shown below includes the same 16 categories used in the RIA of 2018 Requirements.

TABLE 2—ACCOUNTING TABLE OF QUANTIFIED BENEFITS (COST-SAVINGS) AND COSTS (FOREGONE BENEFITS) OF DELAYING THE 2018 REQUIREMENTS BY SIX MONTHS [4]

2018 Requirement RIA category	Annualized value over 1 year by discount rate (millions of 2016 dollars)			
	Benefits (cost-savings)		Costs (foregone benefits)	
	3%	7%	3%	7%
Regulated Community Learning New Requirements and Developing Training Materials; OHRP Developing Training and Guidance Materials, and Implementing the 2018 Requirements	–	–	–	–
Extending Oversight to IRBs Unaffiliated with an Institution Holding an FWA (impact to IRBs not operated by an FWA-holding institution)	4.47	4.14	–	–
Excluding Activities from the Requirements of the Common Rule because They are not Research	–	–	0.94	0.88
Clarifying and Harmonizing Regulatory Requirements and Agency Guidance	–	–	–	–
Modifying the Assurance Requirements	–	–	0.31	0.29
Requirement for Written Procedures and Agreements for Reliance on IRBs Not Operated by the Engaged Institution (impact to FWA-holding institutions)	–	–	–	–
Eliminating the Requirement that the Grant Application Undergo IRB Review and Approval	–	–	17.0	15.7
Expansion of Research Activities Exempt from Full IRB Review	0.01	0.01	20.8	19.3
Elimination of Continuing Review of Research Under Specific Conditions	2.07	1.92	7.73	7.17
Amending the Expedited Review Procedures	–	–	2.66	2.47
Cooperative Research (single IRB mandate in multi-institutional research) [5]	–	–	–	–
Changes in the Basic Elements of Consent, Including Documentation	–	–	–	–
Obtaining Consent to Secondary Use of Identifiable biospecimens and Identifiable private information	–	–	–	–
Elimination of Pre-2018 Rule Requirement to Waive Consent in Certain Subject Recruitment Activities	–	–	0.07	0.06
Requirement for Posting of Consent Forms for Clinical Trials Conducted or supported by Common Rule Department or Agencies	0.85	0.79	–	–
Alteration in Waiver for Documentation of Informed Consent in Certain Circumstances	–	–	–	–

[4] Zeroes in Table 2 (represented by "–") signify that the category has been unaffected by the six month delay of the 2018 Requirements, The category could be unaffected for one of two reasons: (1) No costs or benefits were associated with the category in the RIA for the 2018 Requirements; or (2) the costs and benefits of the provision during the six month delay are the same as those estimated in the RIA for the 2018 Requirements.

[5] Because compliance with this provision is not required until 2020, benefits and costs here are not included.

Similarly, the terms ''costs'' and ''foregone benefits'' are also used interchangeably.

We assume that, in almost all categories described in the RIA for the 2018 Requirements, the foregone benefits (costs) of delaying the 2018 Requirements by six months are what would have been the benefits of implementing the 2018 Requirements during the period of January through July of 2018. Similarly, we assume that, in almost all categories described in the RIA for the 2018 Requirements, the benefits (cost-savings) associated with delaying the 2018 Requirements by six months are what would have been the costs of implementing the 2018 Requirements during the period of January through July of 2018. We assume this because these categories generally would not have required significant guidance from Common Rule departments or agencies in order to implement the provisions, and thus could have been implemented as assumed in the economic analysis contained in the RIA for the 2018 Requirements.

The exceptions to the above assumption relate to two RIA categories: (1) Excluding activities from the Common Rule because they are not research; and (2) the expansion of research activities exempt from full IRB review. The 2018 Requirements include four explicit categories of activities that have been deemed not research for the purposes of the Common Rule. In the absence of guidance, it would be difficult for institutions to fully take advantage of the exclusion of activities from the definition of research; therefore we now assume that many institutions would not have used these categories without guidance.

The 2018 Requirements also include five new exemption categories, and modify all but one exemption that exists in the pre-2018 Requirements. We have received feedback from SACHRP that many of the exemption categories will require significant guidance in order to be implemented.[6] Areas where significant guidance is needed include: Applying the categories of the new exemptions themselves, conducting limited IRB review (as required in four exemptions), developing and using broad consent (as required in two exemptions), utilizing the exemption for certain HIPAA covered activities, and understanding which federally supported or conducted nonresearch information collections qualify for exemption.

[6] SACHRP Recommendations of August 2, 2017: *https://www.hhs.gov/ohrp/sachrp-committee/recommendations/sachrp-recommendations/index.html.*

Because the guidance necessary to implement these provisions has not yet been developed, we now assume that 50 percent of the regulated entities would not have taken advantage of the expansion in exemptions or the revised definition of research during the six-month delay. For these entities, we assume that there are no benefits and costs of the proposed delay, because they would not have changed their operations. We assume that 50 percent of the regulated entities would have gone forward with using the new or expanded exemption categories under the 2018 Requirements; for these entities, there are costs of delaying the implementation of this provision during the six-month delay of this interim final rule. We are seeking comment on these assumptions.

B. Paperwork Reduction Act (PRA)

This interim final rule does not impose any additional information collection burden under the PRA, and does not contain any information collection activities beyond the information collection already approved by OMB under control number 0990–0260.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) and the Small Business Regulatory Enforcement Fairness Act of 1996, which amended the RFA, require agencies that issue a regulation to analyze options for regulatory relief for small businesses. If a rule has a significant impact on a substantial number of small entities, agencies must specifically consider the economic effect of the rule on small entities and analyze regulatory options that could lessen the impact of the rule. The RFA generally defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000 (states and individuals are not included in the definition of ''small entity''). HHS considers a rule to have a significant economic impact on a substantial number of small entities if at least 5 percent of small entities experience an impact of more than 3 percent of revenue.

This action does not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This interim final rule does not impose a regulatory burden for regulated small entities because it delays the effective date and general compliance date of the 2018 Requirements, allowing the status quo to be retained for the period of delay. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $148 million, using the most current (2016) implicit price deflator for the gross domestic product. We do not expect this interim final rule to result in expenditures that will exceed this amount. 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.

E. Executive Order 13132: Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on state and local governments or has federalism implications. We have determined that the interim final rule does not contain policies that have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. The changes to the 2018 Requirements contained in this interim final rule represent the Federal Government regulating its own program. Accordingly, we conclude that the interim final rule does not contain policies that have federalism implications as defined in Executive Order 13132 and, consequently, a federalism summary impact statement is not required.

For the reasons set forth in the preamble, the Federal Policy for the Protection of Human Subjects, as published in the **Federal Register** on January 19, 2017 (82 FR 7149) and as adopted in a final rule published by the CPSC on September 18, 2017 (82 FR 43459), this common rule is further amended as follows:

Text of the Amended Common Rule

PART __—PROTECTION OF HUMAN SUBJECTS

■ 1. Amend § __.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ __.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § __.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § __.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

DEPARTMENT OF HOMELAND SECURITY

List of Subjects in 6 CFR Part 46

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Homeland Security further amends 6 CFR part 46 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 46—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 46 continues to read as follows:

Authority: 5 U.S.C. 301; P.L. 107–296, sec. 102, 306(c); P.L. 108–458, sec. 8306.

■ 2. Amend § 46.101 by revising paragraphs (l)(1), (2), (3), and (4) to read as follows:

§ 46.101 To what does this policy apply?

* * * * *

(l) * * *

(1) For purposes of this section, the *pre-2018 Requirements* means Subpart A to 45 CFR part 46, as published in the 2016 edition of the Code of Federal Regulations, which is the rule that DHS applied before it first promulgated this subpart.

(2) For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is July 19, 2019. The compliance date for § 46.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 46.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 46.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

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William Bryan,

Deputy Under Secretary for Science & Technology.

DEPARTMENT OF AGRICULTURE

List of Subjects in 7 CFR Part 1c

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Agriculture further amends 7 CFR part 1c as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 1c—PROTECTION OF HUMAN SUBJECTS

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

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 1c.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 1c.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 1c.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 1c.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Chavonda Jacobs-Young,

Acting Deputy Under Secretary for Research, Education, and Economics, USDA.

DEPARTMENT OF ENERGY

List of Subjects in 10 CFR Part 745

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Energy further amends 10 CFR part 745 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 745—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 745 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 7254; 42 U.S.C. 300v–1(b).

■ 2. Amend § 745.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 745.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 745.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018

Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 745.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Dan Brouillette,

Deputy Secretary of Energy.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

List of Subjects in 14 CFR Part 1230

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the National Aeronautics and Space Administration further amends 14 CFR part 1230 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 1230—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 1230 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 1230.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 1230.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 1230.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 1230.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

James D. Polk,

Chief Health & Medical Officer, National Aeronautics and Space Administration.

DEPARTMENT OF COMMERCE

List of Subjects in 15 CFR Part 27

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Commerce further amends 15 CFR part 27 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 27—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 27 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 27.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 27.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 27.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 27.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Wilbur L. Ross,

The Secretary of Commerce.

CONSUMER PRODUCT SAFETY COMMISSION

List of Subjects in 16 CFR Part 1028

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Consumer Product Safety Commission further amends 16 CFR part 1028 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) and as adopted in a final rule published by the CPSC on September 18, 2017 (82 FR 43459) as follows:

PART 1028—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 1028 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 1028.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 1028.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 1028.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 1028.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Alberta E. Mills,

Acting Secretary, Consumer Product Safety Commission.

SOCIAL SECURITY ADMINISTRATION

List of Subjects in 20 CFR Part 431

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Social Security Administration further amends 20 CFR part 431 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 431—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 431 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 289(a).

■ 2. Amend § 431.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 431.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 431.101(i), or for which a determination was made that the

research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 431.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

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Nancy Berryhill,

Acting Commissioner, Social Security Administration.

AGENCY FOR INTERNATIONAL DEVELOPMENT

List of Subjects in 22 CFR Part 225

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Agency for International Development further amends 22 CFR part 225 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 225—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 225 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b), unless otherwise noted.

■ 2. Amend § 225.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 225.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 225.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 225.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Irene Koek,

Senior Deputy Assistant Administrator for Global Health, U.S. Agency for International Development.

DEPARTMENT OF LABOR

List of Subjects in 29 CFR Part 21

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Labor further amends 29 CFR part 21 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 21—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 21 continues to read as follows:

Authority: 5 U.S.C. 301; 29 U.S.C. 551.

■ 2. Amend § 21.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 21.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 21.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 21.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

R. Alexander Acosta,

Secretary of Labor.

DEPARTMENT OF DEFENSE

List of Subjects in 32 CFR Part 219

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Defense further amends 32 CFR part 219 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 219—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 219 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 2. Amend § 219.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 219.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 219.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 219.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Mary J. Miller,

Principal Deputy, Assistant Secretary of Defense for Research and Engineering.

DEPARTMENT OF EDUCATION

List of Subjects in 34 CFR Part 97

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Education further amends 34 CFR part 97 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 97—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 97 continues to read as follows:

Authority: 5 U.S.C. 301; 20 U.S.C. 1221e–3, 3474.

■ 2. Amend § 97.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 97.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 97.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 97.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Betsy DeVos,

Secretary of Education.

DEPARTMENT OF VETERANS AFFAIRS

List of Subjects in 38 CFR Part 16

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Veterans Affairs further amends 38 CFR part 16 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 16—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 16 continues to read as follows:

Authority: 5 U.S.C. 301; 38 U.S.C. 501, 7331, 7334; 42 U.S.C. 300v–1(b).

■ 2. Amend § 16.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 16.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 16.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 16.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Gina S. Farrisee,

Deputy Chief of Staff, Department of Veterans Affairs.

ENVIRONMENTAL PROTECTION AGENCY

List of Subjects in 40 CFR Part 26

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Environmental Protection Agency further amends 40 CFR part 26 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 26—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 26 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 136a(a) and 136w(a)(1); 21 U.S.C. 346a(e)(1)(C); sec. 201, Pub. L. 109–54, 119 Stat. 531; and 42 U.S.C. 300v–1(b).

■ 2. Amend § 26.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 26.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 26.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 26.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

E. Scott Pruitt,

Administrator, Environmental Protection Agency.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

List of Subjects in 45 CFR Part 46

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Health and Human Services further amends 45 CFR part 46 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 46—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 46 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 289(a); 42 U.S.C. 300v–1(b).

■ 2. Amend § 46.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 46.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 46.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 46.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Eric D. Hargan,

Acting Secretary, Department of Health and Human Services.

NATIONAL SCIENCE FOUNDATION

List of Subjects in 45 CFR Part 690

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the National Science Foundation further amends 45 CFR part 690 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 690—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 690 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 690.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 690.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 690.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 690.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Lawrence Rudolph,

General Counsel.

DEPARTMENT OF TRANSPORTATION

49 CFR Part 11

List of Subjects in 49 CFR Part 11

Human research subjects, Reporting and record-keeping requirements, Research.

For the reasons stated in the preamble, the Department of Transportation further amends 49 CFR part 11 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) as follows:

PART 11—PROTECTION OF HUMAN SUBJECTS

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

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 11.101 by revising paragraphs (l)(3) and (4) to read as follows:

§ 11.101 To what does this policy apply?

* * * * *

(l) * * *

(3) Research initially approved by an IRB, for which such review was waived pursuant to § 11.101(i), or for which a determination was made that the research was exempt before July 19, 2018, shall comply with the pre-2018 Requirements, except that an institution engaged in such research on or after July 19, 2018 may instead comply with the 2018 Requirements if the institution determines that such ongoing research will comply with the 2018 Requirements and an IRB documents such determination.

(4) Research initially approved by an IRB, for which such review was waived pursuant to § 11.101(i), or for which a determination was made that the research was exempt on or after July 19, 2018, shall comply with the 2018 Requirements.

* * * * *

Elaine L. Chao,

Secretary of Transportation.

[FR Doc. 2018–00997 Filed 1–17–18; 4:15 pm]

BILLING CODE 4150–36–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0023; Product Identifier 2017–NM–084–AD; Amendment 39–19164; AD 2018–02–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–301, –321, –322 and –342 airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. This AD was prompted by a report of cracking in the top skin of the horizontal stabilizer (HS) center box (CB) of an airplane in pre-modification 41330 configuration. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective February 6, 2018.

We must receive comments on this AD by March 8, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0023; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0078, dated May 3, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–301, –321, –322 and –342 airplanes. The MCAI states:

> Cracks were found in the horizontal stabilizer (HS) centre box (CB) top skin of an aeroplane in pre-modification 41330 configuration. The cracks were initiated at the upper flange corner at Rib 3 rear spar area on left hand side of the CB.
>
> This condition, if not detected and corrected, could lead to reduced structural integrity of the HS CB of the aeroplane.
>
> To address this unsafe condition, Airbus published Service Bulletin (SB) A330–55–3046 to provide inspection instructions for the affected area.
>
> For the reason described above, this [EASA] AD requires a one-time special detailed inspection (SDI) of the HS CB top

skin integral flange area and, depending on findings, accomplishment of applicable corrective action(s). This [EASA] AD also requires reporting of the inspection results, including no findings, to Airbus.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0023.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

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

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0023; Product Identifier 2017–NM–084–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
High frequency eddy current inspection	1 work-hour × $85 per hour = $85	$0	$85
Reporting	1 work-hour × $85 per hour = $85	0	85

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–02–11 Airbus: Amendment 39–19164; Docket No. FAA–2018–0023; Product Identifier 2017–NM–084–AD.

(a) Effective Date

This AD becomes effective February 6, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A330–301, –321, –322 and A330–342 airplanes, certificated in any category, manufacturer serial numbers 0012, 0017, 0030, 0037, 0045, 0050, 0060, 0062, 0064, 0065, 0071, 0082, 0083, 0098, 0099, 0102, 0106, 0109, 0112, 0132 and 0177.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Reason

This AD was prompted by a report of cracking in the top skin of the horizontal stabilizer (HS) center box (CB) of an airplane in pre-modification 41330 configuration. We are issuing this AD to detect and correct cracking in the HS CB, which could lead to reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Action(s)

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the actions at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2017–0078, dated May 3, 2017.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(j) Related Information

(1) Refer to MCAI EASA AD 2017–0078, dated May 3, 2017, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0023.

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

(k) Material Incorporated by Reference

None.

Issued in Renton, Washington, on January 10, 2018.

John P. Piccola, Jr.,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–00949 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0719; Product Identifier 2017–NE–22–AD; Amendment 39–19163; AD 2018–02–10]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Division Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines. This AD was prompted by the discovery of multiple cracked outer diffuser cases. This AD requires initial and repetitive inspections to detect cracks in the outer diffuser case and removal from service of cases that fail inspection. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 26, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 26, 2018.

ADDRESSES: For service information identified in this final rule, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800–565–0140; fax: 860–565–5442. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0719.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0719; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is Document Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor,

Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Theriault, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to PW PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines. The NPRM published in the **Federal Register** on August 25, 2017 (82 FR 40514). The NPRM was prompted by the discovery of multiple cracked outer diffuser cases. The NPRM proposed to require initial and repetitive inspections to detect cracks in the outer diffuser case and removal from service of cases that fail inspection. We are issuing this AD to correct the unsafe condition on these products.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Change Compliance

PW requested that we change the effective date of the 1,000 cycle drawdown to ''within 1,000 flight cycles from March 31, 2017'', to coincide with PW Alert Service Bulletin (ASB) PW4G–112–A72–347, rather than ''within 1,000 flight cycles from the effective date of this AD''. PW stated that making the 1,000 cycle drawdown effective March 31, 2017, rather than the effective date of this AD, maintains the same level of risk.

We disagree with changing the effective date of the 1,000 cycle drawdown to ''within 1,000 flight cycles from March 31, 2017'', to coincide with PW ASB PW4G–112–A72–347 because we cannot force mandatory action based on dates in the past. Mandatory action must be based on the effective date of this AD. In addition, we determined that basing the initial inspection and the inspection interval on the effective date of this AD maintains an acceptable level of safety. We did not change this AD.

Request To Add Credit for Previous Actions

PW and United Airlines (UAL) requested that we add Credit for Previous Actions to allow operators to take credit for inspections performed per PW ASB PW4G–112–A72–347, dated March 31, 2017 prior to the effective date of this AD.

We disagree. Since use of PW ASB PW4G–112–A72–347, dated March 31, 2017, is required in the compliance section of this AD, we do not need to reference this SB in the Credit for Previous Actions paragraph. Inspections performed per PW ASB PW4G–112–A72–347 prior to the effective date of this AD meet the criteria of ''unless already done'' in the compliance section of this AD.

Request To Change Definitions

UAL requested that we define ''engine disassembly'' as ''when the M flange is split''. UAL reasoned that this would clarify the compliance requirements for operators and is consistent with PW ASB PW4G–112–A72–347, dated March 31, 2017.

We agree. Defining ''engine disassembly'' clarifies compliance requirements for operators. We added a Definition paragraph to this AD.

Request To Change Compliance Time

UAL requested that we add a third option for the initial inspection so that it could be performed prior to accumulating 13,000 cycles since new, or within 1,000 cycles from the effective date of this AD, or within 2,000 cycles since the last outer diffuser case piece-part fluorescent penetration inspection (FPI), whichever occurs later.

We partially agree. We agree with giving operator's credit for inspections done at piece-part exposure because if the outer diffuser case was inspected at piece-part exposure and passed inspection, it meets the initial inspection requirement mandated by this AD. We added a ''Credit for Previous Actions'' paragraph to this AD. Therefore, we disagree with adding the third option to the initial inspection compliance time specified in paragraph (g)(1) of this AD.

Request To Change Compliance

UAL requested that we identify the outer diffuser case piece-part level FPI done in accordance with PW Cleaning, Inspection and Repair (CIR) Manual 72–41–13, Inspection/Check-02, as an acceptable means of compliance for the repetitive inspections. UAL reasoned that when the outer diffuser case is at piece-part level, PW CIR Manual 72–41–13, Inspection/Check-02, is performed. The piece-part level FPI is equivalent to the high sensitivity module level inspection provided in PW ASB PW4G–112–A72–347, dated March 31, 2017.

We agree. Inspections performed at piece-part exposure maintain an acceptable level of safety because the piece-part level FPI specified in PW CIR Manual Part Number 51A750, section 72–41–13, Inspection/Check-02 is equivalent to the inspection mandated by this AD. Since we did not incorporate by reference a particular FPI process specification, a high sensitivity FPI using the methods, techniques, and practices equivalent to the current manufacturer's maintenance manual or Instructions for Continued Airworthiness satisfy both the initial and repetitive requirements of this AD. We did not change this AD.

Request To Change Service Information

PW requested that we change the service information reference from PW ASB PW4G–112–A72–347, dated March 31, 2017, to PW ASB PW4G–112–A72–347, Revision No. 1, dated October 26, 2017. PW stated that the SB has been revised to provide inspection clarifications requested by operators.

We disagree. We did not include PW ASB PW4G–112–A72–347, Revision No. 1, dated October 26, 2017, since the risk analysis was based on the original ASB and we did not have the opportunity to give the public a chance to comment on this revision. We did not change this AD.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed PW ASB PW4G–112–A72–347, dated March 31, 2017. This PW ASB provides guidance on performing outer diffuser case FPIs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

We reviewed PW4000 Series (112 Inch) Engine CIR Manual, Part Number 51A750, Revision Number 74, section

72–41–13, Inspection/Check-02, dated July 15, 2017. This manual section provides guidance on performing a high sensitivity FPI of the outer diffuser case at piece-part exposure.

Costs of Compliance

We estimate that this AD affects 121 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Tt3 boss inspection	3.5 work-hours × $85 per hour = $297.50	$0	$297.50	$35,997.50

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We estimate six cases will need to be replaced in the domestic fleet.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
FPI Inspection of outer diffuser case	10 work-hours × $85 per hour = $850	$0	$850
Replacement of outer diffuser case	$0	750,000	750,000

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–02–10 Pratt & Whitney Division: Amendment 39–19163; Docket No. FAA–2017–0719; Product Identifier 2017–NE–22–AD.

(a) Effective Date

This AD is effective February 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines with outer diffuser case, part number (P/N) 50J775 or P/N 50J930, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7240, Turbine Engine Combustion Section.

(e) Unsafe Condition

This AD was prompted by the discovery of multiple cracked outer diffuser cases. We are issuing this AD to prevent failure of the outer diffuser case. The unsafe condition, if not corrected, could result in failure of the outer diffuser case, uncontained case release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Perform an initial high sensitivity fluorescent penetrant inspection (FPI) of the outer diffuser case T3 thermocouple probe boss (Tt3 boss) prior to accumulating 13,000 cycles since new (CSN), or within 1,000 flight cycles from the effective date of this AD, whichever occurs later. If the case CSN is unknown, inspect within 1,000 flight cycles from the effective date of this AD.

(2) Thereafter, repeat the high sensitivity FPI of the outer diffuser case Tt3 boss within 2,000 flight cycles since the last FPI.

(3) If an indication is found during the inspections required by paragraphs (g)(1) or (2) of this AD, re-inspect or remove the outer diffuser case from service as follows:

(i) For engines installed on-wing, re-inspect or remove in accordance with the Accomplishment Instructions, Part A, paragraph 1.G., of PW ASB PW4G–112–A72–347, dated March 31, 2017.

(ii) For assembled engines not installed on-wing, re-inspect or remove in accordance with the Accomplishment Instructions, Part B, paragraph 1.C., of PW ASB PW4G–112–A72–347, dated March 31, 2017.

(iii) For disassembled engines, if any cracks are found, remove the outer diffuser case from service before further flight.

(4) Within 30 days of the effective date of this AD, update the mandatory inspections of the Airworthiness Limitations Section (ALS) of your Instructions for Continued Airworthiness to include the piece-part inspections of the diffuser case as defined in Figure 1 to paragraph (g) of this AD.

Figure 1 to Paragraph (g) – Addition to ALS

Description	Part Number	Cleaning, Inspection and Repair (CIR) Manual Section	CIR Manual Inspection	CIR Manual
Case, Diffuser, Outer	All	72-41-13	Inspection/Check (I/C-02)	P/N 51A750

(h) Credit for Previous Actions

You may take credit for the high sensitivity FPI of the outer diffuser case Tt3 boss that is required by paragraph (g)(1) of this AD if you performed a high sensitivity FPI of the outer diffuser case at piece-part exposure before the effective date of this AD, using PW4000 Series (112 Inch) Engine CIR Manual, P/N 51A750, section 72–41–13, Inspection/Check-02, dated July 15, 2017.

(i) Definition

For the purpose of this AD, an engine is considered disassembled any time the ''M'' flange is separated.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (k)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(k) Related Information

(1) For more information about this AD, contact Jo-Ann Theriault, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

(2) PW4000 Series (112 Inch) Engine CIR Manual, Part Number 51A750, Revision Number 74, section 72–41–13, Inspection/Check-02, dated July 15, 2017, which is not incorporated by reference in this AD, can be obtained from PW, using the contact information in paragraph (l)(3) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Pratt & Whitney (PW) Alert Service Bulletin PW4G–112–A72–347, dated March 31, 2017.

(ii) Reserved.

(3) For PW service information identified in this AD, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800–565–0140; fax: 860–565–5442.

(4) You may view this service information at FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7759.

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

Issued in Burlington, Massachusetts, on January 12, 2018.

Robert J. Ganley,

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

[FR Doc. 2018–00999 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0022; Product Identifier 2015–NM–044–AD; Amendment 39–19162; AD 2018–02–09]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2008–06–20 R1, which applied to all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes, and certain Model F28 Mark 1000, 2000, 3000, and 4000 airplanes. AD 2008–06–20 R1 required revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness for certain airplanes, and the maintenance or inspection program, as applicable, for certain other airplanes, to incorporate new limitations for fuel tank systems. AD 2008–06–20 R1 also clarified the intended effect on spare and on-airplane fuel tank system components, regarding the use of maintenance manuals and instructions for continued airworthiness. This new AD was prompted by revised fuel airworthiness limitation items (ALI) tasks, and critical design configuration control limitations (CDCCL) items, and associated

thresholds, intervals, and instructions. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective February 6, 2018.

We must receive comments on this AD by March 8, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0022; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2008–06–20 R1, Amendment 39–16089 (74 FR 61018, November 23, 2009) (''AD 2008–06–20 R1''), which applied to all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes, and certain Model F28 Mark 1000, 2000, 3000, and 4000 airplanes. AD 2008–06–20 R1 was prompted by revised fuel ALI tasks, and CDCCL items, and associated thresholds, intervals and instructions. AD 2008–06–20 R1 required revising the ALS of the Instructions for Continued Airworthiness for certain airplanes, and the FAA-approved maintenance or inspection program, as applicable, for certain other airplanes, to incorporate new limitations for fuel tank systems. AD 2008–06–20 R1 also clarified the AD's intended effect on spare and on-airplane fuel tank system components, regarding the use of maintenance manuals and instructions for continued airworthiness. We issued AD 2008–06–20 R1 to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Since we issued AD 2008–06–20 R1, we have determined that revised Fuel ALI tasks, and CDCCL items, and associated thresholds, intervals and instructions need to be implemented.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2015–0030, dated February 24, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Fokker Services B.V. Model F28 Mark 1000, 2000, 3000, and 4000 airplanes. The MCAI states:

> [Subsequent to accidents involving Fuel Tank System explosions in flight and on ground] * * *, the FAA published Special Federal Aviation Regulation (SFAR) 88, and the Joint Aviation Authorities (JAA) published Interim Policy INT/POL/25/12. The review conducted by Fokker Services on the Fokker F28 design in response to these regulations identified a number of Fuel Airworthiness Limitation items (ALI) and Critical Design Configuration Control Limitations (CDCCL) items to prevent the development of unsafe conditions within the fuel system.
>
> To introduce these Fuel ALI and CDCCL items, Fokker Services published Service Bulletin (SB) F28/28–050 and EASA issued AD 2006–0208, requiring the implementation of these Fuel ALI and CDCCL items. That [EASA] AD was later revised to make reference to SBF28–28–050R1 and to specify that the use of later revisions was acceptable.
>
> In 2014, Fokker Services issued Revision 2 of SBF28–28–050 to update the ALI and CDCCL items and to consolidate Fuel ALI and CDCCL items contained in a number of other SBs. Consequently, EASA issued AD 2014–0110, superseding [EASA] AD 2006–0208R1 [which corresponds to FAA AD 2008–06–20 R1] and requiring the implementation of the updated Fuel ALI and CDCCL items.
>
> Since that [EASA] AD was issued, Fokker Services issued Revision 3 of SBF28–28–050, primarily to introduce 5 additional CDCCL items.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0022.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

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

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0022; Product Identifier 2015–NM–044–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

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

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Revise the maintenance or inspection program	1 work-hour × $85 per hour = $85	$0	$85

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2008–06–20 R1, Amendment 39–16089 (74 FR 61018, November 23, 2009), and adding the following new AD:

2018–02–09 Fokker Services B.V.: Amendment 39–19162; Docket No. FAA–2018–0022; Product Identifier 2015–NM–044–AD.

(a) Effective Date

This AD becomes effective February 6, 2018.

(b) Affected ADs

This AD replaces AD 2008–06–20 R1, Amendment 39–16089 (74 FR 61018, November 23, 2009) (''AD 2008–06–20 R1'').

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 1000, 2000, 3000, and 4000 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by the issuance of revised fuel airworthiness limitation items (ALI) tasks, critical design configuration control limitations (CDCCL) items and associated thresholds, intervals and instructions. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

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

(g) Required Action(s)

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the action(s) at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2015–0030, dated February 24, 2015.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) Refer to MCAI EASA 2015–0030, dated February 24, 2015, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0022.

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

(j) Material Incorporated by Reference

None.

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

John P. Piccola, Jr.,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–00950 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 1

Adjustments to Civil Penalty Amounts

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') is implementing adjustments to the civil penalty amounts within its jurisdiction to account for inflation, as required by law.

DATES: *Effective date:* January 22, 2018.

FOR FURTHER INFORMATION CONTACT: Kenny A. Wright, Attorney, Office of the General Counsel, FTC, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2907, *kwright@ftc.gov.*

SUPPLEMENTARY INFORMATION: Commission Rule 1.98 sets forth civil penalty amounts for violations of certain laws enforced by the Commission.[1] As mandated by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,[2] the Commission adjusted the maximum civil penalty amounts under its jurisdiction through an Interim Final Rulemaking in June 2016 [3] and a subsequent annual inflation adjustment in January 2017.[4]

Following the initial catch-up adjustment, the FCPIAA, as amended, directs agencies to adjust their civil penalties for inflation every January thereafter. Accordingly, the Commission is increasing these maximum civil penalty amounts to address inflation since the January 2017 adjustment. The following adjusted amounts will take effect on January 22, 2018:

- Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1) (premerger filing notification violations under the Hart-Scott-Rodino Improvements Act)—Increase from $40,654 to $41,484;
- Section 11(*l*) of the Clayton Act, 15 U.S.C. 21(*l*) (violations of cease and desist orders issued under Clayton Act section 11(b))—Increase from $21,598 to $22,039;
- Section 5(*l*) of the FTC Act, 15 U.S.C. 45(*l*) (unfair or deceptive acts or practices)—Increase from $40,654 to $41,484;
- Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A) (unfair or deceptive acts or practices)—Increase from $40,654 to $41,484;
- Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B) (unfair or deceptive acts or practices)—Increase from $40,654 to $41,484;
- Section 10 of the FTC Act, 15 U.S.C. 50 (failure to file required reports)—Increase from $534 to $545;
- Section 5 of the Webb-Pomerene (Export Trade) Act, 15 U.S.C. 65 (failure by associations engaged solely in export trade to file required statements)—Increase from $534 to $545;
- Section 6(b) of the Wool Products Labeling Act, 15 U.S.C. 68d(b) (failure by wool manufacturers to maintain required records)—Increase from $534 to $545;
- Section 3(e) of the Fur Products Labeling Act, 15 U.S.C. 69a(e) (failure to maintain required records regarding fur products)—Increase from $534 to $545;
- Section 8(d)(2) of the Fur Products Labeling Act, 15 U.S.C. 69f(d)(2) (failure to maintain required records regarding fur products)—Increase from $534 to $545;
- Section 333(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6303(a) (knowing violations of EPCA section 332, including labeling violations)—Increase from $440 to $449;
- Section 525(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(a) (recycled oil labeling violations)—Increase from $21,598 to $22,039;
- Section 525(b) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(b) (willful violations of recycled oil labeling requirements)—Increase from $40,654 to $41,484;
- Section 621(a)(2) of the Fair Credit Reporting Act, 15 U.S.C. 1681s(a)(2) (knowing violations of the Fair Credit Reporting Act)—Increase from $3,817 to $3,895;
- Section 1115(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108–173, 21 U.S.C. 355 note (failure to comply with filing requirements)—Increase from $14,373 to $14,666; and
- Section 814(a) of the Energy Independence and Security Act of 2007, 42 U.S.C. 17304 (violations of prohibitions on market manipulation and provision of false information to federal agencies)—Increase from $1,156,953 to $1,180,566.

Calculation of Inflation Adjustments

The FCPIAA, as amended, directs federal agencies to adjust each civil monetary penalty under their jurisdiction for inflation in January of each year pursuant to a cost-of-living adjustment.[5] The cost-of-living adjustment is based on the percent change between the U.S. Department of Labor's Consumer Price Index for all-urban consumers (''CPI–U'') for the month of October preceding the date of the adjustment, and the CPI–U for October of the prior year.[6] Based on that formula, the cost-of-living adjustment multiplier for 2018 is 1.02041. The FCPIAA also directs that these penalty level adjustments should be rounded to the nearest dollar. Agencies do not have discretion over whether to adjust a maximum civil penalty, or the method used to determine the adjustment.

The following chart illustrates the application of these adjustments to the civil monetary penalties under the Commission's jurisdiction.

CALCULATION OF ADJUSTMENTS TO MAXIMUM CIVIL MONETARY PENALTIES

Citation	Description	Current penalty (2017)	Adjustment multiplier	Adjusted penalty
16 CFR 1.98(a): 15 U.S.C. 18a(g)(1)	Premerger filing notification violations	$40,654	1.02041	$41,484
16 CFR 1.98(b): 15 U.S.C. 21(*l*)	Violations of cease and desist orders	21,598	1.02041	22,039
16 CFR 1.98(c): 15 U.S.C. 45(*l*)	Unfair or deceptive acts or practices	40,654	1.02041	41,484
16 CFR 1.98(d): 15 U.S.C. 45(m)(1)(A)	Unfair or deceptive acts or practices	40,654	1.02041	41,484

[1] 16 CFR 1.98.

[2] Public Law 114–74, section 701, 129 Stat. 599 (2015). The Act amends the Federal Civil Penalties Inflation Adjustment Act (''FCPIAA''), Public Law 101–410, 104 Stat. 890 (codified at 28 U.S.C. 2461 note).

[3] 81 FR 42476 (June 30, 2016).

[4] 82 FR 8135 (Jan. 24, 2017).

[5] 28 U.S.C. 2461 note (4).

[6] *Id.* (3), (5)(b); Office of Management and Budget, Memorandum M–18–03, *Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,* at 4 (December 15, 2017), available at *https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf.*

CALCULATION OF ADJUSTMENTS TO MAXIMUM CIVIL MONETARY PENALTIES—Continued

Citation	Description	Current penalty (2017)	Adjustment multiplier	Adjusted penalty
16 CFR 1.98(e): 15 U.S.C. 45(m)(1)(B)	Unfair or deceptive acts or practices	40,654	1.02041	41,484
16 CFR 1.98(f): 15 U.S.C. 50	Failure to file required reports	534	1.02041	545
16 CFR 1.98(g): 15 U.S.C. 65	Failure to file required statements	534	1.02041	545
16 CFR 1.98(h): 15 U.S.C. 68d(b)	Failure to maintain required records	534	1.02041	545
16 CFR 1.98(i): 15 U.S.C. 69a(e)	Failure to maintain required records	534	1.02041	545
16 CFR 1.98(j): 15 U.S.C. 69f(d)(2)	Failure to maintain required records	534	1.02041	545
16 CFR 1.98(k): 42 U.S.C. 6303(a)	Knowing violations	440	1.02041	449
16 CFR 1.98(*l*): 42 U.S.C. 6395(a)	Recycled oil labeling violations	21,598	1.02041	22,039
16 CFR 1.98(*l*): 42 U.S.C. 6395(b)	Willful violations	40,654	1.02041	41,484
16 CFR 1.98(m): 15 U.S.C. 1681s(a)(2)	Knowing violations	3,817	1.02041	3,895
16 CFR 1.98(n): 21 U.S.C. 355 note	Non-compliance with filing requirements	14,373	1.02041	14,666
16 CFR 1.98(o): 42 U.S.C. 17304	Market manipulation or provision of false information to federal agencies.	1,156,953	1.02041	1,180,566

Effective Dates of New Penalties

These new penalty levels apply to civil penalties assessed after the effective date of the applicable adjustment, including civil penalties whose associated violation predated the effective date.[7] These adjustments do not retrospectively change previously assessed or enforced civil penalties that the FTC is actively collecting or has collected.

Procedural Requirements

The FCPIAA, as amended, directs agencies to adjust civil monetary penalties through rulemaking and to publish the required inflation adjustments in the **Federal Register**, notwithstanding section 553 of title 5, United States Code. Pursuant to this congressional mandate, prior public notice and comment under the APA and a delayed effective date are not required. For this reason, the requirements of the Regulatory Flexibility Act (''RFA'') also do not apply.[8] Further, this rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 as amended. 44 U.S.C. 3501 *et seq.*

List of Subjects for 16 CFR Part 1

Administrative practice and procedure, Penalties, Trade practices.

Text of Amendments

For the reasons set forth in the preamble, the Federal Trade Commission amends title 16, chapter I, subchapter A, of the Code of Federal Regulations, as follows:

[7] 28 U.S.C. 2461 note (6).

[8] A regulatory flexibility analysis under the RFA is required only when an agency must publish a notice of proposed rulemaking for comment. *See* 5 U.S.C. 603.

PART 1—GENERAL PROCEDURES

Subpart L—Civil Penalty Adjustments Under the Federal Civil Penalties Inflation Adjustment Act of 1990, as Amended

■ 1. The authority citation for part 1, subpart L continues to read as follows:

Authority: 28 U.S.C. 2461 note.

■ 2. Revise § 1.98 to read as follows:

§ 1.98 Adjustment of civil monetary penalty amounts.

This section makes inflation adjustments in the dollar amounts of civil monetary penalties provided by law within the Commission's jurisdiction. The following maximum civil penalty amounts apply only to penalties assessed after January 22, 2018, including those penalties whose associated violation predated January 22, 2018.

(a) Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1)—$41,484;

(b) Section 11(*l*) of the Clayton Act, 15 U.S.C. 21(*l*)—$22,039;

(c) Section 5(*l*) of the FTC Act, 15 U.S.C. 45(*l*)—$41,484;

(d) Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A)—$41,484;

(e) Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B)—$41,484;

(f) Section 10 of the FTC Act, 15 U.S.C. 50—$545;

(g) Section 5 of the Webb-Pomerene (Export Trade) Act, 15 U.S.C. 65—$545;

(h) Section 6(b) of the Wool Products Labeling Act, 15 U.SC. 68d(b)—$545;

(i) Section 3(e) of the Fur Products Labeling Act, 15 U.S.C. 69a(e)—$545;

(j) Section 8(d)(2) of the Fur Products Labeling Act, 15 U.S.C. 69f(d)(2)—$545;

(k) Section 333(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6303(a)—$449;

(l) Sections 525(a) and (b) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(a) and (b), respectively—$22,039 and $41,484, respectively;

(m) Section 621(a)(2) of the Fair Credit Reporting Act, 15 U.S.C. 1681s(a)(2)—$3,895;

(n) Section 1115(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108–173, 21 U.S.C. 355 note—$14,666;

(o) Section 814(a) of the Energy Independence and Security Act of 2007, 42 U.S.C. 17304—$1,180,566; and

(p) Civil monetary penalties authorized by reference to the Federal Trade Commission Act under any other provision of law within the jurisdiction of the Commission—refer to the amounts set forth in paragraphs (c), (d), (e) and (f) of this section, as applicable.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–00979 Filed 1–19–18; 8:45 am]

BILLING CODE 6750–01–P

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 514

Fees

AGENCY: National Indian Gaming Commission.

ACTION: Final rule.

SUMMARY: The National Indian Gaming Commission is amending its fee regulations. The rule amends the regulations that describe when the Commission adopts annual fee rates, defines the fiscal year of the gaming operation that will be used for calculating the fee payments, and includes additional revisions clarifying the fee calculation and submission process for gaming operations.

DATES: *Effective Date:* February 21, 2018.

FOR FURTHER INFORMATION CONTACT: Austin Badger, National Indian Gaming Commission; 1849 C Street NW, MS 1621, Washington, DC 20240. Telephone: 202–632–7003.

SUPPLEMENTARY INFORMATION:

I. Background

The Indian Gaming Regulatory Act (IGRA or Act), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* was signed into law on October 17, 1988. The Act establishes the National Indian Gaming Commission (NIGC or Commission) and sets out a comprehensive framework for the regulation of gaming on Indian lands. The IGRA established an agency funding framework whereby gaming operations licensed by tribes pay a fee to the Commission for each gaming operation that conducts Class II or Class III gaming activity that is regulated pursuant to IGRA. 25 U.S.C. 2717(a)(1). These fees are used to fund the Commission in carrying out its regulatory authority. Fees are based on the gaming operation's gross gaming revenues. The rates of fees are established annually by the Commission and payable on a quarterly basis. 25 U.S.C. 2717(a)(3). IGRA limits the total amount of fees imposed during any fiscal year to 0.08 percent of the gross gaming revenues of all gaming operations subject to regulation under IGRA. Failure of a gaming operation to pay the fees imposed by the Commission's fee schedule can be grounds for a civil enforcement action. 25 U.S.C. 2713(a)(1).

The purpose of part 514 is to establish how the NIGC sets and collects those fees, to establish a basic formula for tribes to utilize in calculating the amount of fees to pay, and to advise of the consequences for failure to pay the fees. Part 514 further establishes how the NIGC determines and assesses fingerprint processing fees.

II. Development of the Rule

The development of the rule formally began with the Commission's notice to tribal leaders by letter dated November 22, 2016, of the topic's inclusion in the Commission's 2017 tribal consultation series. On March 24, 2017, in Tulsa, OK, April 5, 2017, in Scottsdale, AZ, April 13, 2017, in San Diego, CA, April 20, 2017, in Billings, MT, May 4, 2017, in Biloxi, MS, and on May 25, 2017, in Portland, OR, the NIGC consulted with tribes on proposed changes to the fee regulations. In addition, the Commission issued a discussion draft on January 30, 2017, and solicited written comments through July 1, 2017. Comments received were generally supportive of the proposed changes to the fee regulations.

The Commission subsequently published a proposed rule in the **Federal Register** on November 13, 2017. 82 FR 52253. The proposed rule included amendments to the discussion draft prompted by internal review and the Commission's careful consideration of the substantive comments received through consultation and written submissions. The proposed rule included discussion of the Commission's amendments to the discussion draft and the Commission's responses to comments received. The proposed rule invited interested parties to continue to participate in the rulemaking process by submitting comments to the proposed rule to the Commission. While the Commission did not receive any substantive comments in response to the proposed rule, the comments received through consultation have proven invaluable to the Commission in developing this rule amending the fee regulations.

The rule is intended to improve the Commission's analysis and budgeting process and simplify the fee calculation and payment process for gaming operations, thereby reducing the frequency of error in fee calculation. Under the current fee regulations, the Commission adopts a preliminary fee rate by March 1 and a final fee rate by June 1 of every year. In addition, the NIGC annually reviews the costs involved in processing fingerprint cards and adopts a preliminary rate by March 1 and a final rate by June 1. The rule simplifies this process by amending the fee regulations to provide that the Commission will adopt a final fee rate and fingerprint processing fee no later than November 1 of each year. The rule also defines the fiscal year used in calculating the required annual fee so that the fee rate is applied consistently to a gaming operation's gross revenues for one fiscal year. Finally, among other clarifying revisions to the fee regulations, the rule describes the fees and statements required of gaming operations that cease operations.

III. Review of Public Comments

The Commission did not receive any substantive comments in response to the proposed rule.

Regulatory Matters

Tribal Consultation

The National Indian Gaming Commission is committed to fulfilling its tribal consultation obligations—whether directed by statute or administrative action such as Executive Order (E.O.) 13175 (Consultation and Coordination with Indian Tribal Governments)—by adhering to the consultation framework described in its Consultation Policy published July 15, 2013. The NIGC's consultation policy specifies that it will consult with tribes on Commission Action with Tribal Implications, which is defined as: Any Commission regulation, rulemaking, policy, guidance, legislative proposal, or operational activity that may have a substantial direct effect on an Indian tribe on matters including, but not limited to the ability of an Indian tribe to regulate its Indian gaming; an Indian Tribe's formal relationship with the Commission; or the consideration of the Commission's trust responsibilities to Indian tribes. As discussed above, the NIGC engaged in extensive consultation on this topic and received and considered comments in developing this rule.

Regulatory Flexibility Act

The rule will not have a significant impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Moreover, Indian Tribes are not considered to be small entities for the purposes of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

The rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The rule does not have an effect on the economy of $100 million or more. The rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, local government agencies or geographic regions. Nor will the rule have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the enterprises, to compete with foreign based enterprises.

Unfunded Mandate Reform Act

The Commission, as an independent regulatory agency, is exempt from compliance with the Unfunded Mandates Reform Act, 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

Takings

In accordance with Executive Order 12630, the Commission has determined that the rule does not have significant takings implications. A takings implication assessment is not required.

Civil Justice Reform

In accordance with Executive Order 12988, the Commission has determined that the rule does not unduly burden the judicial system and meets the requirements of section 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act

The Commission has determined that the rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

Paperwork Reduction Act

The information collection requirements contained in this rule were previously approved by the Office of Management and Budget (OMB) as required by 44 U.S.C. 3501 *et seq.* and assigned OMB Control Number 3141–0007. The OMB control number expires on November 30, 2018.

List of Subjects in 25 CFR Part 514

Gambling, Indian—lands, Indian—tribal government, Reporting and recordkeeping requirements.

Therefore, for reasons stated in the preamble, the National Indian Gaming Commission revises 25 CFR part 514 to read as follows:

PART 514—FEES

Sec.

514.1 What is the purpose of this part?
514.2 When will the annual rates of fees be published?
514.3 What is the maximum fee rate?
514.4 How does a gaming operation calculate the amount of the annual fee it owes?
514.5 When must a gaming operation pay its annual fees?
514.6 What are the quarterly statements that must be submitted with the fee payments?
514.7 What should a gaming operation do if it changes its fiscal year or ceases operations?
514.8 Where should fees, quarterly statements, and other communications about fees be sent?
514.9 What happens if a gaming operation submits its fee payment or quarterly statement late?
514.10 When does a late payment or quarterly statement submission become a failure to pay?
514.11 Can a proposed late fee be appealed?
514.12 When does a notice of late submission and/or a proposed late fee become a final order of the Commission and final agency action?
514.13 How are late submission fees paid, and can interest be assessed?
514.14 What happens if the fees imposed exceed the statutory maximum or if the Commission does not expend the full amount of fees collected in a fiscal year?
514.15 May tribes submit fingerprint cards to the Commission for processing?
514.16 How does the Commission adopt the fingerprint processing fee?
514.17 How are fingerprint processing fees collected by the Commission?

Authority: 25 U.S.C. 2706, 2710, 2717, 2717a.

§ 514.1 What is the purpose of this part?

Each gaming operation under the jurisdiction of the Commission, including a gaming operation operated by a tribe with a certificate of self-regulation, shall pay to the Commission annual fees as established by the Commission. The Commission, by a vote of not less than two of its members, shall adopt the rates of fees to be paid.

§ 514.2 When will the annual rates of fees be published?

(a) The Commission shall adopt the rates of fees no later than November 1st of each year.

(b) The Commission shall publish the rates of fees in a notice in the **Federal Register.**

§ 514.3 What is the maximum fee rate?

(a) The rates of fees imposed shall be—

(1) No more than 2.5% of the first $1,500,000 of the assessable gross revenues from each gaming operation; and

(2) No more than 5% of amounts in excess of the first $1,500,000 of the assessable gross revenues from each gaming operation.

(b) If a tribe has a certificate of self-regulation, the rate of fees imposed on assessable gross revenues from the class II gaming activity shall be no more than 0.25%.

(c) The total amount of all fees imposed on assessable gross revenues during any fiscal year shall not exceed 0.08% of the assessable gross gaming revenues of all gaming operations.

§ 514.4 How does a gaming operation calculate the amount of the annual fee it owes?

(a) The amount of annual fees owed shall be computed using:

(1) The most recent rates of fees adopted by the Commission; and

(2) The assessable gross revenues for the gaming operation's assessed fiscal year.

(b) Assessed fiscal year means the gaming operation's fiscal year ending prior to January 1 of the year the Commission adopted fee rates.

(c) For purposes of computing fees, assessable gross revenues for each gaming operation are the total amount of money wagered on class II and III games, plus entry fees (including table or card fees), less any amounts paid out as prizes or paid for prizes awarded, and less an allowance for capital expenditures for structures as reflected in the gaming operation's audited financial statements.

(d) Tier 1 assessable gross revenues are the first $1,500,000 of the assessable gross revenues from each gaming operation. Tier 2 assessable gross revenues are the amounts in excess of the first $1,500,000 of the assessable gross revenues from each gaming operation.

(e) The allowance for capital expenditures for structures shall be either:

(1) An amount not to exceed 5% of the cost of structures in use throughout the assessed fiscal year and 2.5% of the cost of structures in use during only a part of the assessed fiscal year; or

(2) An amount not to exceed 10% of the total amount of depreciation expenses for the assessed fiscal year.

(f) Unless otherwise provided by regulation, generally accepted accounting principles shall be used.

§ 514.5 When must a gaming operation pay its annual fees?

(a) Annual fees are payable to the Commission on a quarterly basis. The annual fee payable to the Commission optionally may be paid in full in the first quarterly payment.

(b) Each gaming operation shall calculate the amount of fees to be paid, if any, and remit them with the quarterly statement required in § 514.6 within three (3) months, six (6) months, nine (9) months, and twelve (12) months of the end of the gaming operation's fiscal year.

§ 514.6 What are the quarterly statements that must be submitted with the fee payments?

(a) Each gaming operation shall file with the Commission quarterly statements showing its assessable gross revenues for the assessed fiscal year.

(b) These statements shall show the amounts derived from each type of game, the amounts deducted for prizes, and the amounts deducted for the allowance for capital expenditures for structures.

(c) The quarterly statements shall identify an individual or individuals to be contacted should the Commission need to communicate further with the gaming operation. A telephone number and email address for each individual identified shall be included.

(d) Each quarterly statement shall include the computation of the fees

payable, showing all amounts used in the calculations. The required calculations are as follows:

(1) Multiply the Tier 1 assessable gross revenues by the rate for those revenues adopted by the Commission.

(2) Multiply the Tier 2 assessable gross revenues by the rate for those revenues adopted by the Commission.

(3) Add (total) the results (products) obtained in paragraphs (d)(1) and (2) of this section.

(4) Multiply the total obtained in paragraph (d)(3) of this section by ¼.

(5) Adjust for prior amounts paid and credits received, if applicable. The gaming operation shall provide a detailed justification for the adjustment.

(6) The amount computed in paragraph (d)(5) of this section is the amount to be remitted.

(e) As required by part 571 of this chapter, quarterly statements must be reconciled with a tribe's audited or reviewed financial statements for each gaming location. These reconciliations must be made available upon the request of any authorized representative of the Commission.

§ 514.7 What should a gaming operation do if it changes its fiscal year or ceases operations?

(a) If a gaming operation changes its fiscal year, it shall notify the Commission of the change within thirty (30) days. The Commission may request that the gaming operation prepare and submit to the Commission fees and statements for the period from the end of the previous fiscal year to the beginning of the new fiscal year. The submission must be sent to the Commission within ninety (90) days of its request.

(b) If a gaming operation ceases operations, it shall notify the Commission within (30) days. The Commission may request that the gaming operation, using the most recent rates of fees adopted by the Commission, prepare and submit to the Commission fees and statements for the period from the end of the most recent quarter for which fees have been paid to the date operations ceased. The submission must be sent to the Commission within (90) days of its request.

§ 514.8 Where should fees, quarterly statements, and other communications about fees be sent?

Remittances, quarterly statements, and other communications about fees shall be sent to the Commission by the methods provided for in the rates of fees notice published in the **Federal Register**.

§ 514.9 What happens if a gaming operation submits its fee payment or quarterly statement late?

(a) In the event that a gaming operation fails to submit a fee payment or quarterly statement in a timely manner, the Chair of the Commission may issue a notice specifying:

(1) The date the statement and/or payment was due;

(2) The number of calendar days late the statement and/or payment was submitted;

(3) A citation to the federal or tribal requirement that has been or is being violated;

(4) The action being considered by the Chair; and

(5) Notice of rights of appeal pursuant to subchapter H of this chapter.

(b) Within fifteen (15) days of service of the notice, the recipient may submit written information about the notice to the Chair. The Chair shall consider any information submitted by the recipient as well as the recipient's history of untimely submissions or failure to file statements and/or fee payments over the preceding five (5) years in determining the amount of the late fee, if any.

(c) When practicable, within thirty (30) days of issuing the notice described in paragraph (a) of this section to a recipient, the Chair of the Commission may assess a proposed late fee against a recipient for each failure to file a timely quarterly statement and/or fee payment:

(1) For statements and/or fee payments one (1) to thirty (30) calendar days late, the Chair may propose a late fee of up to, but not more than 10% of the fee amount for that quarter;

(2) For statements and/or fee payments thirty-one (31) to sixty (60) calendar days late, the Chair may propose a late fee of up to, but not more than 15% of the fee amount for that quarter; and

(3) For statements and/or fee payments sixty-one (61) to ninety (90) calendar days late, the Chair may propose a late fee of up to, but not more than 20% of the fee amount for that quarter.

§ 514.10 When does a late payment or quarterly statement submission become a failure to pay?

Statements and/or fee payments over ninety (90) calendar days late constitute a failure to pay the annual fee, as set forth in IGRA, 25 U.S.C. 2717(a)(4), and Commission regulations, 25 CFR 573.4(a)(2). In accordance with 25 U.S.C. 2717(a)(4), failure to pay fees shall be grounds for revocation of the approval of the Chair of any license, ordinance or resolution required under IGRA for the operation of gaming. In accordance with § 573.4(a)(2) of this chapter, if a tribe, management contractor, or individually owned gaming operation fails to pay the annual fee, the Chair may issue a notice of violation and, simultaneously with or subsequently to the notice of violation, a temporary closure order.

§ 514.11 Can a proposed late fee be appealed?

(a) Proposed late fees assessed by the Chair may be appealed under subchapter H of this chapter.

(b) At any time prior to the filing of a notice of appeal under subchapter H of this chapter, the Chair and the recipient may agree to settle the notice of late submission, including the amount of the proposed late fee. In the event a settlement is reached, a settlement agreement shall be prepared and executed by the Chair and the recipient. If a settlement agreement is executed, the recipient shall be deemed to have waived all rights to further review of the notice or late fee in question, except as otherwise provided expressly in the settlement agreement. In the absence of a settlement of the issues under this paragraph (b), the recipient may contest the proposed late fee before the Commission in accordance with subchapter H of this chapter.

§ 514.12 When does a notice of late submission and/or a proposed late fee become a final order of the Commission and final agency action?

If the recipient fails to appeal under subchapter H of this chapter, the notice and the proposed late fee shall become a final order of the Commission and final agency action.

§ 514.13 How are late submission fees paid, and can interest be assessed?

(a) Late fees assessed under this part shall be paid by the person or entity assessed and shall not be treated as an operating expense of the operation.

(b) The Commission shall transfer the late fee paid under this subchapter to the U.S. Treasury.

(c) Interest shall be assessed at rates established from time to time by the Secretary of the Treasury on amounts remaining unpaid after their due date.

§ 514.14 What happens if the fees imposed exceed the statutory maximum or if the Commission does not expend the full amount of fees collected in a fiscal year?

(a) The total amount of all fees imposed during any fiscal year shall not exceed the statutory maximum imposed by Congress. The Commission shall credit pro-rata any fees collected in

excess of this amount against amounts otherwise due.

(b) To the extent that revenue derived from fees imposed under the rates of fees established under § 514.2 are not expended or committed at the close of any fiscal year, such funds shall remain available until expended to defray the costs of operations of the Commission.

§ 514.15 May tribes submit fingerprint cards to the Commission for processing?

Tribes may submit fingerprint cards to the Commission for processing by the Federal Bureau of Investigation and the Commission may charge a fee to process fingerprint cards on behalf of the tribes.

§ 514.16 How does the Commission adopt the fingerprint processing fee?

(a) The Commission shall review annually the costs involved in processing fingerprint cards and, by a vote of not less than two of its members, shall adopt the fingerprint processing fee no later than November 1st of each year.

(b) The Commission shall publish the fingerprint processing fee in a notice in the **Federal Register**.

(c) The fingerprint processing fee shall be based on fees charged by the Federal Bureau of Investigation and costs incurred by the Commission. Commission costs include Commission personnel, supplies, equipment costs, and postage to submit the results to the requesting tribe.

§ 514.17 How are fingerprint processing fees collected by the Commission?

(a) Fees for processing fingerprint cards will be billed monthly to each Tribe for cards processed during the prior month. Tribes shall pay the amount billed within forty-five (45) days of the date of the bill.

(b) The Chair may suspend fingerprint card processing for a tribe that has a bill remaining unpaid for more than forty-five (45) days.

(c) Remittances and other communications about fingerprint processing fees shall be sent to the Commission by the methods provided for in the rates of fees notice published in the **Federal Register**.

Dated: January 9, 2018.

Jonodev O. Chaudhuri,

Chairman.

Kathryn Isom-Clause,

Vice Chair.

E. Sequoyah Simermeyer,

Associate Commissioner.

[FR Doc. 2018–00877 Filed 1–19–18; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Part 1241

[Docket No. ONRR–2017–0003; DS63644000 DR2PS0000.CH7000 189D0102R2]

RIN 1012–AA23

Inflation Adjustments to Civil Monetary Penalty Rates for Calendar Year 2018

AGENCY: Office of the Secretary, Office of Natural Resources Revenue, Interior.

ACTION: Final rule.

SUMMARY: The Office of Natural Resources Revenue (ONRR) publishes this final rule to increase our maximum civil monetary penalty (CMP) rates for inflation occurring between October 2016 and October 2017.

DATES: This rule is effective on January 22, 2018.

FOR FURTHER INFORMATION CONTACT: For questions on procedural issues, contact Armand Southall, Regulatory Specialist, by telephone at (303) 231–3221 or email to *Armand.Southall@onrr.gov.* For questions on technical issues, contact Geary Keeton, Chief of Enforcement, by telephone at (303) 231–3096 or email to *Geary.Keeton@onrr.gov.* You may obtain a paper copy of this rule by contacting Mr. Southall by phone or email.

SUPPLEMENTARY INFORMATION:

I. Background
II. Inflation-Adjusted Maximum Rates
III. Procedural Requirements
A. Regulatory Planning and Review (E.O. 12866)
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)
I. Paperwork Reduction Act
J. National Environmental Policy Act
K. Effects on the Energy Supply (E.O. 13211)
L. Clarity of This Regulation
M. Administrative Procedure Act

I. Background

The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (collectively, ''the Act''), codified at 28 U.S.C.S. 2461 note (LEXIS through Pub. L. 115–90, approved 12/8/17), requires Federal agencies to adjust their civil monetary penalty (CMP) rates for inflation every year.

In accordance with sections 4 and 5 of the Act, the annual CMP inflation adjustment for 2018 is based on the percent change in the Consumer Price Index for all Urban Consumers (CPI–U) between October 2016 and October 2017. The CPI–U for October 2016 was 241.729, and for October 2017 was 246.663, for an increase of 2.041%. In accordance with section 5(a) of the Act, the new maximum CMP rates must be rounded to the nearest whole dollar. In accordance with section 6 of the Act, the new maximum penalty rates will apply only to CMPs, including those which are associated with violations predating the increase, that are assessed after the date the increase takes effect.

ONRR assesses CMPs under the Federal Oil and Gas Royalty Management Act, 30 U.S.C. 1719, and our regulations at 30 CFR part 1241. We calculate and assess CMPs per violation, at the applicable rate, for each day such violation continues.

II. Inflation-Adjusted Maximum Rates

This final rule increases the maximum CMP rates for each of the four categories of violations identified in 30 U.S.C. 1719(a)–(d) and 30 CFR part 1241. The following list identifies the existing ONRR regulations containing CMP rates and shows those rates before and after this increase.

30 CFR citation	Current penalty rate	2018 inflation adjustment multiplier	2018 adjusted penalty rate
1241.52(a)(2)	1,196	1.02041	1,220
1241.52(b)	11,967	1.02041	12,211
1241.60(b)(1)	23,933	1.02041	24,421
1241.60(b)(2)	59,834	1.02041	61,055

IV. Procedural Requirements

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

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

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 emphasizes further 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 developed this rule in a manner consistent with these requirements.

B. Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*) because the rule only makes adjustments for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust civil penalties with an annual inflation adjustment. Therefore, 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:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, local government agencies; or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-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. Therefore, we are not required to provide a statement containing the information that the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) requires because this rule is not an unfunded mandate.

E. Takings (E.O. 12630)

This rule does not result in a taking of private property or otherwise have taking implications under E.O. 12630. Therefore, this rule does not require a takings implication assessment.

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, this rule does not require a Federalism summary impact statement.

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), which requires that we review all regulations to eliminate errors and ambiguity and to write them to minimize litigation.

b. Meets the criteria of section 3(b)(2), which requires that we write all regulations in clear language using clear legal standards.

H. Consultation With Indian Tribal Governments (E.O. 13175)

The Department strives to strengthen its government-to-government relationship with the Indian Tribes through a commitment to consultation with the Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. Under the Department's consultation policy and the criteria in E.O. 13175, we evaluated this rule and determined that it will have no substantial direct effects on Federally-recognized Indian Tribes and does not require consultation.

I. Paperwork Reduction Act

This rule:

(a) Does not contain any new information collection requirements.

(b) Does not require a submission to OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). See 5 CFR 1320.4(a)(2).

J. National Environmental Policy Act of 1969 (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. We are not required to provide a detailed statement under NEPA because this rule qualifies for categorical exclusion under 43 CFR 46.210(i) in that this rule is "*. . . of an administrative, financial, legal, technical, or procedural nature. . . .*" We also have determined that this rule is not involved in 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 and, therefore, does not require a Statement of Energy Effects.

L. Clarity of This Regulation

We are required by E.O. 12866 (section 1(b)(12)), E.O. 12988 (section 3(b)(1)(B)), and E.O. 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized.

(b) Use the active voice to address readers directly.

(c) Use common, everyday words and clear language rather than jargon.

(d) Be divided into short sections and sentences.

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send your comments to *Armand.Southall@onrr.gov.* Your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

M. Administrative Procedure Act (APA)

The Act requires agencies to publish annual inflation adjustments by no later than January 15 of each year, notwithstanding section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553). OMB has interpreted this direction to mean that the usual APA public procedure for rulemaking—which includes public notice of a proposed rule, an opportunity for public comment, and a delay in the effective date of a final rule—is not required when agencies issue regulations to implement the annual adjustments to civil penalties that the Act requires. Accordingly, we are issuing the 2018

annual adjustments as a direct final rule without prior notice or an opportunity for comment and with an effective date immediately upon publication in the **Federal Register**.

Section 553(b) of the Administrative Procedure Act (APA) provides that, when an agency for good cause finds that ''notice and public procedure . . . are impracticable, unnecessary, or contrary to the public interest,'' the agency may issue a rule without providing notice and an opportunity for prior public comment. Under section 553(b), ONRR finds that there is good cause to promulgate this rule without first providing for public comment. ONRR is promulgating this final rule to implement the statutory directive in the Act, which requires agencies to publish a final rule and to update the civil penalty amounts by applying a specified formula. We have no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Accordingly, it would serve no purpose to provide an opportunity for public comment on this rule prior to promulgation. Thus, providing for notice and public comment is unnecessary.

Furthermore, ONRR finds under section 553(d)(3) of the APA that good cause exists to make this direct final rule effective immediately upon publication in the **Federal Register**. In the Act, Congress expressly required Federal agencies to publish annual inflation adjustments to civil penalties in the **Federal Register** no later than January 15 of every year, notwithstanding section 553 of the APA. Under the statutory framework and OMB guidance, the new penalty levels are to take effect immediately upon publication. Moreover, an effective date after January 15 would delay application of the new penalty levels, contrary to Congress's intent.

List of Subjects in 30 CFR Part 1241

Administrative practice and procedure, Civil penalties, Coal, Geothermal, Inflation, Mineral resources, Natural gas, Notices of non-compliance, Oil.

Gregory J. Gould,

Director for Office of Natural Resources Revenue.

Authority and Issuance

For the reasons discussed in the preamble, ONRR amends 30 CFR part 1241 as set forth below:

PART 1241—PENALTIES

■ 1. The authority citation for part 1241 continues to read as follows:

Authority: 25 U.S.C. 396 *et seq.,* 396a *et seq.,* 2101 *et seq.;* 30 U.S.C. 181 *et seq.,* 351 *et seq.,* 1001 *et seq.,* 1701 *et seq.;* 43 U.S.C. 1301 *et seq.,* 1331 *et seq.,* 1801 *et seq.*

§ 1241.52 [Amended]

■ 2. Amend § 1241.52 by:

■ a. In paragraph (a)(2), removing ''$1,196'' and adding in its place ''$1,220.''

■ b. In paragraph (b) introductory text, removing ''$11,967'' and adding in its place ''$12,211.''

§ 1241.60 [Amended]

■ 3. Amend § 1241.60 by:

■ a. In paragraph (b)(1) introductory text, removing ''$23,933'' and adding in its place ''$24,421.''

■ b. In paragraph (b)(2), removing ''$59,834'' and adding in its place ''$61,055.''

[FR Doc. 2018–00969 Filed 1–19–18; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0257]

Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; reopening comment period.

SUMMARY: The Coast Guard is reopening the comment period to solicit additional comments concerning its Notice of Temporary Deviation from the operating schedule that governs the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ. This document is to provide additional opportunity for public comment.

DATES: The comment period for the deviation published October 18, 2017, at 82 FR 48419, is reopened. Comments and related material must reach the Coast Guard on or before March 2, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0257 using Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this test deviation, call or email Mr. Hal R. Pitts, Fifth Coast Guard District (dpb); telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Background, Purpose and Legal Basis

On April 12, 2017, we published a document in the **Federal Register** entitled, ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' announcing a temporary deviation from the regulations, with request for comments (see 82 FR 17562). The purpose of the deviation was to test the newly installed remote operational capabilities of the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ, owned and operated by Conrail Shared Assets. The installation of the remote operation system capabilities did not change the operational schedule of the bridge.[1]

On June 30, 2017, we published a notice of proposed rulemaking (NPRM) entitled, ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' (see 82 FR 29800). The original comment period closed on August 18, 2017.

On October 18, 2017, we published a document in the **Federal Register** entitled, ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' announcing a temporary deviation from the regulations, with request for comments (see 82 FR 48419). This test deviation commenced at 8 a.m. on October 21, 2017, and will conclude at 7:59 a.m. on April 19, 2018. This notice included a request for comments and related material to reach the Coast Guard on or before January 15, 2018.[2]

On December 6, 2017, we published a notice of proposed rulemaking; reopening of comment period (NPRM); entitled ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' in the **Federal Register** (see 82 FR 57561). It included a request for comments and related material to reach the Coast Guard on or before January 15, 2018.

This document reopening the comment period ensures notice and opportunity to comment on the temporary deviation before we decide whether to make any changes to it. This

[1] A full description of the remote operational system is outlined in the aforementioned publication, which can be found at *http://regulations.gov.* (See **ADDRESSES** for more information).

[2] Detailed information concerning this second test deviation is contained in the Background, Purpose and Legal Basis paragraphs of the aforementioned publication, which can be found at *http://regulations.gov,* (see **ADDRESSES** for more information).

document is issued under authority of 33 U.S.C. 1223 and 5 U.S.C. 552.

II. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

All previously published documents mentioned in this document along with all public comments will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

Dated: January 12, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–00894 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0964]

RIN 1625–AA00

Safety Zone; Oregon Inlet, Dare County, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of Oregon Inlet in Dare County, North Carolina in support of construction of the new Herbert C. Bonner Bridge. This temporary safety zone is intended to protect mariners, vessels, and construction crews from the hazards associated with installing the navigation span, and will restrict vessel traffic from the bridge's navigation span as it is under construction by preventing vessel traffic on a portion of Oregon Inlet. Entry of vessels or persons into this safety zone is prohibited.

DATES: This rule is effective from January 29, 2018, through March 24, 2018, with alternate dates of March 25, 2018, through May 6, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0964 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Matthew Tyson, Waterways Management Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone: (910) 772–2221, email: *Matthew.I.Tyson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On October 10, 2017, the North Carolina Department of Transportation notified the Coast Guard that they will be installing the navigation span of the new Herbert C. Bonner Bridge in Oregon Inlet in Dare County, North Carolina on January 29 through March 24, 2018, with alternate dates of March 25 through May 6, 2018. The construction will take place over an estimated 33 days during this period. In response, on December 5, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Oregon Inlet, Dare County, NC (82 FR 57413). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this fireworks display. During the comment period that ended December 20, 2017, we received 5 comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed protect persons, vessels, and the marine environment on the navigable waters in Oregon Inlet during this construction phase. A Notice of Proposed Rulemaking was published in order to inform the public and solicit comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP North Carolina has determined that potential safety hazards associated with the construction would be a concern for anyone transiting the Oregon Inlet navigation channel. The purpose of this rule is to protect persons, vessels, and the marine environment on the navigable waters in Oregon Inlet during this construction phase.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 5 comments on our NPRM published December 5, 2017. Most of the submissions were not relevant to this rulemaking.

The first comment inquired about the benefits of the new bridge construction and its impact on the human environment. This rule pertains only to the creation of a safety zone for the navigation span construction phase and not the entire bridge construction project. The environmental impact analysis and other regulatory analyses for this rule are based only on the creation of this safety zone. This safety zone is necessary to protect persons, vessels, and the marine environment on the navigable waters in Oregon Inlet during this construction phase. The impact on the human environment is considered not significant because the closure is only for a two hour period on each construction day and the safety zone will not be active until after the normal morning traffic typically transits and will end before the evening traffic typically transits.

The second comment mentioned bridge safety and its obstruction to the waterway. This comment is outside the scope of this rulemaking dealing with the establishment of a safety zone. However, the Coast Guard would like to take this opportunity to state that this bridge will have the same horizontal clearance of the original Bonner Bridge. The new bridge is also designed with multiple spans that can be used if the waterway conditions change due to shoaling.

The third comment thanks the Coast Guard for a clear summary of the safety zone and includes commentary not related to the safety zone.

The fourth comment refers to the Unfunded Mandates Act analysis. The comment does not appear to refer specifically to this safety zone. The Unfunded Mandates Act was reviewed during the rulemaking process and is discussed in Section V of this rule.

The dates in the regulatory text of this rule have changed from the proposed rule in the NPRM.

The Coast Guard is establishing a safety zone to be enforced from January 29 through March 24, 2018, with alternate dates of March 25 through May 6, 2018. Construction is expected to take place on 33 separate days during this period. The safety zone will be active for 2 hours each of those days, with the exact times announced via Broadcast Notices to Mariners at least 48 hours prior to enforcement. The safety zone will include all navigable waters of Oregon Inlet from approximate position 35°46′23″ N, 75°32′18″ W, thence southeast to 35°46′18″ N, 75°32′12″ W, thence southwest to 35°46′16″ N, 75°32′16″ W, thence northwest to 35°46′20″ N, 75°32′23″ W, thence northeast back to the point of origin, (NAD 1983). This zone is intended to protect persons, vessels, and the marine environment on the navigable waters in Oregon Inlet during this construction phase. No vessel or person will be permitted to enter the safety zone during the designated times.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the proposed safety zone. Vessel traffic will not be allowed to enter or transit a portion of Oregon Inlet during specific two hour periods on 33 separate days from January 29 through March 24, 2018, with alternate dates of March 25 through May 6, 2018. The specific 2 hour period for each work day will be broadcast at least 48 hours in advance and vessels will be able to transit Oregon Inlet at all other times. The Coast Guard will issue a Local Notice to Mariners and transmit a Broadcast Notice to Mariners via VHF–FM marine channel 16 regarding the safety zone. This portion of Oregon Inlet has been determined to be a medium to low traffic area at this time of the year. This rule does not allow vessels to request permission to enter the safety zone covering the Oregon Inlet navigation channel during the designated times.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security

Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting for 2 hours on 33 separate days that would prohibit entry into a portion of Oregon Inlet for bridge construction. It is categorically excluded from further review under paragraph L60 (a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0964 to read as follows:

§ 165.T05–0964 Safety Zone; Oregon Inlet, Dare County, NC.

(a) *Location.* The following area is a safety zone: all navigable waters of Oregon Inlet, from approximate position 35°46′23″ N, 75°32′18″ W, thence southeast to 35°46′18″ N, 75°32′12″ W, thence southwest to 35°46′16″ N, 75°32′16″ W, thence northwest to 35°46′20″ N, 75°32′23″ W, thence northeast back to the point of origin (NAD 1983) in Dare County, NC.

(b) *Definitions.* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone.

Captain of the Port means the Commander, Sector North Carolina.

Construction crews means persons and vessels involved in support of construction.

(c) *Regulations.* (1) The general regulations governing safety zones in § 165.23 apply to the area described in paragraph (a) of this section.

(2) With the exception of construction crews, entry into or remaining in this safety zone is prohibited.

(3) All vessels within this safety zone when this section becomes effective must depart the zone immediately.

(4) The Captain of the Port, North Carolina can be reached through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina at telephone number 910–343–3882.

(5) The Coast Guard and designated security vessels enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 MHz) and channel 16 (156.8 MHz).

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

(e) *Enforcement period.* This regulation will be enforced from January 29, 2018, through March 24, 2018, with alternate dates of March 25, 2018, through May 6, 2018.

(f) *Public notification.* The Coast Guard will notify the public of the specific two hour closures at least 48 hours in advance by transmitting Broadcast Notice to Mariners via VHF–FM marine channel 16.

Dated: January 8, 2018.

Bion B. Stewart,

Captain, U.S. Coast Guard Captain of the Port North Carolina.

[FR Doc. 2018–00883 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1194

[Docket No. ATBCB–2015–0002]

RIN 3014–AA37

Information and Communication Technology (ICT) Standards and Guidelines

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Direct final rule; request for comments.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (we, Access Board, or Board) is issuing this direct final rule to amend its regulations addressing accessibility requirements for information and communication technology to correct several inadvertent drafting errors in a final rule published in the **Federal Register** on January 18, 2017. Specifically, this direct final rule corrects two typographical errors and the unintentional deletion of longstanding requirements for TTY compatibility and functionality that have been in place for nearly two decades. These minor amendments neither establish new substantive accessibility requirements, nor impose any costs on regulated entities. The Access Board is issuing these amendments directly as a final rule because we believe they are noncontroversial, unlikely to receive adverse comment, and will prevent confusion.

DATES: This direct final rule is effective March 23, 2018, without further action, unless adverse comment is received by February 21, 2018. If timely adverse comment is received, the Access Board will publish a notification of withdrawal of the rule in the **Federal Register** before the effective date. Such notification may withdraw the direct final rule in whole or in part.

ADDRESSES: Submit comments by any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. The identifier for this docket is ATBCB–2015–0002.
- *Email: docket@access-board.gov.* Include ATBCB–2015–0002 in the subject line of the message.
- *Facsimile:* 202–272–0081.
- *Mail/Hand Delivery/Courier:* Office of Technical and Information Services,

Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

All comments, including any personal information provided, will be posted without change to *http://regulations.gov* and available for public viewing.

FOR FURTHER INFORMATION CONTACT: Timothy Creagan, Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111. Telephone: (202) 272–0016 (voice) or (202) 272–0074 (TTY). Or Bruce Bailey, Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111. Telephone: (202) 272–0024 (voice) or (202) 272–0070 (TTY). Email: *508@access-board.gov.*

SUPPLEMENTARY INFORMATION:

Legal Authority

Section 508 of the Rehabilitation Act of 1973 (hereafter, ''Section 508''), as amended, mandates that Federal agencies ''develop, procure, maintain, or use'' information and communication technology (ICT) in a manner that ensures Federal employees with disabilities have comparable access to, and use of, such information and data relative to other Federal employees, unless doing so would impose an undue burden. 29 U.S.C. 794d. Section 508 also requires Federal agencies to ensure that members of the public with disabilities have comparable access to publicly-available information and data unless doing so would impose an undue burden on the agency. *Id.* The Access Board is charged with developing and maintaining standards that establish technical and functional performance criteria for ICT accessibility. 29 U.S.C. 794d(a)(2)(A), (B).

Section 255 of the Communications Act of 1934 (hereafter, ''Section 255''), as amended, requires telecommunications equipment and services to be accessible to, and usable by, individuals with disabilities, where readily achievable. 47 U.S.C. 255. ''Readily achievable'' is defined in the statute as ''easily accomplishable and able to be carried out without much difficulty or expense.'' *Id.* Section 255 tasks the Access Board, in conjunction with the Federal Communications Commission (FCC), with the development of guidelines for the accessibility of telecommunications equipment and customer premises equipment, as well as their periodic review and update. The FCC, however, has exclusive authority under Section 255 to issue implementing regulations and carry out their enforcement. *Id.* Section 255(f).

Purpose of Direct Final Rule

On January 18, 2017, the Access Board published a final rule in the **Federal Register** (82 FR 5790) (hereafter, ''ICT Final Rule''), which revised and updated—in a single rulemaking—the standards for Section 508-covered ICT developed, procured, maintained, or used by Federal agencies (hereafter, ''508 Standards''), as well as the guidelines for telecommunications equipment and customer premises equipment covered by Section 255 (hereafter, ''255 Guidelines''). Because nearly two decades had passed since the original issuance of our then-existing 508 Standards and 255 Guidelines, the ICT Final Rule was aimed at ''refreshing'' these regulations by, among other things, addressing changing technology and harmonizing with ICT accessibility standards that had been developed worldwide in recent years.

Subsequently, we discovered several small drafting errors in the ICT Final Rule. These errors included a few typographical errors and the inadvertent deletion of then-existing provisions that require telecommunications products and systems with two-way voice communication capabilities to also provide TTY compatibility and functionality. By this rule, the Access Board corrects these typographical errors and restores mistakenly deleted TTY requirements for ICT with two-way voice communication, albeit with slightly updated organization and wording (with no change in substance) for consistency with the ICT Final Rule.

The Access Board is publishing this direct final rule without prior notice and comment. The Administrative Procedure Act permits agencies to publish final rules without prior notice and comment when, for good cause, they determine such procedures are unnecessary. *See* 5 U.S.C. 553(b)(B). We view the minor, technical corrections in this rule as noncontroversial and do not anticipate adverse comment. Moreover, the public interest is best served by having these corrections without delay to prevent confusion concerning these errors in the ICT Final Rule and ensure that there are no gaps in accessibility requirements for ICT covered by Sections 508 or 255. Accordingly, there is good cause for waiver of prior notice and comment.

This direct final rule will take effect on the specified effective date, without further action, unless the Access Board receives adverse comment within the comment period. We consider an adverse comment to be a comment that challenges the propriety of the rule or asserts that it would be ineffective or unacceptable without material change. If the Access Board receives timely adverse comment, we will publish a notification in the **Federal Register** announcing full or partial withdrawal of this rule. If an adverse comment applies only to one part of this direct final rule, and it is possible to withdraw that part without defeating the purpose of the remaining parts of the rule, we may adopt, as final, those parts of this rule that received no adverse comment. Should the Access Board withdraw this rule due to adverse comment (in whole in part), we may subsequently incorporate such comment(s) into another direct final rule or publish a notice of proposed rulemaking.

Discussion of Changes

A. Administrative Corrections

This direct final rule remedies two typographical errors on the ICT Final Rule. First, the table of contents for appendix A to part 1194 (Section 508 of the Rehabilitation Act: Application and Scoping Requirements) incorrectly lists the title of E205 as ''Content.'' The correct title for this section is ''Electronic Content.'' In this rule, we correct this error by inserting the word ''Electronic'' before ''Content'' in the table of contents entry for E205 in appendix A. Second, also in appendix A to part 1194, there is a mistaken cross-reference in E202.6, Undue Burden or Fundamental Alteration. E202.6 currently reads, in pertinent part: ''Where an agency determines in accordance with *E202.5* that conformance to requirements in the Revised 508 Standards would impose an undue burden of would result in a fundamental alternation in the nature of the ICT . . .'' (*emphasis added).* This text should instead refer to E202.6. This direct final rule revises the cross-reference in the first sentence of E202.6 from ''E202.5'' to ''E202.6.''

B. Restoration of TTY-Related Accessibility Requirements

1. Background

The second set of corrections in this direct final rule restores the TTY-related accessibility requirements for ICT with two-way voice communication to the Access Board's 508 Standards and 255 Guidelines. As noted, when the Access Board published the ICT Final Rule in January 2017, ICT with two-way voice communication had long been required to ensure TTY compatibility and functionality. However, as discussed below, a drafting error resulted in these TTY-related accessibility requirements being mistakenly removed from the ICT Final Rule. This direct final rule restores these original TTY-related requirements to the Board's 508 Standards and 255 Guidelines, albeit with minor, non-

substantive changes to better align them with the revised organization and language in the ICT Final Rule.

Both the original 508 Standards (issued in 2000) and 255 Guidelines (issued in 1998) required telecommunications products and services with two-way voice communication to provide certain TTY-related features, including a connection point for TTY (*e.g.,* RJ–11 connector), a microphone capable of being turned on and off to allow a user to intermix speech and TTY use, and support for cross-manufacturer, non-proprietary standard TTY signal protocols (*e.g.,* Baudot). *See, e.g.,* Electronic and Information Technology Accessibility Standards—Final Rule, 65 FR 80500 (Dec. 21, 2000); Telecommunications Act Accessibility Guidelines—Final Rule, 63 FR 5608 (Feb. 3, 1998); *see also* 36 CFR part 1194 (2017), appendix D, section D1194.23(a)–(e) (reprinting original 508 Standards published in 2000 as appendix to revised regulations). TTYs (*e.g.,* teletypewriters)—which were developed in the 1970s—allow persons with hearing- or speech-related disabilities to send and receive text communications over telephone networks.

In recent years, however, other text-based means of communication have emerged, including simple message service (SMS or text messages) and real-time text (RTT) technology. RTT technology permits the transmission of text in near real-time as each character is typed. SMS messages are not transmitted until the user issues a send function (usually by hitting the ''enter'' key). Like SMS, TTY technology has a significant disadvantage as compared to RTT—namely, to avoid scrambling messages, users must send completed messages on a turn-by-turn basis. This ability to send text transmissions instantly and simultaneously permits more conversational, interactive text-based communications that are akin to telephone conversations, as well as facilitating better communication during emergency situations. As a newer (digital) technology, RTT is directly compatible with wireless and internet protocol-based networks, whereas TTY, as an analog technology, is not. TTY signals have acoustic characteristics that cause them to be corrupted and become unusable with the typical digitization algorithms used for transmitting voice over wireless and IP-based networks.

By early 2015, when the Access Board published the notice of proposed rulemaking to ''refresh'' the 508 Standards and 255 Guidelines, RTT technology had matured sufficiently for the Board to propose that RTT supplant TTY as the form of text-based functionality required for ICT with two-way voice communication. *See* Notice of Proposed Rulemaking—Information and Communication Technology Standards and Guidelines, 80 FR 10880, 10900–10901, 10909 & 10910 (Feb. 27, 2015) (hereafter, ''ICT NPRM''). Most comments received in response to the ICT NPRM were supportive of the Access Board's RTT proposal, though some expressed differing views on the appropriate technical standard for RTT interoperability with certain systems (such as Voice over internet Protocol or ''VoIP'' systems).

In May 2016, about one year after the ICT NPRM comment period had closed, the FCC initiated a proceeding (at the behest of several telecommunications companies) to update its accessibility rules to allow telecommunications providers and manufacturers to support RTT in lieu of TTY technology in IP-based telecommunication environments. *See* Transition from TTY to Real-Time Text Technology—Notice of Proposed Rulemaking, 81 FR 33170 (May 25, 2016).

In deference to the FCC's ongoing rulemaking efforts on a regulatory transition from TTY to RTT technology, the Access Board elected to postpone adoption of RTT-related accessibility requirements in the ICT Final Rule. *See* 82 FR at 5800. Consequently, we removed the proposed requirements for RTT functionality from Chapter 4 of the final rule, and simply reserved section 412.5 in the final rule for future use should the Board subsequently promulgate RTT-related requirements. *See* 36 CFR part 1194, appendix C, section 412.5.

By reserving adoption of RTT-related requirements, the Access Board did not thereby intend to leave a ''gap'' in accessibility requirements to ensure that persons with communication disabilities can use telephone networks. In other words, with the removal and reservation of RTT-related requirements, the TTY-related requirements in the original 508 Standards and 255 Guidelines should have been incorporated into the ICT Final Rule. However, due to a drafting oversight, these existing TTY requirements did not get incorporated into the final rule. As a result, the ICT Final Rule is presently—and unintentionally—silent with respect to TTY functionality requirements for ICT with two-way voice communication.

In this direct final rule, the Access Board restores the TTY-related requirements from the original 508 Standards and 255 Guidelines to ensure that, during the pendency of further rulemaking on RTT-related accessibility requirements, persons with communications disabilities will still be able to send and receive text-based communications over telephone networks.

Under the ICT Final Rule, Federal agencies were afforded one year from rule publication (*i.e.,* Jan. 18, 2018) to comply with the revised 508 Standards. 82 FR at 5790, 5792 & 5821. The Access Board seeks to restore TTY-related requirements to the 508 Standards prior to this compliance date. The Board is not aware of any Federal agency having relied on the mistaken omission of TTY-related requirements from the ICT Final Rule as authorization to reduce or eliminate TTY functionality on their ICT with two-way voice communication.

2. Amended TTY Requirements

As discussed in the preamble to the ICT Final Rule, the revised 508 Standards and 255 Guidelines feature significantly revamped organizational format and wording relative to their predecessor standards and guidelines. *See* 82 FR at 5790–91. The TTY-related accessibility requirements from the original 508 Standards and 255 Guidelines thus could not simply be reinserted into the revised standards and guidelines using their original wording and section numbering. Consequently, in this direct final rule, the TTY-related requirements from the original 508 Standards and 255 Guidelines have been modestly revised—in minor, non-substantive ways—so that they conform to the updated formatting and terminology used in the ICT Final Rule

In summary, this direct final rule incorporates the original TTY-related requirements into the revised 508 Standards and 255 Guidelines as follows. The technical specifications for TTY functionality appear as a new subsection (412.8) to the section that collectively sets forth the technical requirements applicable to ICT with two-way voice communication. We retained the original wording of these reinstated TTY-related requirements to the greatest extent possible; some minor, non-substantive wording changes were needed for consistency with updated terminology used in the ICT Final Rule. Additionally, in the scoping provision for hardware covered by the 255 Guidelines (C204.1), a companion exception has been added that exempts 255-covered hardware from the accessibility requirements in new 412.8.3. This exception mirrors the existing scope of coverage under the original 255 Guidelines. Unlike the

original 508 Standards, the original 255 Guidelines do not require the features addressed in 412.8.3—namely, voice mail, auto-attendant, and interactive voice response telecommunications systems—to provide TTY functionality. *Compare, e.g.,* 36 CFR 1193.51(d) (2016) (TTY-related compatibility requirements in original 255 Guidelines) *with* 36 CFR 1194.23(c), (e) (2016) (specifying, in original 508 Standards, that telecommunications systems for voice mail, auto-attendant, interactive voice response, and caller identification must be compatible with TTYs). Lastly, in consideration of technological advances, we have clarified that the requirements for TTY compatibility (412.8) cover software that provides TTY functionality, as well as stand-alone TTY devices and other hardware.

In Table 1 below, we provide a ''cross-walk'' that lists the TTY-related provisions added by the direct final rule and identifies their corresponding provisions in the original 508 Standards and 255 Guidelines.

TABLE 1—CROSSWALK OF TTY PROVISIONS IN THE DIRECT FINAL RULE AND THEIR CORRESPONDING PROVISIONS IN THE ORIGINAL 508 STANDARDS AND 255 GUIDELINES

Direct final rule (new §)	Original 508 standards (original §)	Original 255 guidelines (original §)
412.8	1194.23(a)	1193.51(d)
412.8.1	1194.23(a)	1193.51(d)
412.8.2	1194.23(a)	1193.51(d)
412.8.3	1194.23(b)	1193.51(e)
412.8.4 (Section 508-covered hardware) & C204.1, Exception for 412.8.4 (Section 255-covered hardware)	1194.23(c), (e)	n/a

Regulatory Process Matters

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

The Access Board has examined the impact of this direct final rule under Executive Orders 12866 and 13563. These executive orders direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). This rule does not impose any incremental costs or benefits because it makes minor administrative corrections and, on the one substantive matter, merely retains (restores) existing TTY-related requirements for ICT with two-way voice communication that have been in place for nearly two decades. As such, this direct final rule is not a significant regulatory action for purposes of section 3(f) of Executive Order 12866.

Additionally, because this direct final rule is a non-significant regulatory action that imposes no costs, it is also exempt from the requirements outlined in Executive Order 13771. *See* Exec. Order. 13771, 82 FR 9339 (Feb. 3, 2017); OMB, M–17–21, Guidance Implementing Executive Order 13771, Titled ''Reducing Regulation and Controlling Regulatory Costs'' (April 5, 2017).

B. Congressional Review Act

This direct final rule is not a major rule within the meaning of the Congressional Review Act (5 U.S.C. 801 *et seq.*).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires Federal agencies to analyze regulatory options that may assist in minimizing any significant impact of a rule on small businesses and small governmental jurisdictions. *See* 5 U.S.C. 604, 605(b). Because this direct final rule merely remedies several inadvertent drafting errors in the ICT Final Rule, including the unintentional deletion of longstanding TTY-related accessibility requirements, the Access Board certifies that the rule will not have a significant economic impact on a substantial number of small entities.

D. Federalism (Executive Order 13132)

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

E. Paperwork Reduction Act

This direct final rule does not contain any new collections of information or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (codified at 2 U.S.C. 1531 *et seq.*) (''UMRA'') generally requires that Federal agencies assess the effects of their discretionary regulatory actions that may result in the expenditure of $100 million (adjusted for inflation) or more in any one year by the private sector, or by state, local, and tribal governments in the aggregate. Because this direct final rule is being issued under the good cause exception in the Administrative Procedure Act section 553(b)(B), UMRA's analytical requirements are inapplicable. *See* 2 U.S.C. 1532(a).

List of Subjects in 36 CFR Part 1194

Civil rights, Communications, Communications equipment, Computer technology, Electronic products, Government employees, Government procurement, Incorporation by reference, Individuals with disabilities, Reporting and recordkeeping requirements, Telecommunications.

For the reasons stated in the preamble, and under the authority of 47 U.S.C. 255(e), the Board amends 36 CFR part 1194 as follows:

PART 1194—INFORMATION AND COMMUNICATION TECHNOLOGY STANDARDS AND GUIDELINES

■ 1. The authority citation for part 1194 continues to read as follows:

Authority: 29 U.S.C. 794d, 47 U.S.C. 255.

Appendix A to Part 1194—[Amended]

■ 2. In appendix A to part 1194:

■ a. In the table of contents, remove ''E205 Content'' and add in its place ''E205 Electronic Content''.

■ b. In section E202.6, in the first sentence, remove ''E202.5'' and add in its place ''E202.6''.

■ 3. In appendix B to part 1194, revise the exception paragraph following section C204.1 to read as follows:

Appendix B to Part 1194—Section 255 of the Communications Act: Application and Scoping Requirements

* * * * *

C204.1 * * *

EXCEPTION: Components of telecommunications equipment and customer premises equipment shall not be required to conform to 402, 407.7, 407.8, 408, 412.8.4, and 415.

* * * * *

■ 4. In appendix C to part 1194, add sections 412.8, 412.8.1, 412.8.2, 412.8.3, and 412.8.4 in numerical order to read as follows:

Appendix C to Part 1194—Functional Performance Criteria and Technical

* * * * *

412 ICT With Two-Way Voice Communication

* * * * *

412.8 *Legacy TTY Support.* ICT equipment or systems with two-way voice communication that do not themselves provide TTY functionality shall conform to 412.8.

412.8.1 *TTY Connectability.* ICT shall include a standard non-acoustic connection point for TTYs.

412.8.2 *Voice and Hearing Carry Over.* ICT shall provide a microphone capable of being turned on and off to allow the user to intermix speech with TTY use.

412.8.3 *Signal Compatibility.* ICT shall support all commonly used cross-manufacturer non-proprietary standard TTY signal protocols where the system interoperates with the Public Switched Telephone Network (PSTN).

412.8.4 *Voice Mail and Other Messaging Systems.* Where provided, voice mail, auto-attendant, interactive voice response, and caller identification systems shall be usable with a TTY.

* * * * *

Approved by notational vote of the Access Board on January 12, 2018.

David M. Capozzi,

Executive Director.

[FR Doc. 2018–00848 Filed 1–19–18; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 160105011–7999–03]

RIN 0648–XE390

Endangered and Threatened Wildlife and Plants; Final Rule To List the Giant Manta Ray as Threatened Under the Endangered Species Act

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

ACTION: Final rule.

SUMMARY: We, NMFS, announce a final rule to list the giant manta ray (*Manta birostris*) as threatened under the Endangered Species Act (ESA). We have reviewed the status of the giant manta ray, including efforts being made to protect this species, and considered public comments submitted on the proposed rule as well as new information received since publication of the proposed rule. We have made our final determinations based on the best scientific and commercial data available. At this time, we conclude that critical habitat is not determinable because data sufficient to perform the required analyses are lacking; however, we solicit information on habitat features and areas in U.S. waters that may meet the definition of critical habitat for the giant manta ray.

DATES: This final rule is effective February 21, 2018.

ADDRESSES: Endangered Species Division, NMFS Office of Protected Resources (F/PR3), 1315 East West Highway, Silver Spring, MD 20910. Copies of the petition, status review report, and **Federal Register** notices are available on our website at *http://www.fisheries.noaa.gov/pr/species/fish/manta-ray.html.*

FOR FURTHER INFORMATION CONTACT: Maggie Miller, NMFS, Office of Protected Resources, (301) 427–8403.

SUPPLEMENTARY INFORMATION:

Background

On November 10, 2015, we received a petition from Defenders of Wildlife to list the giant manta ray (*M. birostris*), reef manta ray (*M. alfredi*) and Caribbean manta ray (*M. c.f. birostris*) as threatened or endangered under the ESA throughout their respective ranges, or, as an alternative, to list any identified distinct population segments (DPSs) as threatened or endangered. The petitioners also requested that critical habitat be designated concurrently with listing under the ESA. We found that the petitioned action may be warranted for the giant manta ray and reef manta ray and announced the initiation of status reviews for these species, but found that the Caribbean manta ray is not a taxonomically valid species or subspecies for listing, and explained the basis for that finding (81 FR 8874, February 23, 2016). On January 12, 2017, we published a proposed rule to list the giant manta ray as a threatened species under the ESA and made a 12-month determination that the reef manta ray did not warrant listing under the ESA (82 FR 3694). We solicited information on the proposed listing determination, the development of proposed protective regulations, and designation of critical habitat for the giant manta ray, and the comment period was open through March 13, 2017. This final rule provides a discussion of the information we received during and after the public comment period and our final determination on the petition to list the giant manta ray under the ESA.

Listing Species Under the Endangered Species Act

We are responsible for determining whether species are threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we first consider whether a group of organisms constitutes a ''species'' under section 3 of the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines species to include ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS; together, the Services) adopted a policy describing what constitutes a DPS of a taxonomic species (61 FR 4722). The joint DPS policy identified two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the species (or subspecies) to which it belongs.

Section 3 of the ESA defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, in the context of the ESA, the Services interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species'' is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species is or is likely to become in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

When we consider whether a species might qualify as threatened under the ESA, we must consider the meaning of the term ''foreseeable future.'' It is appropriate to interpret ''foreseeable future'' as the horizon over which predictions about the conservation status of the species can be reasonably relied upon. The foreseeable future considers the life history of the species, habitat characteristics, availability of data, particular threats, ability to predict threats, and the ability to reliably forecast the effects of these threats and future events on the status of the species under consideration. Because a species may be susceptible to a variety of threats for which different data are available, or which operate across different time scales, the foreseeable future is not necessarily reducible to a particular number of years.

Additionally, as the definition of ''endangered species'' and ''threatened species'' makes clear, the determination of status can be based on either assessment of the rangewide status of the species, or the status of the species in a ''significant portion of its range.'' A species may be endangered or threatened throughout all of its range or a species may be endangered or threatened throughout only a significant portion of its range. The Services published a final policy to clarify the interpretation of the phrase ''significant portion of its range'' (SPR) in the ESA definitions of ''threatened species'' and ''endangered species'' (referred to as the ''SPR Policy,'' 79 FR 37577; July 1, 2014). The policy expressly recognizes that the SPR phrase provides an independent basis for listing and sets out the following principles:

(1) If a species is found to be endangered or threatened throughout only an SPR, the entire species is listed as endangered or threatened, respectively, and the ESA's protections apply to all individuals of the species wherever found.

(2) A portion of the range of a species is ''significant'' if the species is not currently endangered or threatened throughout its range, but the portion's contribution to the viability of the species is so important that without the members in that portion (*i.e.,* if the members were hypothetically lost), the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range.

(3) The range of a species is considered to be the general geographical area within which that species can be found at the time USFWS or NMFS makes any particular status determination. This range includes those areas used throughout all or part of the species' life cycle, even if they are not used regularly (*e.g.,* seasonal habitats). Lost historical range is relevant to the analysis of the status of the species, but it cannot constitute an SPR.

(4) If a species is endangered or threatened throughout an SPR, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

The statute also requires us to determine whether any species is endangered or threatened throughout all or a significant portion of its range as a result of any one or a combination of the following five factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms to address identified threats; or other natural or manmade factors affecting its continued existence (ESA section 4(a)(1)(A)–(E)).

To make a listing determination, we first determine whether a petitioned species meets the ESA definition of a ''species.'' Next, using the best available information gathered during the status review for the species, we assess the extinction risk of the species. In assessing the extinction risk of the giant manta ray, in conjunction with the section 4(a)(1) factors, we considered demographic risk factors, such as those developed by McElhany et al. (2000), to organize and evaluate the forms of risks. The demographic risk analysis is an assessment of the manifestation of past threats that have contributed to the species' current status and also informs the consideration of the biological response of the species to present and future threats. The approach of considering demographic risk factors to help frame the consideration of extinction risk has been used in many of our previous status reviews (see *http://www.nmfs.noaa.gov/pr/species* for links to these reviews). In this approach, the collective condition of individual populations is considered at the species level according to four demographic viability factors: abundance and trends, population growth rate or productivity, spatial structure and connectivity, and genetic diversity. These viability factors reflect concepts that are well-founded in conservation biology and that individually and collectively provide strong indicators of extinction risk.

Scientific conclusions about the overall risk of extinction faced by the giant manta ray under present conditions and in the foreseeable future are based on our evaluation of the species' demographic risks and ESA section 4(a)(1) threat factors. Our assessment of overall extinction risk considered the likelihood and contribution of each particular factor, synergies among contributing factors, and the cumulative impact of all demographic risks and threats on the giant manta ray.

Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any State or foreign nation or political subdivision thereof to protect the species. Therefore, prior to making a listing determination, we also assess such protective efforts to determine if they are adequate to mitigate the existing threats. In evaluating the efficacy of existing domestic protective efforts, we rely on the Services' joint *Policy on Evaluation of Conservation Efforts When Making Listing Decisions* (''PECE''; 68 FR 15100; March 28, 2003) for any conservation efforts that have not been implemented, or have been implemented but not yet demonstrated effectiveness.

Summary of Comments

In response to our request for public comments on the proposed rule, we received information and/or comments from 25 parties. The large majority of commenters supported the proposed listing determination but provided no new or substantive data or information relevant to the listing of the giant manta ray. We also directly solicited comments from the foreign ambassadors of countries where the giant manta ray occurs and received a response from the Aquatic Resources Authority and the Ministry of the Environment of Panama and the Fisheries and Aquaculture Regulatory Department of Guatemala, both in support of the proposed listing determination. Summaries of the substantive public comments received and our responses are provided below and organized by topic.

Comments on ESA Section 4(a)(1) Factors

Comment 1: One commenter stated that the giant manta ray is widely distributed over vast tropical oceans and, therefore, is not a vulnerable species tied to specific restricted habitats. The commenter further noted that according to their own literature search, manta rays do not appear to have any predators, and the commenter

did not know of any reports of manta rays being eaten by sharks. The commenter concluded that because the manta ray has only one pup per birth, this indicates very low predation on the young. Finally, the commenter stated that there are no existing or historical commercial or sport fisheries for manta rays in U.S. waters and, thus, the stock has not been affected by any fisheries.

Response: We note that the commenter did not provide any references that were not already considered and included in the status review report and proposed rule. While we agree that the giant manta ray is a wide-ranging species, we pointed out in the proposed rule that habitat preference for the species varies by region. And while the species may show low habitat specificity, we noted that manta rays frequently rely on offshore reefs for important life history functions (*e.g.,* feeding, cleaning).

We disagree that manta rays do not have any predators. As noted in the proposed rule, manta rays are frequently observed with shark-inflicted bites, and killer whales have been recorded preying on manta rays. We also note that the number of young does not provide an indication of predation rates on young. While the predation rate on young manta rays is unknown, the status review reports that after birth, young mantas need a period of minutes before they can swim properly, meaning they would be at risk of predation during this time. Additionally, because mantas do not provide any parental care to their offspring, the survival rate of the young may depend on the mother's choice of birth site. However, at this time, manta ray pupping and nursery grounds are unknown. Therefore, we are aware of no information to support the commenter's conclusion that there is very low predation on manta ray young.

Finally, while we do not dispute that there are no known existing or historical commercial or sport fisheries for manta rays in U.S. waters, this does not mean that U.S. fisheries are not contributing to the mortality rates of giant manta rays. As stated in the status review and proposed rule, giant manta rays are sometimes caught as bycatch in the U.S. bottom longline and gillnet fisheries operating in the western Atlantic. Additionally, manta rays have been identified in U.S. bycatch data from fisheries operating primarily in the Central and Western Pacific Ocean, including the U.S. tuna purse seine fisheries, the Hawaii-based deep-set and shallow-set longline fisheries for tuna, and the American Samoa pelagic longline fisheries. However, given the low estimates of *M. birostris* bycatch in U.S. fisheries, we concluded that impacts from this mortality on the species are likely to be minimal.

Comments on Available Data, Trends, and Analysis

Comment 2: One commenter stated the available information on abundance declines was insufficient to imply a rangewide decline. The commenter noted that many of the declines described in the status review were in highly populous areas or where targeted fishing for mobulids occurs, and that both the status review and proposed rule state that giant manta rays may be stable where they are not subject to fishing. Additionally, the commenter states that the documented declines are not based on systematic abundance surveys and rely heavily on anecdotal information.

Response: We proposed to list the giant manta ray based on its status in a significant portion of its range (SPR). Our proposal is not based on our assessment of the status throughout the range. We agree that the available information on abundance trends is lacking throughout the species range, but within the relevant SPR, the best available data indicate that the species has suffered population declines of significant magnitude (up to 95 percent in some places). We note that these declines are largely based on trends in landings and market data, diver sightings, and anecdotal observations. While we would also like to have systematic abundance survey data, this type of data is not currently available, nor did the commenter provide any such data. Under the ESA, we are required to use the best available data to make our listing determinations, and we have determined that the best available data, along with the evidence of threats to the species (*i.e.,* overutilization and inadequacy of existing regulatory mechanisms), indicate that the species is likely to become in danger of extinction within the foreseeable future throughout a significant portion of its range.

Comment 3: One commenter suggested that the longline catch-per-unit-effort (CPUE) data from the Western and Central Pacific Ocean (WCPO) should be viewed circumspectly, and that further analysis is warranted to discern the cause of the reduction in *M. birostris* catch as presented in Tremblay-Boyer and Brouwer (2016). Additionally, the commenter argues that the WCPO purse seine catch data (Tremblay-Boyer and Brouwer 2016) does not indicate a decline, and that the bycatch data for the Eastern Pacific Ocean (Hall and Roman 2013) are variable or do not exhibit a strong trend. As such, the commenter asserts that the available evidence suggests only localized depletion and does not support a threatened status for *M. birostris* throughout the Indo-Pacific and Eastern Pacific (*i.e.,* the relevant significant portion of its range).

Response: In the status review and proposed rule, we noted that the available WCPO CPUE longline data presented in Tremblay-Boyer and Brouwer (2016), while short, indicates that the giant manta ray is observed less frequently in recent years compared to 2000–2005. Based on the distribution of longline effort from 2000–2015 in the Western and Central Pacific Fisheries Commission longline fisheries, effort has been concentrated around Indonesia and the Philippines (Williams and Terawasi 2016), where significant declines in the species have been observed. Additionally, Williams and Terawasi (2016) note that there has been a growth in the domestic fleets operating in the South Pacific over the past decade, with effort clearly increasing between 2004 and 2015. Therefore, we think it is reasonable to assume that the noted declines in observations of the giant manta ray in the WCPO may be a result of fishery-related mortality and an associated decrease in the abundance of the species in the region. While the commenter suggested that the decline may be due to some aspect of the fishery that has made *M. birostris* less catchable, they did not provide, nor are we aware of any information that supports that assumption.

In terms of the WCPO purse seine data (presented in Tremblay-Boyer and Brouwer (2016)), we noted in the status review that these data show strong reporting bias trends (as observer reporting in the purse seine fisheries to species-level became more prevalent after 2008), and, therefore, should not be used to assess abundance trends. The bycatch data for the Eastern Pacific Ocean (Hall and Roman 2013), mentioned by the commenter, is also discussed in the status review. While the current data do not exhibit a strong trend, overall, they do show a substantial increase in the catch and bycatch (defined as individuals retained for utilization and individuals discarded dead, respectively) of manta rays in purse seines in the Eastern Pacific Ocean since 2005. For example, prior to 2005, catch and bycatch remained below 20 t per year (data from 1998–2004), but by 2005, it was around 30 t and jumped to around 150 t in 2006 (Hall and Roman 2013). In 2008, catch

and bycatch had dropped to 40 t and, in 2009, decreased further to less than 10 t (Hall and Roman 2013). In 2015, catches of manta and mobula rays by Inter-American Tropical Tuna Commission (IATTC) large purse seine vessels with observers on board in the Eastern Pacific Ocean (EPO) was 71 t (IATTC 2016). As mentioned in the status review, the estimated average annual capture for giant manta rays by IATTC purse seine vessels operating in the EPO was 135 individuals (based on data from 1993–2015). We have also become aware of a recent preliminary productivity and susceptibly analysis (PSA) that was not included in the draft status review (Miller and Klimovich 2016). This preliminary PSA suggests that giant manta rays are one of the most vulnerable species to overfishing in the EPO purse-seine fisheries (Duffy and Griffiths 2017). Specifically, the PSA compared 32 species and calculated vulnerability scores as a combination of the species' productivity and susceptibility to the fishery (Duffy and Griffiths 2017). In all three of the models run, giant manta rays were always one of the top five most vulnerable species to the EPO purse seine fisheries (Duffy and Griffiths 2017). Because effort in this fishery coincides with high productivity areas where giant manta rays are likely to aggregate, and have been observed caught in sets, we find that this continued fishing pressure in the EPO purse-seine fisheries is likely to lead to substantial declines in *M. birostris* throughout this portion of its range and potential extirpations within the foreseeable future, with evidence of significant declines already observed off Cocos Island, Costa Rica (a protected area for manta rays).

Given the migratory nature of the species, as well as the significant fishing pressure and threats of overutilization and inadequacy of existing regulatory mechanisms to address those threats, further supported by available data indicating the vulnerability of the species to overfishing and declines in giant manta ray populations throughout this portion of its range, we disagree with the commenter and find that the available evidence indicates that *M. birostris* is likely to be in danger of extinction in the foreseeable future throughout the Indo-Pacific and Eastern Pacific portion of its range.

Comment 4: One commenter provided manta/mobula ray CPUE data from the Hawaii deep-set and shallow-set longline fisheries and the American Samoa longline fishery based on unpublished NMFS observer data.

Response: We have updated the final status review report with this information. The CPUE data further support our findings that catch of manta rays is low in these fisheries. Specifically, the observer data indicate that the CPUE (individuals per 1,000 hooks) has ranged between <0.001 and 0.003 in the Hawaii deep-set longline fishery since 2002, with approximately 20 percent observer coverage. In the Hawaii shallow-set longline fishery, CPUE has ranged between 0 and 0.005 since 2004, with 100 percent observer coverage. In the American Samoa longline fishery, CPUE has ranged between <0.001 and 0.003 since 2007, with approximately 20 percent observer coverage. While we find that this new data supports our conclusion that impacts from these U.S. fisheries on the status of giant manta rays are likely minimal, we do not find that it changes our analysis or conclusions regarding the extinction risk of the giant manta ray throughout a significant portion of its range due to overutilization in non-U.S. fisheries.

Comment 5: One commenter requested that the final rule expressly state that the Hawaii-based longline fisheries have only very rare interactions with manta rays, and negligible, discountable, and insignificant indirect effects on *M. birostris.* The commenter provides Hawaii-based and American Samoa longline bycatch data from 2011 to 2013 to support this argument.

Response: We have updated the final status review report with the provided bycatch data from 2011 and 2012. The status review already presented the bycatch information from 2013. It is not necessary to present detailed information in this rule about specific fisheries that do not appear to be significantly affecting the status of *M. birostris,* because this rule is focused on explaining the basis for our conclusion regarding the listing status of the species. Available details on particular fisheries and their associated impacts can be found in the final status review of the species (Miller and Klimovich 2017). As mentioned in our response to *Comment 4,* based on available U.S. bycatch data from fisheries operating primarily in the Central and Western Pacific Ocean, including the Hawaii-based deep-set longline fisheries, the status review concludes that impacts on the giant manta ray are likely to be minimal. The additional data further support this finding.

Comment 6: One commenter provided personal observations from aerial surveys of manta rays off of St. Augustine, Florida. The commenter noted that the surveys were done from 2009–2012, and that they personally observed vast schools of mantas, with it not unusual to observe over 500 manta rays per 6–8 hour day of aerial survey. The commenter noted that unpublished results from aerial surveys also document significant numbers of manta rays from 2011–2013, and that additional aerial surveys are underway at this time.

Response: We thank the commenter for this general information and have included it in the final status review (Miller and Klimovich 2017) as a personal communication from the commenter. However, without more specific information regarding these aerial surveys and the associated data (including survey methods and manta ray identification protocols, specific counts of individuals, composition of schools (*i.e.,* males, females, juveniles, adults), seasonal and geographical information), we find that information is still severely lacking on population sizes, distribution, and trends in abundance of *M. birostris* within this portion of its range. As such, this general information does not change our conclusion from the proposed rule regarding the demographic risks to the species or the overall extinction risk of the species throughout its range and within the Indo-Pacific and eastern Pacific SPR.

Comment 7: The Aquatic Resources Authority of Panama and the Ministry of the Environment of Panama submitted a comment supporting our proposal to list the giant manta ray as threatened. In terms of Panamanian data, they noted that landings are reported by general category and not by species, and, therefore, no information is available on the landing or occurrence of *Manta* species in the Panamanian fisheries. However, in general, rays appear to be a sporadic resource and possibly associated with net fishing, but this cannot be verified based on the available data.

While the data on the species is lacking in Panamanian waters, the Panama Environment Ministry and the Aquatic Resources Authority of Panama noted that the available information indicates that the species should be protected and pointed to the IATTC resolution (C–15–04) that prohibits the retention, transshipment, storage, landing, and sale of all devil and manta rays taken in its large-scale fisheries.

Response: We thank the Aquatic Resources Authority of Panama and the Ministry of the Environment of Panama for their comment in support of our conclusion that the species warrants

listing as a threatened species under the ESA.

Comment 8: One commenter provided new information regarding the trophic level position of the giant manta ray and potential geographical differences in body sizes of the species. The commenter noted that the new information, which indicates that the diet of giant manta rays off Ecuador is predominantly of mesopelagic origin (as opposed to surface zooplankton) and that body size may vary by region due to prey availability or fishing pressure, should be taken into consideration during the development of critical habitat, recovery plans, and potential fishery regulations for giant manta rays.

Response: We reviewed the new information regarding the trophic level position (Burgess et al. 2016) and potential body-size differences (McClain et al. 2015); however, we do not find that this new information changes any of our conclusions regarding the threats to the giant manta ray or the extinction risk analysis of the species. In the development of critical habitat, recovery plans, or any other regulations for the conservation of the giant manta ray, we will consider this along with all other available information.

Comments on Foreseeable Future

Comment 9: One commenter stated that NMFS neglected to define the ''foreseeable future'' and that without a temporal unit of measure to evaluate the species' future status, NMFS cannot rationally make conclusions about the future status.

Response: We disagree with the commenter that we did not define the ''foreseeable future'' as a temporal unit of measure. In fact, in the status review and proposed rule, we defined the ''foreseeable future'' as extending out several decades (>50 years). We note that because the giant manta ray is susceptible to a variety of threats for which different data are available, and which operate across different time scales, the foreseeable future is not reducible to a particular number of years, nor does the ESA require that we identify a specific year or period of time as the foreseeable future. We also noted in the status review that the appropriate time horizon for ''foreseeable future'' is not limited to the period that status can be quantitatively modeled or predicted within predetermined limits of statistical confidence. Because neither the ESA nor implementing regulations define ''foreseeable future,'' the term is ambiguous, and Congress has left broad discretion to the Secretary to determine what period of time is reasonable for each species. See ''Memorandum Opinion: The Meaning of 'Foreseeable Future' in Section 3(20) of the Endangered Species Act'' (M–37021, Department of the Interior Office of the Solicitor, January 16, 2009). The appropriate timescales for analyzing various threats will vary with the data available about each threat. The foreseeable future considers factors such as the life history of the species (including generational length), habitat characteristics, availability of data, particular threats, ability to predict threats, and the ability to reliably forecast the effects of these threats and future events on the status of the species under consideration. In making our final listing determinations we must synthesize all available information and forecast the species' status into the future only as far as we reliably are able based on the best available scientific and commercial information and best professional judgment.

As discussed in the status review and proposed rule, we considered the giant manta ray's life history traits, noting that it would likely take more than a few decades for management actions to be realized and reflected in population abundance indices, and the impact of present threats to the species. We found that the time frame extending out several decades (>50 years) would allow for reasonable predictions regarding the impact of current levels of fishery-related mortality on the biological status of the giant manta ray as well as impacts on giant manta ray habitat from climate change and the potential effects on the status of the species.

Comments on Significant Portion of Its Range Analysis

Comment 10: One commenter stated that we inconsistently evaluated the threat of fisheries to the Atlantic portion of the giant manta ray population. The commenter notes that we concluded in the proposed rule that overutilization is unlikely to be a threat to *M. birostris* in the Atlantic Ocean; however, in the SPR analysis, we found that the impact of targeted catch and bycatch in the Atlantic Ocean would be a significant contributing factor to the extinction risk of the species without the members in the SPR. The commenter asserts that if we do not consider targeted catch and bycatch to be a threat to the species in the Atlantic Ocean, and if extirpation of giant manta rays in the Indo-Pacific and eastern Pacific would not result in a shift in effort to the Atlantic Ocean, then it is unlikely that extirpation of the SPR would result in increased impacts from fisheries in the remaining portions of the species' range.

Response: We disagree with the commenter that we inconsistently evaluated the threat of fisheries in the Atlantic portion of the giant manta ray's range and that, by extension, our conclusion regarding the identified SPR is not supported. Our determination that the Indo-Pacific and eastern Pacific portion is biologically ''significant'' rests on the contributions the members in that portion make to the overall viability of the species. It does not depend on any assumptions or projections as to shifts in threats that would occur if the members in the portion were hypothetically lost, but rather to the reduction in the species' ability to withstand continuing threats (*e.g.,* fishing) without those members.

When we conducted the SPR analysis, we noted the absence of known areas exhibiting source-sink dynamics, which could affect the survival of the species, but that the largest subpopulations and records of individuals of the species come from the Indo-Pacific and eastern Pacific portion. In the Atlantic, the only available data on populations were records of over 70 individuals from the Flower Garden Banks Marine Sanctuary (Gulf of Mexico) and 60 manta rays from waters off Brazil. As mentioned previously, these observations, coupled with the low presence of the species in Atlantic fisheries data, led us to conclude that Atlantic *M. birostris* populations are likely small and sparsely distributed. New information submitted during the public comment period also provided numbers from off the east coast of Florida (>90 individuals); however, these data do not change our previous conclusion. If the species was hypothetically extirpated within the Indo-Pacific and eastern Pacific portion of the range, only the potentially small and fragmented Atlantic populations would remain. The demographic risks associated with small and fragmented populations discussed in the proposed rule, such as demographic stochasticity, depensation, and inability to adapt to environmental changes, would become significantly greater threats to the species as a whole, and coupled with the species' inherent vulnerability to depletion, indicate that even low levels of mortality would portend drastic declines in the population. Because of these risks, we concluded that without the animals in the Indo-Pacific and eastern Pacific, even minimal targeted fishing of the species by artisanal fishermen and bycatch mortality from the purse seine, trawl, and longline fisheries currently operating in the Atlantic would become significant contributing factors to the

extinction risk of the species, placing the species in danger of extinction within the foreseeable future throughout its range. We found that the Indo-Pacific and eastern Pacific portion of the giant manta ray's range qualifies as ''significant'' under the SPR Policy because this portion's contribution to the viability of *M. birostris* is so important that, without the members in this portion, the giant manta ray would be likely to become in danger of extinction within the foreseeable future, throughout all of its range.

Comment 11: One commenter suggested that we should analyze whether there are more geographically-defined or regional populations of giant manta rays that could compose an SPR and analyze the status of those populations. The commenter asserts that there is no support to conclude that the entire Indo-Pacific and eastern Pacific portion of the giant manta range is an SPR and theorizes perhaps smaller portions could be SPRs that may be endangered instead of threatened.

Response: The commenter is correct that there are theoretically infinite ways to divide a species' range into potential SPRs. However, the SPR Policy does not require exhaustively analyzing all potential configurations, but rather sets out a rule of reason—that the Services will evaluate an area as a potential SPR only where there is substantial information indicating both that a particular portion may be biologically ''significant'' and that the species may be either endangered or threatened in that portion. We must base our decision to focus on a particular portion on the best available scientific and commercial information. The commenter does not provide information to support analyzing any particular portions that are likely to meet the two tests of the SPR Policy. Nor do we have additional information to support the identification of alternate, smaller SPRs. The commenter cited a study (McClain et al. 2015) that found some geographic variability in disc width sizes among giant manta ray individuals that may be associated with fishing pressure or differences in food availability; however, the study cautions that these differences may be a result of ''uneven sampling across different regions or differences in methodologies.'' Additionally, the authors stated that the size distribution was not ''significantly different from normal'' when the data were combined for all the regions. Other than this paper, the commenter makes only general suppositions regarding the potential presence of smaller portions that they believe may be significant under the SPR Policy, and cites to the status review and proposed rule statements regarding declining subpopulations in the Indo-Pacific and eastern Pacific as support.

During our analysis of the best available information, we found that threats were concentrated in the Indo-Pacific and eastern Pacific portion of the species' range, based on data from the smaller regional populations, and concluded that this portion meets the definition of an SPR under the SPR Policy. We note that the SPR Policy does not specify how portions are to be geographically identified or require exhaustive analyses to determine all possible geographic combinations of members or areas that may comprise an SPR. However, in our demographic and SPR analysis, we found no information to demonstrate that *M. birostris* is composed of source-sink populations in any specific portion of its range, which could affect the survival of the species and may meet the specific standard of the SPR Policy to qualify it as biologically significant. Additionally, although we found data to suggest specific populations throughout the Indo-Pacific and eastern Pacific are in decline, there was no information to suggest that the loss of any one of these populations would place the species in danger of extinction, or render it likely to become so in the foreseeable future, throughout all of its range. The commenter did not provide any new information that suggests this would be the case. However, we did find that loss of *all* of the populations in the Indo-Pacific and eastern Pacific portion of the species' range would place the species in danger of extinction within the foreseeable future throughout all of its range. We state that the largest subpopulations and records of individuals of the species come from this portion and, without it, the species would have to rely only on its members in the potentially small and fragmented Atlantic populations for survival (see response to *Comment 10* for further details). We therefore disagree with the commenter and find no rationale for conducting additional SPR analysis.

Comment 12: One commenter contended that the proposed rule failed to provide the required analysis and information to satisfy the legal requirements of the ESA in the context of the SPR analysis. The commenter asserted that there are two underlying errors: (1) NMFS failed to conduct a ''detailed analysis'' to support its conclusion that the Indo-Pacific and eastern Pacific portion of the giant manta ray's range is significant under the SPR Policy; and (2) NMFS failed to engage in a ''separately'' and similarly ''detailed analysis'' to determine whether the giant manta ray is endangered or threatened in the portion of its range found to be significant.

Response: In regards to the first claim, we disagree with the commenter that we failed to conduct a ''detailed analysis'' with respect to our determination that the Indo-Pacific and eastern Pacific portion of the giant manta ray's range is ''significant'' under the SPR Policy. As required by the SPR Policy, we examined whether the members of the species within the identified portion of the giant manta ray's range are so important to the viability of the species that, without them, the species would be in danger of extinction or likely to become so within the foreseeable future throughout all of its range. In conducting this analysis, we considered what the composition of the species would be if, hypothetically, members of the Indo-Pacific and eastern Pacific portion were extirpated (lost). We noted that the species would have to rely on only its members in the Atlantic for survival. As previously discussed in the proposed rule within the Demographic Risk Analysis section (82 FR 3708; January 12, 2017) and summarized in our response to *Comment 10,* the best available data suggest that the populations within the Atlantic are small and sparsely distributed, so the demographic risks of the species would increase to the point that the species would likely become endangered within the foreseeable future throughout its range. The demographic risk analysis, which examined abundance, spatial distribution, productivity, and diversity of giant manta rays, specifically discussed the risks associated with small and fragmented populations. We did not find it necessary to repeat this same information within the SPR analysis section but rather referred back to the previous, detailed discussion of demographic risks for small and sparsely distributed populations. While the commenter argues that this discussion falls short of the analytical standards set forth in the SPR Policy, specifically citing that the analysis must consider the contribution of the portion to the viability of the species using concepts of redundancy, resiliency and representation, we note that the SPR Policy also states that these concepts can be considered in terms of abundance, spatial distribution, productivity, and diversity of the species, as was done in this analysis. *See* 79 FR at 37581. Additionally, while the commenter suggests our discussion is conclusory and speculative, the commenter provides no additional data

for us to consider. As such, we reiterate that we used the best available information, as required by the ESA, to conduct our SPR analysis, we fully analyzed all of that information, and we provided a detailed explanation of our analysis to support our conclusions.

With respect to the second claim, we disagree with the commenter that we failed to conduct a separate, detailed analysis of whether the giant manta ray is endangered or threatened in the portion of its range that we found to be ''significant.'' In conducting our extinction risk analysis, which considered all of the information from the detailed demographic risk analysis and threats assessment, we concluded that giant manta ray populations within the Indo-Pacific and eastern Pacific portion of its range (*i.e.,* the SPR) are at a ''moderate risk of extinction,'' and we explained the basis for that conclusion in the proposed rule. We defined ''moderate risk of extinction'' within the status review (and cited to this definition within the proposed rule) as a species that ''. . . is on a trajectory that puts it at a high level of extinction risk in the foreseeable future.'' A ''high level of extinction risk'' was defined to mean that a species ''is at or near a level of abundance, productivity, spatial structure, and/or diversity that places its continued persistence in question . . . [or] faces clear and present threats (*e.g.,* confinement to a small geographic area; imminent destruction, modification, or curtailment of its habitat; or disease epidemic) that are likely to create imminent and substantial demographic risks.'' In our overall determination, we found that a ''moderate risk of extinction'' equates to a threatened status, as the species is on a trajectory toward a status where its continued persistence is in question (where it is in danger of extinction) in the foreseeable future. To the extent there was any ambiguity in the analysis set forth in the proposed rule, we clarify here that the species is likely to become in danger of extinction within the foreseeable future within the Indo-Pacific and eastern Pacific portion, which correlates to ''threatened'' status. However, we cannot end our analysis there. The ESA also directs us to take into account conservation efforts after conducting a review of the status of the species and before making our determination. Therefore, we conducted the SPR analysis to evaluate the risk of extinction of the giant manta ray, but then proceeded to look at conservation efforts to determine whether the identified risk level is reduced as a result of such efforts before coming to our final determination. As we did not find that conservation efforts significantly altered the extinction risk for the giant manta ray to the point where it would not be in danger of extinction in the foreseeable future, we made our final determination that the giant manta ray is likely to become in danger of extinction within the foreseeable future throughout a significant portion of its range and therefore proposed to list it throughout its range as a threatened species.

Comment 13: Two commenters argued that the giant manta ray is in danger of extinction in the identified SPR and, therefore, should be listed as an endangered species. One commenter states that NMFS did not fully take into account the migratory nature of the giant manta ray and its large range when it proposed to list the species as threatened. The commenter cites to the declines of over 80 percent in certain commercial fishing hotspots in the SPR where giant manta rays feed and aggregate during migrations through the region, and argues that the impairment of these portions increases the vulnerability of the species to threats, placing the entire species in danger of extinction. The other commenter argues that the observed declines of 80–95 percent in the SPR should be interpreted as the SPR being at a high risk of extinction. One commenter also states that our own conclusions in the proposed rule satisfied the SPR Policy threshold for ''likely to go extinct throughout a significant portion of its range.'' Finally, the same commenter states that if NMFS lists the species as threatened, it has circumvented the analysis of determining whether the species is in danger of extinction in any portion of its range, instead basing its conclusion on the worldwide decline of the species.

Response: We disagree with both commenters. We also note that neither commenter provided any new information that was not already considered in the status review and proposed rule. As such, the commenters' claims are based on their own interpretation of the data and the SPR Policy. Below, we discuss our rationale for listing the giant manta ray as threatened within an SPR and explain key aspects of the SPR Policy.

First, we disagree with the statement that we did not consider the migratory nature of the giant manta ray or its large range when evaluating the species' extinction risk. In fact, its global range and the lack of available information on the abundance, life history, and ecology of the species in the Atlantic portion of this range was the reason why the declines observed in the Indo-Pacific and eastern Pacific portion were found not to translate to overall declines in the species throughout its *entire* range. We also considered the migratory nature of the species when we examined threats to the species. For example, in our discussion of the adequacy of existing regulatory mechanisms, we noted that current national protections for the species may not be adequate to protect it from overutilization, primarily because the species is pelagic and migratory and not confined to these protected areas. Additionally, when evaluating the overall risk of extinction of the species, we noted that although larger, and seemingly stable populations of the species still exist (including within areas of the Indo-Pacific and eastern Pacific), its migratory behavior means the species will continue to face fishing pressure throughout this portion through the foreseeable future. However, we disagree that declines of 80–95 percent in local populations within the SPR establish that the species is at a high risk of extinction. As stated in the proposed rule, despite these declines, larger subpopulations of the species still exist within the SPR. In fact, the only two available subpopulation estimates of *M. birostris* (from Mozambique and Ecuador) suggest that these populations are not so critically small in size that they are likely to experience extreme fluctuations that could lead to depensation or otherwise put the populations in danger of extinction at this time. In addition, we note that elsewhere in the SPR, current and accurate abundance estimates are unavailable for the giant manta ray, as the species tends to be only sporadically observed. In terms of other demographic risks, we note that the available information does not indicate any changes in the reproductive traits of the species or the natural rates of dispersal among populations (particularly within the SPR), or any evidence that the species is presently strongly influenced by stochastic or depensatory processes within the SPR. As such, the best available information does not indicate that the species is presently in danger of extinction within the SPR. However, due to continued fishing pressure within the SPR and the inadequacy of existing regulatory measures to control this fishing pressure, we concluded that overutilization is a threat to the remaining *M. birostris* populations that places the species within the SPR on a trajectory to be in danger of extinction in the foreseeable future.

Second, one of the commenters equates a statement in the proposed rule that extirpations of those populations that have experienced substantial declines and are still subject to fishing, particularly in the Indo-Pacific and eastern Pacific portions of the species' range, would inherently increase the overall risk of extinction for the entire species (see 82 FR 3694; January 12, 2017) to indicating that the species is ''likely to go extinct'' throughout an SPR. The commenter further goes on to incorrectly interpret our statement to mean that the Indo-Pacific and eastern Pacific portions are increasing the vulnerability of the species to threats to the point where the entire species is in danger of extinction. The statement in the proposed rule referenced by the commenter was made in our analysis of the demographic risk that current abundance and trends in abundance pose to the species. To clarify, the statement in the proposed rule that the hypothetical loss of the animals in the SPR would cause an ''inherent increase'' in the overall risk of extinction for the species does not mean that the species is actually now at the level where it is considered to be in danger of extinction. Rather, it means that the species would be at a higher risk of extinction if, hypothetically, the members in the portion were no longer in existence and providing contributions to the species than the species is currently. In fact, as already discussed, we concluded the species would likely become endangered within the foreseeable future without that portion.

Third, one of the commenters presents an argument that the entire species is in danger of extinction due to the impairment of the species within the SPR, and that we should therefore conclude that the giant manta ray is in danger of extinction throughout the SPR. Specifically, the commenter states that the species has experienced declines in certain fishing hotspots or aggregation areas and that ''[t]he impairment of these portions of the species' range increases the vulnerability of the species to the threats it faces to the point that the entire species is in danger of extinction.'' The commenter thus asserts that we should have concluded that the giant manta ray is endangered in an SPR, and that we inappropriately reached a threatened status conclusion simply because the species is not endangered in every part of its range. The commenter further states that if we list the species as threatened, it indicates that we only looked at the worldwide decline and did not consider whether the species is endangered in some portions of its range. Contrary to this assertion, we did consider whether the species was endangered or threatened in any significant portion of its range. As outlined previously, after evaluating the species' extinction risk throughout its range (worldwide), we reached a conclusion that the species was not threatened or endangered range wide. Thus, we next conducted an SPR analysis. As stated in the proposed rule, and in the SPR Policy (79 FR 37577; July 1, 2014), in order to identify only those portions that warrant further consideration under the SPR Policy, we must determine whether there is substantial information indicating both that (1) a particular portion of the range may be ''significant'' and (2) the species may be in danger of extinction in that portion or likely to become so within the foreseeable future. The policy further explains that, depending on the particular facts of the situation, it may be more efficient to address the question of whether any identified portions are ''significant'' first, but in other cases it will make more sense to examine the status of the species in the identified portions first. In the case of the giant manta ray, we first examined whether there were any portions of the range where the species is in danger of extinction (endangered) or likely to become so in the foreseeable future (threatened) and, finding that there were, we then evaluated whether those portions were ''significant'' under the SPR Policy. We concluded that the species is threatened in the Indo-Pacific and eastern Pacific portion of its range, and that this portion is ''significant'' under the SPR Policy. As previously explained, the best available information does not indicate that the species is presently in danger of extinction within the SPR; and therefore, we disagree with the commenter that the species should be listed as endangered.

Lastly, the commenter makes assertions about the status of the species that are not supported in the record. Specifically, the commenter states: ''Under any reasonable reading of the ESA, the rapid decline of individuals in these areas and their *likelihood of extinction* in the foreseeable future would indicate that the species should be listed as endangered.'' (Emphasis added.) The commenter's assertions that the species is likely to become extinct within the foreseeable future is not supported in the record. We found that the best available scientific and commercial information indicates that the species is likely to become ''endangered'' (in *danger* of extinction) ''within the foreseeable future'' within the SPR. 16 U.S.C. 1532(20). Thus, the species meets the definition of ''threatened'' within the SPR. We have not stated, and could not on the present record conclude, that the species is ''likely to become *extinct* within the foreseeable future''—a much more grave prediction—either within the SPR or throughout its range. (Note that a finding that the portion is ''significant,'' while based on an assumed *hypothetical loss* of the members in the portion for the sake of analysis, is not actually a prediction of such loss.) Because we have found that the species is threatened in the SPR, per the SPR Policy, we are listing the species as threatened throughout its range.

To summarize from the proposed rule, after examining and considering all of the available information on the species, including life history and abundance data as well as current and future threats to the species, we concluded that the species was not in danger of extinction or likely to become so within the foreseeable future throughout its range. However, applying the SPR Policy, we determined that the Indo-Pacific and eastern Pacific portion of the species' range qualified as an SPR. In evaluating the extinction risk of the species within this portion, we took into consideration the demographic risks of the species, the information on observed declines of the species in certain fishing areas, and the factors under section 4(a)(1). However, we also noted that there is considerable uncertainty regarding the current abundance of *M. birostris* throughout this portion, with evidence that large subpopulations of the species still exist, such as off Mozambique and Ecuador. The proposed rule also mentioned that numbers of giant manta rays identified through citizen science in Thailand's waters have been increasing over the past few years, and actually surpass the estimate of identified giant mantas in Mozambique, possibly indicating that Thailand may be home to the largest aggregation of giant manta rays within the Indian Ocean. Because neither commenter provided any new information to consider regarding abundance, population declines, or threats in this SPR, our conclusion that the species is likely to become in danger of extinction within the foreseeable future, and thus is threatened, within the SPR remains the same, and, per the SPR Policy, we are listing it is as threatened throughout its range under the ESA.

Comment 14: One commenter states that the intention to list the giant manta

ray as threatened is unwarranted due to an almost complete lack of scientific evidence. The commenter notes that there is no conclusive threat in North American waters, and that the threatened conclusion is based on one article in the literature. The commenter further goes on to state that there are no fisheries for manta rays in North American waters or evidence of the species being overfished in U.S. waters, and notes that manta rays are protected from direct fishing pressure in Mexico, Brazil, and Florida and are listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Response: We disagree with the commenter that the listing of the giant manta ray as threatened is unwarranted. We also disagree that our conclusion was based on one article in the literature. As noted in the proposed rule, we considered the best available scientific and commercial information including the petition, public comments submitted on the 90-day finding (81 FR 8874; February 23, 2016), the draft status review report (Miller and Klimovich 2016), and other published and unpublished information, and have consulted with species experts and individuals familiar with manta rays to come to our determination. Based on the available data, we concluded that the giant manta ray is not in danger of extinction or likely to become so throughout its entire range, but is threatened within an SPR. As thoroughly discussed in the proposed rule and status review, the giant manta ray faces concentrated threats within the SPR, with estimated take of the species frequently greater than the observed individuals in the area and evidence of declines in sightings and landings of the species of up to 95 percent in some places. Efforts to address overutilization of the species through regulatory measures are inadequate within the SPR, with targeted fishing of the species despite prohibitions and bycatch measures. Based on the demographic risks and threats to the species within the SPR, we determined that the species is likely to become in danger of extinction within the foreseeable future throughout the SPR.

We do not posit that that there are fisheries for manta rays in North American waters, or that the species is being overfished in U.S. waters. As the final status review (Miller and Klimovich 2017) and proposed rule state, manta rays are observed as bycatch in the purse seine, trawl, and longline fisheries operating in the Atlantic Ocean. In our analysis of the species' status throughout its entire range, we conclude that it is unlikely that overutilization as a result of bycatch mortality is a significant threat to the species in the Atlantic Ocean; however, we caveat this statement with the fact that information is severely lacking on population sizes and distribution of *M. birostris* in the Atlantic as well as current catch and fishing effort on the species throughout this portion of its range. However, as noted in our response to *Comment 10,* in conducting the SPR analysis, we found that even minimal targeted fishing of the species by artisanal fishermen and bycatch mortality from the purse seine, trawl, and longline fisheries operating in the Atlantic would become significant contributing factors to the extinction risk of the species if the species was extirpated within the SPR, which would place the species in danger of extinction within the foreseeable future throughout its range.

Comments on Similarity of Appearance Listing

Comment 15: Two commenters stated that when NMFS finalizes its decision on the giant manta ray, it should also ''list'' the reef manta ray under the similarity of appearance provision in the ESA. One of the commenters notes that both species are morphologically similar and that products from the giant and reef manta rays are practically impossible to distinguish in the international trade market (citing Wu 2016).

The other commenter notes the exponential demand for manta ray gill plates in the trade and argues that the gill plates in all nine species of manta rays look ''almost identical.'' The commenter further states that once a manta ray gill plate has been removed and dried, it is ''almost impossible'' to identify it to species. The commenter asserts that release of the ''Field Identification Guide of the Prebranchial Appendages (Gill Plates) of Mobulid Rays for Law Enforcement and Trade Monitoring Applications'' by the Manta Trust non-profit (Manta Trust 2011) was evidence of ''how difficult it is for law enforcement to distinguish between each species gill plates'' and that this is an ''extremely difficult task.'' The commenter further goes on to state that law enforcement will also be unable to use capture locations or depths to help determine the species of manta ray because they inhabit an overlapping range of habitat. The commenter contends that the difficulty in distinguishing between the reef and giant manta ray gill plates is an additional threat to the giant manta ray because fishermen will be able to continue to target the giant manta ray and pass off the gill plates as reef manta rays. Additionally, the commenter contends that listing the reef manta ray will ''substantially facilitate the enforcement and further the policy'' of the ESA because it will allow the giant manta ray population to increase and deter fishermen from catching them due to the higher likelihood that they will be caught by law enforcement. The commenter concludes that the reef manta ray must also be protected under the ESA to avoid misidentification of the manta ray gill plates and to discourage fishermen from disregarding the species of manta ray that they catch.

Response: Section 4 of the ESA (16 U.S.C. 1533(e)) provides that the Secretary may, by regulation of commerce or taking, and to the extent he deems advisable, treat any species as an endangered or threatened species even though it is not listed pursuant to Section 4 of the ESA when the following three conditions are satisfied: (1) Such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to Section 4 of the ESA that enforcement personnel would have substantial difficulty differentiating between the listed and unlisted species; (2) the effect of this substantial difficulty is an additional threat to an endangered or threatened species; and (3) such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the ESA (16 U.S.C. 1533(e)(A)–(C)).

In terms of the similarity of appearance of the gill plates assertion by the commenter, we first note that there are not nine species of manta rays, as stated by one of the commenters, but nine species of mobula rays. Manta rays are currently split into two species. We assume that the commenter was also referring to mobula rays in their statement that ''all nine species of manta rays look almost identical.'' Furthermore, the Manta Trust field identification guide cited by the commenter (Manta Trust 2011) explicitly states that ''[g]ill plates from the two species of manta rays can be visually identified from the other species.'' The guide explains that if the gill plate size is larger than 30 cm, is uniform brown or black in color, and has smooth filament edgings, then it belongs to a manta species (Manta Trust 2011). The guide concludes that ''Manta ray gill plates can easily be distinguished from the traded mobula ray species' gill plates using this simple visual ID Guide. The size, colour patterning, and filament edging of the

gill plates can be used as an effective and easy indicator to determine the species of orgin [sic]'' (Manta Trust 2011). Based on this new information, we do not find that enforcement officials will have difficulty identifying manta ray gill plates from other mobula ray gill plates.

In terms of identifying manta ray gill plates to species level, the information provided by the commenters did not discuss this issue, nor do we have information available in our files that would allow us to conclude that enforcement personnel would have substantial difficulty in attempting to differentiate between the two manta ray species. Additionally, even if these products from the two species closely resemble each other in appearance, we do not find that this resemblance poses an additional threat to the giant manta ray, nor do we find that treating the reef manta ray as an endangered or threatened species will substantially facilitate the enforcement of current ESA prohibitions or further the policy of the ESA, for the reasons explained below.

As described in the proposed rule, the significant operative threats to the giant manta ray are overutilization by foreign commercial and artisanal fisheries in an SPR (*i.e.,* the Indo-Pacific and Eastern Pacific) and inadequate regulatory mechanisms in foreign nations to protect these manta rays from the heavy fishing pressure and related mortality in these waters outside of U.S. jurisdiction. In fact, the take and trade of the species by persons under U.S. jurisdiction were not identified as significant threats to the giant manta ray. As such, we do not find that treating the reef manta ray as a threatened species would substantially further the conservation of the giant manta ray under the ESA.

Regarding the potential take of giant manta rays by U.S. fishermen, which is primarily in the form of bycatch in U.S. fisheries, we do not find that the reef manta ray so closely resembles the giant manta ray in appearance such that enforcement personnel would not be able to differentiate between these two species when caught or landed. In fact, as noted in the status review, many physical characteristics, including coloration, dentition, denticles, spine morphology, and size, can be used to distinguish between the giant manta ray and the reef manta ray. For example, the chevron color variant of *M. birostris* can be distinguished from the chevron *M. alfredi* color type by its dark (black to charcoal grey) mouth coloration, medium to large black spots that occur below its fifth gill slits, and a grey V-shaped colored margin along the posterior edges of its pectoral fins (Marshall et al. 2009). In contrast, the chevron *M. alfredi* has a white to light grey mouth, dark spots that are typically located in the middle of the abdomen, in between the five gill slits, and dark colored bands on the posterior edges of the pectoral fins that only stretch mid-way down to the fin tip (Marshall et al. 2009). Additionally, only *M. birostris* has a caudal thorn and prominent dermal denticles that gives their skin a much rougher appearance than that of *M. alfredi* (Marshall et al. 2009). Based on these distinguishing characteristics, we do not find that enforcement personnel would have substantial difficulty in attempting to differentiate between the giant and reef manta ray species in the bycatch of U.S. fisheries. Furthermore, we note that the reef manta ray does not occur in the Atlantic Ocean, so any manta rays caught by U.S. fisheries in this portion of the giant manta ray range would easily be identified as *M. birostris.*

Regarding trade, the main threat to the giant manta ray is the international mobulid gill plate trade. As stated in the status review and proposed rule, since the 1990s, the gill plate market has significantly expanded, which has increased the demand for manta ray products, particularly in China. These gill plates are used in Asian medicine and are thought to have healing properties. However, as noted in the final status review (Miller and Klimovich 2017) and proposed rule, Indonesia, Sri Lanka, and India presently represent the largest manta ray exporting range state countries, with Chinese gill plate vendors also reporting mobulid gill plates from other regions as well, including Malaysia, China, Taiwan, Vietnam, South Africa, Thailand, Australia, Philippines, Mexico, South America (*e.g.,* Brazil), the Middle East, and the South China Sea (CMS 2014; Hau et al. 2016; O'Malley et al. 2017). We found no information to indicate that the United States has a significant, or even any, presence in the international mobulid gill plate trade.

Additionally, and as explained in the *Protective Regulations Under Section 4(d) of the ESA* section below, because we find that the United States is not a significant contributor to the threats facing the giant manta ray, we have determined that protective regulations pursuant to section 4(d) are not currently necessary and advisable for the conservation of the species. Therefore, even if there may be some degree of difficulty in differentiating reef manta rays and giant manta rays, or their gill plates, we do not find that U.S. enforcement personnel will be faced with this task to the extent that necessitates treating the reef manta ray as a listed species to further the conservation of the giant manta ray under the ESA. Ultimately, given the threats to the species as discussed in the final status review (Miller and Klimovich 2017) and proposed rule, any conservation actions for giant manta ray that would bring it to the point that the measures of the ESA are no longer necessary will need to be implemented by foreign nations.

For the reasons above, we do not find it advisable to further regulate the commerce or taking of the reef manta ray by treating it as a threatened species based on similarity of appearance to the giant manta ray.

Comments on Establishing Protective Regulations Under Section 4(d) of the ESA

Comment 16: Two commenters requested that we consider not issuing protective regulations pursuant to section 4(d) of the ESA as U.S. fisheries are not contributing significantly to the primary threat of overutilization of the giant manta ray. One of the commenters noted that there are no directed fisheries for giant manta rays in the U.S. Western Pacific Region, and incidental catches are rare. Additionally, the commenter pointed out that we considered the impact on the giant manta ray from the Hawaii-based longline and American Samoa longline fisheries to be minimal. Similarly, the other commenter asserted that the Hawaii-based commercial longline fisheries pose no risk to the giant manta ray and, therefore, application of the take prohibition to these fisheries is not necessary or advisable for the conservation of the species. Another commenter urged NMFS to consider exempting a very small number of giant manta rays for collection for public aquarium display.

In contrast, one commenter urged NMFS to promulgate a section 4(d) rule to make it unlawful to take a giant manta ray, especially for its gill plate. Additionally, the commenter stated that the rule should prohibit the trade or sale of manta ray gill plates in the United States and also include habitat protection to ensure ecosystems that giant manta rays depend on remain intact. Similarly, another commenter formally petitioned NMFS under the Administrative Procedure Act (APA), 5 U.S.C. 553(e), to extend the ESA section 9(a) prohibitions to giant manta rays.

Response: Under the ESA, if a species is listed as endangered, the ESA section 9 prohibitions automatically apply and any ''take'' of, or trade in, the species is illegal, subject to certain exceptions. In

the case of a species listed as threatened, section 4(d) of the ESA gives the Secretary discretion to implement protective measures the Secretary deems necessary and advisable for the conservation of species. Therefore, for any species listed as threatened, we can impose any or all of the section 9 prohibitions if we determine such measures are necessary and advisable for the conservation of the species.

However, after a review of the threats and needs of the giant manta ray, we have determined that protective regulations pursuant to section 4(d) are not currently necessary and advisable for the conservation of the species. The basis for this determination is provided in detail in the *Protective Regulations Under Section 4(d) of the ESA* section below; please see that section for more information.

Comments on Designating of Critical Habitat

Comment 17: Two commenters stated that NMFS should designate critical habitat in U.S. waters concurrently with the final listing. One commenter states that these areas should include aggregation sites along the west coast of the United States and the Pacific Trust Territories (the Marianas, the Carolines, and the Marshalls Island groups), the east coast of the United States, the coasts of Hawaii, and anywhere else the species lives in U.S. waters. The commenter notes that there are at least two known aggregation sites that should be designated with the final listing: The area within and surrounding the Flower Garden Banks National Marine Sanctuary, and a site off the coast of St. Augustine, Florida. Similarly, the other commenter also mentions that giant manta rays often use the Flower Gardens Banks National Marine Sanctuary and may also aggregate off the east coast of South Florida.

Response: Section 4(a)(3)(a) of the ESA (16 U.S.C. 1533(a)(3)(A)) requires that, to the extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. However, if critical habitat of such species is not then determinable, the Secretary may extend the time period for designation by one additional year (16 U.S.C. 1533(b)(6)(C)(ii); 50 CFR 424.17(b)).

Critical habitat is defined in section 3 of the ESA (16 U.S.C. 1532(3)) as: (1) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the ESA, on which are found those physical or biological features (a) essential to the conservation of the species and (b) that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination that such areas are essential for the conservation of the species.

In the proposed rule to list the giant manta ray (82 FR 3694; January 12, 2017), we requested information describing the quality and extent of habitats for the giant manta ray, as well as information on areas that may qualify as critical habitat for the species in U.S. waters. We stated that specific areas that include the physical and biological features essential to the conservation of the species, where such features may require special management considerations or protection, should be identified. While the commenters provided the general locations of known giant manta ray aggregation areas within the U.S. Gulf of Mexico, and a potential aggregation area off the U.S. east coast, the commenters did not provide, nor do we have, any information on the physical or biological features of these sites that might make these aggregation areas essential to the conservation of the species. Additionally, the commenters provided no information on specific areas that may meet the definition of critical habitat within the other locations that they listed. We also note that critical habitat shall not be designated in foreign countries or other areas outside U.S. jurisdiction (50 CFR 424.12(g)); and, therefore, we cannot designate critical habitat in the waters of the commenter's requested Pacific Trust Territories, specifically the Republic of the Marshall Islands, Federated States of Micronesia, or the Republic of Palau.

We received no other information regarding critical habitat from public comments. After reviewing the comments provided and the best available scientific information, we conclude that critical habitat is not determinable at this time because data sufficient to perform the required analyses are lacking. Specifically, we find that sufficient information is not currently available to: (1) Identify the physical and biological features essential to conservation of the species at an appropriate level of specificity, particularly given the uncertainty surrounding the species' life history characteristics (*e.g.,* pupping and nursery grounds remain unknown) and migratory movements, (2) determine the specific geographical areas that contain the physical and biological features essential to conservation of the species, particularly given the global range of the species, and (3) assess the impacts of the designation. (See also the *Critical Habitat* section for additional information.) However, public input on features and areas in U.S. waters that may meet the definition of critical habitat for the giant manta ray is invited. Additional details about specific types of information sought are provided in the *Information Solicited* section later in this document. Input may be sent to the Office of Protected Resources in Silver Spring, Maryland (see **ADDRESSES**). Information received will be considered in evaluating potential critical habitat for this species.

Comments on Development of a Recovery Plan

Comment 18: One commenter noted that NMFS should develop a comprehensive recovery plan following the ESA listing of the giant manta ray.

Response: Once a species is listed as threatened or endangered, section 4(f) of the ESA generally requires that we develop and implement recovery plans that must, to the maximum extent practicable, identify objective, measurable criteria which, when met, would result in a determination that the species may be removed from the list. Development of a recovery plan will be considered through a separate effort subsequent to this rulemaking.

Comments on the ''Not Warranted'' Final Determination for the Reef Manta Ray

The **Federal Register** document announcing the 12-month finding on the petition to list giant and reef manta rays under the ESA (82 FR 3694; January 12, 2017) solicited public comments only on the proposal to list the giant manta ray as a threatened species. However, we also received a few comments from one commenter concerning the final 12-month ''not warranted'' determination for the reef manta ray. Although that determination is a final agency action and thus not subject to public comment or an obligation to respond to such comment, we nevertheless reviewed the comments on the 12-month ''not warranted'' determination and take this opportunity to provide responses for additional clarity below.

Comment 19: The commenter stated that the SPR analysis was inadequate, and that NMFS did not identify any portion of the range as biologically significant to determine whether the reef manta ray may be in danger of extinction in that portion now or in the foreseeable future. Thus, the commenter asserts that NMFS relied on an inadequate SPR analysis to conclude that the risk of extinction is low throughout the species' entire range.

Response: We disagree with the commenter regarding the adequacy of the SPR analysis. As discussed above, the SPR Policy explains that, after identifying any portions that warrant further consideration, depending on the particular facts of the situation, NMFS may find it is more efficient to address the question of whether any identified portions are ''significant'' first, but in other cases it will make more sense to examine the status of the species in the identified portions first. In the case of the reef manta ray, we chose to look at the second issue first; that is, we first considered whether the species is in danger of extinction, or likely to become so in the foreseeable future, in any particular portion of its range. We found that in waters off Mozambique and the Philippines, *M. alfredi* has suffered declines from targeted fishing, with this overutilization likely causing the members in this portion to experience a higher risk of extinction relative to the species overall. Additionally, we identified waters off Indonesia, Papua New Guinea, and Kiribati as portions of the species range where the species is likely at higher risk of extinction relative to the species overall, due to concentrated threats. Having concluded the species is likely at higher risk than the overall species in these portions (but without reaching the point of definitively concluding that the species is threatened or endangered there for the time being), we moved on to the second part of the SPR analysis, which requires us to determine whether any of these portions meet the SPR Policy's test of ''significant.'' Again, as stated in the proposed rule, we found that the hypothetical loss of the members of the species within any or all of these portions would not put the entire species in danger of extinction throughout all of its range now or in the foreseeable future. This is because the remaining populations, which include some of the largest identified *M. alfredi* populations, benefit from national protections that prevent overutilization of the species and are not showing evidence of decline. Because we did not have any evidence to establish that the loss of animals in any or all of the at-risk portions would place the entire species in danger of extinction now or in the foreseeable future, there was no basis to conclude any of the potentially at-risk portions were ''significant.'' Because the ''significance'' prong of the analysis was not met, it was unnecessary to continue to evaluate whether the species may be threatened or endangered in those portions. We also note that the commenter did not provide any new information regarding these portions or their significance under the SPR Policy. As such, we find that our SPR analysis was adequate.

Comment 20: The commenter stated that we did not analyze any potential DPSs for reef manta rays and suggests that the reef manta ray population in the Indo-Pacific may comprise a potential SPR and DPS.

Response: The commenter did not provide any species-specific information to indicate that potential DPSs of reef manta rays exist, nor do we have any such information. We are not required to consider listing DPSs of a species unless we are petitioned to evaluate a specific population or populations for listing as a DPS(s), and the petitioner has provided substantial information that the population(s) may be warranted for listing as DPS(s). Furthermore, as stated in the DPS Policy, Congress instructed the Services that listing of DPSs is to be done sparingly and only when the biological evidence supports such a listing (61 FR 4722; February 7, 1996). In the status review, we state that additional studies (including genetic sampling) are needed to better understand the population structure of the species throughout its range (particularly given the uncertainties in the species' range, habitat use, and life history characteristics), indicating a lack of available data that may provide insight into the ''discreteness'' or ''significance'' of populations under the DPS Policy.

We also note that the commenter did not provide any species-specific information to support the suggestion that the reef manta ray population in the Indo-Pacific may comprise a potential SPR and DPS. Under the SPR Policy, if a species is found to be endangered or threatened throughout a significant portion of its range, and the population(s) in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies. However, because we did not identify any SPRs for reef manta rays, there was no basis for evaluating whether any SPRs were DPSs.

Comment 21: The commenter asserted that if we list the giant manta ray under the ESA, then we must also propose to ''list'' the reef manta ray pursuant to the ESA's similarity of appearance provision. The commenter stated that they are petitioning NMFS to reconsider listing the reef manta ray under the ESA under the APA, 5 U.S.C. 553(e).

Response: The similarity of appearance provision of the ESA allows the Secretary to treat non-listed species as if they were listed species, if certain conditions are met and to the extent the Secretary determines it is advisable to do so. We disagree with the commenter's request to apply this provision to the reef manta ray and address this issue more fully in our response to *Comment 15.* With regard to reconsidering the listing of the reef manta ray under the APA, we do not find the requested action to be warranted at this time. In making our 12-month finding that the reef manta ray does not warrant listing, we considered the best available information on the species' biology, ecology, life history, threats, and demographic risks to determine the species' overall risk of extinction. The commenter did not provide any new information to consider in support of their request, and, as such, our conclusion remains the same. We would also like to note that petitions for listing species under the ESA (including reconsiderations) must follow the implementing regulations issued jointly by the Services at 50 CFR 424.14.

Summary of Changes From the Proposed Listing Rule

We did not receive, nor did we find, data or references that presented substantial new information that would cause us to change our proposed listing determination. We did, however, make several revisions to the final status review report (Miller and Klimovich 2017) to incorporate, as appropriate, relevant information received in response to our request for public comments and information we collected after publication of the proposed rule.

Specifically, we updated the status review to include new information regarding: The seasonal occurrence of manta rays off the northern Yucatan peninsula (Hacohen-Domené et al. 2017), the diet and trophic levels of the two manta ray species (Couturier et al. 2013; Burgess et al. 2016; Rohner et al. 2017a; Stewart et al. 2017), life history parameters for *M. birostris* (Nair et al. 2015; Rohner et al. 2017a), personal observations (F. Young, pers. comm. 2017) and estimates of manta rays off the east coast of Florida (Kendall 2010), time-series analysis of manta ray sightings off Mozambique (Rohner et al. 2017b), gill plate market prices and trends (Hau et al. 2016; O'Malley et al. 2017), landings of mobula rays in India (Nair et al. 2015; Zacharia et al. 2017), landings of manta rays off New Zealand (Jones and Francis 2017), landings of manta rays off Peru (Alfaro-Cordova et al. 2017), bycatch (NMFS 2016) and CPUE (Western Pacific Regional Fisheries Management Council pers. comm. 2017, citing NMFS Pacific Islands Observer Program unpublished

data) of manta rays in U.S. fisheries, longline effort in the Pacific (Williams and Terawasi 2016), manta ray catch and bycatch data in the eastern Pacific (Hall and Roman 2013; IATTC 2016), and PSA results for giant manta rays in the eastern Pacific Ocean (Duffy and Griffiths 2017). As noted above, with more detailed discussion in many of the previous comment responses, consideration of this new information did not alter any conclusions (and in some cases further supported our conclusions) regarding the threat assessment or extinction risk analysis for either manta ray species. Thus, the conclusions contained in the status review and determinations based on those conclusions in the proposed rule are reaffirmed in this final action.

Species Determination

We are aware that a recent taxonomic study has suggested that *Manta birostris* and *Manta alfredi* may actually be closely related to the Chilean devil ray (*Mobula tarapacana*), with genetic analyses that demonstrate support for nesting these species under the genus *Mobula* rather than *Manta* (White et al. 2017). However, we note that the study still recognized both manta rays as distinct species (but referred to them as *Mobula birostris* and *Mobula alfredi*). Until the genus name change is formally accepted by the scientific community, we continue to recognize *Manta birostris* as a species under the genus *Manta.* As such, we consider *Manta birostris* to be a taxonomically-distinct species that meets the definition of ''species'' pursuant to section 3 of the ESA and is eligible for listing under the ESA.

Summary of ESA Section 4(a)(1) Factors Affecting the Giant Manta Ray

As stated previously and as discussed in the proposed rule (82 FR 3694; January 12, 2017), we considered whether any one or a combination of the five threat factors specified in section 4(a)(1) of the ESA are contributing to the extinction risk of the giant manta ray and result in the species meeting the definition of ''endangered species'' or ''threatened species.'' The comments that we received on the proposed rule, as well as new information we collected since publication of the proposed rule, provided information that was either already considered in our analysis, was not substantial or relevant, or was consistent with or reinforced information in the status review and proposed rule, and thus, did not change our conclusions regarding any of the section 4(a)(1) factors or their interactions. Therefore, all of the information, discussion, and conclusions regarding the factors affecting the giant manta ray contained in the final status review report (Miller and Klimovich 2017) and the proposed rule is reaffirmed in this final action.

Extinction Risk

As discussed previously, the status review evaluated the demographic risks to the giant manta ray according to four categories—abundance and trends, population growth/productivity, spatial structure/connectivity, and genetic diversity. As a concluding step, after considering all of the available information regarding demographic and other threats to the species, we rated the species' extinction risk according to a qualitative scale (high, moderate, and low risk). The information received from public comments on the proposed rule, as well as new information we collected since publication of the proposed rule, was either already considered in our analysis, was not substantial or relevant, or was consistent with or reinforced information in the status review report and proposed rule, and thus, did not affect our extinction risk evaluation for the giant manta ray. Our conclusion regarding the extinction risk for the giant manta ray remains the same. Therefore, all of the information, discussion, and conclusions on the extinction risk of the giant manta ray contained in the final status review report and the proposed rule is reaffirmed in this final action.

Protective Efforts

In addition to regulatory mechanisms (considered under ESA section 4(a)(1)(D)), we considered other efforts being made to protect giant manta rays (pursuant to ESA section 4(b)(1)(A)). We considered whether such protective efforts sufficiently ameliorated the identified threats to the point that they would alter the conclusions of the extinction risk analysis for the species. None of the information we received on the proposed rule affected our conclusions regarding conservation efforts to protect the giant manta ray. Thus, all of the information, discussion, and conclusions on the protective efforts for the giant manta ray contained in the final status review report and proposed rule are reaffirmed in this final action.

Final Determination

We have reviewed the best available scientific and commercial information, including the petition, the information in the final status review report (Miller and Klimovich 2017), the comments of peer reviewers, public comments, and information that has become available since the publication of the proposed rule (82 FR 3694; January 12, 2017). None of the information received since publication of the proposed rule altered our analyses or conclusions that led to our determination for the giant manta ray. Therefore, the determination in the proposed rule is reaffirmed in this final rule and stated below.

Based on the best available scientific and commercial information, and after considering efforts being made to protect *M. birostris,* we find that the giant manta ray is not currently endangered or threatened throughout its range. However, the giant manta ray is likely to become an endangered species within the foreseeable future throughout a significant portion of its range (the Indo-Pacific and eastern Pacific portion). This portion satisfies the test for ''significance'' from the SPR Policy because, without the members in that portion, the species would be likely to become in danger of extinction in the foreseeable future throughout all of its range. For the reasons discussed in the proposed rule, we do not find that this significant portion meets the criteria of a DPS. Therefore, we have determined that the giant manta ray meets the definition of a threatened species and, per the SPR Policy, list it is as such throughout its range under the ESA.

Effects of Listing

Conservation measures provided for species listed as endangered or threatened under the ESA include recovery actions (16 U.S.C. 1533(f)); Federal agency requirements to consult with NMFS under section 7 of the ESA to ensure their actions are not likely to jeopardize the species or result in adverse modification or destruction of critical habitat should it be designated (16 U.S.C. 1536); designation of critical habitat, if prudent and determinable (16 U.S.C. 1533(a)(3)(A)); and prohibitions on taking and certain other activities (16 U.S.C. 1538, 1533(d)). In addition, recognition of the species' imperiled status through listing promotes conservation actions by Federal and State agencies, foreign entities, private groups, and individuals.

Identifying Section 7 Conference and Consultation Requirements

Section 7(a)(2) (16 U.S.C. 1536(a)(2)) of the ESA and NMFS/USFWS regulations (50 CFR part 402) require Federal agencies to consult with us to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species or destroy or adversely

modify critical habitat. Our section 7 regulations require the responsible Federal agency to initiate formal consultation if a Federal action may affect a listed species or its critical habitat (50 CFR 402.14(a)). Examples of Federal actions that may affect the giant manta ray include: Fishery harvest and management practices, military activities, alternative energy projects, dredging in known giant manta ray aggregation sites (*e.g.,* observed feeding and cleaning sites), point and non-point source discharge of persistent contaminants in known giant manta ray aggregation sites, toxic waste and other pollutant disposal in known giant manta ray aggregation sites, and shoreline development in known giant manta ray aggregation sites.

Critical Habitat

Critical habitat is defined in section 3 of the ESA (16 U.S.C. 1532(5)) as: (1) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the ESA, on which are found those physical or biological features (a) essential to the conservation of the species and (b) that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the ESA is no longer necessary. 16 U.S.C. 1532(3). Section 4(a)(3)(A) of the ESA (16 U.S.C. 1533(a)(3)(A)) requires that, to the maximum extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. Designations of critical habitat must be based on the best scientific data available and must take into consideration the economic, national security, and other relevant impacts of specifying any particular area as critical habitat.

At this time, we find that critical habitat for the giant manta ray is not determinable because data sufficient to perform the required analyses are lacking. Specifically, we find that sufficient information is not currently available to: (1) Identify the physical and biological features essential to conservation of the species at an appropriate level of specificity, particularly given the uncertainty regarding habitats required to support its life history (*e.g.,* pupping and nursery grounds remain unknown) and migratory movements, (2) determine the specific geographical areas that contain the physical and biological features essential to conservation of the species, particularly given the global range of the species, and (3) assess the impacts of the designation. Therefore, public input on features and areas in U.S. waters that may meet the definition of critical habitat for the giant manta ray is invited. Additional details about specific types of information sought are provided in the *Information Solicited* section later in this document. Input may be sent to the Office of Protected Resources in Silver Spring, Maryland (see **ADDRESSES**). Please note that we are not required to respond to any input provided on this matter.

Protective Regulations Under Section 4(d) of the ESA

We are listing the giant manta ray (*Manta birostris*) as a threatened species. In the case of threatened species, ESA section 4(d) gives the Secretary discretion to determine whether, and to what extent, to extend the prohibitions of section 9(a)(1) of the ESA (16 U.S.C. 1538(a)(1)) to the species, and authorizes us to issue regulations necessary and advisable for the conservation of the species. We have evaluated the needs of and threats to the giant manta ray and have determined that protective regulations pursuant to section 4(d) are not currently necessary and advisable for the conservation of the species.

As described in the proposed rule, the significant operative threats to the giant manta ray are overutilization by foreign commercial and artisanal fisheries in a significant portion of its range (*i.e.,* the Indo-Pacific and eastern Pacific) and inadequate regulatory mechanisms in foreign nations to protect these manta rays from the heavy fishing pressure and related mortality in these waters outside of U.S. jurisdiction. The take and trade of the species by persons under U.S. jurisdiction were not identified as significant threats to the giant manta ray.

Regarding potential take, as stated in the proposed rule, giant manta rays may be caught as bycatch in U.S. fisheries; however, given the rarity of the species in the U.S. bycatch data, current levels were found to be negligible and determined to only have a minimal impact on the status of the giant manta ray. Furthermore, in many portions of the species' range, and particularly in the SPR, current U.S. fishery regulations as well as U.S. state and territory regulations prohibit the retention of manta rays by persons under U.S. jurisdiction. For example, in the eastern Pacific Ocean, U.S. commercial fishing vessels are prohibited from retaining on board, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of a mobulid ray caught by vessel owners or operators in the IATTC Convention Area (81 FR 50401, August 1, 2016). The state of Hawaii prohibits any person from knowingly capturing or killing a manta ray within state marine waters (HI Rev Stat 188–39.5 (2016)), and in Florida, it is illegal to harvest, possess, land, purchase, sell, or exchange any or any part of species of the genus *Manta* and *Mobula* in state waters (FL Admin Code 68B–44.008). In Guam, it is unlawful for any person to possess, sell, offer for sale, take, purchase, barter, transport, export, import, trade or distribute ray parts (including manta rays), unless for subsistence, traditional, or cultural sharing purposes (Article 1, Chapter 63 of Title 5, Guam Code Annotated, Sec. 63114.2), and in the Commonwealth of the Northern Mariana Islands, it is illegal to feed, take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, any ray (including manta rays), alive or dead, or any part thereof (Pub. L. 15–124). Additionally, as noted in the final status review report (Miller and Klimovich 2017), established Marine Protected Areas (MPAs) that limit or prohibit fishing also exist that cover areas with observed giant manta ray presence, including off Guam (Tumon Bay Marine Preserve), within the Gulf of Mexico (Flower Garden Banks National Marine Sanctuary), and in the Central Pacific Ocean (Pacific Remote Islands Marine National Monument).

Overall, current management measures that are in place for fishermen under U.S. jurisdiction appear to directly and indirectly contribute to the infrequency of interactions between U.S. fishing activities and the threatened giant manta ray. As such, we do not believe these activities are contributing significantly to the identified threats of overutilization and inadequate regulatory measures. We, therefore, do not find that developing regulations under section 4(d) to prohibit some or all of these activities is necessary and advisable (considering the U.S. interaction with the species is negligible and its moderate risk of extinction is primarily a result of threats from foreign fishing activities).

Additionally, as mentioned in the status review and proposed rule, manta rays were included on Appendix II of CITES at the 16 Conference of the CITES Parties in March 2013, with the listing going into effect on September 14, 2014. Export of manta rays and manta ray products, such as gill plates, require

CITES permits that ensure the products were legally acquired and that the Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species (after taking into account factors such as its population status and trends, distribution, harvest, and other biological and ecological elements). Although this CITES protection was not considered to be an action that decreased the current listing status of the threatened giant manta ray (due to its uncertain effects at reducing the threats of foreign domestic overutilization and inadequate regulations, and unknown post-release mortality rates from bycatch in industrial fisheries), it may help address the threat of foreign overutilization for the gill plate trade by ensuring that international trade of this threatened species is sustainable. Regardless, because the United States does not have a significant (or potentially any) presence in the international gill plate trade, we have concluded that any restrictions on U.S. trade of the giant manta ray that are in addition to the CITES requirements are not necessary and advisable for the conservation of the species.

Therefore, because we find that the United States is not a significant contributor to the threats facing the giant manta ray, we have determined that protective regulations pursuant to section 4(d) under the ESA are not currently necessary and advisable for the conservation of the species. Any conservation actions for the giant manta ray that would bring it to the point that the measures of the ESA are no longer necessary will ultimately need to be implemented by foreign nations.

Information Solicited

We request interested persons to submit relevant information related to the identification of critical habitat of the giant manta ray, including specific areas within the geographical area occupied by the species that include the physical and biological features essential to the conservation of the species and where such features may require special management considerations or protection. Areas outside the occupied geographical area should also be identified if such areas themselves are essential to the conservation of the species. ESA implementing regulations at 50 CFR 424.12(g) specify that critical habitat shall not be designated within foreign countries or in other areas outside of U.S. jurisdiction. Therefore, we request information only on potential areas of critical habitat within waters under U.S. jurisdiction.

Section 4(b)(2) of the ESA requires the Secretary to consider the ''economic impact, impact on national security, and any other relevant impact'' of designating a particular area as critical habitat. Section 4(b)(2) also gives the Secretary discretion to consider excluding from a critical habitat designation any particular area where the Secretary finds that the benefits of exclusion outweigh the benefits of including the area in the designation, unless excluding that area will result in extinction of the species. For features and areas potentially qualifying as critical habitat, we also request information describing: (1) Activities or other threats to the essential features or activities that could be affected by designating them as critical habitat; and (2) the positive and negative economic, national security and other relevant impacts, including benefits to the recovery of the species, likely to result if these areas are designated as critical habitat. We seek information regarding the conservation benefits of designating areas within waters under U.S. jurisdiction as critical habitat. In keeping with the guidance provided by the Office of Management and Budget (2000; 2003), we seek information that would allow the monetization of these effects to the extent possible, as well as information on qualitative impacts to economic values.

Information reviewed may include, but is not limited to: (1) Scientific or commercial publications; (2) administrative reports, maps or other graphic materials; (3) information received from experts; and (4) comments from interested parties. Comments and data are particularly sought concerning: (1) Maps and specific information describing the amount, distribution, and use type (*e.g.,* foraging or migration) of giant manta ray habitats, as well as any additional information on occupied and unoccupied habitat areas; (2) the reasons why any habitat should or should not be determined to be critical habitat as provided by sections 3(5)(A) and 4(b)(2) of the ESA; (3) information regarding the benefits of designating particular areas as critical habitat; (4) current or planned activities in the areas that might be proposed for designation and their possible impacts; (5) any foreseeable economic or other potential impacts resulting from designation, and in particular, any impacts on small entities; (6) whether specific unoccupied areas may be essential to provide additional habitat areas for the conservation of the species; and (7) potential peer reviewers for a proposed critical habitat designation, including persons with biological and economic expertise relevant to the species, region, and designation of critical habitat. We solicit information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party (see **ADDRESSES**).

References

A complete list of references used in this final rule is available upon request (see **ADDRESSES**).

Classification

National Environmental Policy Act

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus,* 657 F. 2d 829 (6th Cir. 1981), NMFS has concluded that ESA listing actions are not subject to the environmental assessment requirements of the National Environmental Policy Act (NEPA).

Executive Order 12866, Regulatory Flexibility Act, and Paperwork Reduction Act

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this final rule is exempt from review under Executive Order 12866. This final rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This rule is not an E.O. 13771 regulatory action because this rule is exempt from review under E.O. 12866.

Executive Order 13132, Federalism

In accordance with E.O. 13132, we determined that this final rule does not have significant Federalism effects and that a Federalism assessment is not required.

List of Subjects in 50 CFR Part 223

Endangered and threatened species.

Dated: January 17, 2018.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 223 is to be amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102, amend the table in paragraph (e) by adding an entry for ''Ray, giant manta'' in alphabetical order under the ''Fishes'' subheading to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *

(e) * * *

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
*	*	*	*	*	*
Fishes					
*	*	*	*	*	*
Ray, giant manta	*Manta birostris*	Entire species	83 FR [Insert **Federal Register** page where the document begins], 1/22/18.	NA	NA
*	*	*	*	*	*

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

* * * * *

[FR Doc. 2018–01031 Filed 1–19–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120919470–3513–02]

RIN 0648–XF955

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Closure of the Penaeid Shrimp Fishery Off South Carolina

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the exclusive economic zone (EEZ) off South Carolina in the South Atlantic to trawling for penaeid shrimp, *i.e.,* brown, pink, and white shrimp. This closure is necessary to protect the spawning stock of white shrimp that has been subject to unusually cold weather conditions where state water temperatures have been 9 °C (48 °F), or less, for at least 7 consecutive days.

DATES: The closure is effective January 17, 2018, until the effective date of a notification of opening which NOAA will publish in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Frank Helies, 727–824–5305; email: *Frank.Helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The penaeid shrimp fishery of the South Atlantic is managed under the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Amendment 9 to the FMP revised the criteria and procedures by which a South Atlantic state may request a concurrent closure of the EEZ to the harvest of penaeid shrimp when state waters close as a result of severe winter weather (78 FR 35571, June 13, 2013). Under 50 CFR 622.206(a), NMFS may close the EEZ adjacent to South Atlantic states that have closed their waters to the harvest of brown, pink, and white shrimp to protect the white shrimp spawning stock that has been severely depleted by cold weather or when applicable state water temperatures are 9 °C (48 °F), or less, for at least 7 consecutive days. Consistent with those procedures and criteria, the state of South Carolina has determined that unusually cold temperatures have occurred and that state water temperatures have been 9 °C (48 °F), or less, for at least 7 consecutive days and that these cold weather conditions pose a risk to the condition and vulnerability of overwintering white shrimp populations in its state waters. South Carolina closed its waters on January 10, 2018, to the harvest of brown, pink, and white shrimp, and has requested that NMFS implement a concurrent closure of the EEZ off South Carolina. In accordance with the procedures described in the FMP, the state of South Carolina submitted a letter to the NMFS Regional Administrator (RA) on January 10, 2018, requesting that NMFS close the EEZ adjacent to South Carolina to penaeid shrimp harvest as a result of severe cold weather conditions.

NMFS has determined that the recommended Federal closure conforms with the procedures and criteria specified in the FMP and the Magnuson-Stevens Act, and, therefore, implements the Federal closure effective 12:01 a.m., local time, January 17, 2018. The closure will be effective until the ending date of the closure in South Carolina state waters, but may be ended earlier based on a request from the state. NMFS will terminate the closure of the EEZ by filing a notification to that effect with the Office of the Federal Register.

During the closure, as specified in 50 CFR 622.206(a)(2), no person may: (1) Trawl for brown, pink, or white shrimp in the EEZ off South Carolina; (2) possess on board a fishing vessel brown, pink, or white shrimp in or from the EEZ off South Carolina unless the vessel is in transit through the area and all nets with a mesh size of less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, are stowed below deck; or (3) for a vessel trawling within 25 nautical

miles of the baseline from which the territorial sea is measured, use or have on board a trawl net with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut.

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of the spawning stock of white shrimp off South Carolina and is consistent with the FMP, the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.206(a) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the EEZ off South Carolina to trawling for penaeid shrimp constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure.

Providing prior notice and opportunity for public comment also is contrary to the public interest because of the need to immediately implement this action to protect the spawning stock of white shrimp off South Carolina. Prior notice and opportunity for public comment would require time and would potentially further harm the spawning stock that has been impacted due to cold weather.

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

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

Dated: January 17, 2018.

Alan D. Risenhoover,

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

[FR Doc. 2018–01033 Filed 1–17–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF948

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from vessels using jig gear to catcher vessels less than 60 feet (18.3 meters) length overall using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the A season apportionment of the 2018 total allowable catch of Pacific cod to be harvested.

DATES: Effective January 17, 2018, through 2400 hours, Alaska local time (A.l.t.), December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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

The A season apportionment of the 2018 Pacific cod total allowable catch (TAC) specified for vessels using jig gear in the BSAI is 1,529 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and inseason adjustment (82 FR 60329, December 20, 2017).

The 2018 Pacific cod TAC allocated to catcher vessels less than 60 feet (18.3 meters(m)) length overall (LOA) using hook-and-line or pot gear in the BSAI is 3,627 mt as established by final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and inseason adjustment (82 FR 60329, December 20, 2017.

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that jig vessels will not be able to harvest 1,400 mt of the A season apportionment of the 2018 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*1*). Therefore, in accordance with § 679.20(a)(7)(iv)(C), NMFS apportions 1,400 mt of Pacific cod from the A season jig gear apportionment to the annual amount specified for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

The harvest specifications for Pacific cod included in final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and inseason adjustment (82 FR 60329, December 20, 2017) are revised as follows: 129 mt to the A season apportionment and 1,149 mt to the annual amount for vessels using jig gear, and 5,027 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod specified from jig vessels to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. Since the fishery is currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 11, 2018.

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

prior notice and opportunity for public comment.

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

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

Dated: January 17, 2018.

Alan D. Risenhoover,

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

[FR Doc. 2018–01041 Filed 1–17–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 14
Monday, January 22, 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.

FEDERAL TRADE COMMISSION

16 CFR Part 460

[RIN 3084–AB40]

Labeling and Advertising of Home Insulation: Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Trade Commission (''Commission'') seeks comments on proposed amendments to its Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation (''R-value Rule'' or ''Rule''). This document provides background on the R-value Rule and this proceeding; and discusses public comments received by the Commission and solicits further comments on the proposed amendments to clarify, streamline, and improve the Rule's requirements.

DATES: Written comments must be received on or before March 23, 2018. Parties interested in an opportunity to present views orally, should submit a request to do so as explained below, and such requests must be received on or before March 23, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''R-value Rule (No. R811001)'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/R-value,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, (202) 326–2889, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission promulgated the R-value Rule in 1979 to address the failure of the home insulation marketplace to provide essential pre-purchase information to consumers, primarily an insulation product's ''R-value.'' [1] An insulation product's ''R-value'' rates the product's ability to restrict heat flow and, therefore, reduce energy costs. The higher the R-value, the better the product's insulating ability. R-value ratings vary among types and forms of home insulations and even among products of the same type and form.

For insulation marketed for use in residential structures, the Rule requires R-value disclosures, directs manufacturers to substantiate the claims made in these disclosures, and prohibits certain claims unless they are true and non-misleading. Specifically, the Rule requires insulation sellers to disclose the insulation product's R-value and related information based on uniform, industry-adopted test procedures.[2] This information enables consumers to evaluate the performance and cost-effectiveness of competing products.

A. Products Covered

The R-value Rule covers all ''home insulation products.'' Under the Rule, the term ''insulation'' includes any product ''mainly used to slow down heat flow'' from, for example, a heated interior through exterior walls to the outside.[3] The Rule covers most types of insulation marketed for use in residential structures.[4] It does not cover insulation marketed for use in commercial (including industrial) buildings. In addition, it generally does not apply to non-insulation products with insulating characteristics, such as storm windows or storm doors.

Home insulation falls into two basic categories: ''mass'' and ''reflective.'' Mass insulations reduce heat transfer by conduction (through the insulation's mass), convection (air movement within, and through, the air spaces inside the insulation), and radiation. Reflective insulations (primarily aluminum foils) reduce heat transfer by radiation, when the insulation is installed facing an airspace. Within these basic categories, home insulation is made from various materials (*e.g.,* fiberglass, cellulose, polyurethane, aluminum foil) and forms (*e.g.,* batt, dry-applied loose-fill, spray-applied, board stock, multi-sheet reflective).

B. Covered Parties

The Rule applies to home insulation manufacturers, professional installers, retailers who sell insulation for do-it-yourself installation, and new home sellers, including sellers of manufactured housing (''covered entities''). It also applies to laboratories that conduct R-value tests for those who base their R-value claims on these test results.

C. The Rule's Basis

The Commission first issued the R-value Rule in response to a variety of unfair or deceptive acts or practices in the insulation industry. Specifically, the Commission found that many sellers: (1) Failed to disclose R-values, impeding informed purchasing decisions and misleading consumers who based their purchases on price or thickness alone; (2) exaggerated R-value disclosures and often failed to account for material factors (*e.g.,* aging, settling) that reduce thermal performance; (3) failed to inform consumers about an R-value's meaning and importance; (4) exaggerated fuel bill savings and failed

[1] The Commission promulgated the R-value Rule pursuant to section 18 of the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 57a. The Rule became effective on September 30, 1980. *See* 44 FR 50218 (Aug. 27, 1979).

[2] Additional Commission rules or guides may also apply to home insulation sellers. See, *e.g.,* 16 CFR parts 701 and 702 (warranty-related rules), and 16 CFR part 260 (Guides for the Use of Environmental Marketing Claims). Further, Section 5 declares that unfair or deceptive acts or practices are unlawful, and requires that advertisers and other sellers have a reasonable basis for advertising and other promotional claims before they are disseminated. *See Deception Policy Statement,* appended to *Cliffdale Assoc., Inc.,* 103 FTC 110, 174 (1984); and *FTC Policy Statement on Unfairness,* appended to *International Harvester Co.,* 104 F.T.C. 949 (1984); and *Policy Statement Regarding Advertising Substantiation,* 49 FR 30999 (1984), *reprinted in Thompson Medical Co.,* 104 F.T.C. 839 (1984).

[3] *See* 16 CFR 460.2.

[4] The Rule does not cover pipe insulation or any type of duct insulation except for duct wrap. See 44 FR at 50238, n. 170 (the Commission explained that pipe insulation is used primarily to reduce condensation).

to disclose that savings vary depending on consumers' particular circumstances; or (5) falsely claimed that consumers' insulation purchases would qualify for tax credits, or that products had been ''certified'' or ''favored'' by federal agencies.[5]

D. The Rule's Requirements

The Rule requires covered entities to disclose R-value and related information (*e.g.,* thickness, coverage area per package) on package labels and manufacturers' fact sheets. Covered entities must derive these disclosures from tests conducted according to one of four specified American Society of Testing and Materials (''ASTM'') test procedures that measure thermal performance under ''steady-state'' (*i.e.,* static) conditions.[6] Industry members must conduct tests for mass insulation products on the insulation material alone (excluding any airspace) at a mean temperature of 75 °F. The Rule requires testing for reflective insulation products according to either ASTM C 236 or ASTM C 976, which generate R-values for insulation systems (such as those that include one or more air spaces).[7] The Rule's R-value tests account for factors that can affect insulation's thermal performance. For example, tests for polyurethane, polyisocyanurate, and extruded polystyrene insulation account for aging, and tests for loose-fill insulation products reflect the effect of settling.[8]

The Rule also requires specific disclosures on manufacturer product labels and fact sheets, installer receipts, and new home seller contracts. For example, insulation labels must display the product's R-value and the statement ''R means resistance to heat flow. The higher the R-value, the greater the insulating power.'' [9] The Rule also requires that certain affirmative disclosures appear in advertising and other promotional materials (including those on the internet) containing an R-value, price, thickness, or energy-saving claim, or comparing one type of insulation to another. For example, if an advertisement contains an R-value, it must disclose the type of insulation being sold and the thickness needed to obtain that R-value, as well as the statement: ''The higher the R-value, the greater the insulating power. Ask your seller for the fact sheet on R-values.'' In addition, if an advertisement contains an energy saving claim, it must disclose: ''Savings vary. Find out why in the seller's fact sheet on R-values. Higher R-values mean greater insulating power.''

The Rule also requires manufacturers and other sellers to have a ''reasonable basis'' for any energy-saving claims they make on labels or in advertising.[10] Although the Rule does not specify how they must substantiate such claims, the Commission explained when issuing the Rule that scientifically reliable measurements of fuel use in actual houses, or reliable computer models or methods of heat flow calculations, would meet the reasonable basis standard.[11] Sellers other than manufacturers can rely on the manufacturer's claims unless they know, or should know, that the manufacturer lacks a reasonable basis for their claims.

II. Regulatory Review

The Commission reviews its rules and guides periodically to ascertain their costs and benefits, regulatory and economic impact, and general effectiveness in protecting consumers and helping industry avoid deceptive claims. These reviews assist the Commission in identifying rules and guides that warrant modification or rescission. As part of its last review in 2005, the Commission issued several amendments to update and improve the Rule. For example, the Commission added a temperature differential requirement for testing, updated tests for reflective insulation, and required new initial installed thickness disclosures for loose-fill insulation.[12]

In 2016, the Commission initiated this regulatory review through the publication of an Advance Notice of Proposed Rulemaking (ANPR).[13] In that Notice, the Commission sought comments on, among other things, the economic impact of, and the continuing need for, the Rule; the Rule's benefits to consumers; and the burdens it places on industry members, including small businesses, subject to its requirements. The Commission received 16 comments in response.[14] In the present Notice, the Commission discusses those comments and proposes several related amendments.

Specifically, the Commission proposes to: (1) Clarify that the Rule covers products marketed for residential applications, even if those products are originally developed for the commercial market; (2) require marketers to use the Rule's testing requirements to substantiate any R-value claims for non-insulation products; (3) add information about air sealing and installation to fact sheets; (4) clarify that online retailers must provide labels and fact sheets; (5) eliminate reference to an outdated aging specification; (6) revise the Rule's provisions addressing the incorporation by reference of ASTM test procedures; (7) eliminate a Rule provision that automatically updates ASTM test procedures; and (8) exempt space-constrained advertising from certain affirmative disclosures.[15]

III. Issues Raised by Commenters

A. Need for and Costs and Benefits of the Rule

Background: In the ANPR, the Commission sought comment on the continuing need for the Rule and its benefits and costs to consumers as well as industry members (including small businesses).

Comments: As detailed below, the commenters generally identified a continuing need for the Rule and urged the Commission to retain it. No commenter advocated its repeal. The commenters also described several benefits from the Rule. Finally, though commenters acknowledged that the Rule imposes some costs on industry and recommended several improvements, no commenter argued that these costs outweigh the Rule's benefits.

Most commenters supported retaining the Rule. For example, XPSA stated that the Rule ''protects consumers by setting an even playing field'' for insulation advertising claims. The ACC added that the Rule ''helps protect consumers from misleading advertising claims and promotes fair competition among manufacturers of residential insulation products.'' Others expressed similar views. According to commenter Craig

[5] 44 FR at 50222–24.

[6] The Rule (Section 450.5) incorporates by reference ASTM test procedures, which ASTM reviews and revises periodically. For mass insulations, the required tests are ASTM C177, C236, C518, and C976. 44 FR at 50226, n. 189.

[7] The Rule requires that the R-value of a single-sheet reflective insulation product be tested under ASTM E408 or another test method that provides comparable results.

[8] 44 FR at 50219–20, 50227–28.

[9] 16 CFR 460.12(c).

[10] *See* Section 16 CFR 460.19.

[11] 44 FR at 50233–34.

[12] 70 FR 31258 (May 31, 2005).

[13] 81 FR 35661 (June 3, 2016).

[14] The comments are located at: *https://www.ftc.gov/policy/public-comments/initiative-649.* American Chemistry Council (ACC) (#00016 and #00006); EPS Industry Alliance (#00017); North American Insulation Manufacturers Association (NAIMA) (#00011 and #00018); Icynene Corporation (#00019); Conner (#00022); Polyisocyanurate Insulation Manufacturers Association (PIMA) (#00015); Insulation Contractors Association of America (ICAA) (#00013); Vinyl Siding Institute (VSI) (#00014); Extruded Polystyrene Foam Association (XPSA) (#00012); California Investor Owned Utilities (CA IOUs) (#00009); AFM Corp. (#00010); EPS Industry Alliance (#00011); Strauch (#00007); Turk (#00004); and Graen (#00003).

[15] The amendments also make a non-substantive change to section 460.2 (*i.e.,* changing the term ''slow down'' to ''slow'').

Conner, the Rule helps consumers compare products and predict energy savings, and, without the requirements, ''exaggerated and inconsistent'' claims would be common. EPS Industry Alliance remarked that the Rule ''is essential to the competitive marketplace'' because it ensures uniform and accurate information for consumers and industry members.[16]

NAIMA asserted that the Rule may be even more important today than when initially promulgated given record installation numbers; the emergence of new, inexperienced, or irresponsible advertisers; and the growing emphasis on environmental responsibility, energy savings, and pollution reduction. NAIMA warned that, in the Rule's absence, problematic claims would decrease consumer trust in insulation products and potentially decrease their use. Similarly, the EPS Industry Alliance explained that, with residential and commercial buildings consuming 40% of the country's energy, the Rule helps ensure consumers use the right insulation amounts to meet energy efficiency and comfort targets.

Commenters also noted the Rule's requirements have broader implications. XPSA and the California IOUs explained the Rule's provisions are commonly used in the commercial market, and its required disclosures help ensure compliance. XPSA even noted that the Rule is referenced in the International Energy Conservation Code (IECC), the model energy code adopted by most states.[17]

Commenters also identified many consumer benefits. According to the California IOUs, clearly marked R-values help consumers make educated purchasing decisions, taking into account energy savings and increased home comfort from insulation.[18] EPS Industry Alliance added that the Rule's enforceable and uniform baseline helps consumers make energy decisions.

Commenters pointed to several specific industry benefits. According to NAIMA, the Rule creates a level playing field and promotes industry self-regulation measures.[19] NAIMA also argued that the Rule defines ''the standard of conduct without debate or uncertainty.'' While describing the Rule's benefits, commenters did not identify any significant or unwarranted costs imposed by the Rule on industry. NAIMA, for example, concluded that the Rule does not impose ''significant costs on business unless the business violates the Rule and is fined.''[20] It added that, while legal reviews necessary to ensure compliant advertising impose some costs, they save costs associated with violations and litigation. AFM added that compliance costs are ''low in proportion to sales revenue and thus do not impose significant cost on either manufacturers or consumers.'' PIMA also observed that the Rule imposes ''little or no cost to the suppliers of home insulation or to consumers themselves.'' Additionally, XPSA asserted that the Rule's compliance costs outweigh its benefits and that its testing and labeling requirements are ''fair and reasonable.'' It also noted that the absence of uniform disclosures would increase industry costs significantly.[21] While commenters did not identify any significant costs for consumers, XPSA stated that even if some manufacturers pass compliance costs onto consumers, such costs are small compared to the cost to consumers associated with deceptive claims in the absence of the Rule.

Discussion: As the commenters indicated, the Rule benefits consumers and industry members by combating deceptive and unfair practices, creating a level playing field that promotes competition, helping create a marketplace in which industry can more easily self-regulate,[22] furnishing guidelines to industry for product testing and evaluation, and promoting consumer confidence. Commenters also indicated the Rule does not impose significant, unwarranted costs on industry members or consumers. Given these benefits and apparent minimal costs, the Commission has determined to retain the Rule.

B. Prevalence of Misleading Claims

Background and Comments: In response to the ANPR, several comments addressed the prevalence of false or misleading claims in the marketplace. For example, XPSA stated there is a ''great deal of compliance'' with the Rule, and PIMA added that the Rule has ''generated a high degree of industry compliance.'' Though the comments noted general compliance with the Rule, NAIMA indicated that the Rule also provides an effective tool for industry self-regulation to address those deceptive practices still appearing in the market.[23] NAIMA noted its monitoring of potential compliance problems has revealed some sellers who promote and compare insulation using unlawful or inaccurate claims. NAIMA frequently challenges claims identified through monitoring by sending letters to companies and other entities promoting insulation. According to NAIMA, these warnings have been effective in bringing many claims into compliance. Such efforts, in NAIMA's opinion, ''would likely be meaningless if there were not an R-value Rule in place with enforcement provisions behind it.''

NAIMA discussed some of the issues revealed by its monitoring. For instance, certain industry segments rely on ''outdated studies'' or analysis that may not apply to their product. NAIMA also mentioned other problems, including marketers who fail to provide required disclosures (*e.g.,* ''savings vary'' for savings claims), omitting the basis for comparative claims, and disseminating exaggerated savings claims. NAIMA also noted that some sellers falsely claim their products are tested, approved, and even endorsed by government agencies, such as the Consumer Product Safety Commission and the Occupational Safety and Health Administration. Finally, NAIMA asserted that some industry members provide R-value per inch of thickness claims, thus falsely implying that their product's R-value is linear (*e.g.,* the R-value of 4-inches of insulation is twice that of 2-inches).[24] NAIMA stressed that these practices can erode public trust and confidence and reduce consumer investments in these energy-savings products.

One commenter, Conner, identified additional issues. Conner provided testing data for batt insulation purchased on the open market that, in his view, suggest the labeled R-values were overstated. The measured R-value for all six samples ranged between 92% and 98% of the stated R-values. Though he acknowledged the results might be

[16] *See also* ICAA comments. AFM added that the Rule has been instrumental in ''providing consumers a simple and effective means to compare the R-value of insulations under . . . standard conditions.''

[17] Commenter Strauch observed that the Rule ''has provided very good benefit to consumers in their selection of insulation.'' Though Strauch questioned whether manufacturers would continue to provide R-value information in the Rule's absence, the commenters did not specifically recommend eliminating the Rule.

[18] NAIMA similarly asserted the Rule helps consumers by allowing competitors to easily challenge deceptive claims. The California IOUs cited to Department of Energy estimates regarding residential energy costs and potential consumer savings from insulation and home sealing.

[19] NAIMA also stated that the Rule provides ''an effective tool for leveling the playing field.''

[20] ICAA, representing insulation installers, explained that it has not seen ''any significant'' compliance costs associated with the requirements.

[21] XPSA added that, for small businesses, the Rule clearly defines conditions on participating in the residential market.

[22] *See* section III.B. of this Notice.

[23] Commenter Turk also mentioned experiences with a contractor that did not provide the Rule's required disclosures.

[24] The California IOUs urged FTC to coordinate with insulation manufacturers ''on a regular basis to ensure compliance'' with the Rule's labeling requirements.

anomalies, he argued that was improbable. ''It is more likely,'' he asserted ''that testing products 'off the shelf' gives different results [than labeled R-values] for some reason.'' Conner noted that other studies have demonstrated similar results. The ''Thermal Metric Project'' conducted six tests of fiberglass insulation and found that the measured R-value averaged about 97% of the labeled R-value. In that study, manufacturers provided the tested samples. The commenter raised several possibilities for these results, including compression in the packaging and the selection of better samples by manufacturers for studies. Conner urged the Commission to conduct additional testing of samples for fiberglass and other insulation types.[25] If the testing demonstrates that compression affects the results, the commenter recommended the Rule require that test results reflect the R-value of products ''that reach the market.''

Discussion: The comments suggest that, while compliance is generally high, the Rule and associated enforcement efforts help to address violations still occurring in the marketplace. Since the last regulatory review, the Commission has brought enforcement action under the Rule.[26] The FTC also prepares consumer and business education materials to help consumers with their purchasing decisions and aid businesses with their compliance efforts.[27] In addition, as the commenters indicated, industry members currently use the Rule to help identify and address violations. Finally, some competitors have resolved advertising disputes through the National Advertising Division of the Better Business Bureau.[28] The Commission therefore plans to retain the Rule and continue to promote compliance through enforcement and business education.

C. Coverage

Background: The R-value Rule covers all ''home insulation products.'' The term ''insulation'' includes any product ''mainly used to slow down heat flow'' from, for example, a heated interior through exterior walls to the outside.[29] The Rule covers most types or forms of insulation marketed for use in residential structures. It also applies to insulation sold for use in all types of residential structures, including old or new houses, condominiums, cooperatives, apartments, modular homes, and mobile homes. It does not cover insulation sold for use in commercial (including industrial) buildings; nor does it apply to non-insulation products with insulating characteristics, such as storm windows and doors, caulking, weather stripping, garage doors, or draperies.[30]

Comments: In response to the ANPR, several commenters suggested the Commission expand the Rule's coverage. First, the Vinyl Siding Institute (VSI) recommended broadening the Rule's coverage to include insulated siding. VSI explained that builders commonly use insulated siding in the residential market to improve energy performance and to comply with the International Energy Conservation Code (IECC). According to VSI, the IECC recognizes insulated siding as a ''form of continuous insulation.'' VSI recommended the Commission adopt ASTM C1363–97, ''Standard Test Method for the Thermal Performance of Building Assemblies by Means of Hot Box Apparatus'' for testing the thermal performance of siding. It also offered specific Rule language for testing, representative thickness (''R-values . . . must be established for the specific siding profiles using typical installation configuration''), and disclosures on labels.

Second, XPSA and ICAA recommended the Rule cover insulation sold in the commercial market. Supporting expansion, ICAA noted that commercial building energy use represents 19% of all U.S. consumption. XPSA added that expanded coverage ''would not add cost or burden'' because the commercial market already generally follows the R-value Rule requirements.

NAIMA also addressed this issue but did not advocate wholesale expansion into the commercial market. Instead, it urged the Commission to clarify that the Rule covers traditional commercial and industrial products to the extent such products are used in residential applications. According to NAIMA, the traditional line between residential and commercial products has blurred. NAIMA's members have reported that certain rigid board products previously reserved exclusively for commercial and industrial applications appear with greater frequency in residential construction. According to NAIMA, some industry members selling such products in the residential market do not follow the R-value Rule, claiming their products are commercial or industrial products. To address such practices, NAIMA urged the Commission to clarify that ''if a product is used in residential insulation applications, there must be compliance with the Rule, even if the lion share of the product's use is in the commercial and industrial market.''

Discussion: Based on the record, the Commission proposes two Rule coverage amendments. First, it proposes to amend the Rule to apply the testing requirements to R-value claims made for any product marketed to reduce energy use by slowing heat flow in residential buildings. The current Rule only applies to products marketed primarily as insulation. However, the Commission has challenged R-value claims under the FTC Act based on false or unsubstantiated R-value claims for products sold primarily for reasons other than insulation and thus not covered by the Rule.[31] These cases suggest there is a pattern of false or unsubstantiated R-value claims for products other than insulation, such as coatings, siding, and housewrap. The amendment should provide a more effective means to reduce deceptive claims. Marketers acting in good faith will have clear notice of the test procedures they should use to substantiate their R-value claims. At the same time, the amendment will provide the FTC with a more efficient and direct means to challenge R-value claims based on inadequate substantiation.

This amendment would not impose any disclosure, labeling, or additional requirements for non-insulation products beyond the testing

[25] Conner's results do not necessarily identify Rule violations; the R-values appear to meet the Rule's tolerance provision. *See* Section 460.8 (''no individual specimen of the insulation you sell can have an R-value more than 10% below the R-value shown in a label, fact sheet, ad, or other promotional material''). Nevertheless, the results suggest that the stated R-values for the tested products may be consistently low. The Commission invites further comments on these issues.

[26] *See, e.g., United States* v. *Enviromate,* LLC, No. 09–CV–00386 (N.D. Ala. Mar. 2, 2009); *United States* v. *Meyer Enters.,* LLC, No. 09–CV–1074 (C.D. Ill. Mar. 2, 2009); and *United States* v. *Edward Sumpolec,* No. 6:09–cv–378–ORL–36KRS (M.D. Fla. Jan. 9, 2013).

[27] *See, e.g., https://www.consumer.ftc.gov/articles/0107-home-insulation-its-all-about-r-value.*

[28] *See, e.g., Applegate Insulation (Cellulose Insulation Products),* Case #5961, NAD/CARY Case reports (June 2016) (press release at *http://www.asrcreviews.org/nad-recommends-applegate-discontinue-certain-claims-for-cellulose-insulation-finds-company-can-support-certain-claims*).

[29] *See* 16 CFR 460.2.

[30] *See, e.g.,* 45 FR 68920 (Oct. 17, 1980) (staff guidance).

[31] *United States* v. *Edward Sumpolec,* No. 6:09–cv–378–ORL–36KRS (M.D. Fla. Jan. 9, 2013); *In the Matter of Kryton Coatings International, Inc. and Procraft, Inc.,* FTC Matter/File Number: 012 3060. Docket Number: C–4052 (June 18, 2002); and *Federal Trade Commission* v. *Innovative Designs, Inc.,* 2:16–cv–01669–NBF (W.D. Pa. Nov. 4, 2016).

requirements.[32] Instead, it would simply require that any voluntary R-value claim made in advertising for a non-insulation product be based on the appropriate tests referenced in section 460.5 of the Rule (*i.e.,* the standard ASTM tests incorporated into the Rule and currently applicable to R-value disclosures for insulation). The Commission can challenge false or unsubstantiated energy efficiency claims as violating Section 5 of the FTC Act. In particular, the Commission has already challenged energy savings claims as unsubstantiated where marketers did not have competent and reliable scientific evidence to support those claims. Accordingly, the Commission expects that most marketers who choose to make R-value claims for various non-insulation products already rely on the appropriate ASTM testing standards. As a result, the Commission anticipates that this amendment would pose little or no additional burden. However, the amendment would promote clarity for marketers regarding their obligation to substantiate R-value claims and provide a check on unscrupulous sellers who seek to gain an unfair advantage by exaggerating their product's R-value based on faulty tests.

The Commission seeks comment on various issues related to this proposal, including whether deceptive R-value claims outside of the Rule's current product scope are prevalent (*i.e.,* widespread) (*see* 15 U.S.C. 57a(b)(3)), whether such an amendment is necessary to address deceptive and unfair practices, whether the test procedures listed in the Rule are applicable and adequate for such claims, whether the proposal would create conflicts with how R-values are generally derived for certain products, and whether such a requirement would impose undue burdens on marketers.[33]

Second, in response to NAIMA's concerns about commercial insulation in the residential market, the Commission proposes to amend the Rule to clarify that products marketed for residential applications are subject to the Rule's requirement. The comments suggest that some products developed and marketed primarily for commercial or industrial structures are also being marketed for residential applications. Such products already fall within the Rule's existing coverage of ''home insulation.'' However, the proposed amendments would clarify this fact to ensure that industry members understand their compliance obligations. The Commission seeks comments on this proposal.

The Commission does not propose extending the Rule to cover insulation marketed and sold solely in the commercial or industrial market because the Commission lacks sufficient evidence of widespread deception to warrant proposing such an expansion.

D. Additional R-Value Disclosures

Background and Comments: Some commenters argued that the Rule fails to adequately inform consumers and industry of factors important to insulation performance, particularly air infiltration and installation. As discussed below, some urged additional explanatory information on required labels and fact sheets to ensure consumers understand the impacts of these additional factors. Others expressed support for the current disclosures.

Two commenters claimed the Rule emphasizes R-value to the detriment of other factors. ACC, representing spray foam manufacturers, argued that too much focus on R-value can ''inhibit the public's understanding of building energy efficiency.'' ACC also asserted that industry has generally assumed that a higher R-value is better, believing, for instance, that a perception exists that ''twice the amount of insulation will deliver twice the energy savings.'' According to ACC, such ''thinking is outdated and incorrect'' because building codes now recognize that wall and roof assembly performance can be as important as the amount of insulation installed.

Icynene, a foam manufacturer, added that, ''by focusing on the limited metric of R-value, the Rule's disclosures give the impression that this metric alone is enough to gauge energy efficiency, thermal performance, and building comfort.'' Icynene explained that, although R-value provides a good comparative metric among similar product categories (*e.g.,* batt to batt, board product to board product), it is inadequate for comparing different product types because a number of ''off the page'' assumptions are necessary to make such comparisons.[34] In its view, ''the attempt to force all product types to compete solely on the basis of R-value is itself a deceptive practice.''[35] Specifically, Icynene contended that R-value comparisons among different product categories mislead consumers because some products with low R-values provide adequate energy performance through other attributes, such as reduced thermal bridging and air sealing.[36]

Icynene and ACC also argued that the Rule's disclosures do not adequately address air infiltration. Icynene contended that laboratory-derived R-values fail to take into account ''real world'' (*i.e.,* installed) performance impacted by factors such as air leakage or convection. According to Icynene, improper air sealing is often the biggest single cost or lost opportunity associated with construction or renovations.[37] Thus, in its view, the ''focus on R-value alone leads to product selections that hurt the consumer.'' ACC added that an insulation's air sealing properties can dramatically impact energy savings by reducing or eliminating convective heat transfer (air flow) through walls and roof assemblies. Citing to studies, ACC noted inherent differences in air sealing performance among various insulations.[38]

To address these shortcomings, ACC and Icynene urged the Commission to amend the Rule to provide additional information about R-value, insulation,

[32] Specifically, as indicated in the proposed amendment to the Rule's Appendix, the requirements of sections 460.6 through 460.21 would not apply to R-value claims for such products.

[33] The proposal excludes fenestration and fenestration attachments because these products are covered under the rating and certification activities of entities such as the National Fenestration Rating Council (NFRC) and DOE. *See* Energy Policy Act of 1992 (Section 121 of Pub. L. 102–486).

[34] Icynene noted that DOE has funded the development of the ''Thermal Metric,'' which is designed to convey the thermal performance of wall assemblies. In addition, the National Research Council of Canada (NRCC) funded the development of the Wall Energy Rating (WER), a similar method used to illustrate the R-value metric's shortcoming, and ways in which it could be adapted to better simulate ''real-world'' energy performance.

[35] Icynene also noted that R-values are put to a variety of uses, including in building energy codes and computer modeling for energy performance. It expressed concern that the R-value Rule unduly affects construction industry practices, to the detriment of other factors that are important to thermal performance.

[36] Icynene referenced technical documents purporting to show that: (1) Air leakage can cause as much as a 70% reduction in R-value performance in full thermal testing of wall assemblies; (2) it is unlikely batt-type insulation products will be installed properly and perform anywhere near the rated performance; and (3) even if air permeable insulation products are of a high density, and well installed with a proper air barrier, but are not enclosed on the interior, their performance will decrease by 25–40%.

[37] Icynene further asserted the term ''Insulating Power,'' used in the Rule's disclosures, is ''extremely misleading'' for it assumes that a continuous air barrier exists and that air permeable materials are fully encapsulated and will yield stated R-value.

[38] ACC asserted ''the use of spray foam insulation (and other air impermeable foam insulations) can lead to greater energy savings by eliminating air leakage in parts of the home where the insulation is installed.'' ACC cited to the Building Science Corporation's Thermal Metric project, which is available at: *http://buildingscienceconsulting.com/project/thermal-metric-project.*

and air infiltration. To combat R-value misperceptions, ACC recommended the Rule clarify that increasing insulation yields diminishing returns and that R-value is only one ''way to quantify one physical property'' of insulation products.[39] Specifically, ACC suggested the Commission change the label statement ''The higher the R-value, the greater the insulating power'' to read: ''R means resistance to heat flow in laboratory testing. Higher R-values can result in greater insulating power. As installed, other physical properties of insulation like air permeance, air sealing and quality of installation will impact performance.'' ACC also recommended the Rule's disclosures inform consumers that R-value comparisons for dissimilar materials are ''less useful.'' Icynene suggested that the Rule's statement be removed altogether.

Icynene recommended new (or revised) consumer Rule disclosures regarding air sealing to ensure that designers, contractors, and others can ''take appropriate action on specification of products, air sealing, and encapsulation of materials to get required performance.'' In its view, labeling that ''goes beyond R-value'' would inform consumers about important issues such as ''continuity of insulation, air tightness and moisture control.'' It urged suitable disclaimers for various energy efficiency characteristics of insulation products such as air impermeability, vapor impermeability, or solar reflectance. Icynene also recommended the Commission establish ''categories of performance'' for characteristics such as air impermeability and vapor permeability to ensure consumers know that attributes other than R-value ''are important to energy efficient and durable construction.''[40] It also suggested the Rule require sellers to disclose the conditions necessary to achieve the stated R-value or thermal performance, such as whether an air space is required on one or more sides or whether air sealing is necessary.

Not all commenters advocated for additional disclosures. Several supported the Rule's current focus on R-value. EPS Industry Alliance, for example, explained that ''[a]lthough there is much more information necessary for a fully informed choice, thermal resistance [R-value] is a start and is a valuable common denominator.'' XPSA recommended the current affirmative disclosures remain in place and explained that R-values ''offer product comparison and quality control measures'' and ''should not be used to predict building performance.'' In fact, it observed that testing standards often clearly state that they do ''not purport to address all possible end-use concerns.''

NAIMA, which represents both fiberglass and foam manufacturers, argued against any amendment on this issue. NAIMA complained that some industry members overemphasize insulation's air infiltration performance and therefore these claims can be misleading. For example, it asserted that various manufacturers claim that ''stopping air infiltration with insulation'' is ''what really matters.'' Some also claim that their insulation will seal entire buildings. In addition, marketers often use the terms ''effective R-value'' or ''real world R-value,'' which, according to NAIMA, are purportedly based on ''some ad hoc and unscientific method that somehow combines insulation and air sealing in a single value.'' NAIMA stated that these claims incorrectly imply that a product's ability to block air infiltration, and not its R-value, is paramount and that insulation that limits air infiltration performs better overall than other insulations.[41]

In fact, according to NAIMA, the air blocking benefits of particular insulations are often overstated. It cited to a recent study indicating that ''sealed walls of the same R-value perform equally well regardless of the type of insulation used.'' In addition, the research indicated that no tested wall assemblies, regardless of the insulation type used, acted as a complete air barrier.[42] Furthermore, according to NAIMA, no elements of a building's thermal envelope—whether walls, attic, foundation, and insulation—''can deliver the desired thermal performance on its own'' despite what some advertisements claim. NAIMA stated that insulation cannot solve all air infiltration problems because it is never applied in a way to halt all possible air leakage. Indeed, according to NAIMA, ''insulation plays no major role in blocking total air infiltration in a home.'' Instead, other materials such as ''gypsum board, sheathing, house wrap, and sealing of joints and holes'' usually accomplish that function. NAIMA further observed that the FTC has declined to incorporate air infiltration or air leakage into the R-value Rule because of the absence of a reliable, uniform means to measure air leakage, and the fact that thermal performance cannot be measured by leakage alone.[43]

In addition to air infiltration, commenters discussed the relationship between insulation performance and installation. ACC, for instance, argued that inadequate installation can significantly affect performance. For example, compression of fibrous insulation can reduce its effectiveness, and improper depths or failure to ensure contact with proper surfaces can impact spray foam performance. The California IOUs added that installation problems, such as ''missing insulation, gaps, or compression,'' can lead to lower R-value, and thus higher energy costs and lower home comfort. For instance, failure to cover even small gaps will have a disproportionate effect on thermal envelope performance.[44]

Conner also emphasized the importance of proper installation instructions, particularly for ''do it yourself'' users. He noted a recent DOE field study conducted in six states demonstrating that about 45% of insulation was poorly installed. He also specifically addressed R–19 fiberglass insulation batts, which are generally 6.25 inches thick and commonly installed in wall cavities measuring 2 x 6 inches. Conner stated that installers must compress these batts to 5.5 inches to fit them into these wall spaces, thus reducing the R-value by one. Conner

[39] Icynene also argued that packaging for most products should provide a date of manufacture, lot number for traceability, and shelf life. Such disclosures would, for example, allow consumers to determine the age of batt insulation. According to Icynene, this insulation does not expand to full thickness if compressed for transport for more than three months. Icynene, however, did not provide any information about whether existing practices are widespread or otherwise unfair or deceptive. Absent such evidence, the Commission declines to increase the Rule's regulatory burden to require the disclosure of such information.

[40] Icynene noted that the International Residential Code (IRC) and the International Building Code (IBC) have already identified categories for air impermeability and vapor permeability. Icynene suggested the Commission reference these Code requirements to determine if products perform as Code-compliant air impermeable materials. For instance, ''Class A: Air Impermeable'' would include ''air impermeable'' products used to bridge gaps between other materials; ''Class B: Air Impermeable'' would include boardstock products that would contribute to air barrier systems; and ''Class C: Air Permeable'' would include products that must rely on other elements for air sealing.

[41] According to NAIMA, some advertisements wrongly ''dismiss R-value as a reliable indicator of thermal performance'' and encourage consumers to rely on air infiltration performance.

[42] Citing to *Thermal Metric Summary Report,* Building Science Corporation (September 23, 2013) (*http://buildingscienceconsulting.com/project/thermal-metric-project*).

[43] Citing to 70 FR at 31262.

[44] The California IOUs also noted that installation inconsistent with manufacturer's instructions violates building codes. In addition, both the California IOUs and Conner noted that the Residential Energy Services Network (RESNET) has a grading scale to help identify the quality of insulation installation.

also noted that, because manufacturers disclose this fact on their packaging in much ''smaller print,'' consumers are not likely to notice them.

These commenters therefore urged the Commission to require disclosures about the need for proper installation. The California IOUs recommended labels state: ''Consumers should be aware that insulation must be installed properly to maintain its rated performance; poorly installed insulation will reduce the rated R-value and negatively impact the thermal performance of the building.'' Finally, to address issues with R19 batts, Conner recommended the FTC require both R18 and R19 to appear equally prominently on the label (*e.g.,* ''R19 in floors/R18 in 2 x 6 wall cavities'').[45]

Discussion: Based on the record, the Commission proposes changing the Rule's fact sheet disclosures to better alert consumers to factors that may affect their heating and cooling costs. The current fact sheets generally advise consumers that their fuel savings depend on a variety of factors, including their climate, type of house, fuel use, and family size. Commenters, however, emphasized that proper insulation installation and home air sealing can also affect fuel costs. Accordingly, the Commission proposes to amend the fact sheets to specifically address these two factors. The Commission, however, does not propose adding this information to product labels because such details would significantly increase the label's scope and size, potentially decreasing its effectiveness and increasing its burden. The Commission seeks comment on the proposed fact sheet changes, including the amount of time manufacturers would require to make such changes.

The Commission also seeks comment on whether the Rule should require specific disclosures for R–19 batt insulation, as suggested by the comments. Specifically, commenters should address whether labels for these products should disclose that the product's rating is R–18 when installed in typical wall cavities. Alternatively, commenters should address whether such disclosures should appear on fact sheets instead, or whether any additional disclosures are necessary at all.

The Commission does not propose addressing the air infiltration performance of insulation products. In addition, the Commission does not propose amending label and fact sheet disclosures stating ''The higher the R-value, the greater the insulating power.'' The Commission has long recognized that the Rule's uniform R-value test methods do not account for all variables applicable to insulation performance. Despite the R-value rating's limitations, it provides an important baseline from which consumers can compare various insulation products. The Commission has addressed these and related concerns repeatedly since it first issued the Rule in 1979. Indeed, there are a variety of factors not accounted for in R-value tests, such as the design characteristics and geographic location of the building, the specific application in which the product is installed, outside and inside temperatures, air and moisture movement, installation technique, and others.[46] However, quantifying and providing uniform comparative ratings to reflect these various factors would significantly complicate the Rule's disclosures and likely confuse consumers, without providing commensurate benefits. Furthermore, commenters expressed significant disagreement regarding air infiltration disclosures.[47]

Although the Commission declines to propose mandatory label or fact sheet disclosures, industry members may voluntarily provide additional information in their advertising about the manner in which their products (or their competitors' products) perform so long as the information is truthful and non-misleading. For example, if a manufacturer's product performs better under specific, on-site conditions compared to competing products, the manufacturer may convey that fact in its advertising.

Finally, the Commission proposes to amend section 305.14 to clarify that online insulation sellers must post labels and fact sheets for covered insulation products they sell directly to consumers. Large retailers commonly offer insulation for purchase through their websites. Though the Rule requires retailers to ''make fact sheets available to your customers,'' it does not specify that fact sheets must be provided for online sales. This amendment will simply effectuate the Rule's original intent by ensuring online shoppers have access to the same information (both fact sheets and labels) as shoppers in stores. Retailers can make these disclosures through a variety of means, such as by providing information with expandable thumbnail images of package labels and fact sheets or conspicuous links directly to the information. The Commission seeks comment on this change, including on the prevalence of online insulation sales, any burdens associated with providing such information online, and any other associated issues.

E. Aging of Cellular Plastics

Background: The ANPR solicited comments on whether to update the Rule's requirements for testing aging cellular plastics. Specifically, the Commission asked whether it should amend the Rule to require industry to estimate the long-term R-value of these products using ASTM C1303 (''Standard Test Method for Predicting Long-Term Thermal Resistance of Closed-Cell Foam'').

Certain types of cellular plastics insulations (*e.g.,* polyurethane, polyisocyanurate, and extruded polystyrene boardstock insulations) contain gas that gives them an initial R-value, which decreases over time as the gas diffuses from the material. The length of this aging process depends on factors such as whether the product is faced or unfaced, the permeability of the facing, and the product's thickness.[48] The current Rule addresses this process by requiring R-value tests on specimens that ''fully reflect the effect of aging on the product's R-value.'' In addition, section 460.5(a)(1) directs industry members to use a portion of the ''accelerated aging'' procedure in the Government Services Administration (GSA) Purchase Specification HH–I–530A or ''another reliable procedure.'' However, GSA has rescinded its specification, rendering the reference obsolete.[49]

In the 1990's, joint industry and government research efforts generated new test methods (ASTM C1303 and CAN/ULC S770) for estimating aging,

[45] Alternatively, Conner recommended that manufacturers produce R–19 batts that fit in a 2 × 6-inch cavity.

[46] *See* 44 FR at 50226; and 68 FR 41872, 41877–41879.

[47] DOE's Oak Ridge National Laboratory provides the following, which also raises questions about the importance of insulation's ability to limit air movement: ''The ability of insulation to limit air movement should not be confused with ''air sealing.'' The insulation reduces air movement only within the space it occupies. It will not reduce air movement through other cracks between building parts. For example, controlling air movement within a wall cavity will not stop air that leaks between the foundation and the sill plate or between the wall joists and a window frame.'' *See http://web.ornl.gov/sci/buildings/tools/insulation/r-value/intro.*

[48] The EPS Industry Alliance indicated that aging for closed-cell foam insulation is defined as, ''the change in thermophysical properties of rigid closed-cell foam plastic with time.''

[49] *See* 44 FR at 50227–50228. The GSA ''accelerated'' procedure was designed to age these insulations in a shorter period than under real-time conditions. GSA rescinded the specification (along with other insulation specifications) and then required that federally purchased insulations comply with ASTM insulation standards. 68 FR at 41879.

often collectively referred to as the LTTR (''long-term thermal resistance'') or the ''slicing and scaling'' method.[50] Unlike the older tests, the LTTR method measures the R-value of thin slices of material. These results are then adjusted with a scaling factor to estimate the R-value of full thickness boards. The test avoids problems with the accelerated aging tests, such as high temperature damage to specimens, but is limited in scope. Specifically, the LTTR method generally applies only to unfaced or permeably-faced polyisocyanurate (polyiso), polyurethane, and extruded polystyrene foam plastic insulations.

During the 2005 regulatory review, the Commission considered whether to amend the Rule to require the LTTR method.[51] Ultimately, the Commission declined to do so because commenters significantly disagreed on the adequacy of these tests and the need for additional development. The Commission concluded it was premature to mandate the tests but indicated it had no objection to the voluntary use of these tests to estimate long-term R-values.

Comments: Several commenters addressed whether the Commission should amend the Rule to include the LTTR method. Like the 2005 review, the comments split, with some urging incorporation and others opposing such a change due to issues with the test procedures.

Several commenters urged the Commission to adopt the LTTR method because, in their view, the test is now well-established and would ensure that R-value disclosures for cellular plastic insulations accurately reflect aging effects. For instance, the EPS Industry Alliance acknowledged the Commission's past concerns about the LTTR method, but explained that the method is now ''widely accepted and referenced by the consensus standard authorities in the United States and Canada.'' [52] Others (*e.g.,* PIMA, AFM) argued that earlier objections to the method's adoption no longer hold because the method has undergone, as AFM put it, ''continuous improvement'' since its initial introduction. In May 2012, for example, ASTM published an interlaboratory research report (RR:C16–1038), which has been used to update ASTM C1303. Several ASTM specifications now reference C1303 (*e.g.,* ASTM C578, ASTM C591, ASTM C1029, ASTM C1126, ASTM C1289, ASTM C1427). Similarly, PIMA explained that Oak Ridge National Laboratory (ORNL) conducted a ''ruggedness'' study of the test procedure between 2007 and 2012, which led to ''a few minor changes in sampling procedures,'' increasing consistency and reliability. PIMA asserted that, in the wake of this activity, the test is now ''recognized throughout North America as the best and most reliable measure of the long-term thermal performance of closed cell foam insulation.'' EPS Industry Alliance further explained that, since the LTTR method's introduction more than 20 years ago, ASTM committees have met twice annually to ''share data, propose modifications, increase accuracy and generally improve and verify the test method.'' In addition, experts have compared test data against both predictive mathematical models and long-term verification. Given these improvements, commenters urged the Commission to require ASTM C1303 for determining the R-value for products covered by the test.

Others, however, opposed incorporating the LTTR method into the Rule, questioning the method's R-value results, coverage, and timeframe. ACC, for example, stated that the spray polyurethane foam (SPF) industry continues to doubt the accuracy of R-value results derived from the method for its products due to faulty assumptions underlying the procedure.[53] Specifically, SPF manufacturers have hypothesized that ''the skin formed on the surface of closed-cell spray polyurethane foam acts as an impermeable facer'' that increases (or enhances) the product's long-term thermal performance. Further, these commenters suspect that specimen preparation under ASTM C1303 may destroy this skin, eliminating its benefits. Accordingly, in ACC's view, the test method may underestimate SPF's long-term thermal performance. To test this hypothesis, industry members have initiated a five-year research project to measure long-term thermal performance. According to the comments, interim study results presented in 2015 suggest discrepancies between values generated by ASTM C1303 and real-time thermal performance measurements. Given these preliminary findings, ACC argued against adopting the test.[54] XPSA added that since ''the standard deviation around the various iterations of the test method is significant,'' the method has not been demonstrated to provide ''a uniform means of accurately comparing different cellular plastic thermal insulations.''

Commenters also discussed the procedure's limited coverage. As noted above, ASTM C1303 and CAN/ULC S770 applies only to unfaced or permeably-faced, materials.[55] PIMA, an advocate of ASTM C1303's adoption, explained that because the impermeable, or gas-tight, nature of aluminum foil significantly restricts the diffusion of blowing agent gasses from the product over time, ASTM C1303 is not an appropriate test for measuring long-term R-value for such products. Advocates of the method's adoption acknowledged limitations in its coverage, but recommended the Commission tailor the Rule's scope by product type.[56] However, XPSA reported that confusion persists in the industry about the LTTR method's scope. Despite longstanding efforts within ASTM and CAN/ULC standards

[50] ASTM C1303, ''Standard Test Method for Predicting Long-Term Thermal Resistance of Closed-Cell Foam Insulation''); and CAN/ULC S770, ''Standard Test Method for Determination of Long-Term Thermal Resistance of Closed-Cell Thermal Insulating Foams.''

[51] 70 FR at 31262–4.

[52] According to EPS Industry Alliance, ASTM C1303 is now well-established as the test method for predicting long-term thermal resistance of rigid board insulation incorporating blowing agents other than air. The test is administered by an adequate number of laboratories, and has been incorporated into several other standards, including ASTM C578, ASTM C591, ASTM C1029, ASTM C1126, ASTM C1289, as well as several CAN/ULC Standards (*e.g.,* CAN/ULC S701; CAN/ULC S704, CAN/ULC S705.1).

[53] ACC expressed concern ''that insufficient data has been generated to demonstrate that ASTM C1303 is an appropriate method for estimating long-term thermal performance for all closed-cell insulation products.''

[54] ACC offered to provide updates on this research as it nears completion. Icynene, which also noted that HH–I–530A1 is obsolete, suggested the use of ASTM E1029 or ICC–ES Evaluation Criteria AC377 for spray polyurethane products.

[55] *See* ACC and PIMA comments. PIMA and ACC noted, for instance, that the C1303 itself states that its application is ''limited to unfaced or permeably faced, homogeneous materials,'' which covers many rigid closed-cell foam insulation types, including extruded polystyrene, polyurethane, polyisocyanurate, and phenolic. The method, however, does not apply to ''impermeably faced rigid closed-cell foams . . . .'' According to PIMA, the majority of closed-cell foam insulations available to consumers are unfaced or permeably-faced products covered by the test.

[56] According to PIMA, several widely-used closed-cell foam insulation products with impermeable facers, typically aluminum foil or an aluminum foil laminate, exist on the market. These impermeable faced products include: ASTM C1289 Type 1, Class 1 (Polyisocyanurate with aluminum foil facers over a non-reinforced core foam); and ASTM C1289 Type 1, Class 2 (Polyisocyanurate with aluminum foil facers over a glass fiber reinforced core foam). PIMA also indicated that ASTM C518, the test used for almost all other building thermal insulation products, continues to be recognized as the thermal performance test method for the aluminum foil faced polyisocyanurate products identified above. PIMA recommended the Rule incorporate ASTM C1303 as the R-value test method for all closed-cell foam products that are either unfaced or incorporate a permeable facer. However, it also recommended ASTM C518 for products that incorporate an impermeable or gas-tight facer.

committees, XPSA indicated that no clear consensus has emerged about the procedures' appropriate coverage, and industry members have been unable to agree on a method for all foamed plastic products, impermeably faced and unfaced.

In addition, several commenters noted that ASTM C1303 contains two separate timeframes for measuring R-value results. The first, referred to as the ''prescriptive'' method, predicts R-value after five years, while the second, the ''research'' method, calculates R-value at any point in the insulation's life. Because the life of these insulation products is generally much longer than five years, the prescriptive method does not fully reflect the impacts of aging on R-values. To reduce confusion and potential deception, AFM recommended the Commission either require industry disclosure of the test's predicted R-value at a 25-year period under the research method or allow the five-year figure from the prescriptive method with a mandatory disclosure such as ''This product will have an R-value lower than the stated R-value after 5 years.'' XPSA recommended the Rule require measurement of the product's R-value over its serviceable life and not merely a five-year estimate.

XPSA raised two additional concerns. It warned that adopting C1303 or CAN/ULC S770 would eliminate the use of C177 as a ''referee method'' to address disputed thermal values. Additionally, it argued that, since these tests do not address foams that incorporate pentane as a blowing agent, their adoption would create an unfair advantage for such products.

Finally, several commenters (AFM, EPS Industry Alliance, and ACC) recommended deletion of Rule references to the obsolete HH–I–530A (GSA Standard). ACC explained that it is an ''an outdated and unnecessary method for aging foam insulation specimens.''

Discussion: The Commission plans to continue requiring tests on cellular plastic insulations that fully reflect aging on the product's R-value, as currently indicated in section 460.5. In addition, the Commission proposes eliminating the Rule's reference to the rescinded GSA aging standard, which appears to be obsolete. However, for the reasons discussed below, the Commission does not propose requiring industry to use only ASTM C1303 or CAN/ULC S770 to measure aging.

The record demonstrates that significant disagreements remain about various aspects of ASTM C1303 and CAN/ULC S770, including their accuracy, scope of coverage, and applicable timeframe. In light of these lingering questions, the Commission is reluctant to mandate that manufacturers use these methods. The Commission invites further comments on all aspects of this issue, including the criticisms raised about ASTM C1303 and CAN/ULC S770 in response to the ANPR, the results of any additional research on the issue, and any other relevant issues. Commenters should address any adverse impacts associated with the proposed removal of the reference to the GSA standard, the impacts from the continued absence of a specific FTC-mandated aging test, whether the Rule should identify ASTM C1303 and CAN/ULC S770 as a safe harbor, the identity and reliability of any tests (other than ASTM C1303 and CAN/ULC S770) currently used by various manufacturers to comply with the Rule's aging requirement, and whether the Commission should provide any additional clarification regarding the aging requirement.

F. Tolerance, Sampling, and Inspection

Background: In the ANPR, the Commission sought comment on the Rule's testing requirements, including the ''tolerance'' provision. The Rule's principal testing provision (§ 460.5) lists the ASTM test procedures that industry members must use to derive R-values. The tolerance provision (§ 460.8) states that no individual insulation specimen can have an R-value more than 10% below the rating displayed on the product's label. The Commission developed this provision as an alternative to more detailed quality control standards. A violation of this provision indicates that the manufacturer's quality control procedures are insufficient to reasonably assure consumers they are receiving the represented R-value. The provision does not give industry a license to inflate their R-values above the amount determined through R-value testing. Instead, under the Rule, stated R-values on labels and advertisements must reflect the results of tests performed in accordance with the Rule.

Comments: No commenter addressed the Rule's tolerance provision. However, NAIMA requested that the Commission identify ASTM C390 (''Standard Practice for Sampling and Acceptance of Thermal Insulation Lots'') as an optional testing method for all insulation products. NAIMA stated that this standard's sampling and inspection provisions provide purchasers a practical level of quality assurance.[57]

Discussion: The Commission does not propose amending the tolerance provision or referencing new sampling requirements. While ASTM C390 contains a procedure for sampling and inspection, the commenters did not identify a widespread pattern of noncompliance with the Rule that would justify imposing such additional requirements. In addition, the benefits of listing ASTM C390 as an optional method are unclear. Manufacturers are responsible for ensuring their products comply with the Rule's testing, tolerance, and labeling provisions. They must also ensure that their advertised R-values are consistent with their test results and that their products perform as advertised, within the Rule's parameters. Nothing in the Rule prohibits manufacturers from using ASTM C390 to help them meet these requirements.

G. Mean Temperature

Background: Since its promulgation in 1979, section 460.5 of the Rule has required R-value testing at a 75 °F mean temperature for most insulation products. In initially issuing this requirement, the Commission explained that ''[t]he choice of this particular temperature is based on a significant volume of record evidence that 75 °F is already a widely-used test temperature and is incorporated in many voluntary industry standards and federal procurement specifications.''[58] Section 460.5 requires testing at a 50 °F temperature differential (*i.e.,* the difference between the hot and cold surface during testing).

Comments: Some commenters (*e.g.,* AFM, EPS Industry Alliance, and Icynene) recommended the Rule address insulation performance at mean temperatures lower than 75 °F. As discussed below, they suggested the Commission consider either requiring an additional R-value disclosure at a low mean temperature or requiring disclosures about the cold weather performance of certain insulations.

These commenters raised concerns that the Rule's current mean temperature does not reflect typical conditions. For instance, EPS Industry Alliance argued that the 75 °F mean temperature is not a representative condition for most consumer applications. Similarly, AFM contended that the 75 °F mean is most typical of

[57] Icynene noted that R-value is not easily measured in the field for spray foam insulation and asked whether the tolerance requirement should be written in terms of density to cover field enforcement. However, it offered no details regarding such an amendment or whether such prescriptive requirements in the Rule is necessary to address ongoing deception in the market.

[58] 44 FR at 50227.

warm climates and thus not representative of conditions commonly associated with ''residential home heating and cooling needs.'' Icynene added that insulation used in a warm climate should be tested at a higher temperature, while insulation used in a colder climate should be tested at a lower temperature.

In addition, AFM and EPS Industry Alliance explained that some insulations have much lower R-values under cold conditions, a fact not revealed from the R-values derived with a 75 °F mean nor disclosed on FTC-required labels. According to EPS Industry Alliance, some insulation lost 15% of their R-value at a 40 °F mean temperature. In its view, the failure to require the affirmative disclosure of such differences misleads consumers and frustrates the Rule's purpose.[59] To address this issue, both AFM and EPS Industry Alliance suggested the Rule require testing and disclosures at a 40 °F mean temperature in addition to the disclosures derived from a 75 °F mean. Alternatively, AFM and EPS Industry Alliance suggested the Commission consider a new mandatory disclosure for products that exhibit lower values at cold temperatures (*e.g.,* when tested at a 40 °F mean temperature). For example, AFM recommended the following statement: ''This product has an R-value lower than the stated R-value in cold conditions.''

Discussion: The Commission does not propose revising the Rule's mean test temperature requirement, nor does it propose requiring specific affirmative disclosures for insulation products that may exhibit lower R-values at low temperatures. Given the temperature differences throughout the country, no one temperature is likely to be sufficiently representative of consumer experiences.[60] To address this problem, the Commission could require two R-value disclosures, derived at two separate mean temperatures, or require additional disclosures for products that exhibit decreased R-values at lower temperatures as some commenters suggest. Although useful information may be derived by testing at multiple temperatures, the Commission concludes that requiring additional tests would increase the burden to manufacturers without a corresponding benefit to consumers. Specifically, it is not clear that two disclosures would adequately represent the variety of temperatures to which insulation may be exposed. Moreover, it is unclear whether multiple R-value disclosures would improve consumer understanding of the energy efficiency of insulation products. For example, would consumers put more weight on the prevailing mean temperature in their area, the extreme temperatures for their area, or some other factor? Thus, multiple disclosures may result in consumer confusion or discourage consumers from using R-values in their purchases. Therefore, the Commission declines to revise the Rule to require testing at mean temperatures other than 75 °F. Finally, nothing in the FTC Act or the Rule prohibits sellers from promoting their products' performance in low temperatures in their advertising. If a seller's products have better R-values than others at low temperatures, they may make truthful, substantiated comparative claims conveying their products' advantages.[61] The Commission seeks further comment on these issues.

H. Disclosures for Reflective Insulation

Background: Reflective insulations, primarily aluminum foils, work by reducing heat transfer when installed facing an airspace. The Rule requires reflective insulation manufacturers to use specific tests to determine R-values, and to disclose those ratings to consumers for particular applications.[62] Section 460.5(c) requires industry members to test single sheet systems using ASTM E 408–71 (''Standard Test Methods for Total Normal Emittance of Surfaces Using Inspection-Meter Techniques''), or ASTM C 1371–04a (''Standard Test Method for Determination of Emittance of Materials Near Room Temperature Using Portable Emissometers'').[63] Section 460.12 of the Rule also requires that labels for reflective insulation include ''. . . the number of foil sheets; the number and thickness of the air spaces; and the R-value provided by that system when the direction of heat flow is up, down, and horizontal.

The Rule also covers radiant barrier insulations, which are generally installed in attics facing the open airspace. However, as the Commission has stated, R-value claims are not appropriate for these products because no generally accepted test procedure exists to determine their R-value.[64]

Comments: XPSA raised several issues about reflective insulation marketing. Specifically, it argued that reflective insulation sellers do not have adequate performance standards, provide insufficient information to consumers about installation, or use inadequate existing test methods. In addition, XPSA recommended the Commission change the Rule's terminology for these products and add language stating that these products are not ''insulation.''

XPSA explained that reflective insulation performance heavily relies on proper installation and use. Specifically, according to XPSA, R-value claims for reflective insulations require sealed air spaces with little leakage and proper configuration to match specific heat flow direction for horizontal air-space applications. Though such conditions exist during testing, XPSA indicated that sellers do not always adequately disclose the installation instructions needed for such conditions. Without clear, comprehensive instructions, consumers may improperly install these products and fail to achieve the represented thermal performance. In XPSA's opinion, the lack of such information ''opens the door for unreasonable claims or misguided applications which create a deterrent to the competitive and appropriate use of these materials.'' XPSA therefore recommended the ''reflective insulation'' industry provide additional guidance about testing, the air spaces necessary to achieve the claimed performance, the long-term emissivity of reflective surfaces, and the direction of heat flow effects on the claimed R-value for different seasons.[65]

XPSA further noted that reflective products installed behind siding ''should not be considered reflective insulation'' because of the significant air exchange in those applications.[66] The Rule and test procedures, however, do not clearly identify such limitations. As

[59] EPS Industry Alliance explained that the National Fenestration Rating Council (NFRC) requires that product labels for windows report thermal transmission at 35 °F mean temperature.

[60] In initially issuing the Rule, the Commission did not attempt to specify a mean test temperature representative of any particular geographical region or season. Indeed, it reasoned that any attempt to do so would yield results inappropriate for other regions or seasons. Accordingly, the Commission chose a single temperature widely used in industry standards, recognizing the fact that it is not perfectly representative. *See* 64 FR at 48037; and 44 FR at 50219, 50227. In this proceeding, some commenters contend that a 75 °F mean is not representative. However, it is likely a 40 °F mean is probably similarly unrepresentative.

[61] *See* 68 FR at 41878–41879.

[62] *See* 64 FR 48024, 48038–48039 (Sep. 1, 1999).

[63] For reflective systems with more than one sheet, section 460.5(b) requires the use of ASTM C 1363–97, ''Standard Test Method for the Thermal Performance of Building Assemblies by Means of a Hot Box Apparatus,'' in a test panel constructed according to ASTM C1224–03, ''Standard Specification for Reflective Insulation for Building Applications,'' and under the test conditions specified in ASTM C1224–03.

[64] 68 FR at 41889–90.

[65] XPSA claimed that the cost to such disclosures should not be more than it has been for manufacturers of ''mass'' insulation.

[66] Citing to Chapter 26 of the 2013 ASHRAE Handbook of Fundamentals (page 26.12).

a result, many of these products are installed in spaces with significant airflow, eroding their thermal performance. According to XPSA, guidance regarding these issues has appeared ''by consensus with newly added criteria and limitations to the 2016 ASHRAE Standard 90.1, Section 9.4.'' [67]

XPSA also alleged that the reflective insulation industry ''has not produced adequate performance standards or research to guide the industry in the use of these products to ensure that false or exaggerated claims or inappropriate applications are not made.'' In addition, it asserted that the industry has not provided data related to product aging, including the impacts of dust accumulation and water pitting on long-term performance.[68] XPSA urged the Commission to request this data or ''not allow R-value to be claimed for the airspaces associated with these products.'' At a minimum, XPSA recommended these products ''include transparent statements'' about air space construction, the placement of the air barrier in relationship to the airspace and other building envelope enclosure components, the effects of heat flow direction in relation to airspace orientation, and the expected rate of degraded performance over time. These factors, in its view, are known to significantly affect the reflective insulation performance and thus should be disclosed.

In addition, XPSA asked the Commission to reconsider use of the term ''reflective insulation.'' In its opinion, the term potentially deceives consumers by implying that reflective products deliver the same conductive thermal resistance as mass insulation. In fact, according to XPSA, these products perform differently from mass insulation, and using the term ''insulation'' tends to obscure the important differences between the two products. It also argued that these products are not necessarily ''aluminum'' (a term used in the Rule) but are rather products that generally have a high emissivity value, regardless of whether they are aluminum or another material. XPSA suggested the term ''reflective film'' instead.

Finally, XPSA asked the Commission to clarify that radiant barriers and radiation control coatings are not insulation. Like other excluded products, such as storm windows and doors, radiant barriers and radiation control coatings behave differently from mass insulation products in different climates.[69] In addition, XPSA explained that existing tests do not generate R-values for these products or quantify their benefits in all applications. Therefore, it urged the FTC to provide guidance indicating that energy savings for radiant barrier products are not ''in any way equivalent to that of insulation products bearing an R-value.''

Discussion: The Commission does not propose any new requirements related to reflective insulations. The Rule already requires labels for these products to disclose the number and thickness of the air spaces and the R-value provided by that system depending on whether the direction of heat flow is up, down, or horizontal. In addition, the Rule requires disclosures related to proper installation. Specifically, labels must contain the statement: ''To get the marked R-value, it is essential that this insulation be installed properly. If you do it yourself, follow the instructions carefully.'' If instructions are not included, the labels require a statement that ''To get the marked R-value, it is essential that this insulation be installed properly. If you do it yourself, get instructions and follow them carefully. Instructions do not come with this package.''

Absent evidence of a clear pattern of deceptive practices or flaws in current requirements, the Commission does not propose adding additional regulatory requirements. Because installation often involves issues specific to particular product types, instructions may vary from product to product. Therefore, the Rule does not generally mandate specific installation instructions for insulation products. Moreover, Section 5 of the FTC Act already addresses deceptive claims. If industry sellers make deceptive claims concerning installation instructions, the FTC could bring an enforcement action alleging violations of Section 5. Moreover, should future evidence indicate persistent, deceptive installation claims regarding these products, the Commission may consider whether additional Rule provisions are needed to protect consumers.

The Commission also does not propose changes to the current testing requirements for these reflective insulations. Although XPSA claimed that some industry members misunderstand certain aspects of ASTM C1363, there is no clear evidence that this test, which the Rule has required since 1979, is defective or opens the door to false or misleading claims. In addition, the Commission does not generally develop or modify test procedures. Instead, the Rule incorporates consensus industry standards developed by ASTM and similar bodies that have the required expertise to address improvements in test methods.

Furthermore, the Commission does not propose to remove the term ''insulation'' from the Rule as a descriptor for these products. The record provides no clear evidence that the term confuses consumers or should otherwise be changed. In fact, ''reflective insulation'' is the term routinely used in ASTM procedures as well as in Department of Energy publications.[70] While the Commission does not propose to change references to ''insulation,'' it seeks comment on whether to replace the term ''aluminum'' with ''reflective material'' or a similar term because these insulation systems may not always involve aluminum.

Finally, the Commission does not propose to require warnings that radiant barriers and radiant control coatings are not ''insulation.'' It is unclear whether such statements would benefit consumers or even how they would interpret such a disclosure. Nevertheless, as the Commission has stated, R-value claims are not appropriate for radiant barrier reflective insulations, and sellers of radiant barriers, reflective coatings, and similar products must have competent and reliable scientific evidence to substantiate any energy savings claims they make.[71]

I. Updating Test References

Background and Comments: In the ANPR, the Commission asked whether

[67] XPSA also noted recent Environmental Protection Agency (EPA) efforts to address these issues in the Energy Star program.

[68] XPSA also argued that some market participants misunderstand the air-flow provisions in ASTM C1363. According to XPSA, the procedure's airflow provisions assure the mixing of air in the test chamber. However, some understand these provisions to replicate or simulate air-exchange across or within portions of the tested assemblies. *See* ASTM C1363, Appendix X1. This concern is primarily an issue when evaluating whether or not air spaces within an assembly will result in the desired or claimed performance. XPSA suggested the development of a new test method or the inclusion of appropriate air exchange rates on airspaces during ASTM C1363 testing. In its view, such changes will ensure that claimed reflective airspace R-values are reasonably consistent with end-use conditions likely to affect thermal value.

[69] XPSA noted that the EPA's Energy Star program excludes radiant barriers, in part, because these products are not assigned an R-value and their cost effectiveness is ''highly variable across climate zones and across various installation scenarios.''

[70] *See, e.g.,* ASTM C1224–03, ''Standard Specification for Reflective Insulation for Building Applications;'' and ''Insulation Fact Sheet,'' Department of Energy, DOE/CE–0180, 2008 at *https://www1.eere.energy.gov/library/pdfs/insulation_fact_sheet.pdf.*

[71] 68 FR at 41890.

it should amend the Rule to update the tests currently incorporated by reference. Under section 460.7, the Commission will accept, but not require, the use of a revised version of any of these standards 90 days after ASTM adopts and publishes the revision. The Commission may, however, reopen the rulemaking proceeding during the 90-day period, or at any later time, to consider whether it should require use of the revised standards or reject them under section 460.5.[72] Two commenters (Icynene and ACC) recommended the Commission update the referenced tests. ACC further recommended the Rule allow for ''the continual incorporation of new or amended consensus-based material specifications.'' It explained that the current Rule requires outdated specifications and may create a disincentive to improve existing standards.

Discussion: The Commission proposes to update section 460.5 reflect the most recent versions of the ASTM test procedures. It also proposes to remove section 460.7 to eliminate automatic updates to the ASTM test procedures incorporated by reference in the Rule. Doing so ensures the Rule is consistent with the Office of Federal Register (OFR) regulations. Specifically, OFR requires that incorporation by reference is ''limited to the edition of the publication that is approved. Future amendments or revisions of the publication are not included.'' [73] The proposed amendment will also ensure that the Rule provides notice and an opportunity to comment on test updates before they are incorporated into the regulation. The Commission periodically will review the test procedures incorporated by reference to ensure the Rule contains the most recent versions.

J. Fibrous Insulation

Background and Comments: ACC and Icynene suggested the Rule's compression warning, currently applicable to duct insulation (§ 460.13(d)), should also apply to all fibrous insulation because compression is not unique to air duct insulation.

Discussion: The Commission does not propose to change the fact sheet disclosure related to compression. When the Rule was first promulgated in 1979, the Commission considered compression disclosures for both air duct and other insulations. In issuing the final Rule, it explained that air duct insulation ''must be wrapped around the air duct during installation, causing significant compression at the edges of the duct,'' while mineral wool batts, when installed properly, are not similarly compressed. In fact, commenters at the time indicated that special disclosures for such products would ''be overly simplified'' and would apply only to the performance of improperly installed insulation. The Commission has determined not to alter this original determination based on the information in new comments.[74]

K. Limited Format Disclosures

Background and Comments: NAIMA urged the Commission to exempt Twitter and mobile sources from Rule provisions requiring insulation advertisements to contain statements such as ''Savings vary. Find out why in the seller's fact sheet on R-values. Higher R-values mean greater insulating power.'' [75] NAIMA explained that disclosures of such length are not suited to smaller formats. In addition, it noted that the Rule already exempts radio and television advertisements from these disclosures. Like those formats, NAIMA argued that Twitter and mobile source advertising ''demand pithy and concise messages—clever enough to catch the audience's attention in a very short amount of time.''

Discussion: The Commission agrees that the required disclosures may be infeasible or impractical for some methods of advertising. Therefore, the Commission proposes to amend the Rule to exempt space-constrained advertising from the required disclosures in sections 460.18 and 460.19. The Rule already excludes television and radio advertising from the more detailed disclosures requirements because meaningful disclosures are probably not effective in those media.[76] The same rationale would seem to apply to space-constrained advertisements in Twitter and mobile sources.

Accordingly, the Commission proposes to exempt any ''space-constrained advertisement'' from the disclosures in sections 460.18 and 460.19. The proposed Rule defines ''space-constrained'' as any communication made through interactive media (such as the internet, online services, and software, including but not limited to internet search results and banner ads) that has space, format, size or technological limitations or restrictions that effectively prevent marketers from making the required disclosures. Industry members would have the burden of showing that there is insufficient space for the required disclosure. This amendment would appear to reduce burden on companies without decreasing the Rule's effectiveness. The Commission seeks comments on this proposal.

L. Distribution of Fact Sheets

Background and Comments: Commenter Robin Turk argued that the Rule should require sellers to give a copy of their fact sheets to consumers instead of merely ''showing'' the fact sheets as currently required by sections 460.14 and 460.15. Turk recommended consumers ''sign off'' on the fact they received the sheet and acknowledge they were made aware of the R-value requirements under the building code. The Commission is not proposing these amendments. It is not clear the Rule's current approach results in consumers receiving inadequate information. Moreover, the suggested approach would impose burdens on industry, and it is not clear the benefits of the approach would justify such burdens.

M. Efficiency Claims for New Homes

Background and Comment: NAIMA recommended that sellers who advertise homes as ''energy efficient'' disclose the basis for such claims, including ''the products used (appliances, insulation, windows), the R-value of the products used, and the location in the home in which they were used.'' NAIMA argued that such disclosures would prevent sellers from misleading buyers with unsubstantiated claims.

Discussion: The Commission does not propose to amend the Rule to cover ''energy efficient'' claims for homes. Such a change would substantially expand the Rule's scope. Energy efficiency claims for homes involve many factors, including air sealing, windows, appliances, lighting, and HVAC equipment. The number of variables thus requires a case-by-case analysis of a home's components. Such variables make it difficult to provide a broad disclosure that would be generally meaningful. For example, certain factors, such as significant air leakage, can substantially limit the benefits of high efficiency heating and cooling equipment, appliances, and

[72] 61 FR at 13663.

[73] *See* 1 CFR 51.1(f).

[74] 44 FR at 50231. Icynene also questioned the basis for the Rule's exclusion of pipe insulation. In promulgating the original Rule, the Commission noted that, although it can serve to reduce heat loss, pipe insulation is used primarily to prevent condensation on low-temperature pipelines. *See* 44 FR at 50238, n. 170 (''Pipe insulation . . . has unique qualities . . . .''); and *Final Staff Report to the Federal Trade Commission and Proposed Trade Regulation Rule (16 CFR part 460),* July 1978 (''Staff Report'') at 21, 188.

[75] 16 CFR 460.19(b).

[76] *See* 70 FR at 31271; 51 FR 39650 (Oct. 30, 1986).

windows. Furthermore, Section 5 of the FTC Act already covers such home energy representations, and the Commission can bring enforcement actions when appropriate to address deceptive claims.[77] Finally, commenters provided no evidence that deceptive claims regarding home energy efficiency were prevalent in the housing market to warrant the Rule's expansion.[78]

N. Acoustic Performance Claims

Background and Comments: NAIMA also urged the Commission to expand the Rule to cover acoustic performance claims for insulation. According to NAIMA, these claims have increased, and a recent National Advertising Division (''NAD'') case addresses them.[79] Specifically, NAIMA recommended the Rule require ''manufacturers to have competent and reliable test data per appropriate ASTM methods'' to support such claims.

Discussion: The Commission does not propose to expand the Rule to cover acoustic performance claims because it lacks evidence regarding the prevalence of misleading acoustical performance claims. In addition, as with energy efficiency claims, Section 5 of the FTC Act already requires manufacturers to substantiate any claims regarding insulation's acoustic performance, and the FTC may bring enforcement actions against those who violate Section 5.

O. R-Value per Inch Claims

Background: Section 460.20 of the Rule prohibits R-value per inch claims unless test results prove that the product's R-value per inch does not drop at greater thicknesses. The Commission previously explained that the basis for this provision is that R-value per inch claims lead ''consumers to believe that insulation R-values are linear,'' when, in fact, they often are not. For most insulation, R-value does not increase proportionally with thickness. Accordingly, unqualified R-value per inch claims are often deceptive.[80]

Comments: NAIMA recommended the Commission amend the Rule to clarify the rationale for the R-value per inch prohibitions in section 460.20. Although NAIMA supported the existing restrictions, it suggested that many consumers do not understand that the relation between R-value and inches is not linear. Specifically, NAIMA argued the Commission's focus on the term ''linear'' may be confusing. Accordingly, it recommended new Rule language stating that, while adding thickness may increase the total R-value, each added inch will not add the same ''amount'' of R-value. It also cited a recent NAD case, rejecting a challenge to an R-value per inch claim because of the lack of consumer perception evidence indicating consumers believe the relationship between R-value and thickness is linear. NAIMA noted that the FTC has long assumed this to be the case because the Rule's ''per inch'' section rests on that understanding.[81]

Recommendation: The Commission declines to propose amendments to section 460.20. When it adopted this provision, the Commission recognized that many consumers believed the relationship between R-value and thickness was linear, particularly when interpreting certain claims (*i.e.,* per inch claims). Specifically, in first issuing this provision, the Commission explained that misleading ''references to the R-value for a one-inch thickness of the material will encourage consumers to think that it is appropriate to multiply this figure by the desired number of inches, as though the R-value per inch was constant.'' [82] However, there is insufficient evidence to indicate that the Rule's current language is ambiguous or confusing. Section 460.20 simply explains that industry members should not advertise R-value for one inch or the ''R-value per inch'' unless ''actual test results prove that the R-values per inch of your product does not drop as it gets thicker.'' The Commission declines to revise this language as suggested because the explanatory language proposed by NAIMA may not apply to all insulation products and thus may create consumer confusion.[83] Furthermore, the Rule itself does not include the term ''linear,'' which NAIMA identifies as particularly confusing. The Commission will consider whether to issue additional consumer and business education materials relating to R-value per inch claims.

P. Preemption and Other Laws

Background: Section 460.23(b) of the Rule provides that ''[s]tate and local laws and regulations that are inconsistent with, or frustrate the purposes of, the provisions of this regulation are preempted. However, a state or local government may petition the Commission, for good cause, to permit the enforcement of any part of a State or local law or regulation that would be preempted by this section.''

Comments: NAIMA urged the Commission to retain the Rule's preemption provision and, to the extent possible, clarify it. Specifically, it noted that the Rule (section 460.23(b)) allows a state or local government to petition the Commission, for good cause, ''to permit the enforcement of any part of a State or local law or regulation that would be preempted by this section.'' NAIMA urged the FTC to revise the Rule to make clear that the Commission will provide the public and the affected industry with notice and opportunity to comment before the Commission makes any decision to waive preemption.[84]

Discussion: The Commission does not propose to amend the existing preemption provision. The Commission has already indicated that it will seek public comment when considering such preemption-related requests from states, just as NAIMA has requested. Specifically, in promulgating the Rule in 1979 (44 FR at 50235), the Commission stated that any action to

[77] In past cases, the Commission has required that marketers have competent and reliable scientific evidence to support their energy savings claims. *See, e.g., In re Gorell Enterprises Inc.,* FTC File No. 112–3053 (May 16, 2012); *In re Long Fence & Home LLLP,* FTC File No. 112–3005 (Apr. 5, 2012); *In re Serious Energy Inc.,* FTC File No. 112–3001 (May 16, 2012); *In re THV Holdings LLC,* FTC File No. 112–3057 (May 16, 2012); and *In re Winchester Industries,* FTC File No. 102–3171 (May 16, 2012). In addition, the Commission already administers labeling programs for the energy use of many products important to home efficiency. 16 CFR part 305.

[78] The Commission may not issue a notice of proposed rulemaking unless it has ''reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent.'' 15 U.S.C. 57a(b)(3). The Commission may find prevalence where available information ''indicates a widespread pattern of unfair or deceptive acts or practices.'' *Id.* at 57a(b)(3)(B).

[79] *See* Applegate Insulation (Cellulose Insulation Products), Case #5961, NAD/CARY Case reports (June 2016).

[80] 44 FR at 50234.

[81] Icynene asked whether section 460.6 translates into a minimum or an average thickness required for spray in or blown in products. On its face, the provision does not exclude such products. In addition, in initially issuing the provision, the Commission discussed its application to loose fill products. *See* 44 FR at 50226.

[82] 44 FR at 50234.

[83] For example, some products may, in fact, exhibit a linear relationship between R-value and thickness. Indeed, in the case noted by NAIMA, NAD concluded the company in question ''provided a reasonable basis for its 'R-value per inch claims,' noting that the evidence in the record supports a finding that [the company's] cellulose insulation meets the exception to the FTC's R-value rule and therefore . . . is not prohibited by that rule from making 'R-value per inch' claims.'' *See http://www.asrcreviews.org/nad-recommends-applegate-discontinue-certain-claims-for-cellulose-insulation-finds-company-can-support-certain-claims/.*

[84] XPSA and EPS Alliance also expressed concern about an ongoing Department of Energy proceeding involving efficiency standards for walk-in coolers and freezers. XPSA explained that the proposed DOE regulation is potentially inconsistent with the International Energy Conservation Code for Commercial Buildings (Section C303.1.4), which follows the FTC R-value Rule on the issues of aging and mean temperatures. XPSA and other commenters have brought these concerns to DOE's attention in that proceeding.

grant such a petition will be conducted in accordance with 5 U.S.C. 553, providing notice and opportunity to comment for affected parties.

H. Effective Date of Amendments

The Commission proposes to make these amendments effective 180 days after publication. The Commission seeks comment on whether such an effective date provides those subject to the amendments sufficient time to come into compliance.

IV. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 23, 2018. Write ''R-value Rule (No. R811001)'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public FTC website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/R-value,* by following the instruction on the web-based form. When this Notice appears at *http://www.regulations.gov,* you also may file a comment through that website.

If you file your comment on paper, ''R-value Rule (No. R811001)'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex E), Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website to read this NPRM and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 23, 2018. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy at *https://www.ftc.gov/site-information/privacy-policy.*

V. Rulemaking Procedures

The Commission finds that using expedited procedures in this rulemaking will serve the public interest. Expedited procedures will support the Commission's goals of clarifying and updating existing regulations without undue expenditure of resources, while ensuring that the public has an opportunity to submit data, views, and arguments on whether the Commission should amend the Rule. Because written comments should adequately present the views of all interested parties, the Commission is not scheduling a public hearing or workshop. However, if any person would like to present views orally, he or she should follow the procedures set forth in the **DATES**, **ADDRESSES**, and **SUPPLEMENTARY INFORMATION** sections of this document.

Pursuant to 16 CFR 1.20, the Commission will use the procedures set forth in this document, including: (1) Publishing this Notice of Proposed Rulemaking; (2) soliciting written comments on the Commission's proposals to amend the Rule; (3) holding an informal hearing such as a workshop, if requested by interested parties; (4) obtaining a final recommendation from staff; and (5) announcing final Commission action in a document published in the **Federal Register**. Any motions or petitions in connection with this proceeding must be filed with the Secretary of the Commission.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 through 612, requires that the Commission provide an Initial Regulatory Flexibility Analysis (IRFA) with a proposed rule and a Final Regulatory Flexibility Analysis (FRFA), if any, with the final rule, unless the Commission certifies that the rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 603 through 605.

The Commission does not anticipate that the proposed amendments will have a significant economic impact on a substantial number of small entities. The Commission recognizes that some of the affected manufacturers may qualify as small businesses under the relevant thresholds. Because the R-value Rule covers home insulation manufacturers and retailers, professional installers, new home sellers, and testing laboratories, the Commission believes that any amendments to the Rule may affect a substantial number of small businesses. However, the Commission does not expect that the economic impact of the proposed amendments will be significant because these amendments involve updates, clarifications and minor changes to the Rule.

Accordingly, this document serves as notice to the Small Business Administration of the FTC's certification of no effect. To ensure the accuracy of this certification, however, the Commission requests comment on whether the proposed rule will have a

significant impact on a substantial number of small entities, including specific information on the number of entities that would be covered by the proposed rule, the number of these companies that are small entities, and the average annual burden for each entity. Although the Commission certifies under the RFA that the rule proposed in this notice would not, if promulgated, have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish an IRFA in order to inquire into the impact of the proposed rule on small entities. Therefore, the Commission has prepared the following analysis:

A. Description of the Reasons That Action by the Agency Is Being Taken

The Commission is proposing improvements to the Rule to help consumers in their purchasing insulation by clarifying several provisions, updating requirements, ensuring proper test procedures are followed to determine the R-values of covered products, and exempting certain types of advertising from affirmative disclosures.

B. Statement of the Objectives of, and Legal Basis for, the Proposed Rule

The objective of the amendments is to improve the existing requirements for insulation labeling and advertising. The legal basis for the Rule is 15 U.S.C. 41 *et seq.*

C. Small Entities to Which the Proposed Rule Will Apply

Because the R-value Rule covers home insulation manufacturers and retailers, professional installers, new home sellers, and testing laboratories, the Commission believes that any amendments to the Rule may affect a substantial number of small businesses. Nevertheless, the proposed amendments would not appear to have a significant economic impact upon such entities. The FTC seeks comment and information regarding the estimated number or nature of small business entities for which the proposed rule would have a significant economic impact.

D. Projected Reporting, Recordkeeping and Other Compliance Requirements

The changes under consideration would not increase reporting or recordkeeping requirements.

E. Duplicative, Overlapping, or Conflicting Federal Rules

The Commission has not identified any other federal statutes, rules, or policies that would duplicate, overlap, or conflict with the proposed rule. The Commission invites comment and information on this issue.

F. Significant Alternatives to the Proposed Rule

The Commission seeks comment and information on the need, if any, for alternative compliance methods that, consistent with the statutory requirements, would reduce the economic impact of the rule on small entities. For example, the Commission is currently unaware of the need to adopt any special provisions for small entities. However, if such issues are identified, the Commission could consider alternative approaches such as extending the effective date of these amendments for catalog sellers to allow them additional time to comply beyond the labeling deadline set for manufacturers. Nonetheless, if the comments filed in response to this notice identify small entities that are affected by the proposed rule, as well as alternative methods of compliance that would reduce the economic impact of the rule on such entities, the Commission will consider the feasibility of such alternatives and determine whether they should be incorporated into the final rule.

VII. Paperwork Reduction Act

The current Rule contains recordkeeping, disclosure, testing, and reporting requirements that constitute information collection requirements as defined by 5 CFR 1320.3(c), the definitional provision within the Office of Management and Budget (OMB) regulations that implement the Paperwork Reduction Act (PRA). OMB has approved the Rule's existing information collection requirements through January 31, 2018 (OMB Control No. 3084–0109). The proposed amendments make changes in the Rule's labeling requirements that will increase the PRA burden as detailed below. Accordingly, FTC staff will submit this notice of proposed rulemaking and associated Supporting Statement to OMB for review under the PRA.[85]

The Commission is proposing to adopt a small number of rule amendments designed to clarify the Rule, reduce its burdens, and require specific testing procedures for non-insulation products. In the Commission's view, the proposed amendments will not increase the paperwork burden associated with the Rule's requirements. Under the current requirements, any marketer making an R-value claim must have competent and reliable evidence to back that claim. Accordingly, it is likely that such marketers already conduct testing for claims under the normal course of business. Thus, the proposed requirement should not increase those burdens. Similarly, with regard to online insulation sales and fact sheet amendments, the Rule already requires retailers to provide fact sheets to their consumers. Accordingly, the amendments regarding the small changes to fact sheets and online displays of fact sheets and labels should not create any significant increase in the Rule's current burden. In addition, any potential increase from those amendments is likely to be offset by the amendment exempting space-constrained advertising from the affirmative disclosures in section 460.18 and 460.19.[86]

Consequently, there are no additional ''collection of information'' requirements included in the proposed amendments to submit to OMB for clearance under the Paperwork Reduction Act. Although the Commission has tentatively concluded the proposed amendments would not increase the paperwork burden associated with compliance with the Rule, to ensure that no significant paperwork burden is being overlooked, the Commission requests comments on this issue.

VIII. Communications by Outside Parties to the Commissioners or Their Advisors

Pursuant to Commission Rule 1.18(c)(1), the Commission has determined that communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner advisor shall be subject to the following treatment. Written communications and summaries or transcripts of oral communications shall be placed on the

[85] The PRA analysis for this rulemaking focuses strictly on the information collection requirements created by and/or otherwise affected by the amendments. Unaffected information collection provisions have previously been accounted for in past FTC analyses under the Rule and are covered by the current PRA clearance from OMB.

[86] The proposed fact sheet amendments in 460.13 do not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) because they are a ''public disclosure of information originally supplied by the government to the recipient for the purpose of disclosure to the public'' as indicated in Office of Management and Budget regulations. 5 CFR 1320.3(c)(2).

rulemaking record if the communication is received before the end of the comment period on the staff report. They shall be placed on the public record if the communication is received later. Unless the outside party making an oral communication is a member of Congress, such communications are permitted only if advance notice is published in the Weekly Calendar and Notice of ''Sunshine'' Meetings.[87]

IX. Incorporation by Reference

Consistent with 5 U.S.C. 552(a) and 1 CFR part 51, the Commission proposes to incorporate the specifications of the following documents published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. and ASTM International:[88]

- 2017 ASHRAE Handbook—Fundamentals, I–P Edition (published 2017) (ASHRAE Handbook covers basic principles and data used in the heating, ventilation, air conditioning and refrigeration industry);
- ASTM C 177–13, ''Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus (published October 2013)'' (''This test covers the measurement of heat flux and associated test conditions for flat specimens. The guarded-hot-plate apparatus is generally used to measure steady-state heat flux through materials having a ''low'' thermal conductivity and commonly denoted as ''thermal insulators.'');
- ASTM C 518–15, ''Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus (published December 2015)'' (''This test method covers the measurement of steady state thermal transmission through flat slab specimens using a heat flow meter apparatus'');
- ASTM C 739–17, ''Standard Specification for Cellulosic Fiber Loose-Fill Thermal Insulation'' (August 2017) (''This specification covers the composition and physical requirements of chemically treated, recycled cellulosic fiber loose-fill type thermal insulation for use in attics or enclosed spaces in housing, and other framed buildings within the ambient temperature range from −45 to 90 °C by pneumatic or pouring application.'');
- ASTM C 1045–07 (reapproved 2013), ''Standard Practice for Calculating Thermal Transmission Properties from Steady-State Conditions (published January 2014)'' (''This practice is intended to provide the user with a uniform procedure for calculating the thermal transmission properties of a material or system from standard test methods used to determine heat flux and surface temperatures.'');
- ASTM C 1114–06 (Reapproved 2013), ''Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Thin-Heater Apparatus (published January 2014)'' (''This test method covers the determination of the steady-state thermal transmission properties of flat-slab specimens of thermal insulation using a thin heater of uniform power density having low lateral heat flow.'');
- ASTM C 1149–11, ''Standard Specification for Self-Supported Spray Applied Cellulosic Thermal Insulation (published August 2011)'' (''The specification covers the physical properties of self-supported spray applied cellulosic fibers intended for use as thermal insulation or an acoustical absorbent material, or both.'');
- ASTM C 1224–15, ''Standard Specification for Reflective Insulation for Building Applications (published November 2015)'' (''This specification covers the general requirements and physical properties of reflective insulations for use in building applications.'');
- ASTM C 1363–11, ''Standard Test Method for the Thermal Performance of Building Assemblies by Means of a Hot Box Apparatus (published June 2011)'' (''This test method establishes the principles for the design of a hot box apparatus and the minimum requirements for the determination of the steady state thermal performance of building assemblies when exposed to controlled laboratory conditions. This method is also used to measure the thermal performance of a building material at standardized test conditions such as those required in ASTM material Specifications C739, C764, C1224 and Practice C1373.'');
- ASTM C 1371–15, ''Standard Test Method for Determination of Emittance of Materials Near Room Temperature Using Portable Emissometers (published June 2015)'' (''This test method covers a technique for determination of the emittance of opaque and highly thermally conductive materials using a portable differential thermopile emissometer. The purpose of the test method is to provide a comparative means of quantifying the emittance of materials near room temperature.'');
- ASTM C 1374–14, ''Standard Test Method for Determination of Installed Thickness of Pneumatically Applied Loose-Fill Building Insulation'' (published May 2014) (''This test method covers determination of the installed thickness of pneumatically applied loose-fill building insulations prior to settling by simulating an open attic with horizontal blown applications.'');
- ASTM E 408–13, ''Standard Test Methods for Total Normal Emittance of Surfaces Using Inspection-Meter Techniques (published June 2013)'' (''These test methods cover determination of the total normal emittance of surfaces by means of portable, as well as desktop, inspection-meter instruments.'').

The ASHRAE Handbook and the ASTM standards are reasonably available to interested parties. Members of the public can obtain copies of ASTM C 177–13, ASTM C 518–15, ASTM C 739–11, ASTM C 1045–07, ASTM C 1114–06, ASTM C 1149–11, ASTM C 1224–15, ASTM C 1363–11, ASTM C 1371–15, ASTM C 1374–14, and ASTM E 408–13 from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428; telephone: 1–877–909–2786; internet address: *http://www.astm.org.* Members of the public can obtain copies of the 2017 ASHRAE Handbook—Fundamentals, I–P Edition (2017) from ASHRAE Headquarters 1791 Tullie Circle, NE Atlanta, GA 30329; telephone (404) 636–8400; internet address: *https://www.ashrae.org.* These standards are also available for inspection at the FTC Library, (202) 326–2395 Federal Trade Commission, Room H–630, 600 Pennsylvania Avenue NW, Washington, DC 20580.

IX. Proposed Rule Language

List of Subjects in 16 CFR Part 460

Advertising, Incorporation by reference, Insulation, Labeling, Reporting and recordkeeping requirements, Trade practices.

For the reasons set out in this document, the Commission proposes adopting the following amendments to 16 CFR part 460.

PART 460—LABELING AND ADVERTISING OF HOME INSULATION

■ 1. The authority citation for part 460 continues to read as follows:

Authority: 38 Stat. 717, as amended (15 U.S.C. 41 *et seq.*).

■ 2. Revise § 460.1 to read as follows:

§ 460.1 What this regulation does.

This regulation deals with R-value claims, as well as home insulation labels, fact sheets, ads, and other promotional materials in or affecting

[87] *See* 15 U.S.C. 57a(i)(2)(A); 16 CFR 1.18(c).

[88] Quoted descriptions of ASTM standards from *www.astm.org.*

commerce, as ''commerce'' is defined in the Federal Trade Commission Act. If you are covered by this regulation, breaking any of its rules is an unfair and deceptive act or practice or an unfair method of competition under section 5 of that Act. You can be fined heavily (up to the civil monetary penalty amount specified in § 1.98 of this chapter) each time you break a rule.

■ 3. Revise § 460.2 to read as follows:

§ 460.2 What is home insulation.

Insulation is any material mainly used to slow heat flow. It may be mineral or organic, fibrous, cellular, or reflective (aluminum foil). It may be in rigid, semirigid, flexible, or loose-fill form. Home insulation is for use in old or new homes, condominiums, cooperatives, apartments, modular homes, or mobile homes. It does not include pipe insulation. It does not include any kind of duct insulation except for duct wrap. It also includes insulation developed and marketed for commercial or industrial buildings that is also marketed for and used in residential buildings.

■ 4. Revise § 460.3 to read as follows:

§ 460.3 Who is covered.

You are covered by this regulation if you are a member of the home insulation industry. This includes individuals, firms, partnerships, and corporations. It includes manufacturers, distributors, franchisors, installers, retailers, utility companies, and trade associations. Advertisers and advertising agencies are also covered. So are labs doing tests for industry members. If you sell new homes to consumers, you are covered. If you make R-value claims for non-insulation products described in § 460.22 of this part, you are covered by the requirements of that section.

■ 5. Revise § 460.4 to read as follows:

§ 460.4 When the rules apply.

You must follow these rules each time you import, manufacture, distribute, sell, install, promote, or label home insulation. You must follow them each time you prepare, approve, place, or pay for home insulation labels, fact sheets, ads, or other promotional materials for consumer use. You must also follow them each time you supply anyone covered by this regulation with written information that is to be used in labels, fact sheets, ads, or other promotional materials for consumer use. Testing labs must follow the rules unless the industry members tells them, in writing, that labels, fact sheets, ads, or other promotional materials for home insulation will not be based on the test results. You must follow the requirements of § 460.22 of this part each time you make an R-value claim for non-insulation products marketed in whole or in part to reduce residential energy use by slowing heat flow.

■ 6. Revise § 460.5 to read as follows:

§ 460.5 R-value tests.

R-value measures resistance to heat flow. R-values given in labels, fact sheets, ads, or other promotional materials must be based on tests done under the methods listed below. They were designed by the American Society of Testing and Materials (ASTM). The test methods are:

(a) All types of insulation except aluminum foil must be tested with ASTM C177–13, ''Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus;'' ASTM C518–15, ''Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus;'' ASTM C1363–11, ''Standard Test Method for the Thermal Performance of Building Assemblies by Means of a Hot Box Apparatus'' or ASTM C1114–06, ''Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Thin-Heater Apparatus.'' The tests must be done at a mean temperature of 75 degrees Fahrenheit and with a temperature differential of 50 degrees Fahrenheit plus or minus 10 degrees Fahrenheit. The tests must be done on the insulation material alone (excluding any airspace). R-values (''thermal resistance'') based upon heat flux measurements according to ASTM C177–13 or ASTM C518–15 must be reported only in accordance with the requirements and restrictions of ASTM C1045–07, ''Standard Practice for Calculating Thermal Transmission Properties from Steady-State Conditions.''

(1) For polyurethane, polyisocyanurate, and extruded polystyrene, the tests must be done on samples that fully reflect the effect of aging on the product's R-value.

(2) For loose-fill cellulose, the tests must be done at the settled density determined under paragraph 8 of ASTM C739–17, ''Standard Specification for Cellulosic Fiber Loose-Fill Thermal Insulation.''

(3) For loose-fill mineral wool, self-supported, spray-applied cellulose, and stabilized cellulose, the tests must be done on samples that fully reflect the effect of settling on the product's R-value.

(4) For self-supported spray-applied cellulose, the tests must be done at the density determined pursuant to ASTM C1149–11, ''Standard Specification for Self-Supported Spray Applied Cellulosic Thermal Insulation.''

(5) For loose-fill insulations, the initial installed thickness for the product must be determined pursuant to ASTM C1374–04, ''Standard Test Method for Determination of Installed Thickness of Pneumatically Applied Loose-Fill Building Insulation,'' for R-values of 13, 19, 22, 30, 38, 49 and any other R-values provided on the product's label pursuant to § 460.12.

(b) Single sheet systems of aluminum foil must be tested with ASTM E408–13, ''Standard Test Methods for Total Normal Emittance of Surfaces Using Inspection-Meter Techniques,'' or ASTM C1371–15, ''Standard Test Method for Determination of Emittance of Materials Near Room Temperature Using Portable Emissometers.'' This tests the emissivity of the foil—its power to radiate heat. To get the R-value for a specific emissivity level, air space, and direction of heat flow, use the tables in ASHRAE Handbook—Fundamentals, I–P Edition, if the product is intended for applications that meet the conditions specified in the tables. You must use the R-value shown for 50 degrees Fahrenheit, with a temperature differential of 30 degrees Fahrenheit.

(c) Aluminum foil systems with more than one sheet, and single sheet systems of aluminum foil that are intended for applications that do not meet the conditions specified in the tables in the ASHRAE Fundamentals Handbook, must be tested with ASTM C1363–11, ''Standard Test Method for the Thermal Performance of Building Assemblies by Means of a Hot Box Apparatus,'' in a test panel constructed according to ASTM C1224–15, ''Standard Specification for Reflective Insulation for Building Applications,'' and under the test conditions specified in ASTM C1224–15. To get the R-value from the results of those tests, use the formula specified in ASTM C1224–15.

(d) For insulation materials with foil facings, you must test the R-value of the material alone (excluding any air spaces) under the methods listed in paragraph (a) of this section. You can also determine the R-value of the material in conjunction with an air space. You can use one of two methods to do this:

(1) You can test the system, with its air space, under ASTM C1363–11, ''Standard Test Method for the Thermal Performance of Building Assemblies by Means of a Hot Box Apparatus,'' which is incorporated by reference in

paragraph (a) of this section. If you do this, you must follow the rules in paragraph (a) of this section on temperature, aging and settled density.

(2) You can add up the tested R-value of the material and the R-value of the air space. To get the R-value for the air space, you must follow the rules in paragraph (b) of this section.

(e) The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the FTC Library, (202) 326–2395, Federal Trade Commission, Room H–630, 600 Pennsylvania Avenue NW, Washington, DC 20580. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *www.archives.gov/federal-register/cfr/ibr-locations.html:*

(1) ASHRAE Headquarters, 1791 Tullie Circle, NE, Atlanta, GA 30329; telephone (404) 636–8400; *https://www.ashrae.org.*

(i) 2017 ASHRAE Handbook—Fundamentals, I–P Edition (published 2017)

(ii) [Reserved]

(2) ASTM Int'l, 100 Barr Harbor Drive, P.O. Box C700, West Conshocken, PA 19428–2959, 877–909–2786, *www.astm.org/* (i) ASTM C 177–13, ''Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus (published October 2013).''.

(ii) ASTM C 518–15, ''Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus'' (published December 2015).

(iii) ASTM C 739–11, ''Standard Specification for Cellulosic Fiber Loose-Fill Thermal Insulation.'' (May 2011).

(iv) ASTM C 1045–07 (reapproved 2013), ''Standard Practice for Calculating Thermal Transmission Properties from Steady-State Conditions'' (published January 2014).

(v) ASTM C 1114–06 (Reapproved 2013), ''Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Thin-Heater Apparatus'' (published January 2014).

(vi) ASTM C 1149–11, ''Standard Specification for Self-Supported Spray Applied Cellulosic Thermal Insulation'' (published August 2011).

(vii) ASTM C 1224–15, ''Standard Specification for Reflective Insulation for Building Applications'' (published November 2015).

(viii) ASTM C 1363–11, ''Standard Test Method for the Thermal Performance of Building Assemblies by Means of a Hot Box Apparatus'' (published June 2011).

(ix) ASTM C 1371–15, ''Standard Test Method for Determination of Emittance of Materials Near Room Temperature Using Portable Emissometers'' (published June 2015).

(x) ASTM C 1374–14, ''Standard Test Method for Determination of Installed Thickness of Pneumatically Applied Loose-Fill Building Insulation'' (published May 2014).

(xi) ASTM E 408–13, ''Standard Test Methods for Total Normal Emittance of Surfaces Using Inspection-Meter Techniques'' (published June 2013).

(2) [Reserved]

§ 460.7 [Removed and Reserved]

■ 7. Remove and reserve § 460.7.

■ 8. Revise paragraph (e) of § 460.13 to read as follows:

§ 460.13 Fact Sheets

* * * * *

(e) After the chart and any statement dealing with the specific type of insulation, ALL fact sheets must carry this statement, boxed, in 12-point type:

READ THIS BEFORE YOU BUY

What You Should Know About R-Values

The chart shows the R-value of this insulation. R means resistance to heat flow. The higher the R-value, the greater the insulating power. Compare insulation R-values before you buy.

There are other factors to consider. The amount of insulation you need depends mainly on the climate you live in. Also, your fuel savings from insulation will depend upon the climate, the type and size of your house, the amount of insulation already in your house, your fuel use patterns and family size, proper installation of your insulation, and how tightly your house is sealed against air leaks. If you buy too much insulation, it will cost you more than what you'll save on fuel.

To get the marked R-value, it is essential that this insulation be installed properly.

■ 9. Revise § 460.14 to read as follows:

§ 460.14 How retailers must handle labels and fact sheets.

If you sell insulation to do-it-yourself customers, you must have fact sheets for the insulation products you sell. You must make the fact sheets available to your customers, whether you offer insulation products for sale offline or online. You can decide how to do this, as long as your insulation customers are likely to notice them. For example, you can put them in a display, and let customers take copies of them. You can keep them in a binder at a counter or service desk, and have a sign telling customers where the fact sheets are. You need not make the fact sheets available to customers if you display insulation packages on the sales floor where your insulation customers are likely to notice them and each individual insulation package offered for sale contains all package label and fact sheet disclosures required by §§ 460.12 and 460.13. If you are offering products for sale online, the product labels and fact sheets required by this part, or a direct link to this information, must appear clearly and conspicuously and in close proximity to the covered product's price on each web page that contains a detailed description of the covered product and its price.

■ 10. Revise paragraph (e) of § 460.18 to read as follows:

§ 460.18 Insulation ads.

* * * * *

(e) The affirmative disclosure requirements in § 460.18 do not apply to television or radio advertisements or to space-constrained advertisements. For the purposes of this part, ''space-constrained advertisement'' means any communication made through interactive media (such as the internet, online services, and software, including but not limited to internet search results and banner ads) that has space, format, size or technological limitations or restrictions that prevent industry members from making disclosures required by this part clearly and conspicuously. Industry members maintain the burden of showing that there is insufficient space to provide the disclosures that this part otherwise requires be made clearly and conspicuously.

■ 11. Revise paragraph (g) of § 460.19 to read as follows:

§ 460.19 Savings claims.

* * * * *

(g) The affirmative disclosure requirements in § 460.19 do not apply to television or radio advertisements or to space-constrained advertisements. ''Space-constrained advertisement'' is defined in § 460.18(e).

■ 12. Redesignate §§ 460.22 through 460.24 as §§ 460.23 through 460.25 and add a new § 460.22 to read as follows:

§ 460.22 R-value Claims for Non-Insulation Products

If you make an R-value claim for a product, other than a fenestration-related product, that is not home insulation and is marketed in whole or in part to reduce residential energy use by slowing heat flow, you must test the product pursuant to § 460.5 of this part using a test or tests in that section

appropriate to the product. Any advertised R-value claims must fairly reflect the results of those tests. For the purposes of this section, fenestration-related products include windows, doors, and skylights as well as attachments for those products.

■ 14. In Appendix to Part 460—Exemptions, add paragraph (d) to read as follows:

In Appendix to Part 460—Exemptions

* * * * *

(d) The requirements in §§ 460.6 through 460.21 of this part do not apply to R-value claims covered by § 460.22.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–26569 Filed 1–19–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 15

[Docket No. FDA–2017–N–5319]

Devices Proposed for a New Use With an Approved, Marketed Drug; Public Hearing; Reopening of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of public hearing; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is reopening the comment period for the document published in the **Federal Register** on September 26, 2017, announcing a public hearing on a potential approach for device sponsors who seek to obtain marketing authorization for their products that are intended for a new use with an approved, marketed drug when the sponsor for the approved, marketed drug does not wish to pursue or collaborate on the new use. In the document, in addition to seeking comments on the potential approach, FDA also welcomed comments on public health, scientific, regulatory, or legal considerations relating to other medical products intended for new uses with approved, marketed medical products of a different type where the sponsor for the approved, marketed product does not wish to pursue or collaborate on the new use. We are reopening the comment period in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is reopening the comment period on the document published on September 26, 2017 (82 FR 44803). Submit either electronic or written comments by February 21, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before February 21, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of February 21, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5319 for ''Devices Proposed for a New Use With an Approved, Marketed Drug; Public Hearing; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: John Barlow Weiner, Office of Combination Products, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5129, Silver Spring,

MD 20993, 301–796–8930, *combination@fda.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** on September 26, 2017 (82 FR 44803), FDA published a document announcing a public hearing on November 16, 2017, regarding a potential approach for device sponsors who seek to obtain marketing authorization for their products that are intended for a new use with an approved, marketed drug when the sponsor for the approved, marketed drug does not wish to pursue or collaborate on the new use. The purpose of the public hearing was to obtain comments from stakeholders on the potential approach presented in the **Federal Register** document as well as comments on public health, scientific, regulatory, or legal considerations relating to other medical products intended for new uses with approved, marketed medical products of a different type where the sponsor for the approved, marketed product does not wish to pursue or collaborate on the new use. We sought this type of public engagement because of the potential importance of the issue for public health and the need for input across the medical product industry and among public health stakeholders regarding how FDA should proceed. The comments that FDA receives in relation to this public hearing may help inform the further development of this approach.

The document stated that comments would be accepted until January 15, 2018, and that untimely comments would not be considered. Near the end of the comment period, we received a request, submitted on behalf of several potential commenters, for more time to develop comments. We have considered this request and are reopening the comment period for an additional 30 days. We believe that this reopening allows adequate time for interested persons to submit comments without delaying further Agency efforts on this topic.

Dated: January 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00991 Filed 1–19–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SATS No. AL–082–FOR; Docket ID: OSM–2017–0011; S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520]

Alabama Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama proposes revisions to its program regarding annual permit fees. Alabama revised its program at its own initiative to raise revenues sufficient to fund the Alabama Surface Mining Commission's (ASMC) share of costs to administer their coal regulatory program, including the cost of reviewing, administering, inspecting, and enforcing surface coal mining permits in Alabama.

This document gives the locations and times where the Alabama program documents and proposed amendment to that program are available for your inspection, establishes the comment period during which you may submit written comments on the amendment, and describes the procedures we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., CST, February 21, 2018. If requested, we will hold a public hearing about the amendment on February 16, 2018. We will accept requests to speak at a hearing until 4:00 p.m., CST on February 6, 2018.

ADDRESSES: You may submit comments, identified by SATS No. AL–082–FOR, by any of the following methods:

- *Mail/Hand Delivery:* William Joseph, Acting Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209.
- *Fax:* (205) 290–7280.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM–2017–0011. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Alabama program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Birmingham Field Office or the full text of the program amendment is available for you to review at *www.regulations.gov.*

William Joseph, Acting Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290–7282, email: *bjoseph@osmre.gov*.

In addition, you may review a copy of the amendment during regular business hours at the following location: Alabama Surface Mining Commission, 1811 Second Ave., P.O. Box 2390, Jasper, Alabama 35502–2390, Telephone: (205) 221–4130.

FOR FURTHER INFORMATION CONTACT: William Joseph, Acting Director, Birmingham Field Office. Telephone: (205) 290–7282, email: *bjoseph@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Alabama Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, state laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Alabama program effective May 20, 1982. You can find background information on the Alabama program,

including the Secretary's findings, the disposition of comments, and the conditions of approval of the Alabama program in the May 20, 1982, **Federal Register** (47 FR 22030). You can also find later actions concerning the Alabama program and program amendments at 30 CFR 901.10, 901.15 and 901.16.

II. Description of the Proposed Amendment

By email dated August 14, 2017 (Administrative Record No. AL–0672), Alabama sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Alabama. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

Alabama Administrative Code 880–X–8B–.07

Alabama proposes revisions to its program regarding annual permit fees by:

(1) Increasing the initial acreage fee from $35.00 per acre to $75.00, to be paid on each acre in a permit covered by a performance bond prior to the initiation of operations on the permit (or on an increment of an acre if increments are used), and to be paid on all bonded acreage covered by a permit renewal;

(2) Increasing the basic fee for a coal exploration permit application from $2,000.00 to $2,500.00;

(3) Increasing the basic fee for a permit renewal application from $1,000.00 to $2,500.00;

(4) Increasing the basic fee for a permit transfer application from $200.00 to $500.00;

(5) Adding an annual acreage fee for expired permits of $15.00, per acre, to be paid by December 31st of each year on each acre covered by a performance bond as of October 1st of the year; and

(6) Adding the inspection of permits to the ASMC's uses for the deposited permit fees.

Alabama fully funds its share of costs to regulate the coal mining industry with fees paid by the coal industry. The proposed fee revisions are intended to provide adequate funding to pay the State's cost of operating its regulatory program. The ASMC does not expect the increase in permit fees to exceed the actual or anticipated cost of reviewing, administering, inspecting, and enforcing surface coal mining permits in Alabama.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State plan.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final program will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., CST on February 15, 2018. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

Pursuant to Office of Management and Budget (OMB) Guidance and dated October 12, 1993, the approval of state program amendments is exempted from OMB review under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to hold a public hearing on a program amendment if it changes the objectives, scope or major policies followed, or make a finding that the State provided adequate notice and opportunity for public comment. Alabama has elected to have OSMRE publish a notice in the **Federal Register** indicating receipt of the proposed amendment and soliciting comments. We will conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 28, 2017.

Alfred L. Clayborne,

Regional Director, Mid-Continent Region.

Editorial Note: This document was received for publication by the Office of the Federal Register on January 17, 2018.

[FR Doc. 2018–01053 Filed 1–19–18; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2017–0566: FRL–9973–21—Region 10]

Air Plan Approval; ID, Crop Residue Burning; Revision to Ozone Requirement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the portions of Idaho's State Implementation Plan (SIP) related to agricultural crop residue burning. The Director of the Idaho Department of Environmental Quality (IDEQ) submitted the revisions to EPA on September 22, 2017. IDEQ supplemented the original submission with photochemical modeling analyses on October 23, 2017. The revisions change the ambient ozone concentration level at which IDEQ may approve a permittee's request to burn. EPA is proposing to approve the revisions because they satisfy the requirements of the Clean Air Act. This action is being taken under section 110 of the Clean Air Act (the Act or CAA).

DATES: Written comments must be received on or before February 21, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2017–0566, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Randall Ruddick, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency, Region 10, 1200 Sixth Ave., Suite 900, Seattle, WA 98101; telephone number: 206–553–1999, email address: *ruddick.randall@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'' or ''our'' are used, it is intended to refer to the EPA.

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I. Background

A. Idaho's Crop Residue Burning Program

Idaho's regulations at Idaho Administrative Procedures Act (IDAPA) 58.01.01.617 through 624 contain the federally-approved State Implementation Plan (SIP) provisions regulating open burning of crop residue in Idaho. These rules were approved by EPA on August 1, 2008, (73 FR 44915) and were submitted to EPA in response to the Ninth Circuit Court of Appeals decision in *Safe Air for Everyone* v. *USEPA,* 475 F.3d 1096, amended 488 F.3d 1088 (9th Cir 2007). More information regarding the Ninth Circuit Court of Appeals decision and the federally-approved requirements for crop residue burning can be found in EPA's proposed and final actions on the state's 2008 SIP submittal. 73 FR 23155 (April 29, 2008) and 73 FR 44915 (August 1, 2008).

In 2013, EPA approved revisions related to Idaho's open burning and crop residue burning requirements that established a streamlined permitting process for spot burns, baled agricultural residue burns, and propane flaming. The revisions also made minor changes to the existing crop residue burning rules to update cross references and clarify certain administrative information. More information regarding the revisions EPA approved in 2013 can be found in EPA's proposed and final actions on the state's 2011 SIP submittal. 78 FR 2359 (January 11, 2013) and 78 FR 16790 (March 19, 2013).

Idaho's federally-approved crop residue burning rules at IDAPA 58.01.01.617 currently provide that the open burning of crop residue on fields where the crops were grown is an allowable form of open burning if conducted in accordance with the provisions at IDAPA 58.01.01.618 through 624. In brief, these rules require that a person desiring to burn crop residue must register at least thirty days in advance of the date of the proposed burn, pay a fee at least seven days prior to the burn, contact the IDEQ for initial approval at least 12 hours prior to the burn, obtain final approval from the IDEQ the morning of the burn, and submit a post-burn report to the IDEQ. In addition, all persons intending to dispose of crop residue through burning must abide by all of the general provisions in IDAPA 58.01.01.622 which covers such items as training requirements, reporting requirements, and certain limitations on burning.

The criteria according to which IDEQ may approve a request to burn crop residue are delineated in IDAPA 58.01.01.621. Importantly, the federally approved version currently in Idaho's SIP requires that IDEQ, before approving a permittee's request to burn, determine that ambient air quality levels do not exceed seventy-five percent of any NAAQS concentration level on the day when the burning will occur and are not projected to exceed such level over the next 24 hours. In addition, IDEQ must determine that ambient air quality levels have not reached, and are not forecasted to reach and persist at, eighty percent of the one-hour action criteria for particulate matter under IDAPA 58.01.01.556.[1] Thus, IDEQ will not approve a burn if these levels are expected to be exceeded as a result of the burn. In determining whether to approve the burn, IDEQ must also consider the expected emissions from the proposed burn, the proximity of the proposed burn to other burns, the moisture content of the fuels, the acreage, crop type and other fuel characteristics, existing and expected meteorological conditions, the proximity of the proposed burn to institutions with sensitive populations, public roadways, and airports, and other relevant factors. See IDAPA 58.01.01.621.01. IDEQ must also notify the public as to whether a given day is a burn or no-burn day; the location and number of acres permitted to be burned; meteorological conditions and any real time ambient air quality monitoring data, and a toll-free number to receive request for information. IDAPA 58.01.01.623.

[1] The current one-hour action criteria under IDAPA 58.01.01.556 is an average of 80 μg/m^3 for $PM_{2.5}$ and an average of 385 ug/m^3 for PM_{10}.

B. Idaho's Proposed SIP Revision

On September 22, 2017, Idaho submitted a SIP revision request to EPA. This SIP submittal contains one change to the federally-approved crop residue burning rules. Specifically, the September 22, 2017, SIP submittal revises the ozone concentration level at which IDEQ may authorize (authorization level) agricultural crop residue burning (CRB) at IDAPA 58.01.01.621.01 and Idaho Code 39–114 (codification of Idaho Senate Bill 1009, Section 3) from seventy-five to ninety percent of the Ozone NAAQS. This revision does not change the authorization levels for any other NAAQS and all other CRB requirements remain unchanged.

IDEQ submitted this revision after concluding that an authorization level of seventy-five percent of the Ozone NAAQS was problematic because it prohibited IDEQ from allowing burning on what would otherwise be a desirable day to burn from a smoke management perspective—when smoke would rise well into the transport layer and disperse well. IDEQ asserts burning on days when smoke dispersion is better will further limit negative impacts on public health.

In the September 22, 2017, submittal, the IDEQ described the process for making the rule changes and noted that the changes were drafted in conjunction with negotiated rulemaking involving persons having an interest in the development of this rule. IDEQ's negotiated rulemaking process [2] did not result in a consensus regarding the SIP revisions Idaho submitted on September 22, 2017.

C. 2015 Ozone NAAQS Background

On October 1, 2015, EPA signed a notice of final rulemaking that revised the 8-hour primary and secondary Ozone NAAQS (80 FR 65292; October 26, 2015). While both standards retain the same general form and averaging time (annual fourth-highest daily maximum 8-hour average concentration, averaged over three years [3]), they were lowered from 0.075 parts per million (ppm) to a level of 0.070 ppm.[4] The revised 2015 Ozone NAAQS provides greater protection of public health and the environment than the previous 2008 Ozone NAAQS.

Following promulgation of a new or revised NAAQS, EPA is required by section 107(d)(1) of the CAA to designate areas throughout the United States as attainment, nonattainment, or unclassifiable for the NAAQS. Nonattainment areas include both areas that are violating the NAAQS, and nearby areas with emissions sources or activities that contribute to violations in those areas. States with areas designated nonattainment are required to prepare and submit a plan for attaining the NAAQS in the area as expeditiously as practicable.

On November 6, 2017, EPA issued final designations for the 2015 Ozone NAAQS for most areas in the United States. Specifically, we found that Idaho meets the standard statewide and issued a final designation of ''attainment/unclassifiable'' for Idaho statewide. This final designation became effective January 16, 2018.

II. EPA's Review of Idaho's Submittal

A. Summary of Idaho's Demonstration

Idaho submitted a ''Weight of Evidence'' demonstration containing multiple analyses of ozone monitoring data; they also submitted photochemical modeling to demonstrate that the proposed SIP revision would not interfere with attainment of the 2015 Ozone NAAQS. (See Docket EPA–R10_OAR–2017–0566: *002_state submittals_Weight of Evidence SIP narrative CRBO3 crop residue burning ozone.pdf* and *004_state submittals_2017ACQ100 final CRB Ozone Modeling SIP amendment Report EPA submittal.pdf* respectively.) Idaho's demonstration uses several different approaches to evaluate existing ozone monitoring data from 2011 through 2015 to attempt to quantify the impacts of crop residue burning during that period upon ambient ozone concentrations. Through this methodology, it attempts to demonstrate that the range of ambient impacts from historic crop residue burning have not exceeded levels that would be expected to cause a violation of the 2015 Ozone NAAQS. Idaho's demonstration further provides that the universe of sources participating in the crop residue burning program is stable and that ozone precursor emissions under the proposed revised SIP will not increase even though there is no provision in the SIP which explicitly limits the scope of CRB either in terms of a limit on acres burned or emissions generated by the practice. Finally, Idaho supplemented its ''Weight of Evidence'' demonstration with a photochemical modeling demonstration that evaluated whether increasing the SIP's CRB authorization level to ninety percent of the Ozone NAAQS concentration would result in a violation of the NAAQS and concluded that Idaho would continue to attain the Ozone NAAQS at this higher authorization level. EPA's analysis of Idaho's demonstration is included in our Technical Support Document (Docket R10–OAR–2017–0566, *101_Technical Support Document_ID 2017 CRB Ozone Revision.pdf*) and elsewhere in this Notice.

B. Clean Air Act § 110(l) Requirements

Approvals to revisions of SIPs are subject to the requirements of CAA § 110(l). Under section 110(l), the Administrator may not approve a SIP revision ''if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress, or any other applicable requirement of [the Act].''

We considered all of the NAAQS pollutants and determined the most relevant pollutants for this evaluation are $PM_{2.5}$, PM_{10}, and ozone. PM and ozone are relevant because the EPA's recent review of the NAAQS for these pollutants resulted in more stringent standards (78 FR 3085, January 15, 2013; and 80 FR 65292; October 26, 2015). There are no nonattainment areas for carbon monoxide, sulfur dioxide, nitrogen dioxide or lead. AQS data show the levels for these pollutants are well below the standards.

Idaho's CRB ozone authorization level SIP revision does not affect a change in Idaho's Regional Haze SIP (approved November 8, 2012, 77 FR 66929) because it does not change or impose a limit on the quantity of light impairing pollutants emitted from crop residue burning. Idaho's 5-Year Progress Report, submitted June 28, 2016, demonstrates visibility improvement at all three of the Class I area monitoring sites, Craters of the Moon National Monument, Sawtooth Wilderness, and Selway-Bitterroot Wilderness. Current regional haze plan strategies are sufficient for Idaho and its neighboring states to meet their reasonable progress goals.

Our findings in the 2008 approval (73 FR 23155, April 29, 2008) that CRB was not the cause of PM nonattainment issues are still valid. The same reasoning applies to the West Silver Valley nonattainment area as well. Residential wood combustion in the cold, winter months during atmospheric inversions is most responsible for elevated particulate matter in these areas. Prescribed burning in the late autumn and early spring also contributes substantially. The CRB authorization level and control measures specific to $PM_{2.5}$ and PM_{10} are

[2] Idaho's negotiated rulemaking process is described in Section 67–5220, Idaho Code and IDAPA 04.11.01.810 through 819.

[3] *See* 80 FR 65296; October 26, 2015, for a detailed explanation of the calculation of the 3-year 8-hour average and 40 CFR part 50, Appendix U.

[4] These levels are commonly referred to in parts per billion (ppb): 75 ppb and 70 ppb, respectively.

not changing under this proposed SIP revision. The revision will not interfere in attainment or reasonable further progress or any other applicable requirement with respect to either PM NAAQS.

To address 110(l) requirement for ozone, we reviewed Idaho's ''Weight of Evidence'' demonstration submitted September 22, 2017, and their supplemental modeling analyses submitted October 23, 2017. Based on our review of Idaho's modeling and monitor data analyses we conclude that the proposed revision to Idaho's CRB ozone authorization level will not interfere with attainment or reasonable further progress with the 2015 Ozone NAAQS or any other applicable CAA requirement.

Section 107(d)(1)(A)(i) of the CAA defines a ''nonattainment area'' as ''any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.'' If an area meets either prong of this definition, then the EPA is obligated to designate the area as ''nonattainment.'' There are no areas designated as nonattainment for ozone in the state of Idaho (82 FR 54232, November 16, 2017), in part, because we do not believe Idaho is contributing to violations of the 2015 Ozone NAAQS in other states.

III. EPA's Proposed Action

We have reviewed Idaho's demonstration that revising the CRB ozone authorization level from seventy-five percent to ninety percent of the Ozone NAAQS is still protective of the NAAQS, will not result in an increase of emissions, and will not interfere with attainment of the 2015 Ozone NAAQS. We believe Idaho adequately justified its conclusions with respect to each of these. EPA's approval decision is based primarily on the photochemical modeling with secondary reliance on the weight of evidence demonstration put forth by Idaho. See Docket R10–OAR–2017–0566, *101_Technical Support Document_ID 2017 CRB Ozone Revision.pdf* for details on our review of the state submittal. Based on the information provided by Idaho, as discussed in our Technical Support Document, we propose to approve Idaho's SIP revision and amend the authorization level for CRB to 90% of the Ozone NAAQS. Authorization levels for CRB in Idaho's SIP will remain at 75% for all other NAAQS.

Under CAA section 110(k), EPA is proposing to approve revisions to Idaho's SIP requested in their September 22, 2017, SIP submittal. Moreover, based on the factors discussed above, we also conclude that approval of the SIP submittal will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Clean Air Act.

IV. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Idaho regulations for Burn Approval Criteria at IDAPA 58.01.01.621.01 and Idaho Code 39–114, State Effective February 28, 2018, discussed in Section I.B. of the preamble. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

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

Dated: January 11, 2018.

Chris Hladick,

Regional Administrator, EPA Region 10.

[FR Doc. 2018–01039 Filed 1–19–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 83, No. 14

Monday, January 22, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Draft Model Adjudication Rules; Comment Request

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Office of the Chairman of the Administrative Conference of the United States is revising its 1993 Model Adjudication Rules and is inviting public comment on the draft revised Rules. The current draft of the revised Rules is available at *https://www.acus.gov/model-rules/model-adjudication-rules.*

DATES: Comments must be received no later than 10:00 a.m. (EDT), Friday, February 23, 2018.

ADDRESSES: Persons who wish to comment on the current draft of the revised Model Adjudication Rules may do so by submitting a written statement either online by clicking ''Submit a comment'' near the bottom of the project web page found at *https://www.acus.gov/research-projects/office-chairman-model-adjudication-rules-working-group* or by U.S. Mail addressed to Revised Model Adjudication Rules Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Daniel Sheffner, Attorney Advisor, Administrative Conference of the United States, 1120 20th Street NW, Suite 706 South, Washington, DC 20036; Telephone (202) 480–2080.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations for improvements to agencies, the President, Congress, and the Judicial Conference of the United States.

The Office of the Chairman of the Administrative Conference of the United States has established a working group—the Model Adjudication Rules Working Group—to review and revise the Conference's Model Adjudication Rules. Released in 1993 by a similar working group of the Conference, the Model Adjudication Rules were designed for use by federal agencies to amend or develop their procedural rules for hearings conducted under the Administrative Procedure Act.

Numerous agencies have relied on the Conference's 1993 Model Rules to improve existing adjudicative schemes; and newer agencies, like the Consumer Financial Protection Bureau, have relied on them to design new procedures. Significant changes in adjudicative practices and procedures since 1993—including use of electronic case management and video hearings—necessitate a careful review and revision of the Model Adjudication Rules. In reviewing and revising the Model Rules, the Working Group has relied on the Conference's extensive empirical research of adjudicative practices reflected in the Federal Administrative Adjudication Database, available at *https://acus.law.stanford.edu/*; amendments to the Federal Rules of Civil Procedure since 1993; and input from agency officials, academics, practitioners, and other stakeholders.

Additional information about the Administrative Conference's Model Adjudication Rules, including the draft Rules, meeting agendas, a listing of the working group members tasked with revising the Rules, and other related information, can be found on the Conference's website at *https://www.acus.gov/research-projects/office-chairman-model-adjudication-rules-working-group.*

Dated: January 17, 2018.

Shawne McGibbon,

General Counsel.

[FR Doc. 2018–01045 Filed 1–19–18; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 17, 2018.

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

Comments regarding this information collection received by February 21, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

Rural Utilities Service

Title: RUS Electric Loan Application and Related Reporting Burdens.

OMB Control Number: 0572–0032.

Summary of Collection: The Rural Utilities Service (RUS) was established in 1994 by the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354, 108 stat. 3178, 7 U.S.C. 6941 *et seq.*) as successor to the Rural Electrification Administration (REA) with respect to certain programs, including the electric loan and loan guarantee program authorized under the Rural Electrification Act (RE Act) of 1936. The RE Act authorizes and empowers the Administrator of RUS to make and guarantee loans to furnish and improve electric service in rural areas. These loans are amortized over a period of up to 35 years and secured by the borrower's electric assets and/or revenue. RUS will collect information including studies and reports to support borrower loan applications.

Need and Use of the Information: RUS will collect information to determine the eligibility of applicants for loans and loan guarantees under the RE Act; monitor the compliance of borrowers with debt covenants and regulatory requirements in order to protect loan security; ensure that borrowers use loan funds for purposes consistent with the statutory goals of the RE Act; and obtain information on the progress of rural electrification and evaluate the success of RUS program activities. Without the information RUS would be unable to accomplish statutory goals.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 625.

Frequency of Responses: Reporting: On occasion; Annually.

Total Burden Hours: 52,130.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–01004 Filed 1–19–18; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0102]

Third-Party Inspection Programs Under the Animal Welfare Act; Public Meetings

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meetings.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service (APHIS) will host a series of public meetings to solicit data and information from the public to aid in the development of criteria for recognizing the use of third-party inspection and certification programs as a positive factor when determining APHIS inspection frequencies at facilities licensed or registered under the Animal Welfare Act.

DATES: The meetings will be held in Santa Clara, CA, on January 18, 2018; Riverdale, MD, on February 8, 2018; Kansas City, MO, on February 22, 2018, and Tampa, FL, on March 8, 2018. The public meetings will be held from 9 a.m. to 1 p.m., local time, except for the meeting in Maryland, which will be held from 1 p.m. to 5 p.m., local time. A virtual listening session will be held on March 14, 2018, from 1 p.m. to 5 p.m. EST. We will accept written statements regarding the use of third-party inspection and certification programs until March 21, 2018.

ADDRESSES: The public meetings will be held at the following locations:

- *January 18:* Santa Clara Marriott, 2700 Mission College Boulevard, Santa Clara, CA 95054;
- *February 8:* USDA Center at Riverside, 4700 River Road, Riverdale, MD 20737;
- *February 22:* USDA, Beacon Building, 6501 Beacon Road, Kansas City, MO 64133; and
- *March 8:* Renaissance Tampa Hotel International Plaza, 4200 Jim Walter Boulevard, Tampa, FL 33607.

You may also submit written statements using one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0102.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0102, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Tuck, Management Analyst, Animal Care, APHIS, USDA 4700 River Road Unit 84, Riverdale, MD 20737; (301) 851–3747; *James.M.Tuck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) is announcing a series of meetings to solicit data and information from the public to aid in the development of criteria for recognizing the use of third-party inspection and certification programs as a positive factor when determining APHIS inspection frequencies at facilities licensed or registered under the Animal Welfare Act (AWA). APHIS already recognizes inspections performed by other government agencies with animal welfare oversight and accreditation by the Association of Zoos & Aquariums as a positive factor when determining the frequency of Federal inspections through the use of a risk-based inspection system, and APHIS is seeking public comment on expanding this consideration to include other types of third-party inspections and certifications.

The risk-based inspection system, initiated in 1998, uses several objective criteria, including but not limited to past compliance history, to determine the minimum inspection frequency at each licensed and registered facility. With this system, APHIS has been able to provide more in-depth inspections and improve its interactions with licensees and registrants—an approach that APHIS firmly believes makes better use of its inspection resources.

The public may submit their comments in response to this notice in writing and/or at in-person and virtual listening sessions. The meetings will be held in various locations across the country and will include an internet-based virtual meeting to facilitate attendance. Participants will have the opportunity to offer written and oral comments.

Specifically, APHIS is seeking data and information regarding the following topics and questions:

1. APHIS is considering recognizing the use of qualified, third-party programs when determining APHIS inspection frequencies at regulated facilities. Would a potential reduction in the frequency of APHIS inspections be a sufficient incentive for regulated facilities to use third-party programs to support compliance under the AWA? Are there other incentives that could be offered to attract participation of regulated entities in the program? Please explain.

2. What are the advantages and disadvantages of voluntary, third-party programs to support compliance under the AWA? What potential benefits and costs might accrue to regulated facilities that elect to use a third-party program? What are the risks associated with using a third-party program?

3. Are third-party programs likely to be effective in practice? Is there potential for a well-functioning market for third-party programs to develop? Please explain. What existing third-party programs are already used by regulated facilities to help support their AWA compliance?

4. When assessing whether to recognize a third-party program, what

criteria should APHIS consider to assure its independence, determine whether the scope of its services support and align with the AWA, and mitigate potential conflicts of interest and other potential risks? In addition, what information should a regulated facility provide so APHIS may verify its use of a third-party program?

5. Aside from recognizing the use of qualified, third-party programs, what are other methods APHIS could use to encourage facilities to achieve and sustain compliance with the AWA? Also, where do you see the greatest opportunity for APHIS to improve the consistency and effectiveness of its AWA program?

Registration instructions for the listening session are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or by following the instructions available via the APHIS website at: *https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_animal_welfare_news/third-party-inspection-certification-programs.*

If you require special accommodations, such as a sign language interpreter, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, on January 16, 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–00966 Filed 1–19–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Seek Approval To Revise and Extend a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Agricultural Resources Management Survey and Chemical Use Surveys. A revision to burden hours will be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by March 23, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0218, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *eFax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Agricultural Resources Management Survey and Chemical Use Surveys.

OMB Control Number: 0535–0218.

Expiration Date of Current Approval: July 31, 2018.

Type of Request: Intent to revise and extend a currently approved information collection.

Abstract: The Agricultural Resource Management Survey(s) (ARMS) are the primary source of information for the U.S. Department of Agriculture on a broad range of issues related to: Production practices, costs and returns, pest management, chemical usage, and contractor expenses. Data is collected on both a whole farm level and on selected commodities.

ARMS is the only source of information available for objective evaluation of many critical issues related to agriculture and the rural economy, such as: Whole farm finance data, including data sufficient to construct estimates of income for farms by: Type of operation, loan commodities, income for operator households, credit, structure, and organization; marketing information; and other economic data on input usage, production practices, and crop substitution possibilities.

Data from ARMS are used to produce estimates of net farm income by type of commercial producer as required in 7 U.S.C. 7998 as amended and estimates of enterprise production costs as required in 7 U.S.C. 1441(a) as amended. Data from ARMS are also used as weights in the development of the Prices Paid Index, a component of the Parity Index referred to in the Agricultural Adjustment Act of 1938, as amended. These indexes are used to calculate the annual federal grazing fee rates as described in the Public Rangelands Improvement Act of 1978 and Executive Order 12548 and as promulgated in regulations found at 36 CFR 222.51, as amended.

In addition, ARMS is used to produce estimates of sector-wide production expenditures and other components of income that are used in constructing the estimates of income and value-added which are transmitted to the U.S. Department of Commerce, Bureau of Economic Analysis, by the USDA Economic Research Service (ERS) for use in constructing economy-wide estimates of Gross Domestic Product. This transmittal of data, prepared using the ARMS, is undertaken to satisfy a 1956 agreement between the Office of Management and Budget and the Departments of Agriculture and Commerce that a single set of estimates be published on farm income.

Chemical Use Surveys: Congress has mandated that NASS and ERS build nationally coordinated databases on agricultural chemical use and related farm practices; these databases are the primary vehicles used to produce specified environmental and economic estimates. The surveys will help provide the knowledge and technical means for producers and researchers to address on-farm environmental concerns in a manner that maintains agricultural productivity.

In this approval request, there is only one significant program change. The annual Microbial Food Safety Practices—Packer Survey will be discontinued.

The commodities that are scheduled to be included in this approval are in the following table.

Year	Survey	Target commodity
2018	ARMS Phase II (PPCR).	Soybeans.
	ARMS Phase II (PPR).	Corn and Peanuts.
	Chemical Use ..	Vegetables.
	ARMS Phase III	Soybeans and Cow-Calf.
2019	ARMS Phase II (PPCR).	Cotton, Barley and Sorghum.
	ARMS Phase II (PPR).	Wheat.

Year	Survey	Target commodity
	Chemical Use ..	Fruit.
	ARMS Phase III	Cotton, Barley and Sorghum.
2020	ARMS Phase II (PPCR).	Corn and Rice.
	ARMS Phase II (PPR).	Soybeans.
	Chemical Use ..	Vegetables.
	ARMS Phase III	Corn, Rice and Hogs.
2021	ARMS Phase II (PPCR).	Wheat and Peanuts.
	ARMS Phase II (PPR).	Cotton.
	Chemical Use ..	Fruit.
	ARMS Phase III	Wheat, Peanuts and Dairy.

PPCR—Production Practices and Costs Report.
PPR—Production Practices Report.
ARMS Phase III—Costs and Returns Report.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (at 44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA).'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average approximately 45 minutes per survey.

Respondents: Farmers, ranchers, farm managers, farm contractors, and farm households.

Estimated Number of Respondents: Approximately 115,000 respondents will be sampled each year. Over half of these respondents will be contacted more than one time in a single year.

Estimated Total Annual Burden on Respondents: Approximately 96,000 hours per year.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) 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 those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, January 11, 2018.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2018–01005 Filed 1–19–18; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Texas Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** of December 22, 2017, concerning meetings of the Texas Advisory Committee. The date and time for the second meeting listed has been changed.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, (213) 894–3437.

Correction

In the **Federal Register** of December 22, 2017, in FR Doc. 2017–27632, on page 60702, in the first column, correct the ''Dates'' caption to read:

The meetings will be held on Friday, January 12, 2018, at 1:00 p.m. Central Time and Friday, February 2, 2018, at 2:00 p.m. Central Time.

Dated: January 16, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Coordination Unit.

[FR Doc. 2018–00946 Filed 1–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–59–2017]

Foreign-Trade Zone (FTZ) 47—Boone County, Kentucky; Authorization of Production Activity; Valeo North America, Inc.; (Automotive Clutch and Compressor Assemblies); Winchester, Kentucky

On September 19, 2017, Valeo North America, Inc. submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 47D, in Winchester, Kentucky.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 45262, September 28, 2017). On January 17, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: January 17, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–01030 Filed 1–19–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–150–2017]

Approval of Subzone Status; Valeo North America, Inc.; Winchester, Kentucky

On September 25, 2017, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Greater Cincinnati FTZ, Inc., grantee of FTZ 47, requesting subzone status subject to the existing activation limit of FTZ 47, on behalf of Valeo North America, Inc., in Winchester, Kentucky.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (82 FR 45263, September 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 47D was approved on November 20, 2017, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 47's 2,000-acre activation limit.

Dated: January 17, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–01042 Filed 1–19–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee: Notice of Open Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on January 30, 2018, 9:30 a.m., (Pacific Standard Time) at the SPIE Photonics West, in San Francisco, CA at the InterContinental on 888 Howard Street, a block from the Moscone Center in Ballroom A. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Summary of Licensing Statistics.
3. Remarks from the Bureau of Industry and Security Management.
4. Industry Presentations.
5. New Business.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than January 23, 2018.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

For more information contact Yvette Springer on (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2018–00956 Filed 1–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF952

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Groundfish Subcommittee of the Pacific Fishery Management Council's (Pacific Council's) Scientific and Statistical Committee (SSC) will hold a meeting via webinar to review 2019 and 2020 groundfish harvest specifications, particularly revised harvest specifications for lingcod. The SSC Groundfish Subcommittee will also discuss the groundfish research and data needs for the Pacific Council's 2018 Research and Data Needs document that will be finalized this year. The webinar meeting is open to the public.

DATES: The SSC Groundfish Subcommittee webinar will be held Thursday, February 8, 2018 from 1 p.m. to 4 p.m. Pacific Standard Time or until business for the day has been completed.

ADDRESSES: The SSC's Groundfish Subcommittee meeting will be held by webinar. To attend the webinar, (1) join the meeting by visiting this link *https://www.gotomeeting.com,* (2) enter the webinar ID: 728–365–997, and (3) enter your name and email address (required). After logging into the webinar, please (1) dial this TOLL number: 1–312–757–3121 (not a toll-free number); (2) enter the attendee phone audio access code: 728–365–997; and (3) then enter your audio phone pin (shown after joining the webinar). *Note:* We have disabled mic/speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (See the *https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps*). You may send an email to Mr. Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 411 for technical assistance. A public listening station will also be available at the Pacific Council office.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: The purpose of the SSC Groundfish Subcommittee meeting is to review groundfish harvest specifications that will inform management decisions for 2019 and beyond. The review will focus on revised projections of lingcod harvest specifications. An error was discovered in the lingcod harvest specifications adopted by the Pacific Council in November 2017 requiring SSC review of the revised harvest specifications. Additionally, the SSC Groundfish Subcommittee will review draft sections relevant to groundfish management of the Pacific Council's 2018 Research and Data Needs document.

No management actions will be decided by the SSC's Groundfish Subcommittee. The SSC Groundfish Subcommittee members' role will be development of recommendations and reports for consideration by the SSC and Pacific Council at the March meeting in Rohnert Park, CA.

Although nonemergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent of the SSC Groundfish Subcommittee to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (503) 820–2411 at least 10 days prior to the meeting date.

Dated: January 17, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–01002 Filed 1–19–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF964

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Announcement of meetings of the South Atlantic Fishery Management Council's Citizen Science Advisory Panel Finance and Infrastructure Action Team.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a series of meetings of its Citizen Science Advisory Panel Finance and Infrastructure Action Team via webinar.

DATES: The meeting via webinar will be held every other week on Wednesday at 1 p.m. starting February 7, 2018. The schedule of meetings is Wednesday, February 7; February 21; March 7; March 21; April 4; April 18; May 2; May 16; and May 30, 2018. All of the meetings will start at 1 p.m. and are scheduled to last approximately 90 minutes each. Additional Action Team meetings and plenary webinar dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES:

Meeting address: The meetings will be held via webinar and are open to members of the public. Webinar registration is required and registration links will be posted to the Citizen Science program page of the Council's website at *www.safmc.net.*

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Amber Von Harten, Citizen Science Program Manager, SAFMC; phone: (843) 302–8433 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *amber.vonharten@safmc.net.*

SUPPLEMENTARY INFORMATION: The Council's Citizen Science Finance and Infrastructure Action Team will meet every other week on Wednesday at 1 p.m.

The South Atlantic Fishery Management Council (Council) created a Citizen Science Advisory Panel Pool in June 2017. The Council appointed members of the Citizen Science Advisory Panel Pool to five Action Teams in the areas of *Volunteers, Data Management, Projects/Topics Management, Finance and Infrastructure,* and *Communication/Outreach/Education* to develop program policies and operations for the Council's Citizen Science Program.

The Finance and Infrastructure Action Team will meet to continue work on developing recommendations on program policies and operations to be reviewed by the Council's Citizen Science Committee. Public comment will be accepted at the beginning of the meeting.

Items to be addressed during these meetings:

1. Discuss work on tasks in the Terms of Reference
2. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 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 17, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–01003 Filed 1–19–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF911

Fisheries of the Gulf of Mexico; Southeast Data, Assessment and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 51 Review Workshop for Gulf of Mexico Gray Snapper.

SUMMARY: The SEDAR 51 assessment of the Gulf of Mexico Gray Snapper will consist of: A Data Workshop; an assessment workshop and series of Assessment webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 51 Review Workshop will be held from 9 a.m. on February 13, 2018 until 5 p.m. on February 15, 2018. See **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting address: The SEDAR 51 Review Workshop will be held at the Gulf of Mexico Fishery Management Council Office, 2203 N. Lois Ave., Suite 1100, Tampa, FL 33607.

SEDAR address: 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie Neer, SEDAR Coordinator; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing workshops and webinars; and (3) Review Workshop. The product of the Data Workshop is a data report, which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report, which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Review Workshop agenda are as follows:

The Review Panel participants will review the stock assessment reports to determine if they are scientifically sound.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) at least 10 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 17, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–01001 Filed 1–19–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF878

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program

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

ACTION: Notification of standard prices and fee percentage.

SUMMARY: NMFS publishes the standard ex-vessel prices and fee percentage for cost recovery under the Central Gulf of Alaska Rockfish Program. This action is intended to provide participants in a rockfish cooperative with the standard prices and fee percentage for the 2017 fishing year, which was authorized from May 1 through November 15. The fee percentage is 2.04 percent. The fee payments are due from each rockfish cooperative on or before February 15, 2018.

DATES: Valid on: January 22, 2018.

FOR FURTHER INFORMATION CONTACT: Carl Greene, 907–586–7105.

SUPPLEMENTARY INFORMATION:

Background

The rockfish fisheries are conducted in Federal waters near Kodiak, AK, by trawl and longline vessels. Regulations implementing the Central Gulf of Alaska (GOA) Rockfish Program (Rockfish Program) are set forth at 50 CFR part 679. Exclusive harvesting privileges are allocated as quota share under the Rockfish Program for rockfish primary and secondary species. Each year, NMFS issues rockfish primary and secondary species cooperative quota (CQ) to rockfish quota share holders to authorize harvest of these species. The rockfish primary species are northern rockfish, Pacific ocean perch, and dusky rockfish. In 2012, dusky rockfish replaced the pelagic shelf rockfish species group in the GOA Groundfish Harvest Specifications (77 FR 15194, March 14, 2012). The rockfish secondary species include Pacific cod, rougheye rockfish, shortraker rockfish, sablefish, and thornyhead rockfish. Rockfish cooperatives began fishing under the Rockfish Program on May 1, 2012.

The Rockfish Program is a limited access privilege program established under the provisions of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Sections 303A and 304(d) of the Magnuson-Stevens Act require NMFS to collect fees to recover the actual costs directly related to the management, data collection and analysis, and enforcement of any limited access privilege program. Therefore, NMFS is required to collect fees for the Rockfish Program under sections 303A and 304(d)(2) of the Magnuson-Stevens Act. Section 304(d)(2) of the Magnuson-Stevens Act also limits the cost recovery fee so that it may not exceed 3 percent of the ex-vessel value of the fish harvested under the Rockfish Program.

Standard Prices

NMFS calculates cost recovery fees based on standard ex-vessel value prices, rather than actual price data provided by each rockfish CQ holder. Use of standard ex-vessel prices is allowed under sections 303A and 304(d)(2) of the Magnuson-Stevens Act. NMFS generates a standard ex-vessel price for each rockfish primary and secondary species on a monthly basis to determine the average price paid per pound for all shoreside processors receiving rockfish primary and secondary species CQ.

Regulations at § 679.85(b)(2) require the Regional Administrator to publish rockfish standard ex-vessel values during the first quarter of each calendar year. The standard prices are described in U.S. dollars per pound for rockfish primary and secondary species CQ landings made during the previous year.

Fee Percentage

NMFS assesses a fee on the standard ex-vessel value of rockfish primary species and rockfish secondary species CQ harvested by rockfish cooperatives in the Central GOA and waters adjacent to the Central GOA when rockfish primary species caught by a cooperative are deducted from the Federal total allowable catch. The rockfish entry level longline fishery and trawl vessels that opt out of joining a cooperative are not subject to cost recovery fees because those participants do not receive rockfish CQ. Specific details on the Rockfish Program's cost recovery provision may be found in the implementing regulations set forth at § 679.85.

NMFS informs—by letter—each rockfish cooperative of the fee percentage applied to the previous year's landings and the total amount due. Fees are due on or before February 15 of each year. Failure to pay on time will result in the permit holder's rockfish quota share becoming non-transferable, and the person will be ineligible to receive any additional rockfish quota share by transfer. In addition, cooperative members will not receive any rockfish CQ the following year until full payment of the fee is received by NMFS.

NMFS calculates and publishes in the **Federal Register** the fee percentage in the first quarter of each year according to the factors and methods described in Federal regulations at § 679.85(c)(2). NMFS determines the fee percentage that applies to landings made in the previous year by dividing the total Rockfish Program management, data collection and analysis, and enforcement costs (direct program costs) during the previous year by the total standard ex-vessel value of the rockfish primary species and rockfish secondary species for all rockfish CQ landings made during the previous year (fishery value). NMFS captures the direct program costs through an established accounting system that allows staff to track labor, travel, contracts, rent, and procurement. Fee collections in any given year may be less than, or greater than, the direct program costs and fishery value for that year, because, by regulation, the fee percentage is established in the first quarter of the calendar year based on the program

costs and the fishery value of the previous calendar year.

Using the fee percentage formula described above, the estimated percentage of program costs to value for the 2017 calendar year is 2.04 percent of the standard ex-vessel value. The fee percentage for 2017 is a decrease from the 2016 fee percentage of 2.54 percent (82 FR 5533, January 18, 2017). Program costs for 2017 were 46 percent lower than in 2016, with the majority of the reduction coming from personnel, overhead, and contracting costs.

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2017 ROCKFISH PROGRAM SEASON IN KODIAK, ALASKA

Species	Period ending	Standard ex-vessel price per pound
Dusky rockfish *	May 31	$0.16
	June 30	0.16
	July 31	0.16
	August 31	0.16
	September 30	0.16
	October 31	0.16
	November 30	0.16
Northern rockfish	May 31	0.15
	June 30	0.14
	July 31	0.15
	August 31	0.15
	September 30	0.15
	October 31	0.15
	November 30	0.15
Pacific cod	May 31	0.36
	June 30	0.35
	July 31	0.35
	August 31	0.35
	September 30	0.35
	October 31	0.35
	November 30	0.35
Pacific ocean perch	May 31	0.18
	June 30	0.18
	July 31	0.18
	August 31	0.18
	September 30	0.18
	October 31	0.18
	November 30	0.18
Rougheye rockfish	May 31	0.20
	June 30	0.20
	July 31	0.20
	August 31	0.20
	September 30	0.20
	October 31	0.20
	November 30	0.15
Sablefish	May 31	3.80
	June 30	3.27
	July 31	3.37
	August 31	3.37
	September 30	3.61
	October 31	3.07
	November 30	3.12
Shortraker rockfish	May 31	0.21
	June 30	0.21
	July 31	0.21
	August 31	0.21
	September 30	0.21
	October 31	0.21
	November 30	0.21
Thornyhead rockfish	May 31	0.39
	June 30	0.35
	July 31	0.36
	August 31	0.36
	September 30	0.38
	October 31	0.37
	November 30	0.32

* The pelagic shelf rockfish species group has been changed to ''dusky rockfish.''

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

Dated: January 17, 2018.

Alan D. Risenhoover,

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

[FR Doc. 2018–01009 Filed 1–19–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Ocean Exploration Advisory Board (OEAB); the OEAB Meeting Is Scheduled for January 30–31, 2018 in Seattle, WA

AGENCY: Office of Ocean Exploration and Research (OER), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ocean Exploration Advisory Board (OEAB). OEAB members will discuss and provide advice on Federal ocean exploration programs, with a particular emphasis on National Oceanic and Atmospheric Administration (NOAA) Office of Ocean Exploration and Research (OER) activities; discuss nontraditional ocean exploration platforms; discuss National Ocean Exploration Forums; and conduct its annual review of the OER federal funding opportunity process; and other matters as described in the agenda found on the OEAB website at *http://oeab.noaa.gov.*

DATES: The announced meeting is scheduled for Tuesday, January 30, 2018 from 9:00 a.m. to 5:00 p.m. PST and Wednesday, January 31, 2018 from 9:00 to 5:00 p.m. PST.

ADDRESSES: The meeting will be held at: School of Oceanography, University of Washington, 1503 NE Boat Street, Seattle, WA 98105.

Status: The meeting will be open to the public with a 15-minute public comment period on Tuesday, January 30, 2018 from 11:45 a.m. to 12:00 p.m. PST (please check the final agenda on the website to confirm the time). The public may listen to the meeting and provide comments during the public comment period via teleconference. Dial-in information may be found on the meeting agenda posted to the OEAB website.

The OEAB expects that public statements at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to three minutes. The Designated Federal Officer must receive written comments by January 27, 2018 to provide sufficient time for OEAB review. Written comments received after January 27, 2018 will be distributed to the OEAB but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David McKinnie, Designated Federal Officer (see below) by January 27, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. David McKinnie, Designated Federal Officer, Ocean Exploration Advisory Board, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE, Seattle, WA 98115, (206) 526–6950.

SUPPLEMENTARY INFORMATION: NOAA established the OEAB under the Federal Advisory Committee Act (FACA) and legislation that gives the agency statutory authority to operate an ocean exploration program and to coordinate a national program of ocean exploration. The OEAB advises NOAA leadership on strategic planning, exploration priorities, competitive ocean exploration grant programs and other matters as the NOAA Administrator requests.

OEAB members represent government agencies, the private sector, academic institutions, and not-for-profit institutions involved in all facets of ocean exploration—from advanced technology to citizen exploration.

In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of stakeholders and partnerships advancing national priorities for ocean exploration.

Dated: January 11, 2018.

David Holst,

Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–01040 Filed 1–19–18; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0137]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Lender's Application Process (LAP)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 21, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0137. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the

following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Lender's Application Process (LAP).

OMB Control Number: 1845–0032.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 10.

Total Estimated Number of Annual Burden Hours: 2.

Abstract: The Lender's Application Process (LAP) is submitted by lenders who are eligible for reimbursement of interest and special allowance, as well as Federal Insured Student Loan (FISL) claims payment, under the Federal Family Education Loan Program. The information will be used by ED to update Lender Identification Numbers (LID's), lender names, addresses with 9 digit zip codes, and other pertinent information.

Dated: January 17, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–01000 Filed 1–19–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Lead of a Career and Technical Education (CTE) Network: Research Networks Focused on Critical Problems of Education Policy and Practice Program

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for a new award for fiscal year (FY) 2018 to fund the Lead of a Career and Technical Education (CTE) Network under the Research Networks Focused on Critical Problems of Education Policy and Practice Program, Catalog of Federal Domestic Assistance (CFDA) number 84.305N.

DATES:

Request for Applications Available: January 22, 2018.

Applications Available: February 15, 2018.

Deadline for Notice of Intent to Apply: February 15, 2018.

Deadline for Transmittal of Applications: April 5, 2018.

FOR FURTHER INFORMATION CONTACT: Dr. Corinne Alfeld, Institute of Education Sciences, U.S. Department of Education, Potomac Center Plaza, 550 12th Street SW, Washington, DC 20202 or by email: *Corinne.Alfeld@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Research Networks Focused on Critical Problems of Education Policy and Practice Program is designed to direct resources and attention to education problems or issues that are a high priority for the Nation, and to create a structure and process for researchers who are working on these issues to share ideas, build new knowledge, and strengthen their research and dissemination capacity. Under this announcement, the Institute of Education Sciences (Institute) intends to award one grant under this program to fund the Lead of a CTE Network, which is to carry out the requirements under section 114(d)(4) of the Carl D. Perkins Career and Technical Education Act to establish a national research center to carry out scientifically based research on career and technical education programs. The CTE Network will conduct research on CTE through projects funded by other Institute grant competitions. The goal of the CTE Network is to support and expand the causal research base on CTE at the secondary and/or postsecondary level specifically through research on whether and how CTE practices, programs, and policies affect student education outcomes. The Network Lead will be responsible for: (1) CTE Network administration and coordination, including convening meetings and coordinating supplemental research activities among Network members; (2) conducting research activities including an evaluability assessment of CTE programs and a final synthesis of the CTE Network's major findings and lessons; (3) providing research training to increase the capacity of the field and to create a pipeline of new CTE researchers; and (4) developing and hosting a CTE Network website and conducting other leadership and dissemination activities to share the findings and products of the CTE Network with policymakers, practitioners, and other researchers.

Program Authority: 20 U.S.C. 2324(d)(4); 20 U.S.C. 9501 *et seq.*

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)-(c), 75.219, 75.220, 75.221, 75.222, and 75.230. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Number of Awards: 1.

Maximum Award: The maximum total award is $5 million for the entire project period of 60 months.

Note: The Department is not bound by any estimates in this notice.

Project Period: 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Eligible applicants are institutions of higher education, public and private non-profit organizations and agencies, and consortia of such institutions, organizations, or agencies that have the ability and capacity to conduct scientifically valid research.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Request for Applications and Other Information:* Information regarding program and application requirements for this competition will be contained in the Request for Applications (RFA), which will be available on or before January 22, 2018, on the Institute's

website at: *http://ies.ed.gov/funding/.* The application package for this competition will be available on February 15, 2018, on the Governmentwide *Grants.gov* Apply site at *www.Grants.gov*.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA. The forms that must be submitted will be in the application package for this competition.

3. *Submission Dates and Times:*

Request for Applications Available: January 22, 2018.

Applications Available: February 15, 2018.

Deadline for Notice of Intent to Apply: February 15, 2018.

Deadline for Transmittal of Applications: April 5, 2018.

We do not consider an application that does not comply with the deadline requirements.

The application package for this competition must be submitted electronically using the *Grants.gov* Apply site (*www.Grants.gov*). For information about how to submit your application package electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to the *Other Submission Requirements* section below.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following website: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov.*

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also, note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Research Networks Focused on Critical Problems of Education Policy and Practice Program, CFDA number 84.305N, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov*. You may not email an electronic copy of a grant application to us.

A *Grants.gov* applicant must apply online using Workspace, a shared environment where members of a grant team may simultaneously access and edit different webforms within an application. An applicant can create an individual Workspace for each application notice and, thus, establish for that application a collaborative application package that allows more than one person in the applicant's organization to work concurrently on an application. The applicant can, thus, assign other users to participate in the Workspace. The system also enables the applicant to reuse forms from previous submissions; check them in and out and complete them; and submit its application package. For access to complete instructions on how to apply, refer to: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*

Effective January 1, 2018, applicants may not download an Adobe form application package from *Grants.gov*. Applicants must instead use Workspace.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Research Networks Focused on Critical Problems of Education Policy and Practice competition at *www.Grants.gov*. You must search for the downloadable

application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.305, not 84.305N).

Please note the following:

• When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.

• You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for the competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* website at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a read-only, flattened Portable Document Format (PDF), meaning any fillable PDF documents must be saved as flattened non-fillable files. Therefore, do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, flattened PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the project narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. There is no need to password protect a file in order to meet the requirement to submit a read-only flattened PDF. And, as noted, the Department will not review password-protected files.

• After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. (This notification indicates receipt by *Grants.gov* only, not receipt by the Department.) *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, flattened PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are

unable to submit an application through the *Grants.gov* system because—

- You do not have access to the internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Ellie Pelaez, U.S. Department of Education, 550 12th Street SW, Potomac Center Plaza, Room 4107, Washington, DC 20202. Fax: 202–245–6752.

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number: 84.305N), LBJ Basement Level 1, 400 Maryland Avenue SW, Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Institute.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number: 84.305N), 550 12th Street SW, Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, the Institute uses selection criteria based on a peer-review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the Institute's website at *https://ies.ed.gov/director/sro/peer_review/application_review.asp.* For this competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the network plan (including network administration, research activities, research training, leadership and dissemination), the qualifications and experience of the personnel, and the resources of the applicant to support the proposed activities. These criteria are described in greater detail in the RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Institute may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Institute may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Institute also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Institute may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts

from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual two-day meeting for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Institute. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Institute under 34 CFR 75.118. The Institute may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* To evaluate the overall success of its education research grant programs, the Institute annually assesses the percentage of projects that result in peer-reviewed publications, the number of newly developed or modified interventions with evidence of promise for improving student education outcomes, and the number of Institute-supported interventions with evidence of efficacy in improving student outcomes including student academic outcomes and social and behavioral competencies for school-age students. Student academic outcomes include learning and achievement in core academic content areas (reading, writing, math, and science), and outcomes that reflect students' successful progression through the education system (*e.g.,* course and grade completion; high school graduation; postsecondary enrollment, progress, and completion). Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to student's academic and post-academic success.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Institute considers, among other things: Whether a grantee has made substantial progress in meeting the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Institute has established performance measurement requirements, whether the grantee has met the performance targets in the grantee's approved application.

In making a continuation award, the Institute also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the RFA in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the appropriate program contact person listed in the chart at the end of this notice.

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

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

Dated: January 16, 2018.

Thomas Brock,

Commissioner of the National Center for Education Research, Delegated the Duties of the Director of the Institute of Education Sciences.

[FR Doc. 2018–00998 Filed 1–19–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

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

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) today gives notice of a request for public comment, pursuant to the Paperwork Reduction Act of 1995, on the continued collection of information entitled: *Budget Justification,* which DOE has developed for submission to and approval by the Office of Management and Budget (OMB).

DATES: Comments regarding this proposed information collection must be received on or before March 23, 2018. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to U.S. Department of Energy, Golden Field Office, 15013 Denver West Parkway Golden, CO 80401–3111, Attn: James Cash, or by email at *james.cash@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to James Cash, U.S. Department of Energy, Golden Field Office, 15013 Denver West Parkway Golden, CO 80401–3111, or by phone (240) 562–1456, or by email at *james.cash@ee.doe.gov.* The information collection instrument, titled ''Budget Justification'' may also be viewed at *https://energy.gov/eere/funding/downloads/budget-justification-eere-335-and-3351.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) OMB No. 1910–5162, Budget Justification;

(2) *Information Collection Request Title:* Budget Justification;

(3) *Type of Request:* Renewal;

(4) *Purpose:* This collection of information is necessary in order for DOE to identify allowable, allocable, and reasonable recipient project costs eligible for Grants and Cooperative Agreements under Energy Efficiency and Renewable Energy (EERE) programs;

(5) *Annual Estimated Number of Respondents:* 400;

(6) *Annual Estimated Number of Total Responses:* 400;

(7) *Annual Estimated Number of Burden Hours:* 24 hours, per response;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $940.80 per one time response;

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden 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.

Statutory Authority: Section 989(a) EPACT 2005 [Merit Review] { 42 U.S.C. 16353(a)}; Section 646 DOE Organization Act [Contracts] {42 U.S.C. 7256(a)}; and 31 U.S.C. 503 (the Chief Financial Officers Act, Functions of the Deputy Director for Management), 31 U.S.C. 1111 (Improving Economy and Efficiency of the United States Government), 41 U.S.C. 1101–1131 (the Office of Federal Procurement Policy Act), Reorganization Plan No. 2 of 1970, and Executive Order 11541 (''Prescribing the Duties of the Office of Management and Budget and the Domestic Policy Council in the Executive Office of the President''), the Single Audit Act Amendments of 1996, (31 U.S.C. 7501–7507), as well as The Federal Program Information Act (Pub. L. 95–220 and Pub. L. 98–169, as amended, codified at 31 U.S.C. 6101–6106).

Issued in Golden, CO, on January 8, 2018.

Derek Passarelli,

Director, Golden Field Office, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Golden Field Office.

[FR Doc. 2018–01027 Filed 1–19–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at the Southwest Power Pool Regional Entity Trustee, Regional State Committee, Members' Committee and Board of Directors' Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool, Inc. Regional State Committee (RSC), Regional Entity Trustee (RET), Members' Committee and Board of Directors as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

The meetings will be held at the Skirvin Hotel, 1 Park Avenue, Oklahoma City, OK 73102. The phone number is (405) 272–3040. All meetings are Central Time.

SPP RET

January 29, 2018 (8:00 a.m.–5:00 p.m.)

SPP RSC

January 29, 2018 (1:00 p.m.–5:00 p.m.)

SPP Members/Board of Directors

January 30, 2018 (8:00 a.m.–3:00 p.m.)

The discussions may address matters at issue in the following proceedings:

Docket No. ER12–1179, *Southwest Power Pool, Inc.*
Docket No. ER15–1809, *ATX Southwest, LLC*
Docket No. ER15–2028, *Southwest Power Pool, Inc.*
Docket No. ER15–2115, *Southwest Power Pool, Inc.*
Docket No. ER15–2236, *Midwest Power Transmission Arkansas, LLC*
Docket No. ER15–2237, *Kanstar Transmission, LLC*
Docket No. ER15–2324, *Southwest Power Pool, Inc.*
Docket No. ER15–2594, *South Central MCN LLC*
Docket No. EL16–91, *Southwest Power Pool, Inc.*
Docket No. EL18–19, *Southwest Power Pool, Inc.*
Docket No. EL16–108, *Tilton Energy* v. *Midcontinent Independent System Operator, Inc.*
Docket No. EL16–110, *Southwest Power Pool, Inc.*
Docket No. ER16–204, *Southwest Power Pool, Inc.*
Docket No. ER16–2522, *Southwest Power Pool, Inc.*
Docket No. ER16–2523, *Southwest Power Pool, Inc.*
Docket No. EL17–11, *Alabama Power Co.* v. *Southwest Power Pool, Inc.*
Docket No. EL17–21, *Kansas Electric Co.* v. *Southwest Power Pool, Inc.*
Docket No. EL17–86, *Nebraska Public Power District* v. *Southwest Power Pool, Inc.*
Docket No. EL17–69, *Buffalo Dunes et al.* v. *Southwest Power Pool, Inc.*
Docket No. ER17–426, *Southwest Power Pool, Inc.*
Docket No. ER17–428, *Southwest Power Pool, Inc.*
Docket No. ER17–469, *Southwest Power Pool, Inc.*
Docket No. ER17–772, *Southwest Power Pool, Inc.*
Docket No. ER17–889, *Southwest Power Pool, Inc.*
Docket No. ER17–953, *South Central MCN LLC*
Docket No. ER17–1092, *Southwest Power Pool, Inc.*
Docket No. ER17–1046, *South Central MCN LLC*
Docket No. ER17–1482, *Southwest Power Pool, Inc.*
Docket No. ER17–1568, *Southwest Power Pool, Inc.*
Docket No. ER17–1575, *Southwest Power Pool, Inc.*
Docket No. ER17–2027, *Southwest Power Pool, Inc.*
Docket No. ER17–2229, *Southwest Power Pool, Inc.*
Docket No. ER17–2256, *Southwest Power Pool, Inc.*
Docket No. ER17–2257, *Southwest Power Pool, Inc.*
Docket No. ER17–2312, *Southwest Power Pool, Inc.*
Docket No. ER17–2388, *Southwest Power Pool, Inc.*
Docket No. ER17–2441, *Southwest Power Pool, Inc.*
Docket No. ER17–2442, *Southwest Power Pool, Inc.*
Docket No. ER17–2523, *Southwest Power Pool, Inc.*
Docket No. ER17–2537, *Southwest Power Pool, Inc.*
Docket No. ER17–2563, *Southwest Power Pool, Inc.*
Docket No. ER17–2583, *Southwest Power Pool, Inc.*
Docket No. ER18–171, *Southwest Power Pool, Inc.*
Docket No. ER18–194, *Southwest Power Pool, Inc.*
Docket No. ER18–195, *Southwest Power Pool, Inc.*
Docket No. ER18–208, *Southwest Power Pool, Inc.*

Docket No. ER18–332, *Southwest Power Pool, Inc.*

Docket No. ER18–352, *Southwest Power Pool, Inc.*

Docket No. ER18–364, *Southwest Power Pool, Inc.*

Docket No. ER18–374, *Southwest Power Pool, Inc.*

Docket No. ER18–381, *Southwest Power Pool, Inc.*

Docket No. ER18–401, *Southwestern Public Service Company*

Docket No. ER18–421, *Southwest Power Pool, Inc.*

Docket No. ER18–478, *Southwest Power Pool, Inc.*

Docket No. ER18–495, *Southwestern Public Service Co.*

Docket No. ER18–499, *Southwestern Electric Power Company*

Docket No. ER18–500, *Southwestern Electric Power Company*

Docket No. ER18–590, *Southwest Power Pool, Inc.*

Docket No. ER18–421, *Southwest Power Pool, Inc.*

Docket No. ER18–594, *Southwest Power Pool, Inc.*

Docket No. ER18–592, *Southwest Power Pool, Inc.*

Docket No. ER18–599, *Southwest Power Pool, Inc.*

Docket No. EL18–9–000, *Xcel Energy Services, Inc.* v. *Southwest Power Pool, Inc.*

Docket No. EL18–20–000, *Indicated SPP Transmission Owners* v. *Southwest Power Pool, Inc.*

Docket No. EL18–26, *EDF Renewable Energy, Inc.* v. *Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C.*

Docket No. EL18–35, *Southwest Power Pool, Inc.*

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: January 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–01012 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14866–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 22, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Preckle Pumped Storage Hydro Project to be located near Duryea Borough in Luzerne County, Pennsylvania and Ransom Township in Lackawanna County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 300 acres and a storage capacity of 4,500 acre-feet at a surface elevation of approximately 1,356 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-fill dam; (2) a new lower reservoir with a surface area of 200 acres and a storage capacity of 3,480 acre-feet at a surface elevation of 550 feet msl; (3) two new 5,640-foot-long, 16-foot-diameter penstocks connecting the upper and lower reservoirs; (4) a new 150-foot-long, 250-foot-wide, 50-foot-high powerhouse containing two turbine-generator units with a total rated capacity of 450 megawatts; (5) a new 13,200-foot-long transmission line connecting the powerhouse to the 230/69-kilovolt Stanton substation owned by PPL Electric Utilities; and (6) appurtenant facilities. The proposed project would have an annual generation of 27,594 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 267–254–6107.

FERC Contact: Woohee Choi; phone: (202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14866–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14866) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: January 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–01018 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–634–000]

Access Energy Solutions, 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 Access Energy Solutions, 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 February 1, 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 12, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–01029 Filed 1–19–18; 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: ER10–2739–019; ER14–1219–006; ER16–1732–005; ER17–993–004; ER10–2743–014; ER18–95–001; ER17–989–004; ER10–1854–011; ER17–990–004; ER17–1946–004; ER17–991–004; ER10–2755–017; ER16–1652–007; ER11–3320–011; ER10–2751–014; ER10–2744–012; ER16–2406–005; ER16–2405–005; ER13–2316–009; ER17–992–004; ER10–2678–012; ER10–1631–011; ER14–19–010.

Applicants: LS Power Marketing, LLC, Armstrong Power, LLC, Aurora Generation, LLC, Bath County Energy, LLC, Bluegrass Generation Company, L.L.C., Buchanan Energy Services Company, LLC, Chambersburg Energy, LLC, Doswell Limited Partnership, Gans Energy, LLC, Helix Ironwood, LLC, Hunlock Energy, LLC, Las Vegas Power Company, LLC, LifeEnergy, LLC, LSP University Park, LLC, Renaissance Power, L.L.C, Riverside Generating Company, L.L.C., Rockford Power, LLC, Rockford Power II, LLC, Seneca Generation, LLC, Springdale Energy, LLC, Troy Energy, LLC, University Park Energy, LLC, West Deptford Energy, LLC.

Description: Notification of Change in Status of the LS PJM MBR Sellers.

Filed Date: 1/12/18.

Accession Number: 20180112–5211.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER15–760–010

Applicants: Western Antelope Blue Sky Ranch A LLC.

Description: Compliance filing: Western Antelope Blue Sky Ranch A Notice of Change in Status MBR Tariff to be effective 1/16/2018.

Filed Date: 1/16/18

Accession Number: 20180116–5122.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER16–120–005.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: NYISO filing re: RMR compliance revisions to address 11/16/17 Order to be effective 10/20/2015.

Filed Date: 1/16/18.

Accession Number: 20180116–5196.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER16–1738–005.

Applicants: Beacon Solar 4, LLC.

Description: Compliance filing: Beacon Solar 4, LLC, Notice of Change in Category Status MBR Tariff to be effective 1/16/2018.

Filed Date: 1/16/18.

Accession Number: 20180116–5119.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER16–1956–005.

Applicants: Western Antelope Dry Ranch LLC.

Description: Compliance filing: Western Antelope Dry Ranch Notice of Change in Status MBR Tariff to be effective 1/16/2018.

Filed Date: 1/16/18.

Accession Number: 20180116–5123.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER16–2224–004.

Applicants: Solverde 1, LLC.

Description: Compliance filing: Solverde 1, LLC, Notice of Change in Category Status MBR Tariff to be effective 1/16/2018.

Filed Date: 1/16/18.

Accession Number: 20180116–5121.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER17–306–004.

Applicants: Beacon Solar 3, LLC.

Description: Compliance filing: Beacon Solar 3, LLC Notice of Change in Category Status MBR Tariff to be effective 1/16/2018.

Filed Date: 1/16/18.

Accession Number: 20180116–5117.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER17–544–004.

Applicants: Beacon Solar 1, LLC.

Description: Compliance filing: Beacon Solar 1, LLC Notice of Change in Category Status MBR Tariff to be effective 1/16/2018.

Filed Date: 1/16/18.

Accession Number: 20180116–5115.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER17–980–002.

Applicants: Alliant Energy Corporate Services, Inc.

Description: Compliance filing: AECS Reactive Power Compliance Filing to be effective 4/17/2017.

Filed Date: 1/16/18.

Accession Number: 20180116–5006.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER18–153–001.

Applicants: Otter Tail Power Company.

Description: Compliance filing: Compliance Filing of Executed Big Stone Plant Transmission Facilities Agreement to be effective 12/24/2017.

Filed Date: 1/16/18.

Accession Number: 20180116–5197.

Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER18–648–000.

Applicants: Springdale Energy, LLC.

Description: § 205(d) Rate Filing: Reactive Service Rate Schedule Effective Date eTariff Filings to be effective 12/13/2017.

Filed Date: 1/12/18.

Accession Number: 20180112–5149.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–649–000.

Applicants: Hunlock Energy, LLC.

Description: § 205(d) Rate Filing: Notice of Succession for Reactive Service Rate Schedule to be effective 12/13/2017.

Filed Date: 1/12/18.

Accession Number: 20180112–5152.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–650–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3290R1 Sholes Wind Energy GIA to be effective 12/14/2017.

Filed Date: 1/12/18.
Accession Number: 20180112–5161.
Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–651–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: OATT Collation Filing to be effective 1/12/2018.
Filed Date: 1/12/18.
Accession Number: 20180112–5184.
Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–652–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of ISA SA No. 4666, Queue No. Z2–038 to be effective 2/19/2018.
Filed Date: 1/16/18.
Accession Number: 20180116–5192.
Comments Due: 5 p.m. ET 2/6/18.

Docket Numbers: ER18–653–000.
Applicants: Southern California Edison Company.
Description: Tariff Cancellation: Notice of Cancellation GIA & DSA SEPV Kennedy Project SA Nos. 953–954 to be effective 2/5/2018.
Filed Date: 1/16/18.
Accession Number: 20180116–5193.
Comments Due: 5 p.m. ET 2/6/18.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH18–3–000.
Applicants: LS Power Development, LLC.
Description: LS Power Development, LLC submits FERC 65–B Non-Material Change in Fact of Waiver Notification.
Filed Date: 1/12/18.
Accession Number: 20180112–5193.
Comments Due: 5 p.m. ET 2/2/18.

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 16, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–01020 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–33–000]

Florida Gas Transmission Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed 18-Inch Mainline Abandonment 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 18-Inch Mainline Abandonment Project involving construction and operation of facilities by Florida Gas Transmission Company, LLC (FGT) in Miami-Dade County, Florida. 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 12, 2018.

If you sent comments on this project to the Commission before the opening of this docket on December 18, 2017, you will need to file those comments in Docket No. CP18–33–000 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.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

FGT 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 (CP18–33–000) 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

FGT proposes to abandon in place a 1.3 mile portion of its 18-inch-diameter mainline pipeline facilities in Miami-Dade County, Florida, and remove an aerial span to accommodate a county road construction project. FGT states it has not delivered gas through this section of pipeline in more than three years and has no current customers served by this section; however, it proposes to continue to maintain the abandoned pipeline facilities for potential future use.

The 18-Inch Mainline Abandonment Project would consist of the following activities:

—blow down [1] from the Turkey Point take-off;
—clean the pipeline by pig [2] from milepost (MP) 919.0 to MP 924.9;
—remove approximately 200 feet of the 18-inch-diameter mainline pipe, including approximately 73 feet of aerial pipeline span which crosses Miami-Dade County Cutler Drain Canal 100A parallel to the SW 136th Street bridge in Miami;
—cut and cap the pipeline on each side of the canal; and
—fill with nitrogen and abandon in place the pipe and associated valves from approximately MP 923.6 to MP 924.9.

The general location of the project facilities is shown in appendix 1.[3]

Land Requirements for Construction

Removal of the facilities would disturb about 0.65 acre of land, and an additional 1.5 acres would be used for a contractor yard. Following construction, the disturbed areas would be restored and revert to former uses. FGT states that it would continue to maintain the right-of-way for the abandoned pipeline.

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 Necessity. NEPA also requires us [4] 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 including, but not limited to, the following resources: land use; water resources; vegetation and wildlife; air quality and noise; and cultural resources. We will also evaluate any 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. 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.[5] 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.

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.[6] 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 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).

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

[1] A blow down is a controlled release of natural gas.

[2] A pig is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[3] 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.

[4] We, us, and our refer to the environmental staff of the Commission's Office of Energy Projects.

[5] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, part 1501.6.

[6] 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.

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.,* CP18–33). 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 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–01016 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1494–438]

Grand River Dam Authority; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 1494–438.

c. *Dated Filed:* February 1, 2017.

d. *Submitted By:* Grand River Dam Authority (GRDA).

e. *Name of Project:* Pensacola Hydroelectric Project.

f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. No federal lands have been identified within the project boundary.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Dr. Darrell Townsend, Assistant General Manager, GRDA, 420 Highway 28, Langley, OK 74359–0070; (918) 256–0616 or *dtownsend@grda.com.*

i. *FERC Contact:* Rachel McNamara at (202) 502–8340 or email at *rachel.mcnamara@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating GRDA as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. GRDA filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's 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,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–1494–438.

All filings with the Commission must bear the appropriate heading: Comments on Pre-Application Document, Study Requests, Comments on Scoping Document 1, Request for Cooperating Agency Status, or Communications to and from Commission Staff. Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by March 13, 2018.

p. We intend to prepare either an environmental assessment (EA) or Environmental Impact Statement (EIS). The meetings listed below will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold four scoping meetings in the vicinity of the

project at the times and places noted below. The daytime meetings will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meetings are primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or more of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting—Langley, Oklahoma

Date & Time: Wednesday, February 7, 2018 at 9 a.m.

Location: GRDA Ecosystems and Education Center, 420 E. Highway 28, Langley, Oklahoma 74350, (918) 256–0723.

Evening Scoping Meeting—Grove, Oklahoma

Date & Time: Wednesday, February 7, 2018 at 6 p.m.

Location: Grove City Hall, 104 W. 3rd Street, Grove, Oklahoma 74344, (918) 786–6107.

Evening Scoping Meeting—Miami, Oklahoma

Date & Time: Thursday, February 8, 2018 at 6 p.m.

Location: Northeastern Oklahoma A&M College, Fine Arts Center Performance Hall, 200 I St. NE, Miami, Oklahoma 74354, (918) 540–6203.

Daytime Scoping Meeting—Tulsa, Oklahoma

Date & Time: Friday, February 9, 2018 at 9 a.m.

Location: GRDA Engineering and Technology Center, 9933 E. 16th Street, Tulsa, Oklahoma, (918) 256–5545.

Please RSVP to Jacklyn Jaggars, (918) 256–0723 or *jjaggars@grda.com,* on or before January 31, 2018 if you plan to attend the scoping meeting in Tulsa.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the eLibrary link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an Environmental Site Review (site visit) of the project on Wednesday, February 7, 2018, starting at 12:30 p.m., and ending at or about 4:30 p.m. All participants should meet at the GRDA Ecosystems and Education Center located at 420 E. Highway 28, Langley, Oklahoma 74350. Participants must notify Jacklyn Jaggars at (918) 256–0723 or *jjaggars@grda.com,* on or before January 31, 2018, if they plan to attend the environmental site review.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: January 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–01013 Filed 1–19–18; 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 corporate filings:

Docket Numbers: EC18–45–000.

Applicants: Shoreham Solar Commons LLC.

Description: Application for Approval of the Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act of Shoreham Solar Commons LLC.

Filed Date: 1/11/18.

Accession Number: 20180111–5174.

Comments Due: 5 p.m. ET 2/1/18.

Docket Numbers: EC18–46–000.

Applicants: Energía Sierra Juárez U.S., LLC, Energía Sierra Juárez U.S. Transmission, LLC, InterGen Energy Solutions, LLC, Baja California Power, Inc.

Description: Application for Authorization Under Section 203 of The Federal Power Act for the Disposition of Jurisdictional Facilities and Request for Expedited Consideration of InterGen Utilities.

Filed Date: 1/12/18.

Accession Number: 20180112–5133.

Comments Due: 5 p.m. ET 2/2/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–2307–003.

Applicants: Vista Energy Marketing, L.P.

Description: Notice of change in status of Vista Energy Marketing, L.P.

Filed Date: 1/11/18.

Accession Number: 20180111–5163.

Comments Due: 5 p.m. ET 2/1/18.

Docket Numbers: ER16–2412–005.

Applicants: Luning Energy LLC.

Description: Notice of Non-Material Change in Status of Luning Energy LLC.

Filed Date: 1/11/18.

Accession Number: 20180111–5158.

Comments Due: 5 p.m. ET 2/1/18.

Docket Numbers: ER18–487–001.

Applicants: Tampa Electric Company.

Description: Tariff Amendment: Amended—Section 205 Requirements Depreciation Rates—Various Accounts to be effective 12/12/2017.

Filed Date: 1/12/18.

Accession Number: 20180112–5052.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–637–000.

Applicants: NorthWestern Corporation.

Description: Tariff Cancellation: Notice of Cancellation: SA803, Utility Relocation Agreement w/City of Billings to be effective 1/12/2018.

Filed Date: 1/11/18.

Accession Number: 20180111–5141.

Comments Due: 5 p.m. ET 2/1/18.

Docket Numbers: ER18–638–000.

Applicants: Allegheny Energy Supply Company, LLC.

Description: Tariff Cancellation: Notice of Cancellation of Reactive

Power Rate Schedule No. 12 to be effective 12/13/2017.

Filed Date: 1/12/18.

Accession Number: 20180112–5040.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–639–000.

Applicants: NorthWestern Corporation.

Description: Tariff Cancellation: Notice of Cancellation: SA 802, Fast Process Agreement with MDOT (Rouse–Oak) to be effective 1/13/2018.

Filed Date: 1/12/18.

Accession Number: 20180112–5065.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–640–000.

Applicants: NorthWestern Corporation.

Description: Tariff Cancellation: Notice of Cancellation: SA 745 First Revised, EP&C Agreement w/Express Pipeline to be effective 1/13/2018.

Filed Date: 1/12/18.

Accession Number: 20180112–5066.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–641–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2018–01–12 CPM Risk of Retirement Amendment to be effective 4/13/2018.

Filed Date: 1/12/18.

Accession Number: 20180112–5087.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–642–000.

Applicants: Settlers Trail Wind Farm, LLC.

Description: Baseline eTariff Filing: Rate Schedule for Reactive Supply and Voltage Control to be effective 3/13/2018.

Filed Date: 1/12/18.

Accession Number: 20180112–5089.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–643–000.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Notice of Cancellation of ICSA SA No. 2537; Queue No. O66 to be effective N/A.

Filed Date: 1/12/18.

Accession Number: 20180112–5104.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–644–000.

Applicants: Monongahela Power Company, West Penn Power Company, The Potomac Edison Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: West Penn et al submits IAs, SA Nos. 4897, 4898 and 4899 to be effective 12/13/2017.

Filed Date: 1/12/18.

Accession Number: 20180112–5122.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–645–000.

Applicants: AEP Generation Resources Inc.

Description: § 205(d) Rate Filing: 13th Amd to Station Agreement Among AEP GR-Buckeye-Cardinal to be effective 1/1/2018.

Filed Date: 1/12/18.

Accession Number: 20180112–5128.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–646–000.

Applicants: Chambersburg Energy, LLC.

Description: § 205(d) Rate Filing: Reactive Service Rate Schedule Effective Date eTariff Filings to be effective 12/13/2017.

Filed Date: 1/12/18.

Accession Number: 20180112–5132.

Comments Due: 5 p.m. ET 2/2/18.

Docket Numbers: ER18–647–000.

Applicants: Gans Energy, LLC.

Description: § 205(d) Rate Filing: Reactive Service Rate Schedule Effective Date eTariff Filings to be effective 12/13/2017.

Filed Date: 1/12/18.

Accession Number: 20180112–5135.

Comments Due: 5 p.m. ET 2/2/18.

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 12, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–01028 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Attendance at the Colorado Public Utilities Commission's Fourth Commissioner Information Meeting

The Federal Energy Regulatory Commission (Commission) hereby gives notice that Commissioners and members of its staff may attend the Colorado Public Utilities Commission's Commissioner Information Meeting (CIM) as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

The CIM will be held on January 25, 2018 from 8:30 a.m. until 10:00 a.m. Mountain Time at the Colorado Public Utilities Commission, Hearing Room A, 1560 Broadway, Suite 250, Denver, CO 80202. The phone number is (303) 894–2533.

The discussions may address matters at issue in the following proceedings:

Docket No. ER12–1179, *Southwest Power Pool, Inc.*

Docket No. ER15–1809, *ATX Southwest, LLC*

Docket No. ER15–2028, *Southwest Power Pool, Inc.*

Docket No. ER15–2115, *Southwest Power Pool, Inc.*

Docket No. ER15–2236, *Midwest Power Transmission Arkansas, LLC*

Docket No. ER15–2237, *Kanstar Transmission, LLC*

Docket No. ER15–2324, *Southwest Power Pool, Inc.*

Docket No. ER15–2594, *South Central MCN LLC*

Docket No. EL16–91, *Southwest Power Pool, Inc.*

Docket No. EL18–19, *Southwest Power Pool, Inc.*

Docket No. EL16–108, *Tilton Energy* v. *Midcontinent Independent System Operator, Inc.*

Docket No. EL16–110, *Southwest Power Pool, Inc.*

Docket No. ER16–204, *Southwest Power Pool, Inc.*

Docket No. ER16–2522, *Southwest Power Pool, Inc.*

Docket No. ER16–2523, *Southwest Power Pool, Inc.*

Docket No. EL17–11, *Alabama Power Co.* v. *Southwest Power Pool, Inc.*

Docket No. EL17–21, *Kansas Electric Co.* v. *Southwest Power Pool, Inc.*

Docket No. EL17–86, *Nebraska Public Power District* v. *Southwest Power Pool, Inc.*

Docket No. EL17–69, *Buffalo Dunes et al.* v. *Southwest Power Pool, Inc.*

Docket No. ER17–426, *Southwest Power Pool, Inc.*

Docket No. ER17–428, *Southwest Power Pool, Inc.*

Docket No. ER17–469, *Southwest Power Pool, Inc.*

Docket No. ER17–772, *Southwest Power Pool, Inc.*

Docket No. ER17–889, *Southwest Power Pool, Inc.*

Docket No. ER17–953, *South Central MCN LLC*

Docket No. ER17–1092, *Southwest Power Pool, Inc.*

Docket No. ER17–1046, *South Central MCN LLC*
Docket No. ER17–1482, *Southwest Power Pool, Inc.*
Docket No. ER17–1568, *Southwest Power Pool, Inc.*
Docket No. ER17–1575, *Southwest Power Pool, Inc.*
Docket No. ER17–2027, *Southwest Power Pool, Inc.*
Docket No. ER17–2229, *Southwest Power Pool, Inc.*
Docket No. ER17–2256, *Southwest Power Pool, Inc.*
Docket No. ER17–2257, *Southwest Power Pool, Inc.*
Docket No. ER17–2312, *Southwest Power Pool, Inc.*
Docket No. ER17–2388, *Southwest Power Pool, Inc.*
Docket No. ER17–2441, *Southwest Power Pool, Inc.*
Docket No. ER17–2442, *Southwest Power Pool, Inc.*
Docket No. ER17–2523, *Southwest Power Pool, Inc.*
Docket No. ER17–2537, *Southwest Power Pool, Inc.*
Docket No. ER17–2563, *Southwest Power Pool, Inc.*
Docket No. ER17–2583, *Southwest Power Pool, Inc.*
Docket No. ER18–171, *Southwest Power Pool, Inc.*
Docket No. ER18–194, *Southwest Power Pool, Inc.*
Docket No. ER18–195, *Southwest Power Pool, Inc.*
Docket No. ER18–208, *Southwest Power Pool, Inc.*
Docket No. ER18–332, *Southwest Power Pool, Inc.*
Docket No. ER18–352, *Southwest Power Pool, Inc.*
Docket No. ER18–364, *Southwest Power Pool, Inc.*
Docket No. ER18–374, *Southwest Power Pool, Inc.*
Docket No. ER18–381, *Southwest Power Pool, Inc.*
Docket No. ER18–401, *Southwestern Public Service Company*
Docket No. ER18–421, *Southwest Power Pool, Inc.*
Docket No. ER18–478, *Southwest Power Pool, Inc.*
Docket No. ER18–495, *Southwestern Public Service Co.*
Docket No. ER18–499, *Southwestern Electric Power Company*
Docket No. ER18–500, *Southwestern Electric Power Company*
Docket No. ER18–590, *Southwest Power Pool, Inc.*
Docket No. ER18–421, *Southwest Power Pool, Inc.*
Docket No. ER18–594, *Southwest Power Pool, Inc.*
Docket No. ER18–592, *Southwest Power Pool, Inc.*
Docket No. ER18–599, *Southwest Power Pool, Inc.*
Docket No. EL18–9–000, *Xcel Energy Services, Inc.* v. *Southwest Power Pool, Inc.*
Docket No. EL18–20–000, *Indicated SPP Transmission Owners* v. *Southwest Power Pool, Inc.*
Docket No. EL18–26, *EDF Renewable Energy, Inc.* v. *Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc.,* and *PJM Interconnection, L.L.C.*
Docket No. EL18–35, *Southwest Power Pool, Inc.*

This meeting is open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: January 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–01022 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3586–006]

Rocky River Hydro, LLC; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Application for surrender of exemption.

b. *Project No.:* 3586–006.

c. *Date Filed:* December 26, 2017.

d. *Exemptee:* Rocky River Hydro, LLC.

e. *Name of Project:* Rocky River Project No. 3586.

f. *Location:* The project is located on the Rocky River, upstream of its confluence with the Deep River, in Chatham County, North Carolina.

g. *Filed Pursuant to:* 18 CFR 4.102.

h. *Exemptee Contact:* Timothy Dean Sweeney, Member/Manager, Rocky River Hydro, LLC, 3409 Birk Bluff Court, Cary, NC 27518; or, Aaron Aho, Unique Places, P.O. Box 52357, Durham, NC 27717.

i. *FERC Contact:* Marybeth Gay, (202) 502–6125, *Marybeth.Gay@ferc.gov.*

j. Deadline for filing comments, interventions, protests, and recommendations is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Please include the project number (P–3586–006) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* Rocky River Hydro, LLC (exemptee), through its representative, Unique Places, LLC proposes to surrender the exemption for the Rocky River Project and decommission the project facilities. Decommissioning would involve disconnecting all utilities at the project, removing the generator, turbine, and control equipment, and demolishing the powerhouse, dam, and embankments. Metal and some other material would be properly disposed of off-site, and some material would be used in bank stabilization in the demolition area. The proposed decommissioning work is an element of a project developed with state and federal resource agencies to restore critical habitat for the federally endangered Cape Fear shiner.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/efiling.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should

so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .212 and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate the temporary variance that is the subject of this notice. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: January 16, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–01015 Filed 1–19–18; 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:

Docket Numbers: RP18–345–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20180112 Remove Non Conforming to be effective 12/22/2017.

Filed Date: 1/12/18.

Accession Number: 20180112–5054.

Comments Due: 5 p.m. ET 1/24/18.

Docket Numbers: RP18–346–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 011218 Negotiated Rates—Consolidated Edison Energy Inc. R–2275–13 to be effective 1/15/2018.

Filed Date: 1/12/18.

Accession Number: 20180112–5056.

Comments Due: 5 p.m. ET 1/24/18.

Docket Numbers: RP18–347–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 011218 Negotiated Rates—Macquarie Energy LLC H–4090–89 to be effective 1/15/2018.

Filed Date: 1/12/18.

Accession Number: 20180112–5057.

Comments Due: 5 p.m. ET 1/24/18.

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 16, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–01021 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ18–9–000]

Buckeye Power, Inc.; Notice of Filing

Take notice that on December 29, 2017, Buckeye Power, Inc. submitted its tariff filing: Buckeye Revised Rate Schedule Filing to be effective 12/29/2017.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the 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 January 19, 2018.

Dated: January 12, 2018..

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–01017 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 96–045]

Pacific Gas and Electric Company; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Joint Scoping With the California State Water Resources Control Board; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process

b. *Project No.:* 96–045

c. *Dated Filed:* November 16, 2017

d. *Submitted By:* Pacific Gas & Electric Company (PG&E)

e. *Name of Project:* Kerckhoff Hydroelectric Project

f. *Location:* On the San Joaquin River, in Fresno and Madera Counties, California, about 25 miles northeast of the city of Fresno, California. The majority of the project is located on lands owned by PG&E, National Forest System Lands administered by the U.S. Forest Service, Sierra National Forest, and on lands managed by the U.S. Bureau of Land Management.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Applicant Contact:* Debbie Powell, Senior Director, Power Generation—Operations, Pacific Gas and Electric Company, P.O. Box 770000, MCN11D–1138, San Francisco, CA 94177–0001

i. *FERC Contact:* Evan Williams at (202) 502–8462 or *evan.williams@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

k. W*ith this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402, (b) NOAA Fisheries under section 305(b)(2) of the Magnuson-Stevens Fisheries Conservation and Management Act; and (c) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. *With this notice, we are designating PG&E as the Commission's non-federal representatives for carrying out informal consultation, pursuant to:* Section 7 of the Endangered Species Act; section 305(b)(2) of the Magnuson-Stevens Fisheries Conservation and Management Act; and section 106 of the National Historic Preservation Act.

m. On November 16, 2017, PG&E filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's 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,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission. Scoping comments should be filed separately with the Commission and California State Water Resources Control Board (State Water Board), as noted below.

Commission:

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–96–045.

All filings with the Commission must bear the appropriate heading: Comments on Pre-Application Document, Study Requests, Comments on Scoping Document 1, Request for Cooperating Agency Status, or Communications to and from Commission Staff. Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by March 17, 2018.

State Water Board:

Written comments should be provided as noted below. When submitting your comments, provide the contact person's name and phone number. The State Water Board is seeking information regarding what type of environmental document should be prepared (*i.e.,* negative declaration, mitigated negative declaration, or environmental impact report), as well as scoping comments.

State Water Resources Control Board, Division of Water Rights—Water Quality Certification Program, Attention: Philip Choy, P.O. Box 2000, Sacramento, CA 95812–2000, Phone: (916) 341–5408, Fax: (916) 341–5400, Email: *Philip.Choy@waterboards.ca.gov.*

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the times and places noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document.

These scoping meetings are being coordinated with the State Water Board and are considered joint scoping meetings for the purposes of both the National Environmental Policy Act

(NEPA) and the California Environmental Quality Act (CEQA), should the State Water Board prepare an environmental impact report (EIR). (See Cal. Code Regs., tit. 14, 15083, 15223, 15226.) This notice is intended to provide notice of the State Water Board's informal consultation with responsible and trustee agencies pursuant to section 15063 of the CEQA Guidelines as to the potential for the proposed action to cause a significant impact to the environment. (Cal. Code Regs., tit. 14, § 15063, subd. (g).) Recipients of this notice are invited to comment on whether an EIR, negative declaration, or mitigated negative declaration should be prepared. In addition, pursuant to CEQA Guidelines section 15083, subdivision (c), these meetings are intended to simultaneously serve the purposes identified in California Code of Regulations, title 14, section 15082, subdivision (c). Any responsible or trustee agency or other interested parties that believes an EIR should be prepared should identify the scope and content of any environmental information it believes should be required, should the State Water Board prepare an EIR.

The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Tuesday, February 13, 2018.
Time: 9:00 a.m.
Location: Piccadilly Inn Airport, 5115 E McKinley Ave., Fresno, CA.
Phone: (559) 375–7760.

Evening Scoping Meeting

Date: Tuesday, February 13, 2018.
Time: 6:00 p.m.
Location: Piccadilly Inn Airport, 5115 E McKinley Ave., Fresno, CA.
Phone: (559) 375–7760.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the eLibrary link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an Environmental Site Review (site visit) of the project at 8:00 a.m., Wednesday, February 14, 2018. Participants are responsible for their own transportation. Persons planning on participating in the site visit must RSVP to Ms. Lisa Whitman of PG&E at *Lisa.Whitman@pge.com* or (415) 973–7465, on or before February 1, 2018. Additional details concerning the site visit are provided in SD1.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are provided in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public record of the Commission and State Water Board proceedings for this project.

Dated: January 16, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–01014 Filed 1–19–18; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, January 25, 2018 at 10:00 a.m.

PLACE: 999 E Street, NW, Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Proposed Interim Enforcement Policy on Volunteer Mail Exemption
Proposed Revisions to Forms 8 & 9 and Instructions
Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2018–01205 Filed 1–18–18; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) invites comment on a proposal to extend, with revision, the mandatory Reporting Requirements associated with Regulation QQ (OMB No. 7100–0346).

DATES: Comments must be submitted on or before March 23, 2018.

ADDRESSES: You may submit comments, identified by *Reg QQ,* by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW)

Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public website at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Report:

Report title: Reporting Requirements Associated with Regulation QQ.

Agency form number: Reg QQ.

OMB control number: 7100–0346.

Frequency: Annually.

Respondents: Bank holding companies [1] with assets of $50 billion or more and nonbank financial firms designated by the Financial Stability Oversight Council for supervision by the Board.

Estimated number of respondents: Reduced Reporters: 82; Tailored Domestic Reporters: 13; Tailored Foreign Reporters: 2; Full Domestic Reporters: 3; Full Foreign Reporters: 16; Complex, Domestic Filers: 9; Complex, Foreign Filers: 4.

Estimated average hours per response: Reduced Reporters: 60 hours; Tailored Domestic Reporters: 9,000 hours; Tailored Foreign Reporters: 1,130 hours; Full Domestic Reporters: 26,000 hours; Full Foreign Reporters: 2,000 hours; Complex, Domestic Filers: 79,522 hours; [2] Complex, Foreign Filers: 55,500 hours.

Estimated annual burden hours: Reduced Reporters: 4,920 hours; Tailored Domestic Reporters: 117,000 hours; Tailored Foreign Reporters: 2,260 hours; Full Domestic Reporters: 78,000 hours; Full Foreign Reporters: 32,000 hours; Complex, Domestic Filers: 715,697 hours; Complex Foreign Filers: 222,000 hours. Total estimated annual burden: 1,171,877.

General Description of Report: Regulation QQ (12 CFR part 243) requires each bank holding company (BHC) with assets of $50 billion or more and nonbank financial firms designated by the Financial Stability Oversight Council (FSOC) for supervision by the Board (collectively, covered companies) to report annually to the Board and the FDIC the plan of such company for rapid and orderly resolution under the U.S. Bankruptcy Code in the event of the company's material financial distress or failure. The plans submitted pursuant to Regulation QQ, and identified in this information collection, are reviewed jointly by the Board and Federal Deposit Insurance Corporation (FDIC) (collectively, the Agencies). On September 28, 2017, the Board and the FDIC announced the postponement of the next plan submission of the largest and most complex, domestic BHCs [3] from July 1, 2018, to July 1, 2019, to permit the agencies to provide meaningful feedback on the July 2017 plans and provide the BHCs with sufficient time to incorporate the feedback into their next plans. If these firms were filing each year covered by this notice, instead of only twice, the total estimated annual burden for the reporting of this information collection would be 1,473,180 hours instead of the aforementioned 1,171,877.

The Board is exploring ways to improve the resolution planning process. Such improvements could include, for example, extending the cycle for plan submissions; focusing certain filings on key topics of interest and material changes; or reducing the submission requirements for firms with small, simple, and domestically focused activities. The Board will solicit comments on the effects that any such changes would have on paperwork burden if and when the changes are proposed.

Proposed revisions: The Federal Reserve proposes to revise its original burden estimates based on a reassessment of the burden hours associated with responding to the informational requirements of Regulation QQ and to guidance, feedback, and additional requests for information by the agencies as part of the iterative resolution planning process. The burden increase also is mitigated by the postponement of the

[1] This includes any foreign bank or company that is, or is treated as, a bank holding company under section 8(a) of the International Banking Act of 1978, and that has $50 billion or more in total consolidated assets.

[2] This estimate captures the annual time that complex, domestic filers will spend complying with this collection, given that eight of these filers will only submit two resolution plans over the period covered by this notice. The estimate therefore represents two-thirds of the time these eight firms are estimated to spend on each resolution plan submission.

[3] This group currently consists of Bank of America Corporation; Bank of New York Mellon Corporation; Citigroup, Inc.; Goldman Sachs Group, Inc.; JPMorgan Chase & Co.; Morgan Stanley; State Street Corporation; and Wells Fargo & Company.

July 2018 submission date for the resolution plans of the complex, domestic filers, which account for the largest percentage of overall burden hours.

Legal authorization and confidentiality: This information collection is mandatory pursuant to section 165(d)(8) of the Dodd-Frank Act (Pub. L. 111–203, 124 Stat. 1376, 1426–1427), 12 U.S.C. 5365(d)(8), which requires the Board and the FDIC to jointly issue rules implementing the provisions of section 165(d) of the Dodd-Frank Act. The Board's Legal Division has determined that under section 112(d)(5)(A) of the Dodd-Frank Act, the Board and the FDIC ''shall maintain the confidentiality of any data, information, and reports submitted under'' Title I (which includes section 165(d), the authority this regulation is promulgated under) of the Dodd-Frank Act.

The Board and the FDIC will assess the confidentiality of resolution plans and related material in accordance with FOIA and the Board's and the FDIC's implementing regulations (12 CFR part 261 (Board); 12 CFR part 309 (FDIC)). The Board and the FDIC expect that large portions of the submissions will contain or consist of ''trade secrets and commercial or financial information obtained from a person and privileged or confidential'' and information that is ''contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.'' This information is subject to withholding under exemptions 4 and 8 of the FOIA, 5 U.S.C. 552(b)(4) and 552(b)(8).[4] The Board and the FDIC also recognize, however, that the regulation calls for the submission of details regarding covered companies that are publicly available or otherwise are not sensitive and should be made public. In order to address this, the regulation requires resolution plans to be divided into two portions: a public section and a confidential section.

In addition to any responses to guidance from the Agencies, the public section of the resolution plan should consist of an executive summary of the resolution plan that describes the business of the covered company and includes, to the extent material to an understanding of the covered company: (i) The names of material entities; (ii) a description of core business lines; (iii) consolidated or segment financial information regarding assets, liabilities, capital and major funding sources; (iv) a description of derivative activities and hedging activities; (v) a list of memberships in material payment, clearing, and settlement systems; (vi) a description of foreign operations; (vii) the identities of material supervisory authorities; (viii) the identities of the principal officers; (ix) a description of the corporate governance structure and processes related to resolution planning; (x) a description of material management information systems; and (xi) a description, at a high level, of the covered company's resolution strategy, covering such items as the range of potential purchasers of the covered company, its material entities and core business lines.

While the information in the public section of a resolution plan should be sufficiently detailed to allow the public to understand the business of the covered company, such information can be high level in nature and based on publicly available information. The public section will be made available to the public exactly as submitted by the covered companies as soon as possible following receipt by the agencies. A covered company should submit a properly substantiated request for confidential treatment of any details in the confidential section that it believes are subject to withholding under exemption 4 of the FOIA. In addition, the Board and the FDIC will make formal exemption and segregability determinations if and when a plan is requested under the FOIA.

Consultation outside the agency: The Board consulted with FDIC staff regarding the revised burden estimate. In addition, to inform the Board's estimates, Board staff sought information from all respondents concerning each respondent's estimate of the burden associated with this collection. A total of 33 respondents provided burden information.

Board of Governors of the Federal Reserve System, January 17, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–01046 Filed 1–19–18; 8:45 am]

BILLING CODE 6210–01–P

[4] Depending upon the circumstances of any specific FOIA request, other exemptions may also apply.

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Consolidated Financial Statements for Holding Companies (FR Y–9C) (OMB No. 7100–0128), the Parent Company Only Financial Statements for Large Holding Companies (FR Y–9LP) (OMB No. 7100–0128), the Parent Company Only Financial Statements for Small Holding Companies FR Y–9SP) (OMB No. 7100–0128), the Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7N) (OMB No. 7100–0125), and the Consolidated Report of Condition and Income for Edge and Agreement Corporations (FR 2886b) (OMB No. 7100–0086), and to extend, without revision, the Financial Statements for Employee Stock Ownership Plan Holding Companies (FR Y–9ES) (OMB No. 7100–0128) the Supplement to the Consolidated Financial Statements for Holding Companies (FR Y–9CS) (OMB No. 7100–0086), the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7NS) (OMB No. 7100–0125); and the Capital and Asset Report for Foreign Banking Organizations (FR Y–7Q) (OMB No. 7100–0125).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA submission, supporting statements, and approved collection of information instrument(s) are placed into OMB's

public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Reports

1. Report title: Consolidated Financial Statements for Holding Companies, Parent Company Only Financial Statements for Large Holding Companies, Parent Company Only Financial Statements for Small Holding Companies, Financial Statement for Employee Stock Ownership Plan Holding Companies, and the Supplemental to the Consolidated Financial Statements for Holding Companies.

Agency form number: FR Y–9C, FR Y–9LP, FR Y–9SP, FR Y–9ES, and FR Y–9CS.

OMB control number: 7100–0128.

Frequency: Quarterly and semiannually.

Reporters: Bank holding companies, savings and loan holding companies, securities holding companies, and U.S. Intermediate Holding Companies (collectively, holding companies (HCs)).

Estimated annual reporting hours: FR Y–9C (non advanced approaches HCs): 123,636 hours; FR Y–9C (advanced approached HCs): 3,628 hours; FR Y–9LP: 16,400 hours; FR Y–9SP: 42,811; FR Y–9ES: 42 hours; FR Y–9CS: 472 hours.

Estimated average hours per response: FR Y–9C (non-advanced approaches HCs): 49.14 hours; FR Y–9C (advanced approached HCs): 50.39 hours; FR Y–9LP: 5.27 hours; FR Y–9SP: 5.40 hours FR Y–9ES: 0.50 hours; FR Y–9CS: 0.50 hours.

Number of respondents: FR Y–9C (non-advanced approaches holding companies): 629; FR Y–9C (advanced approached holding companies): 18; FR Y–9LP: 778; FR Y–9SP: 3,964 FR Y–9ES: 83; FR Y–9CS: 236.

General description of report: Pursuant to the Bank Holding Company Act of 1956 (BHC Act), as amended, and the Home Owners' Loan Act (HOLA), the Federal Reserve requires HCs to provide standardized financial statements to fulfill the Federal Reserve's statutory obligation to supervise these organizations. HCs file the FRY–9C and FR Y–9LP quarterly, the FR Y–9SP semiannually, the FR Y–9ES annually, and the FR Y–9CS on a schedule that is determined when this supplement is used.

Proposed revisions: The Federal Reserve is implementing a number of revisions to the FR Y–9C reporting requirements, most of which are consistent with recent changes to the Federal Financial Institutions Examination Council (FFIEC) Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031 & 041; OMB No. 7100–0036).[1] Additionally, the Federal Reserve will eliminate the concept of extraordinary items on various reports, add one new item to the FR Y–9SP report, and revise the instructions to clarify the reporting of certain tax benefits on various reports. These changes would be effective for reports reflecting the March 31, 2018, report date. The changes include:

- Deleting existing data items from Schedule HI–B, Part I, Charge-Offs and Recoveries on Loans and Leases and Changes in Allowance for Loans and Lease Losses, of the FR Y–9C report that pertain to charge-offs and recoveries on loans to U.S banks and foreign banks.
- Deleting existing data items from Schedule HC–M, Memoranda, and Schedule HC–N, Past Due and Nonaccrual Loans, and Leases and Other Assets of the FR Y–9C that pertain to certain loans covered by loss-sharing agreements with the FDIC.
- Increasing one reporting threshold and adding one new reporting threshold on the FR Y–9C for certain data items on Schedule HI, Consolidated Income Statement.
- Eliminating extraordinary items on the FR Y–9LP.
- Revising data items for the reclassification of certain tax benefits on the FR Y–9C and FR Y–9LP.
- Adding one new data item to Schedule SI of the FR Y–9SP to collect information pertaining to discontinued operations.
- Revising one control total and adding two control totals on Schedule HC–C and HC–N of the FR Y–9C report.
- Revising captions and instructions to replace ''Loans net of unearned income'' with ''Loans held for investment'' for the FR Y–9C, FR Y–9LP, FR Y–9SP, FR Y–7N and the FR 2886b.

[1] The reporting changes to the FFIEC 031 and FFIEC 041 became effective March 31, 2017. *See* 82 Fed. Reg. 2444 (January 9, 2017). Certain data items deleted on the FFIEC 031 and FFIEC 041 do not correspond to any FR Y–9C data items. Also, certain data items that were deleted from the FFIEC 041 report because the data is predominantly reported by banks with foreign offices (FFIEC 031) remain on the FR Y–9C because no distinction is made for reporting of HCs with foreign offices versus those without foreign offices.

Legal authorization and confidentiality: The FR Y–9 family of reports is authorized by section 5(c) of the BHC Act (12 U.S.C. 1844(c)), section 10 of HOLA (12 U.S.C. 1467a(b)), sections 165 and 618 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 1850a(c)(1) and 5365), and section 252.153(b)(2) of Regulation YY (12 CFR 252.153(b)(2)). These reports are mandatory. In general, the Board does not consider the financial data in these reports to be confidential. However, a respondent may request confidential treatment pursuant to sections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)). The applicability of these exemptions would be reviewed on a case-by-case basis.

Effective Date: March 31, 2018.

2. Report title: The Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations, Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations, and the Capital and Asset Report of Foreign Banking Organizations.

Agency form number: FR Y–7N, FR Y–7NS, and FR Y–7Q.

OMB control number: 7100–0125.

Frequency: Quarterly and annually.

Reporters: Foreign bank organizations.

Estimated annual reporting hours: FR Y–7N (quarterly): 1,360; FR Y–7N (annual): 313; FR Y–7NS: 66; FR Y–7Q (quarterly): 1,644; FR Y–7Q (annual): 48.

Estimated average hours per response: FR Y–7N (quarterly): 6.8; FR Y–7N (annual): 6.8; FR Y–7NS: 1.0 FR Y–7Q (quarterly): 3.00; FR Y–7Q (annual): 1.5.

Number of respondents: FR Y–7N (annual): 50; FR Y–7N (annual): 46; FR Y–7NS: 66 FR Y–7Q (quarterly): 137; FR Y–7Q (annual): 32.

General description of report: The FR Y–7N and FR Y–7NS collect financial information for non-functionally regulated U.S. nonbank subsidiaries held by foreign banking organizations (FBOs) other than through a (BHC), (IHC) or U.S. bank. FBOs file the FR Y–7N quarterly or annually or the FR Y–7NS annually predominantly based on asset size thresholds. The FR Y–7Q collects consolidated regulatory capital information from all FBOs either quarterly or annually. The FR Y–7Q is filed quarterly by FBOs that have effectively elected to become U.S. FHCs and by FBOs that have total consolidated assets of $50 billion or more, regardless of FHC status. All other FBOs file the FR Y–7Q annually.

Proposed revisions: The Federal Reserve proposes to revise the report

form and instructions for the FR Y–7N to eliminate the concept of extraordinary items to be consistent with Accounting Standards Update (ASU) 2015–01, reclassify and clarify the reporting for certain tax benefits, and replace report form captions and instructions referencing ''Loans net of unearned income'' with ''Loans held for investment.''

Effective Date: March 31, 2018.

Legal authorization and confidentiality: The FR Y–7N, FR Y–7NS, and FR Y–7Q are authorized by section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) and sections 8(c) and 13 of the International Banking Act (12 U.S.C. 3106(c) and 3108). Section 165 of the Dodd-Frank Act (12 U.S.C. 5365) directs the Board to establish enhanced prudential standards for certain companies, including certain FBOs. The obligation of covered institutions to report this information is mandatory. Information disclosed in these reports is collected as part of the Board's supervisory process and may be accorded confidential treatment under exemption 8 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(8)), but information that is required to be disclosed publicly is generally not considered confidential. However, individual respondents may request that certain data be protected pursuant to Exemptions 4 and 6 (5 U.S.C. 552(b)(4) and (6)) of FOIA, where such data relates to trade secrets and financial information, or to personal information, respectively. The applicability of these exemptions would have to be determined on a case-by-case basis.

3. Report title: Consolidated Report of Condition and Income for Edge and Agreement Corporations.

Agency form number: FR 2886b.

OMB control number: 7100–0086.

Frequency: Quarterly.

Reporters: Banking Edge and agreement corporations and investment (nonbanking) Edge and agreement corporations.

Estimated annual reporting hours: Banking: Edge and agreement corporations (quarterly): 424; Banking: Edge and agreement corporations (annually): 15; Investment: Edge and agreement corporations (quarterly): 922; Investment: Edge and agreement corporations (annually): 86.

Estimated average hours per response: Banking: Edge and agreement corporations (quarterly): 15.15; Banking: Edge and agreement corporations (annually): 15.15; Investment: Edge and agreement corporations (quarterly): 9.6; Investment: Edge and agreement corporations (annually): 9.6.

Number of respondents: Banking: Edge and agreement corporations (quarterly): 7; Banking: Edge and agreement corporations (annually): 1; Investment: Edge and agreement corporations (quarterly): 24; Investment: Edge and agreement corporations (annually): 9.

General description of report: The FR 2886b reporting form is filed quarterly and annually by banking Edge and agreement corporations and investment (nonbanking) Edge and agreement corporations (collectively, ''Edges or Edge corporations''). The mandatory FR 2886b comprises an income statement with two schedules reconciling changes in capital and reserve accounts and a balance sheet with 11 supporting schedules. Other than examination reports, it provides the only financial data available for these corporations. The Federal Reserve is solely responsible for authorizing, supervising, and assigning ratings to Edges. The Federal Reserve uses the data collected on the FR 2886b to identify present and potential problems and monitor and develop a better understanding of activities within the industry.

Proposed revisions: The Federal Reserve proposes to revise the report form and instructions to eliminate the concept of extraordinary items to be consistent with Accounting Standards Update (ASU) 2015–01, reclassify and clarify the reporting for certain tax benefits in the reporting instructions, and replace report form captions and instructions referencing ''Loans net of unearned income'' with ''Loans held for investment.'' These changes would be effective for reports reflecting the March 31, 2018, report date.

Effective Date: March 31, 2018.

Legal authorization and confidentiality: Sections 25 and 25A of the Federal Reserve Act authorize the Federal Reserve to collect the FR 2886b (12 U.S.C. 602, 625). The obligation to report this information is mandatory. The information collected on the FR 2886b is generally not considered confidential, but certain data may be exempt from disclosure pursuant to exemption (b)(4) and (b)(7)(C) of the Freedom of Information Act, (5 U.S.C. 552(b)(4) and (b)(7)(C)). The information exempt from disclosure pursuant to (b)(4) consists of information provided on Schedule RC–M (with the exception for item 3) and on Schedule RC–V, both of which pertain to claims on and liabilities to related organizations. The information exempt from disclosure pursuant to exemption (b)(7)(C) is information provided in the Patriot Act Contact Information section of the reporting form.

Current actions: On July 18, 2017, the Board published a notice in the **Federal Register** (82 FR 32812) requesting public comment for 60 days on the proposal to extend with revision the FR Y–9C, FR Y–9LP, FR Y–7N, and FR 2886b; and to extend without revision the FR Y–9ES, FR Y–9CS, FR Y–7NS, and FR Y–7Q. The comment period expired on September 18, 2017. The Board received one comment from a banking association that, while expressing support for the FR Y–9C proposed changes, urged the Board to have the FR Y–9C revisions incorporated into the March 31, 2018, report date (rather than the September 30, 2017, report date) to harmonize the proposed changes with the proposed changes to the Call Reports. The Board has approved, pursuant to authority delegated by the OMB, the collections of information as proposed and amended (as discussed below).

Detailed Discussion of Public Comments: In response to the commenter's suggestion, the Board amended the proposal on September 11, 2017 (82 FR 43367), to make the proposed changes to the FR Y–9C family of reports, the FR Y–7N family of reports, and the FR 2886b report effective with the reports reflecting the March 31, 2018, report date. This effective date should give institutions ample time to prepare for the revisions and would minimize burden by allowing institutions to prepare their systems once for these changes and any future burden-reducing changes targeted for that report date. The comment period for the proposal expired on September 18, 2017. The Board did not receive any additional comments. The revisions will be implemented as proposed and amended on September 11, 2017.

Board of Governors of the Federal Reserve System, January 17, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–01056 Filed 1–19–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and

loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 15, 2018.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *William Penn Mutual Holding Company and William Penn Bancorp, Levittown, Pennsylvania;* to acquire voting shares of Audubon Savings Bank, Audubon, New Jersey, and thereby merge it with William Penn Bank, Levittown, Pennsylvania.

Board of Governors of the Federal Reserve System, January 16, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–00947 Filed 1–19–18; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 14, 2018.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Independent Bank Group, Inc., McKinney, Texas;* to acquire 100 percent of the voting shares of Integrity Bancshares, Inc., and indirectly acquire shares of Integrity Bank, SSB, both of Houston, Texas.

Board of Governors of the Federal Reserve System, January 16, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–00948 Filed 1–19–18; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT

Board Member Meeting

77 K Street NE, 10th Floor, Washington, DC 20002, January 22, 2018, 8:30 a.m. (In-Person)

Open Session

1. Approval of the minutes for the December 18, 2017 Board Meeting
2. Monthly Reports
   (a) Participant Activity Report
   (b) Legislative Report
3. Quarterly Reports
   (c) Investment Policy
   (d) Budget Review
   (e) Audit Status
4. IT Update
5. Annual Expense Ratio Review
6. Blended Retirement Update
7. Vendor Financials

Closed Session

Information covered under 5 U.S.C. 552b (c)(4) and (c)(9)(B).

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: January 16, 2018.

Kimberly Weaver,

Director, Office of External Affairs.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2018–01050 Filed 1–19–18; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on its proposal to extend for three years the current PRA clearance for information collection requirements pertaining to the Commission's administrative activities. That clearance expires on April 30, 2018, and consists of: (a) Applications to the Commission, including applications and notices contained in the Commission's Rules of Practice (primarily Parts I, II, and IV); (b) the FTC's consumer complaint systems; and (c) the FTC's program evaluation activities.

DATES: Comments must be received on or before March 23, 2018.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Paperwork Reduction Act: FTC File No. P072108'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/adminactivitiespra* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary,

Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For purposes specific to this **Federal Register** Notice: (a) Applications to the Commission: Gary Greenfield (Office of the General Counsel), 202–326–2753; (b) Complaint Systems: Nicholas Mastrocinque (Nick M.) and Ami Dziekan (Ami D.) (Bureau of Consumer Protection); Nick M., 202–326–3188 and Ami D., 202–326–2648; and (c) Program Evaluations: Jennifer Lee (Divestiture Orders), 202–326–2246; Katherine Ambrogi (Review of Competition Advocacy Program), 202–326–2205.

SUPPLEMENTARY INFORMATION:

Proposed Information Collection Activities

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must get OMB approval for each collection of information they conduct, sponsor, or require. ''Collection of information'' means agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the information collection requirements pertaining to the Commission's administrative activities (OMB Control Number 3084–0047).

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond.

Estimated annual hours burden: 1,167,181 hours (110 + 1,166,994 + 72 + 5).

Estimated annual labor cost: $25,240 ($14,300 + $0 + $10,440 + $500).

Estimated annual non-labor/capital cost: $0.

(a) *Applications to the Commission, including applications and notices supported pursuant to the Commission's Rules of Practice:* 110 hours.

Most applications to the Commission generally fall within the ''law enforcement'' exception to the PRA and are mostly found in Part III (Rules of Practice for Adjudicative Proceedings) of the Commission's Rules of Practice. *See* 16 CFR 3.1–3.83. Nonetheless, there are various applications and notices to the Commission contained in other rules (generally in Parts I, II, and IV of the Commission's Rule of Practice). For example, based on an averaging of results in recent years, staff estimates that the FTC annually receives approximately 30 requests for clearance submitted by former FTC employees in order to participate in certain matters and screening affidavits submitted by partners or legal or business associates of former employees pursuant to Rule 4.1, 16 CFR 4.1. There are also procedures set out in Rule 4.11(e) for agency review of outside requests for Commission employee testimony, through compulsory process or otherwise, in cases or matters to which the agency is not a party. Rule 4.11(e) requires that a person who seeks such testimony submit a statement in support of the request. Staff estimates that agency personnel receive approximately 15 requests per year. Cumulatively, the above, along with various sundry additional requests of sporadic nature for which the Commission also specifies particular information required of the applicant or requester, amount to about 55 applications or notices per year. Staff estimates each respondent will incur, on average, approximately 2 hours of burden to submit an application or notice, resulting in a cumulative 110 burden hours per year (55 applications or notices × 2 burden hours).

Annual labor cost burden: Using the burden hours estimated above, staff estimates that the total annual labor cost, based on an estimated average of $130/hour for executives' and attorneys' wages, would be approximately $14,300 (110 hours × $130).[1] There are no capital, start-up, operation, maintenance, or other similar costs to respondents.

(b) *Complaint Systems:* 1,166,994 annual hours.

Consumer Response Center

Consumers can submit complaints about fraud and other practices to the FTC's Consumer Response Center (CRC) by telephone or through the FTC's website. Telephone complaints and inquiries to the FTC are answered both by FTC staff and contractors. These telephone counselors ask for the same information that consumers would enter on the applicable forms available on the FTC's website. For telephone inquiries and complaints, the FTC staff estimates that it takes 6.1 minutes per call to gather information, and an estimated 4.8 minutes for consumers to enter a complaint online. The burden estimate conservatively assumes that all of the phone call is devoted to collecting information from consumers, although frequently telephone counselors devote a small portion of the call to providing requested information to consumers.

Complaints Concerning the National Do Not Call Registry

To receive complaints from consumers of possible violations of the rules governing the National Do Not Call Registry, 16 CFR 310.4(b), the FTC maintains both an online form and a toll free hotline with automated voice response system. Consumer complainants must provide the phone number that was called, whether the call was prerecorded, and the date and time of the call. They may also provide either the name or telephone number of the company about which they are complaining, their name and address so they can be contacted for additional information, as well as for a brief comment regarding their complaint. In addition, complainants have the option of answering three yes-or-no questions to help law enforcement investigating complaints. The FTC staff estimates that the time required of consumer complainants is 3.0 minutes for phone complaints and 2.5 minutes for online complaints.

Identity Theft

To handle complaints about identity theft, the FTC must obtain more detailed information than is required of other complainants. Identity theft complaints generally require more information (such as a description of actions complainants have taken with credit bureaus, companies, and law enforcement, and the identification of multiple suspects) than general consumer complaints and fraud complaints.[2] Moreover, since January 2016, with the rollout of enhanced features within the FTC's *IdentityTheft.gov* website, consumers can create a personal recovery plan and review various steps to implement it. For those that do, FTC staff estimates, based on contractor-provided information, that consumers will need 15 minutes, on average, to complete the

[1] Figures based on national median salaries, including bonuses and benefits, divided by a 2,080 hour work year (52 weeks × 40 hours/week), for a ''Managing Attorney ($145,'' ''Attorney II,'' ''Attorney III,'' ''Attorney IV,'' and Attorney V'' at *www.salary.com.*

[2] The FTC received a mandate from a presidential executive order entitled ''Improving the security of Consumer Financial Transactions'' on October 17, 2014 to create a complete service and complaint form for Identity Theft victims.

complaint form, create an *IdentityTheft.gov* account, and to review their personalized recovery plan. For those that do not, and based on contractor-provided information, FTC staff estimates that consumers will need 8.5 minutes, on average, to complete the online complaint form.[3]

For consumers who call the CRC with an identity theft complaint, staff estimates that it will take 6 minutes per call to obtain identity theft-related information. A substantial portion of identity theft-related calls typically consists of counseling consumers on other steps they should consider taking to obtain relief (which may include directing consumers to a revised online complaint form). The time needed for counseling is excluded from the estimate.

CRC Surveys

Consumer customer satisfaction surveys give the agency information about the overall effectiveness and timeliness of the CRC. Subsets of consumers contacted throughout the year are questioned about specific aspects of CRC customer service. Each consumer surveyed is asked several questions chosen from a list prepared by staff. The questions are designed to elicit information from consumers about the overall effectiveness of the call center and online complaint intake. For the online survey, half of the questions ask consumers to rate CRC performance on a scale or require a yes-or-no response. The second half of the online survey asks more open-ended questions seeking a short answer. In addition, the CRC may survey a sample of consumers immediately after they file their complaints regarding the services they received. Staff estimates that each respondent will require 4.3 minutes to answer the questions during the phone survey and about 3.1 minutes for the online survey (approximately 20–30 seconds per question).

In addition, the FTC currently uses ForeSee, Inc. for online customer satisfaction surveys on *www.ftccomplaintassistant.gov.* It randomly selects consumers to take part in a brief survey to provide feedback about the website. Staff estimates the brief survey will require 6.5 minutes per respondent. This estimate and others relating to ForeSee surveys are included under ''Misc. and fraud-related consumer complaints (Web chat)'' in the table below.

Consumer Sentinel Network Survey

The FTC might conduct a brief survey of Consumer Sentinel Network satisfaction within the next three years. It will likely be an online survey with ten-minute duration. If so, estimated maximum burden would be 417 hours if every member completed it, given that the maximum possible Sentinel user base is 2,500 users.

What follows is a tabular presentation of staff's estimates of burden for these various collections of information, including the surveys. The figures for the online forms and consumer hotlines are an average of annualized volume for the respective programs, including both current and projected volumes over the 3-year clearance period sought. The number of respondents for each activity has been rounded to the nearest thousand. The vast increase from the last estimate, 186,884 hours, to the current estimate, 1,166,994 hours, reflects strong consumer participation in the agency's complaint collection process.[4]

Activity	Number of respondents	Number of minutes/ activity	Total hours
Misc. and fraud-related consumer complaints (phone)	973,690	6.1	98,992
Misc. and fraud-related consumer complaints (online)	1,228,635	4.8	98,291
Misc. and fraud-related consumer complaints (web chat)	175,926	6.5	19,058
Do-Not-Call related consumer complaints (phone)	1,795,155	3.0	89,758
Do-Not-Call related consumer complaints (online)	13,800,657	2.5	575,027
Identity theft complaints (phone)	1,183,533	6.0	118,353
Identity theft complaints (online) (those who create a personal recovery plan)	589,209	15.0	147,302
Identity theft complaints (online) (those who complete online form but do not create a personal recovery plan)	112,230	8.5	15,899
CRC Customer Satisfaction Questionnaire(phone)	20,084	4.3	1,439
CRC Customer Satisfaction Questionnaire (online)	47,572	3.1	2,458
Consumer Sentinel Network Survey	2,500	10	417
Totals	19,929,191	.....	1,166,994

Annual Labor Cost Burden: The cost per respondent should be negligible. Participation is voluntary and will not require any labor expenditures by respondents. There are no capital, start-up, operation, maintenance, or other similar costs to the respondents.

(c) *Program Evaluations:* 77 hours.

Review of Divestiture Orders—72 hours.

The Commission issues, on average, approximately 15–17 orders in merger cases per year that require divestitures or other remedies. As a result of a 1999 divestiture study and a more recent 2015 remedy study authorized by OMB and conducted by the staffs of the Bureau of Competition (BC) and the Bureau of Economics, as well as ongoing experience, BC monitors these required remedies by interviewing representatives of the Commission-approved buyers of the divested assets or other affected market participants within the first year after the divestiture is completed.

BC staff interviews representatives of the buyers to ask whether all assets required to be divested were, in fact, divested; whether the buyer has used the divested assets to enter the market of concern to the Commission and, if so, the extent to which the buyer is participating in the market; whether the divestiture met the buyer's expectations; and whether the buyer believes the

[3] According to system-generated results, 84% of complainants using *IdentityTheft.gov* opt to create a personalized recovery plan. By extension, 16% do not. These apportionments inform the associated population figures that appear in the table below regarding identity theft complaints online.

[4] The population estimates generally present marked increases from prior submissions for OMB clearance regarding information collected through these activities. While the FTC cannot definitively explain such pronounced increase in consumer visits to the FTC complaint site, the following are several possible factors: (1) A sharp rise in Do-Not-Call violations (by extension, an associated increase in consumer complaints); (2) increased media coverage regarding the Do-Not-Call and identity theft portals; and (3) expanded FTC outreach regarding its *ftccomplaintassistant.gov* website.

divestiture has been successful. In a few cases, BC staff may also interview monitors, if appropriate. In cases in which a remedy other than a divestiture is required, staff will interview market participants such as competitors or customers to monitor the effectiveness of the remedy. In all these interviews, staff seeks to learn about pricing and other basic facts regarding competition in the markets of concern to the FTC.

Participation by the buyers or other market participants is voluntary. Each responding company designates the company representative most likely to have the necessary information; typically, a company executive and an attorney represent the company. Each interview takes less than one hour to complete. BC staff further estimates that it takes each participant no more than one hour to prepare for the interview. Staff conservatively estimates that, for each interview of the responding company, two individuals (a company executive and an attorney) will devote two hours (one hour preparing and one hour participating) each to responding to questions for a total of four hours. Interviews of monitors typically involve only the monitor and take approximately one hour to complete with no more than one hour to prepare for the interview. Assuming that staff evaluates approximately 17 divestitures per year during the three-year clearance period, the total hours burden for the responding companies will be approximately 68 hours per year (17 divestiture reviews × 4 hours for preparing and participating). Staff may include approximately 2 monitor interviews a year, which would add at most 4 hours (2 interviews × 2 hours for preparing and participating).

Annual Labor Cost Burden: Using the burden hours estimated above, staff estimates that the total annual labor cost, based on a conservative estimated average of $145/hour for executives' and attorneys' wages, would be approximately $10,440 (72 hours × $145).[5] There are no capital, start-up, operation, maintenance, or other similar costs to respondents.

Review of Competition Advocacy Program—5 hours.

The FTC's competition advocacy program draws on the Commission's expertise in competition and consumer protection matters to encourage state and federal legislators, agencies and regulatory officials, and courts to consider the effects of their decisions on competition and consumer welfare. The Commission and staff send approximately 20 letters to such decision makers annually regarding the likely effects of various bills and regulations.

In the past, the Office of Policy Planning (''OPP'') has evaluated the effectiveness of these advocacy comments by surveying comment recipients and other relevant decision makers. OPP intends to continue this evaluation by sending a paper or electronic questionnaire to relevant parties within a year after sending an advocacy.

Most survey questions ask the respondent to agree or disagree with a statement concerning the advocacy comment that they received. Specifically, these questions ask about the consideration, content, influence, and public effect of our comments. The questionnaire also provides respondents with an opportunity to provide additional remarks regarding the comments they received, advocacy comments in general, and the outcome of the matter. These survey results are also included in the FTC's internal performance management indicators, and are used to guide the FTC's selection and prioritization of future competition advocacy opportunities.

OPP staff estimates that, on average, respondents will each require 15 minutes or less to complete the questionnaire. Thus, staff estimates a cumulative total of 5 burden hours per year (15 minutes of burden per respondent × 20 respondents per year). OPP staff does not intend to conduct any follow-up activities that would involve the respondents' participation.

Annual Labor Cost Burden: OPP staff estimates a conservative hourly labor cost of $100 for the time of the survey participants (primarily state representatives and senators). Thus, staff estimates a total labor cost of $25 for each response (15 minutes of burden at $100 per hour). Assuming 20 respondents will complete the questionnaire on an annual basis, staff estimates cumulative yearly labor costs will approximate $500. There are no capital, start-up, operation, maintenance, or other similar costs to respondents.

Request for Comments

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before March 23, 2018. Write ''Paperwork Reduction Act: FTC File No. P072108'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission website.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/adminactivitiespra* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that website.

If you file your comment on paper, write ''Paperwork Reduction Act: FTC File No. P072108'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov/,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs,

[5] *See supra* note 1 (attorney salary source data for ''Managing Attorney'').

sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 23, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2018–00972 Filed 1–19–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on its proposal to extend for three years the current PRA clearances for information collection requirements contained in the Commission's rules and regulations under the Textile Fiber Products Identification Act (Textile Rules). The clearance expires on April 30, 2018.

DATES: Comments must be received on or before March 23, 2018.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Textile Rules: FTC File No. P072108'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/textilerulespra1* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the collection of information and supporting documentation should be addressed to Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Proposed Information Collection Activities

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3520, federal agencies must get OMB approval for each collection of information they conduct, sponsor, or require. ''Collection of information'' means agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the information collection requirements associated with the Commission's rules and regulations under the Textile Fiber Products Identification Act (Textile Rules), 16 CFR part 303 (OMB Control Number 3084–0101).

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond. All comments must be received on or before March 23, 2018.

Burden Estimates

Staff's burden estimates are based on data from the Department of Commerce's Bureau of the Census, the International Trade Commission, the Department of Labor's Bureau of Labor Statistics (BLS), and data or other input from the main industry association, the American Apparel and Footwear Association (AAFA), and from *SICCode.com*, which specializes in the business classification of SIC (Standard Industrial Classification) and NAICS (North American Industry Classification System) codes for business identification, verification, and targeting. The AAFA, a national trade association which represents U.S. apparel, footwear and other sewn products companies and their suppliers, has stated that ''[t]he use of labels on textiles and apparels is beneficial to consumers, manufacturers, and business in general as it allows for the necessary flow of information along the supply chain.'' [1] The relevant information collection requirements in these rules and staff's corresponding burden estimates follow. The estimates address the number of hours needed and the labor costs incurred to comply with the requirements. Staff believes that a significant portion of hours and labor costs currently attributable to burden below are time and financial resources usually and customarily incurred by persons in the course of their regular activity (*e.g.,* industry participants already have and/or would have fiber content labels regardless of the rule(s)) and could be excluded from PRA-related burden.[2]

The Textile Fiber Products Identification Act (''Textile Act'') [3] prohibits the misbranding and false advertising of textile fiber products. The Textile Rules establish disclosure requirements that assist consumers in making informed purchasing decisions,

[1] Page one from comment by Kevin M. Burke, President and CEO, American Apparel & Footwear Association, March 26, 2012, *Advance Notice of Proposed Rulemaking; Request for Public Comment; Rules and Regulations under the Wool Products Labeling Act of 1939;* 77 FR 4498 (Jan. 30, 2012).

[2] 5 CFR 1320.3(b)(2).

[3] 15 U.S.C. 70 *et seq.*

and recordkeeping requirements that assist the Commission in enforcing the Rules. The Rules also contain a petition procedure for requesting the establishment of generic names for textile fibers.

Estimated annual hours burden: 37,007,147 hours (782,600 recordkeeping hours + 36,224,547 disclosure hours).

Recordkeeping: Staff estimates that approximately 12,040 textile firms are subject to the Textile Rules' recordkeeping requirements. Based on an average burden of 65 hours per firm, the total recordkeeping burden is 782,600 hours.

Disclosure: Approximately 10,744 textile firms, producing or importing about 20.8 billion textile fiber products annually, are subject to the Textile Rules' disclosure requirements.[4] Staff estimates the burden of determining label content to be 65 hours per year per firm, or a total of 698,360 hours and the burden of drafting and ordering labels to be 80 hours per firm per year, or a total of 859,520 hours.[5] Staff believes that the process of attaching labels is now fully automated and integrated into other production steps for about 40 percent of all affected products. For the remaining 12.48 billion items (60 percent of 20.8 billion), the process is semi-automated and requires an average of approximately ten seconds per item, for a total of 34,666,667 hours per year. Thus, the total estimated annual disclosure burden for all firms is 36,224,547 hours (698,360 hours to determine label content + 859,520 hours to draft and order labels + 34,666,667 hours to attach labels).[6] Staff believes that any additional burden associated with advertising disclosure requirements or the filing of generic fiber name petitions would be minimal (less than 10,000 hours) and can be subsumed within the burden estimates set forth above.

Estimated annual cost burden: $239,778,909 (solely relating to labor costs). The chart below summarizes the total estimated costs.

Task	Hourly rate	Burden hours	Labor cost
Determine label content	$28.00	698,360	$19,554,080
Draft and order labels	18.00	859,520	15,471,360
Attach labels	[7] 5.50	34,666,667	190,666,669
Recordkeeping	18.00	782,600	14,086,800
Total			239,778,909

Staff believes that there are no current start-up costs or other capital costs associated with the Textile Rules. Because the labeling of textile products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Rules' labeling requirements. Industry sources indicate that much of the information required by the Textile Act and Rules would be included on the product label even absent their requirements. Similarly, recordkeeping, invoicing, and advertising disclosures are tasks performed in the ordinary course of business; therefore, covered firms would incur no additional capital or other non-labor costs as a result of the Rules.

Request for Comments

You can file a comment online or on paper. March 23, 2018. Write ''Textile Rules: FTC File No. P072108'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *https://www.ftc.gov/policy/public-comments.* Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/textilerulespra1* by following the instructions on the web based form. If this Notice appears at *https://www.regulations.gov,* you also may file a comment through that website.

If you file your comment on paper, write ''Textile Rules: FTC File No. P072108'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex C), Washington, DC 20580, or deliver your comment to the following address: Federal Trade

[4] The estimated consumption of garments in the U.S. in 2012 was 19.4 billion. However, staff estimates that 1 billion garments are exempt from the Textile Act (*i.e.,* any kind of headwear and garments made from something other than a textile fiber product, such as leather) or are subject to a special exemption for hosiery products sold in packages where the label information is contained on the package. Based on available data, staff estimates that an additional 3 billion household textile products (non-garments, such as sheets, towels, blankets) were consumed. However, approximately 0.6 billion of all of these garments and household products are subject to the Wool Act, not the Textile Act, because they contain some amount of wool. Thus, the estimated net total products subject to the Textile Act is 20.8 billion (19.4 − 1 + 3 = 21.4 − 0.6 = 20.8 billion).

[5] In 2007, Congress amended the Wool Act to explicitly define ''cashmere'' and certain terms used to describe superfine wool (*e.g.,* ''Super 80s,'' ''Super 90s,'' etc.). See Public Law 109–428. In 2014, the Commission revised the Wool Rules to incorporate these amendments as well as to clarify and streamline certain provisions and to allow more flexibility in marketing wool products (*e.g.,* allowing the use of certain hang-tags that do not disclose a product's full fiber content). The Commission sought comment on the increased burden, if any, imposed by these changes but did not receive any comments asserting that the amendments would increase compliance costs. *See* 79 FR 32157 (June 4, 2014).

[6] The Commission revised the Textile Rules in 2006 in response to amendments to the Textile Act. *See* 70 FR 73369 (Dec. 12, 2005). These amendments concerned the placement of labels on packages of certain types of socks and, therefore, do not place any additional disclosure burden on covered entities. In 2014, the Commission revised the Textile Rules to clarify and streamline certain provisions and to allow more flexibility in marketing textile products (*e.g.,* allowing the use of certain hang-tags that do not disclose the product's full fiber content). The Commission sought comment on the increased burden, if any, imposed by these changes but did not receive any comments asserting that the amendments would increase compliance costs. *See* 79 FR 18766 (Apr. 4, 2014).

[7] For imported products, the labels generally are attached in the country where the products are manufactured. According to information compiled by an industry trade association using data from the U.S. Department of Commerce, International Trade Administration and the U.S. Census Bureau, approximately 97.5% of apparel used in the United States is imported. With the remaining 2.5% attributable to U.S. production at an approximate domestic hourly wage of $11 to attach labels, staff has calculated a weighted average hourly wage of $5.50 per hour attributable to U.S. and foreign labor combined. The estimated percentage of imports supplied by particular countries is based on trade data for the year ending in September 2014 compiled by the Office of Textiles and Apparel, International Trade Administration. Wages in major textile exporting countries, factored into the above hourly wage estimate, were based on 2012 data from the U.S. Department of Labor, Bureau of Labor Statistics. See Table 1.1 Indexes of hourly compensation costs in manufacturing, U.S. dollar basis, 1996–2012 (Index, U.S. = 100) available at: *http://www.bls.gov/fls/#compensation.*

Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the Commission website at *https://www.ftc.gov* to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 23, 2018. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *https://www.ftc.gov/site-information/privacy-policy.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2018–00980 Filed 1–19–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Health Statistics (NCHS), ICD–10 Coordination and Maintenance (C&M) Committee Meeting

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The CDC, National Center for Health Statistics (NCHS), Classifications and Public Health Data Standards Staff, announces the following meeting of the ICD–10 Coordination and Maintenance (C&M) Committee meeting. This meeting is open to the public, limited only by the space available. The meeting room accommodates approximately 240 people. The meeting will be broadcast live via Webcast at *http://www.cms.gov/live/.*

DATES: The meeting will be held on March 6, 2018, 9:00 a.m. to 5:00 p.m. EST and March 7, 2018x, 9:00 a.m. to 5:00 p.m. EST.

ADDRESSES: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244.

FOR FURTHER INFORMATION CONTACT: Traci Ramirez, Program Specialist, CDC, 3311 Toledo Rd., Hyattsville, MD 20782; telephone (301) 458–4454; Email address *TRamirez@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The ICD–10 Coordination and Maintenance (C&M) Committee is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Tenth Revision, Clinical Modification and ICD–10 Procedure Coding System.

Matters to be Considered: The agenda will include discussions on *ICD–10–PCS Topics:*

Blalock-Taussig Shunt Occlusion
Knee Replacement
Irreversible Electroporation (IRE)
Endovascular Cardiac Implant
Combined Thoracic Arch Replacement and Thoracic Aorta Restriction
Spinal Fusion with Radiolucent Hydroxyapatite
Interbody Fusion Device
Endovascular Intracranialy Thrombectomy
Cell Suspension Autografting
Trigard Cerebral Embolic Protection
Endobronchial Coils
Addenda and Key Updates

ICD–10–CM Topics:

Cyclic Vomiting
Electronic Nicotine Delivery System (ENDS)
Exertional Heat Stroke
Intracranial Hypotension
ICD–10–CM Addendum

Agenda items are subject to change as priorities dictate.

Security Considerations: Due to increased security requirements CMS has instituted stringent procedures for entrance into the building by non-government employees. Attendees will need to present valid government-issued picture identification, and sign-in at the security desk upon entering the building.

Attendees who wish to attend the March 6–7, 2018, ICD–10–CM C&M meeting must submit their name and organization by March 1, 2018, for inclusion on the visitor list. This visitor list will be maintained at the front desk of the CMS building and used by the guards to admit visitors to the meeting.

Participants who attended previous Coordination and Maintenance meetings will no longer be automatically added to the visitor list. You must request inclusion of your name prior to each meeting you wish attend.

Please register to attend the meeting on-line at: *http://www.cms.hhs.gov/apps/events/.*

Please contact Mady Hue (410–786–4510) or *Marilu.hue@cms.hhs.gov* for questions about the registration process.

Note: CMS and NCHS no longer provide paper copies of handouts for the meeting. Electronic copies of all meeting materials will be posted on the CMS and NCHS websites prior to the meeting at *http://www.cms.hhs.gov/ICD9ProviderDiagnosticCodes/03_meetings.asp#TopOfPage* and *https://www.cdc.gov/nchs/icd/icd10cm_maintenance.htm.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the

Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–00967 Filed 1–19–18; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number: CDC–2018–0002; NIOSH 248–G]

World Trade Center Health Program Scientific/Technical Advisory Committee (WTCHP STAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC National Institute for Occupational Safety and Health (NIOSH), announces the following meeting for the World Trade Center Health Program Scientific/Technical Advisory Committee (WTCHP STAC). This meeting is open to the public, limited only by the number of telephone lines. The room will accommodate approximately 100 persons. The public is also welcome to listen to the meeting by dial-in number 1 (888) 982–4611, the passcode 3778171, and will accommodate up to 50 callers. To view the web conference, enter the following web address in your web browser: *https://odniosh.adobeconnect.com/wtchpstac18-1/.*

DATES: The meeting will be held on March 1, 2018, 9:00 a.m. to 4:00 p.m., EST. Public comment time will be from 9:15 a.m. to 9:30 a.m., EST.

Please note that the public comment period ends at the time indicated above or following the last call for comments, whichever is earlier. Members of the public who want to comment must sign up by providing their name to Mia Wallace, Committee Management Specialist, by phone: (404) 498–2553, email: *MWallace@cdc.gov,* or the addresses provided below by February 16, 2018. Each commenter will be provided up to five minutes for comment. A limited number of time slots are available and will be assigned on a first come—first served basis. Written comments will also be accepted from those unable to attend the public session.

ADDRESSES: Jacob J. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Paul J. Middendorf, Ph.D., Designated Federal Officer, NIOSH, CDC, 2400 Century Parkway NE, Mail Stop E–20, Atlanta, Georgia 30345, telephone 1 (888) 982–4748; email: *wtc-stac@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Advisory Committee was established by Title I of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (January 2, 2011), amended by Public Law 114–113 (Dec. 18, 2015), adding Title XXXIII to the Public Health Service Act (codified at 42 U.S.C. 300mm to 300mm–61).

Purpose: The purpose of the Advisory Committee is to review scientific and medical evidence and to make recommendations to the World Trade Center (WTC) Program Administrator regarding additional WTC Health Program eligibility criteria, potential additions to the list of covered WTC-related health conditions, and research regarding certain health conditions related to the September 11, 2001 terrorist attacks.

Title XXXIII of the PHS Act established the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders), and to eligible persons who were present in the dust or dust cloud on September 11, 2001 or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors). Certain specific activities of the WTC Program Administrator are reserved to the Secretary, HHS, to delegate at her discretion; other WTC Program Administrator duties not explicitly reserved to the Secretary, HHS, are assigned to the Director, NIOSH. The administration of the Advisory Committee is left to the Director of NIOSH in his role as WTC Program Administrator. CDC and NIOSH provide funding, staffing, and administrative support services for the Advisory Committee. The charter was reissued on May 12, 2017, and will expire on May 12, 2019.

Policy on Redaction of Committee Meeting Transcripts (Public Comment): Transcripts will be prepared and posted to *http://www.regulations.gov* within 60 days after the meeting. If a person making a comment gives his or her name, no attempt will be made to redact that name. NIOSH will take reasonable steps to ensure that individuals making public comments are aware of the fact that their comments (including their name, if provided) will appear in a transcript of the meeting posted on a public website. Such reasonable steps include a statement read at the start of the meeting stating that transcripts will be posted and names of speakers will not be redacted. If individuals in making a statement reveal personal information (*e.g.,* medical information) about themselves, that information will not usually be redacted. The CDC Freedom of Information Act coordinator will, however, review such revelations in accordance with the Freedom of Information Act and, if deemed appropriate, will redact such information. Disclosures of information concerning third party medical information will be redacted.

Matters To Be Considered: The agenda will include discussions on recommendations regarding the identification of individuals to conduct independent peer reviews of the evidence that would be the basis for issuing final rules to add a health condition to the List of WTC-Related Health Conditions, and World Trade Center Health-Related Research. Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–00968 Filed 1–19–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No.: 0970–0440]

Proposed Information Collection Activity; Comment Request; Job Search Assistance (JSA) Strategies Evaluation—Extension; Withdrawal

ACTION: Notice; withdrawal.

SUMMARY: On January 16, 2018 the Administration for Children and Families (ACF) published a **Federal Register** Notice for a Proposed Information Collection Activity; Comment Request; Job Search Assistance (JSA) Strategies Evaluation-Extension (OMB 0970–0440). The Notice incorrectly allowed for a 60-day comment period instead of a 30-day comment period and had an incorrect location for where comments should be sent. ACF is withdrawing this notice from the **Federal Register** and will publish a corrected document.

DATES: The notice published January 16, 2018 at 83 FR 2162 is withdrawn as of January 22, 2018.

For additional information, please email *OPREinfocollection@acf.hhs.gov,* Attn: OPRE Reports Clearance Officer.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–00902 Filed 1–19–18; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: TANF Office Culture Study.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing data collection activities as part of a project to identify and describe exemplars of TANF organizational culture as well as successful strategies human services offices have undertaken to improve their organizational culture. This qualitative study intends to use this information to increase understanding of how various agencies' organizational cultures influence TANF clients' experiences, service delivery, and frontline workers.

The information collection activities to be submitted in the package include:

(1) Leadership and supervisor interviews will collect information on program structure and staffing, client experiences, agency goals and performance management, organizational learning and innovation, cultural congruence across service providers, and the perception of the organizational culture change, if applicable.

(2) Frontline workers' interviews will collect information about frontline staffs' role in service delivery, client experiences, peer interaction and social institutions within the agency, agency goals, organizational learning and innovation, and the perception of the organizational culture change initiative, if applicable.

(3) The focus groups will collect information about program participants' perceptions of agency processes, their communication with agency staff, and their assessment of the agency's organizational culture.

Respondents: Individuals receiving TANF and related services, TANF directors, and managers and staff at local TANF offices.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Leadership and Supervisor Interview Guide	24	8	1	1.5	12
Frontline Staff Interview Guide	12	4	1	1	4
Focus Group Guide	54	18	1	1.5	27

Estimated Total Annual Burden Hours: 43.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–00990 Filed 1–19–18; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Childhood & Family Experiences Study.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing data collection activities as part of a project to understand how public programs can better serve low-income families. The Childhood & Family Experiences study will examine the perspectives and lived experiences of children and families living in poverty. This qualitative study intends to use this information to increase understanding of the lives of

children in poverty and their families in order to improve how human services programs can help families achieve self-sufficiency.

The information collection activities to be submitted in the package include:

(1) Adult interviews will collect information about household income and finances, conversations parents have with their children about finances, and their experiences, if applicable, receiving public benefits.

(2) Adolescent interviews will collect information about adolescents' understanding of their family's economic circumstances, how they communicate with their parents about them, and how they feel about these circumstances, including public benefits, if applicable.

(3) Child interviews will collect information about children's understanding of their family's economic circumstances, how they communicate with their parents about them, and how they feel about these circumstances, including public benefits, if applicable.

(4) A phone screener will be used with prospective families to assess their eligibility for the study and, for those who are eligible, provide them with additional materials about the study, including any risks, to assess their interest in participating.

Respondents: Children and their parents who are living in poverty.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Adult Interview Guide	45	15	1	1.5	23
Adolescent Interview Guide	20	7	1	.875	6
Child Interview Guide	30	10	1	.50	5
Phone Screener for Prospective Families	120	40	1	.50	20

Estimated Total Annual Burden Hours: 54.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–00993 Filed 1–19–18; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–2520]

Determination of Regulatory Review Period for Purposes of Patent Extension; PERCEVAL SUTURELESS HEART VALVE

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for PERCEVAL SUTURELESS HEART VALVE and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by March 23, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 23, 2018 See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before March 23, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of March 23, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact

information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–E–2520 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; PERCEVAL SUTURELESS HEART VALVE.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device PERCEVAL SUTURELESS HEART VALVE. PERCEVAL SUTURELESS HEART VALVE is indicated for replacement of diseased, damaged, or malfunctioning native or prosthetic aortic valves. Subsequent to this approval, the USPTO received a patent term restoration application for PERCEVAL SUTURELESS HEART VALVE (U.S. Patent No. 8,540,768) from Sorin Group Italia S.r.l., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 10, 2016, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of PERCEVAL SUTURELESS HEART VALVE represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for PERCEVAL SUTURELESS HEART VALVE is 1,003 days. Of this time, 694 days occurred during the testing phase of the regulatory review period, while 309 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* April 12, 2013. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective on February 29, 2012. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on April 12, 2013, which represents the IDE effective date.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* March 6, 2015. The applicant claims February 27, 2015, as the date the premarket approval application (PMA) for PERCEVAL SUTURELESS HEART VALVE (PMA P150011) was initially submitted. However, FDA records indicate that PMA P150011 was submitted on March 6, 2015.

3. *The date the application was approved:* January 8, 2016. FDA has verified the applicant's claim that PMA P150011 was approved on January 8, 2016.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 576 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: January 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00995 Filed 1–19–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2016–E–2503, FDA–2016–E–2504, FDA–2016–E–2505, FDA–2016–E–2506, and FDA–2016–E–2507]

Determination of Regulatory Review Period for Purposes of Patent Extension; ZURAMPIC

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ZURAMPIC and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by March 23, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 23, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before March 23, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of March 23, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

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- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2016–E–2503, FDA–2016–E–2504, FDA–2016–E–2505, FDA–2016–E–2506, and FDA–2016–E–2507 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ZURAMPIC.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the

information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket numbers, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product ZURAMPIC (lesinurad). ZURAMPIC is indicated in combination with a xanthine oxidase inhibitor for the treatment of hyperuricemia associated with gout in patients who have not achieved target serum uric acid levels with a xanthine oxidase inhibitor alone. Subsequent to this approval, the USPTO received patent term restoration applications for ZURAMPIC (U.S. Patent Nos. 8,003,681; 8,084,483; 8,283,369; 8,357,713; and 8,546,437) from Ardea Biosciences, Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated November 10, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ZURAMPIC represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ZURAMPIC is 2,245 days. Of this time, 1,886 days occurred during the testing phase of the regulatory review period, while 359 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* October 31, 2009. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on October 31, 2009.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* December 29, 2014. FDA has verified the applicant's claim that the new drug application (NDA) for ZURAMPIC (NDA 207988) was initially submitted on December 29, 2014.

3. *The date the application was approved:* December 22, 2015. FDA has verified the applicant's claim that NDA 207988 was approved on December 22, 2015.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 971 days, 127 days, 391 days, and 237 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: January 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00992 Filed 1–19–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2016–E–2463; FDA–2016–E–2464; FDA–2016–E–2465; and FDA–2016–E–2466]

Determination of Regulatory Review Period for Purposes of Patent Extension; NINLARO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for NINLARO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are

incorrect may submit either electronic or written comments and ask for a redetermination by March 23, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 23, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before March 23, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of March 23, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2016–E–2463; FDA–2016–E–2464; FDA–2016–E–2465; and FDA–2016–E–2466 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; NINLARO.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product NINLARO (ixazomib). NINLARO is indicated in combination with lenalidomide and dexamethasone for the treatment of patients with multiple myeloma who have received at least one prior therapy. Subsequent to this approval, the USPTO received patent term restoration applications for NINLARO (U.S. Patent Nos. 7,442,830; 7,687,662; 8,003,819; and 8,859,504) from Millennium Pharmaceuticals, Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated October 14, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of

NINLARO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for NINLARO is 2,538 days. Of this time, 2,404 days occurred during the testing phase of the regulatory review period, while 134 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* December 10, 2008. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on December 10, 2008.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* July 10, 2015. FDA has verified the applicant's claim that the new drug application (NDA) for NINLARO (NDA 208462) was initially submitted on July 10, 2015.

3. *The date the application was approved:* November 20, 2015. FDA has verified the applicant's claim that NDA 208462 was approved on November 20, 2015.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 837 or 157 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: January 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00994 Filed 1–19–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Committee on Heritable Disorders in Newborns and Children

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC) will hold a public meeting.

DATES: Thursday, February 8, 2018, from 9:30 a.m. to 5:00 p.m. and Friday, February 9, 2018, from 9:30 a.m. to 3:00 p.m. ET (meeting times are tentative).

ADDRESSES: The address for the meeting is 5600 Fishers Lane, 5th Floor Pavilion, Rockville, MD 20857. Participants may also access the meeting through Webcast. Advanced registration is required. Please register online at *http://www.achdncmeetings.org/* by 12:00 p.m. ET on February 5, 2018. Instructions on how to access the meeting via Webcast will be provided upon registration.

Please note that the 5600 Fishers Lane building requires security screening on entry. Visitors must provide a driver's license, passport, or other form of government-issued photo identification or they cannot enter the facility. Non-US Citizens planning to attend in person will need to provide additional information to HRSA by January 24, 2018, 12:00 p.m. Eastern Time. Please see contact information below.

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding the ACHDNC should contact Ann Ferrero, Maternal and Child Health Bureau (MCHB), HRSA, in one of three ways: (1) Send a request to the following address: Ann Ferrero, MCHB, HRSA 5600 Fishers Lane, Room 18N100C, Rockville, MD 20857; (2) call 301–443–3999; or (3) send an email to: *AFerrero@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The ACHDNC provides advice to the Secretary of HHS on the development of newborn screening activities, technologies, policies, guidelines, and programs for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders. In addition, ACHDNC's recommendations regarding inclusion of additional conditions and inherited disorders for screening which have been adopted by the Secretary are then included in the Recommended Uniform Screening Panel (RUSP). Conditions listed on the RUSP constitute part of the comprehensive preventive health guidelines supported by HRSA for infants and children under section 2713 of the Public Health Service Act, codified at 42 U.S.C. 300gg–13. Under this provision, non-grandfathered health plans are required to cover screenings included in the HRSA-supported comprehensive guidelines without charging a co-payment, co-insurance, or deductible for plan years (*i.e.,* policy years) beginning on or after the date that is one year from the Secretary's adoption of the condition for screening. Information about the ACHDNC is available on the following website: *https://www.hrsa.gov/advisory-committees/heritable-disorders/index.html.*

The meeting agenda will include a final evidence-based review report on the spinal muscular atrophy (SMA) condition nomination for possible inclusion on the RUSP. Following this report, the ACHDNC expects to vote on whether to recommend to the Secretary adding SMA to the RUSP. ACHDNC members will also hear presentations on states' activities to achieve newborn screening timeliness goals. An overview of cutoff determinations and risk assessment methods used for dried bloodspot newborn screening will also be given. The Committee expects to vote on whether to support a guidance document on cutoff determinations and risk assessment methods. Finally, the ACHDNC members will hear updates from the Laboratory Standards and Procedures workgroup; the Follow-up and Treatment workgroup, including a presentation of the final draft of a report on Quality Measures in Newborn Screening; and the Education and Training workgroup, including a presentation of the final draft of a

Communication Guide for relaying Newborn Screening results.

HRSA will post the agenda two days prior to the meeting on the Committee's website: *https://www.hrsa.gov/advisory-committees/heritable-disorders/index.html.* Please note that agenda items are subject to changes as priorities dictate.

Members of the public will have the opportunity to provide comments and may submit written comments in advance of the meeting. All comments are part of the official Committee record. To submit written comments or request time for an oral comment at the meeting, please register online by 12:00 p.m. ET on January 31, 2018, at *http://www.achdncmeetings.org/.* To accommodate all individuals who have registered and requested time for oral comments, the allocated time for comments may be limited. The ACHDNC may ask individuals associated with groups, or individuals who plan to provide comments on similar topics, to combine their comments and present them through a single representative. Audiovisual presentations are not permitted. Written comments should identify the individual's name, address, email, telephone number, professional or organization affiliation, background or area of expertise (*i.e.,* parent, family member, researcher, clinician, public health, etc.) and the topic/subject matter. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Ann Ferrero using the address and phone number above at least 10 days prior to the meeting.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–00978 Filed 1–19–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Partnerships for the Development of Vaccines and Immunophrophylactics Targeting Multiple Antibiotic-Resistant Bacteria (R01).

Date: February 12–13, 2018.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Program, Division of Extramural Activities, Room 3F40B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5036, *poeky@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 16, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00959 Filed 1–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR Clinical Research, Clinical Trials, and Clinical Trials Planning Grants.

Date: February 12, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Marilyn Moore-Hoon, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, 6701 Democracy Blvd., Rm. 676, Bethesda, MD 20892–4878, 301–594–4861, *mooremar@nidcr.nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR DSR Member Conflict SEP.

Date: February 14, 2018.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marilyn Moore-Hoon, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, 6701 Democracy Blvd., Rm. 676, Bethesda, MD 20892–4878, 301–594–4861, *mooremar@nidcr.nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel.

Date: February 28, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Nisan Bhattacharyya, Ph.D., Scientific Review Officer, Scientific Review Branch, NIDCR, NIH, 6701 Democracy Boulevard, Suite 668, Bethesda, MD 20892, 301–451–2405, *nisan_bhattacharyya@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: January 16, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00962 Filed 1–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with

attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*).

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Date: February 13, 2018.

Open: 1:00 p.m. to 3:00 p.m.

Agenda: Program reports and presentations; business of the Board.

Closed: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room TE406, Rockville, MD 20850 (Virtual Meeting).

Contact Person: Paulette S. Gray, Ph.D., Executive Secretary, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, Room 7W444, Bethesda, MD 20892, 240–276–6340, *grayp@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ncab/ncab.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 16, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00958 Filed 1–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of MIRA Applications.

Date: March 5–6, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301–594–3907, *pikebr@mail.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of IDeA–CTR (U54) Applications.

Date: March 6, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Cambria Suites Rockville, 1 Helen Heneghan Way, Rockville, MD 20850.

Contact Person: Shinako Takada, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892–6200, 301–402–9448 *shinako.takada@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 16, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00964 Filed 1–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel to review COBRE Phase II.

Date: March 1–2, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Nina Sidorova, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892–6200, 301–594–3663, *sidorova@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 16, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00963 Filed 1–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Obstetrics and Maternal-Fetal Biology Subcommittee.

Date: February 16, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, National Institutes of Health, NICHD, SRB, 6710B Rockledge Drive, Bethesda, MD 20892, 301–435–6902, *peter.zelazowski@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; National Institute of Child Health and Human Development Special Emphasis Panel.

Date: February 20–21, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Joanna Kubler-Kielb, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–7510, 301–435–6916, *kielbj@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Reproduction, Andrology, and Gynecology Subcommittee.

Date: February 23, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–2717, *leszczyd@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.

Date: February 26, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Kimberly L. Houston, MD, Scientific Review Officer, Eunice Kennedy Shriver National Institute of Children Health and Human Development, 6701B Rockledge Drive, Room 2127B, Bethesda, MD 20892, 301–827–4902, *kimberly.houston@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 16, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00961 Filed 1–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; PHS 2018–1 Small Business Innovation Research (SBIR) Program Contract Solicitation (Topic 50) (N01).

Date: February 7, 2018.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Chelsea D. Boyd, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852–9834, 240–669–2081, *chelsea.boyd@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; PHS 2018–1 Topic 57: Development of Sample Sparing Assays.

Date: February 14, 2018.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Dharmendar Rathore, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G30, National Institutes of Health/NIAID, 5601 Fishers Lane, Drive, MSC 9823, Bethesda, MD 20892–9823, 240–669–5058, *rathored@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 16, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00960 Filed 1–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0951]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0109

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0109, Drawbridge Operation Regulations; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens

commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before February 21, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0951] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0951], and must be received by February 21, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0109.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 49641, October 26, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Drawbridge Operation Regulations.

OMB Control Number: 1625–0109.

Summary: The Bridge Program receives approximately 150 requests from bridge owners or the general public per year to change the operating schedule of various drawbridges across the navigable waters of the United States. The information needed for the change to operating schedule can only be obtained from the bridge owner and is generally provided to the Coast Guard in a written format.

Need: 33 U.S.C. 499 authorizes the Coast Guard to change the operating schedules drawbridges that cross navigable waters of the United States.

Forms: None.

Respondents: The public and private owners of bridges over navigable waters of the United States.

Frequency: On occasion.

Hour Burden Estimate: The estimated annual burden remains 150 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: January 16, 2018.

James D. Roppel,

Acting Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2018–00955 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0955]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0031

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0031, Plan Approval and Records for Electrical Engineering Regulations—Title 46 CFR Subchapter J. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before February 21, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0955] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.*

Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0955], and must be received by February 21, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0031.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 51284, November 3, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Plan Approval and Records for Electrical Engineering Regulations—Title 46 CFR Subchapter J.

OMB Control Number: 1625–0031.

Summary: The information is needed to ensure compliance with our rules on electrical engineering for the design and construction of U.S.-flag commercial vessels.

Need: Title 46 U.S.C. 3306 and 3703 authorize the Coast Guard to establish rules to promote the safety of life and property in commercial vessels. The electrical engineering rules appear at 46 CFR chapter I, subchapter J (parts 110 through 113).

Forms: None.

Respondents: Owners, operators, shipyards, designers, and manufacturers of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 6,843 hours to 6,524 hours a year due to an estimated decrease in the annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: January 11, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–00987 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0904]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0022

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0022, Application for Tonnage Measurement of Vessels. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before February 21, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0904] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally,

copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0904], and must be received by February 21, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0022.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 49637, October 26, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Application for Tonnage Measurement of Vessels.

OMB Control Number: 1625–0022.

Summary: The information is used by the Coast Guard to determine a vessel's tonnage. Tonnage in turn helps to determine licensing, inspection, safety requirements, and operating fees.

Need: Under 46 U.S.C. 14104 certain vessels must be measured for tonnage. Coast Guard regulations for this measurement are contained in 46 CFR part 69.

Forms: CG–5397, Application for Simplified Measurement.

Respondents: Owners of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 14,610 hours to 15,094 hours a year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: January 11, 2018.

James D. Roppel,

Acting Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2018–00953 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0879]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0072

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0072, Waste Management Plans, Refuse Discharge Logs, and Letters of Instruction for Certain Persons-in-Charge (PIC) and Great Lakes Dry Cargo Residue Recordkeeping. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before February 21, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0879] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0879], and must be received by February 21, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0072.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 48838, October 20, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Waste Management Plans, Refuse Discharge Logs, and Letters of Instruction for Certain Persons-in-Charge (PIC) and Great Lakes Dry Cargo Residue Recordkeeping.

OMB Control Number: 1625–0072.

Summary: This information is needed to ensure that: (1) Certain U.S. oceangoing vessels develop and maintain a waste management plan; (2) certain U.S. oceangoing vessels maintain refuse discharge records; (3) certain individuals that act as person-in-charge of the transfer of fuel receive a letter of instruction, for prevention of pollution; and (4) certain Great Lakes vessels comply with dry cargo residue requirements.

Need: This collection of information is needed as part of the Coast Guard's pollution prevention compliance program.

Forms: None.

Respondents: Owners, operators, masters, and persons-in-charge of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 65,696 hours to 116,095 hours a year due to an estimated increase in the annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: January 11, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–00988 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0898]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0092

AGENCY: Coast Guard, DHS.

ACTION: Thirty day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0092, Sewage and Graywater Discharge Records for Certain Cruise Vessels Operating on Alaskan Waters. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before February 21, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0898] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995;

44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0898], and must be received by February 21, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0092.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 49037, October 23, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Sewage and Graywater Discharge Records for Certain Cruise Vessels Operating on Alaskan Waters.

OMB Control Number: 1625–0092.

Summary: To comply with the Title XIV of Public Law 106–554, this information collection is needed to enforce sewage and graywater discharges requirements from certain cruise ships operating on Alaskan waters.

Need: Title 33 CFR part 159 subpart E prescribe regulations governing the discharge of sewage and graywater from cruise vessels, requires sampling and testing of sewage and graywater discharges, and establishes reporting and recordkeeping requirements.

Forms: None.

Respondents: Owners, operators and masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 1,218 hours to 404 hours a year due to a decrease in the number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: January 11, 2018.

James D. Roppel,

Acting Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2018–00952 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0949]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0106

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0106, Unauthorized Entry into Cuban Territorial Waters. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before February 21, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0949] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites

comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0949], and must be received by February 21, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0106.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 48837, October 20, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Unauthorized Entry into Cuban Territorial Waters.

OMB Control Number: 1625–0106.

Summary: The Coast Guard, pursuant to Presidential proclamation and order of the Secretary of Homeland Security, is requiring U.S. vessels, and vessels without nationality, less than 100 meters, located within the internal waters or the 12 nautical mile territorial sea of the United States, that thereafter enter Cuban territorial waters, to apply for and receive a Coast Guard permit.

Need: The information is collected to regulate departure from U.S. territorial waters of U.S. vessels, and vessels without nationality, and entry thereafter into Cuban territorial waters. The need to regulate this vessel traffic supports ongoing efforts to enforce the Cuban embargo, which is designed to bring about an end to the current government and a peaceful transition to democracy. Accordingly, only applicants that demonstrate prior U.S. government approval for exports to and transactions with Cuba will be issued a Coast Guard permit.

The permit regulation requires that applicants hold United States Department of Commerce, Bureau of Industry and Security (BIS) and U.S. Department of Treasury the Office of Foreign Assets Control (OFAC) licenses that permit exports to and transactions with Cuba. The USCG permit process thus allows the agency to collect information from applicants about their status vis-à-vis BIS and OFAC licenses and monitor compliance with BIS and OFAC regulations. These two agencies administer statutes and regulations that proscribe exports to (BIS) and transactions with (OFAC) Cuba. Accordingly, in order to assist BIS and OFAC in the enforcement of these license requirements, as directed by the President and the Secretary of Homeland Security, the Coast Guard is requiring certain U.S. vessels, and vessels without nationality, to demonstrate that they hold these licenses before they depart for Cuban waters.

Forms: CG–3300, Application for Permit to Enter Cuban Territorial Seas.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased to 351 hours per year due to an increase in applicants after the normalization of relations with the Cuban government.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: January 16, 2018.

James D. Roppel,

Acting Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2018–01043 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0950]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0024

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0024, Safety Approval of Cargo Containers. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before February 21, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0950] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0950], and must be received by February 21, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0024.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 49038, October 23, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Safety Approval of Cargo Containers.

Omb Control Number: 1625–0024.

Summary: This information collection is associated with requirements for owners and manufacturers of cargo containers to submit information and keep records associated with the approval and inspection of those containers. This information is required to ensure compliance with the International Convention for Safe Containers (CSC), 29 U.S.T. 3707; T.I.A.S. 9037.

Need: This collection of information addresses the reporting and recordkeeping requirements for containers in 49 CFR parts 450 through 453. These rules are necessary since the U.S. is signatory to the CSC. The CSC requires all containers to be safety approved prior to being used in trade. These rules prescribe only the minimum requirements of the CSC.

Forms: None.

Respondents: Owners and manufacturers of containers, and organizations that the Coast Guard delegates to act as an approval authority.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 98,452 hours to 117,271 hours a year due to an increase in the estimated number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: January 11, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–00954 Filed 1–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations and other legal requirements in order to ensure the expeditious construction of barriers and roads in the vicinity of the international land border of the United States near the Santa Teresa Land Port of Entry in the state of New Mexico.

DATES: This determination takes effect on January 22, 2018.

SUPPLEMENTARY INFORMATION: The principal mission requirements of the Department of Homeland Security (''DHS'') include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation's national security. Recognizing the critical importance of border security, Congress has ordered DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109–367, 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined ''operational control'' as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate from Congress, the President's Executive Order on Border Security and Immigration Enforcement Improvements directed executive departments and agencies to deploy all lawful means to secure the southern border. Executive Order 13767, § 1. To achieve this end, the President directed, among other things, that I take immediate steps to prevent all unlawful entries into the United States, to include the immediate construction of physical infrastructure

to prevent illegal entry. Executive Order 13767, § 4(a).

Congress has provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission. One of these authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (''IIRIRA''). Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, § 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol's El Paso Sector is an area of high illegal entry. For example, in fiscal year 2016, the United States Border Patrol (''Border Patrol'') apprehended over 25,000 illegal aliens and seized approximately 67,000 pounds of marijuana and approximately 157 pounds of cocaine. Since the creation of DHS, and through the construction of border infrastructure and other operational improvements, the Border Patrol has been able to make significant gains in border security within the El Paso Sector; however, more work needs to be done. In fact, in recent years, the El Paso Sector has seen an increase in apprehensions. The El Paso Sector therefore remains an area of high illegal entry for which there is an immediate need to construct border barriers and roads.

To begin to meet the need for enhanced border infrastructure in the El Paso Sector, DHS will take immediate action to replace existing vehicle barrier with bollard wall. Vehicle barrier replacement in the El Paso Sector is among DHS's highest priority border security requirements. The vehicle barrier replacement will take place along an approximately twenty mile segment of the border that starts at the Santa Teresa Land Port of Entry and extends westward. This approximately twenty mile segment of the border is referred to herein as the ''project area'' and is more specifically described in Section 2 below.

Although the existing vehicle barrier has aided border enforcement within the project area, Border Patrol must have a more effective means of deterring and preventing illegal crossings. The area within Mexico that is situated across the border from the project area has a population of almost two million people, including the city of Ciudad Juarez. The close proximity of this heavily populated area and its urban infrastructure creates opportunities for illegal entrants to gain quick and immediate access to the border. On the United States side of the border, the eastern portion of the project area includes developed areas where illegal aliens can quickly blend into the population and have ready access to roads, highways, and other infrastructure. The western portion of the project area is made up of desert areas where there is little to no natural terrain that deters illegal crossings and illegal aliens can quickly access state highways as a means of travel into the interior of the United States. Replacing the existing vehicle barrier with bollard wall within the project area will improve Border Patrol's operational efficiency and, in turn, further deter and prevent illegal crossings.

Section 2

I determine that the following area in the vicinity of the United States border, located in the State of New Mexico within the United States Border Patrol's El Paso Sector is an area of high illegal entry (the ''project area''): Starting at the Santa Teresa Land Port of Entry and extending west to Border Monument 10.

There is presently a need to construct physical barriers and roads in the vicinity of the border of the United States to deter illegal crossings in the project area. In order to ensure the expeditious construction of the barriers and roads in the project area, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of the IIRIRA as amended.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of roads and physical barriers (including, but not limited to, accessing the project area, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of physical barriers, roads, supporting elements, drainage, erosion controls, and safety features) in the project area, the following statutes, including all federal, state, or other laws, regulations and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)), the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)), the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)), the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 470 *et seq.,* now codified at 54 U.S.C. 100101 note and 54 U.S.C. 300101 *et seq.*)), the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*), the Clean Air Act (42 U.S.C. 7401 *et seq.*), the Archeological Resources Protection Act (Pub. L. 96–95 (16 U.S.C. 470aa *et seq.*)), the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*), the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*), the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*), the Noise Control Act (42 U.S.C. 4901 *et seq.*), the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*), the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*), the Archaeological and Historic Preservation Act (Pub. L. 86–523, as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.,* now codified at 54 U.S.C. 312502 *et seq.*)), the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.,* now codified 54 U.S.C. 320301 *et seq.*), the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.,* now codified at 54 U.S.C. 3201–320303 & 320101–320106), the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*), the Federal Land

Policy and Management Act (Pub. L. 94–579 (43 U.S.C. 1701 *et seq.*)), National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)), the Fish and Wildlife Coordination Act (Pub. L. 73–121 (16 U.S.C. 661 *et seq.*)), the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), the Eagle Protection Act (16 U.S.C. 668 *et seq.*), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*), and the American Indian Religious Freedom Act (42 U.S.C. 1996).

This waiver does not repeal the previous waiver published in the **Federal Register** on April 8, 2008 (73 FR 19078). I reserve the authority to make further waivers from time to time as I may determine to be necessary under section 102 of the IIRIRA, as amended.

Dated: January 10, 2018.

Kirstjen M. Nielsen,

Secretary of Homeland Security.

[FR Doc. 2018–00996 Filed 1–19–18; 8:45 am]

BILLING CODE 9111–14–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

Correction

In notice document 2018–00885, appearing on pages 2654 through 2660 in the issue of Thursday, January 18, 2018, make the following correction:

On page 2655, in the first column, in the **SUPPLEMENTARY INFORMATION** section, twenty-one lines from the bottom, ''January 19, 2018'' should read ''January 18, 2018''.

[FR Doc. C1–2018–00885 Filed 1–19–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2017–N139; FXES11130100000C4–178–FF01E00000]

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 18 Species in Hawaii, Oregon, Washington, Idaho, and Canada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews for 18 species in Hawaii, Oregon, Washington, Idaho, and Canada under the Endangered Species Act of 1973, as amended (Act). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review.

DATES: To ensure consideration in our reviews, we are requesting submission of new information no later than March 23, 2018. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Submit information on any of the 12 species in Hawaii (see table under What Species Are Under Review?) via U.S. mail to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Blvd., Room 3–122, Honolulu, HI 96850, or by email to *pifwo_admin@fws.gov.*

For the Columbia Basin pygmy rabbit, *Castilleja levisecta, Hackelia venusta,* and *Sidalcea oregana* var. *calva,* submit information via U.S. mail to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 510 Desmond Dr. SE, Suite 102, Lacey, WA 98503, or by email to *WFWO_LR@fws.gov.*

For the Snake River physa snail, submit information via U.S. mail to: Field Supervisor; Attention: 5-Year Review; U.S. Fish and Wildlife Service; Idaho Fish and Wildlife Office; 1387 S. Vinnell Way, Suite 368, Boise, ID 83709, or by email to *greg_burak@fws.gov.*

For the white sturgeon, submit information via U.S. mail to: Field Supervisor; Attention: 5-Year Review, U.S. Fish and Wildlife Service, Northern Idaho Field Office, 11103 East Montgomery Dr., Spokane, WA 99206, or by email to *jason_flory@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Gregory Koob, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**), 808–792–9400 (for species in Hawaii); Tom McDowell, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 360–753–9440 (for Columbia Basin pygmy rabbit, *Castilleja levisecta, Hackelia venusta,* and *Sidalcea oregana* var. *calva*); or Tracy Melbihess, U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, 208–378–5287 (for white sturgeon and Snake River physa snail). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Why do we conduct 5-year reviews?

Under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act), we maintain lists of endangered and threatened wildlife and plant speciess (referred to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for wildlife) and 17.12 (for plants). Section 4(c)(2) of the Act requires us to review each listed species' status at least once every 5 years. For additional information about 5-year reviews, go to *http://www.fws.gov/endangered/what-we-do/recovery-overview.html,* scroll down to ''Learn more about 5-Year Reviews,'' and click on the ''5-Year Reviews'' link.

What information do we consider in our review?

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and

will also be useful in evaluating the ongoing recovery programs for these species.

What species are under review?

This notice announces our active review of the 18 species listed in the table below.

SPECIES FOR WHICH THE U.S. FISH AND WILDLIFE SERVICE IS INITIATING 5-YEAR STATUS REVIEWS

Common name	Scientific name	Status	Where listed	Final listing rule (**Federal Register** citation and publication date)
Animals				
Hawaiian hoary bat	*Lasiurus cinereus semotus*	Endangered	Wherever found (Hawaii)	35 FR 16047, 10/13/1970.
Columbia Basin pygmy rabbit	*Brachylagus idahoensis*	Endangered	U.S.A. (Washington—Douglas, Grant, Lincoln, Adams, Benton Counties).	68 FR 10388, 3/5/2003.
Hawaiian stilt	*Himantopus mexicanus knudseni*	Endangered	Wherever found (Hawaii)	35 FR 16047, 10/13/1970.
White Sturgeon (Kootenai River DPS)	*Acipenser transmontanus*	Endangered	U.S.A. (Idaho, Montana), Canada (British Columbia) (Kootenai River system).	59 FR 45989, 9/6/1994.
Snake River physa snail	*Physa natricina*	Endangered	Wherever found (Idaho)	57 FR 59244, 12/14/1992.
Pacific Hawaiian damselfly	*Megalagrion pacificum*	Endangered	Wherever found (Hawaii)	52 FR 21481, 6/5/1987
Blackburn's sphinx moth	*Manduca blackburni*	Endangered	Wherever found (Hawaii)	65 FR 4770, 2/1/2000.
Plants				
Kooloaula	*Abutilon menziesii*	Endangered	Wherever found (Hawaii)	51 FR 34412, 9/26/1986.
Golden paintbrush	*Castilleja levisecta*	Threatened	Wherever found (Oregon, Washington, British Columbia).	62 FR 31740, 6/11/1997.
Haha	*Cyanea grimesiana* ssp. *grimesiana*	Endangered	Wherever found (Hawaii)	61 FR 53108, 10/10/1996.
Showy stickseed	*Hackelia venusta*	Endangered	Wherever found (Washington)	67 FR 5515, 2/6/2002.
Awiwi	*Kadua cookiana*	Endangered	Wherever found (Hawaii)	59 FR 9304, 2/25/1994.
Ihi'ihi	*Marsilea villosa*	Endangered	Wherever found (Hawaii)	57 FR 27863, 6/22/1992.
Carter's panicgrass	*Panicum fauriei* var. *carteri*	Endangered	Wherever found (Hawaii)	48 FR 46328, 10/12/1983.
Wahane	*Pritchardia aylmer-robinsonii*	Endangered	Wherever found (Hawaii)	61 FR 41020, 8/7/1996.
No common name	*Sanicula purpurea*	Endangered	Wherever found (Hawaii)	61 FR 53108, 10/10/1996.
No common name	*Schiedea hookeri*	Endangered	Wherever found (Hawaii)	61 FR 53108, 10/10/1996.
Wenatchee Mountains checker-mallow.	*Sidalcea oregana* var. *calva*	Endangered	Wherever found (Washington)	64 FR 71680, 12/22/1999.

Request for New Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See What Information Do We Consider in Our Review? for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Pacific Region of the Service has lead responsibility is available at *http://www.fws.gov/pacific/ecoservices/endangered/recovery/5year.html.*

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 10, 2018.

Theresa E. Rabot,

Deputy Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2018–00944 Filed 1–19–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900253G]

Indian Gaming; Tribal-State Class III Gaming Compacts Taking Effect in the State of California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Tribal-State Class III Gaming Compacts entered into between the Dry Creek Band of Pomo Indians, the Federated Indians of Graton Rancheria, the Morongo Band of Mission Indians, the Quechan Tribe of the Fort Yuma Indian Reservation, the San Manuel Band of Mission Indians, the Tule River Indian Tribe of the Tule River Indian Reservation, the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California, the United Auburn Indian Community of the Auburn Rancheria of California, and the Wilton Rancheria, respectively, and the State of California are taking effect.

DATES: The compacts take effect on January 22, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, telephone: (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 an approved Tribal-State compact that is 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 Secretary took no action on the compacts within 45 days of their submission. Therefore, the compacts are considered to have been approved, but only to the extent the compacts are consistent with IGRA.

Authority: 25 U.S.C. 2710(d)(8)(C).

Dated: December 15, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–01058 Filed 1–19–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMF02000 L54200000.FR0000 LVDIG16ZGKN0]

Notice of Application for a Recordable Disclaimer of Interest, New Mexico

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) received an application for a Recordable Disclaimer of Interest (RDI) from Eric Oppenheimer/The Simmons Firm pursuant to Section 315 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and BLM regulations for the surface estate of deeded lands lying between certain deeded lands and the adjusted right bank of the Rio Ojo Caliente in Rio Arriba County, New Mexico. This Notice is intended to inform the public of the pending application, give notice of the BLM's intent to grant the requested RDI, and provide a public comment period for the RDI.

DATES: Comments on this action should be received by April 23, 2018.

ADDRESSES: Written comments must be sent to the Deputy State Director, Lands and Resources, BLM, New Mexico State Office, P.O. Box 27115, Santa Fe, NM 87502–0115.

FOR FURTHER INFORMATION CONTACT: Mark Lujan, Realty Specialist, BLM Taos Field Office, (575) 751–4747. Additional information pertaining to this application can be reviewed in case file NMNM134206 located in the Taos Field Office, 226 Cruz Alta Road, Taos, NM 87571. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The United States of America, through the BLM, Department of the Interior, pursuant to Section 315 of FLPMA, hereby disclaims an interest in the surface estate for the following parcels of land situated in Ojo Caliente, New Mexico.

All lands situated between the monumented 1977 recorded east boundary of the Antonio de Abeyta Grant and the present medial line of the Rio Ojo Caliente, southward of the partition line originating on the first mile of that east boundary, as shown on the boundary survey plat certified by Larry L. Sterling, New Mexico Professional Surveyor No. 11010, and filed with the Rio Arriba County Clerk on April 2, 2014, and northward of the intersection of that medial line with line 3–4 on the second mile of that east boundary, as shown on the same boundary survey plat. These lands are generally adjacent to sections 13, 24, 25, and 26 of Township 23 North, Range 8 East, New Mexico Principal Meridian, New Mexico.

All those lands situated between the monumented 1977 recorded east boundary of the Antonio de Abeyta Grant and the present medial line of the Rio Ojo Caliente, southward of the point of intersection of that medial line with line 4–5 on the second mile of that east boundary and northward of the point of intersection of that medial line with line 5–6 on the third mile of that east boundary, as shown on the boundary survey plat certified by Larry L. Sterling, New Mexico Professional Surveyor No. 11010 and filed with the Rio Arriba County Clerk on April 2, 2014. These lands are generally adjacent to sections 26 and 35 of Township 23 North, Range 8 East, New Mexico Principal Meridian, New Mexico.

The areas in the above described parcels along a portion of the east boundary of the Antonio de Abeyta Grant are riparian and subject to accretions and or erosion. This determination is based on the geographical call of the river and a decision by the Interior Board of Land Appeals (IBLA) No. 85–839, Holly H. Baca, decided April 30, 1987.

By this action, the United States of America hereby releases and relinquishes any claim of interest to the surface estate of the above described land. This action does not address any subsurface interest that may still be vested with the United States of America.

The public is hereby notified that comments may be submitted to the Deputy State Director at the address shown above within the comment period identified in the notice. Any adverse comments will be evaluated by the State Director who may modify or vacate this action and issue a final determination. In the absence of any action by the State Director, this Notice will become the final determination of the Department of the Interior, and a disclaimer may be issued 90 days from publication of this Notice.

Comments, including names and street addresses of commenters, will be available for public review at the BLM New Mexico State Office (see address above), during regular business hours, Monday through Friday, except Federal holidays. 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.

Authority: 43 CFR 1864.2(a).

Debby Lucero,

Acting Deputy State Director, Lands and Resources.

[FR Doc. 2018–00965 Filed 1–19–18; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO320000.17X.19900000.PO0000; OMB Control Number 1004–0169]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Use and Occupancy Under the Mining Laws

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Land Management (BLM), are proposing to renew a control number with revisions.

DATES: Interested persons are invited to submit comments on or before February 21, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov*; or via facsimile to (202) 395–5806. Please provide a copy of your comments to U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240 or by email to *Jean_Sonneman@blm.gov.*

Please reference OMB Control Number 1004–0169 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Adam Merrill by email at *amerrill@blm.gov,* or by telephone at 202–912–7044. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this ICR was published on November 15, 2017 (82 FR 52938). The comment period ended on January 16, 2018. No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BLM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This collection of information is necessary to manage the use and occupancy of unpatented public lands for the purpose of developing locatable mineral deposits under the Mining Laws.

Title of Collection: Use and Occupancy under the Mining Laws.

OMB Control Number: 1004–0169.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Mining claimants and operators of prospecting, exploration, mining and processing operations.

Total Estimated Number of Annual Respondents: 70.

Total Estimated Number of Annual Responses: 70.

Estimated Completion Time per Response: 4 hours.

Total Estimated Number of Annual Burden Hours: 280.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Type of response A	Number of responses B	Time per response (hours) C	Total hours (Column B × Column C) D
Proposed occupancy 43 CFR 3715.3–2	60	4	240
Existing use or occupancy 43 CFR 3715.4	10	4	40
Totals	70		280

An agency may not conduct or sponsor—and a person is not required to respond to—a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Jean Sonneman

Information Collection Clearance Officer.

[FR Doc. 2018–01063 Filed 1–19–18; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957000–18–L13100000–PP0000]

Filing of Plats of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file plats of survey 30 calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming. The surveys, which were executed at the request of the BLM and U. S. Forest Service, are necessary for the management of these lands.

DATES: Protests must be received by the BLM by February 21, 2018.

ADDRESSES: You may submit written protests to the Wyoming State Director at WY957, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Sonja Sparks, BLM Wyoming Acting Chief Cadastral Surveyor at 307–775–6225 or *s75spark@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact this office during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with this office. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are: The plat and field notes representing the dependent resurvey of portions of Tracts 42, 45 and 51, and portions of the subdivisional lines, and the survey of the subdivision of sections 10 and 15, Township 12 North, Range 111 West, Sixth Principal Meridian, Wyoming, Group No. 950, was accepted October 2, 2017.

The plat and field notes representing the dependent resurvey of Lot 37, Lot 65 and Tract 69, portions of Lots 47, 54, 59 and 67, portions of the subdivisional lines, the survey of the subdivision of Lot 65 and certain sections, and the metes-and-bounds survey of certain parcels, Township 56 North, Range 97 West, Sixth Principal Meridian, Wyoming, Group No. 951, was accepted October 2, 2017.

The plat and field notes representing the dependent resurvey of certain lots and a portion of the range line, Township 50 North, Ranges 102 and 103 West, Sixth Principal Meridian, Wyoming, Group No. 952, was accepted October 2, 2017.

The plat and field notes representing the dependent resurvey of a portion of Lot No. 89, and the survey of the subdivision of Lot No. 89, and metes-and-bounds survey of Lot 89–I, Township 55 North, Range 100 West, Sixth Principal Meridian, Wyoming, Group No. 953, was accepted October 2, 2017.

The plat and field notes representing the dependent resurvey of a portion of the north boundary and subdivisional lines, and the survey of the subdivision of section 2, Township 42 North, Range 84 West, Sixth Principal Meridian, Wyoming, Group No. 954, was accepted October 2, 2017.

The plat and field notes representing the dependent resurvey of portions of the subdivisional lines and the survey of the subdivision of section 22, Township 57 North, Range 73 West, Sixth Principal Meridian, Wyoming, Group No. 956, was accepted October 2, 2017.

The plat and field notes representing the dependent resurvey of a portion of the south boundary, the rehabilitation of the corner of Townships 50 and 51 North, Ranges 69 and 70 West, and the survey of the subdivision of section 31, Township 51 North, Range 69 West, Sixth Principal Meridian, Wyoming, Group No. 957, was accepted October 2, 2017.

The plat and field notes representing the dependent resurvey of a portion of Lot No. 39, portions of Lot No. 40, and portions of the subdivisional lines, and the survey of the subdivision of section 20, Township 21 North, Range 113 West, Sixth Principal Meridian, Wyoming, Group No. 958, was accepted January 11, 2018.

The plat and field notes representing the dependent resurvey of a portion of the north boundary and subdivisional lines, and the survey of the subdivision of section 4, Township 46 North, Range 81 West, Sixth Principal Meridian, Wyoming, Group No. 960, was accepted January 11, 2018.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest within 30 calendar days from the date of this publication with the Wyoming State Director at the above address. Any notice of protest received after the scheduled date of official filing will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Copies of the preceding described plats and field notes are available to the public at a cost of $4.20 per plat and $.13 per page of field notes.

Dated: January 12, 2018.

Sonja S. Sparks,

Acting Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. 2018–00945 Filed 1–19–18; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0002; DS63644000 DR2000000.CH7000 189D0102R2]

States' Decisions on Participating in Accounting and Auditing Relief for Federal Oil and Gas Marginal Properties

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice.

SUMMARY: ONRR regulations provide two types of accounting and auditing relief for Federal onshore or Outer Continental Shelf lease production from marginal properties. Each year ONRR provides a list of qualifying marginal Federal oil and gas properties to States that receive a portion of Federal royalties from those properties. Each State then decides whether to participate in one or both relief options. For calendar year 2018, we provide this notice of the affected States' decisions to allow one or both types of relief.

DATES: January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Lindsay Goldstein, Market and Spatial Analysis Office, at (303) 231–3301; or email to *lindsay.goldstein@onrr.gov.*

SUPPLEMENTARY INFORMATION: The regulations, codified at 30 CFR part 1204, subpart C, implement certain provisions of section 7 of the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA) (30 U.S.C. 1726), which allows States to relieve the lessees of marginal properties from certain reporting, accounting, and auditing requirements. States make an annual determination of whether or not to allow relief. Two options for relief are authorized: (1) Notification-based relief from cumulative royalty reports and payments, allowing lessees or designees instead to file one annual report and

make one annual payment, and (2) other requested relief, as proposed by lessees or designees and approved by ONRR, after consulting with the affected State(s). The regulations require ONRR to publish no later than 30 days before the beginning of the calendar year a list of the States and their decisions regarding marginal property relief.

To qualify for the first relief option (notification-based relief) for calendar year 2018 properties must produce less than 1,000 barrels-of-oil-equivalent (BOE) per year for the base period (July 1, 2016, through June 30, 2017). Annual reporting relief will begin January 1, 2018, with the annual report and payment due February 28, 2019, or March 31, 2019, if you have an estimated payment on file. To qualify for the second relief option (other requested relief), the combined equivalent production of the marginal properties during the base period must equal an average daily well production of less than 15 BOE per well, per day calculated under 30 CFR 1204.4(c).

The following table shows the States that have qualifying marginal properties and the States' decisions to allow one or both forms of relief.

State	Notification-based relief (less than 1,000 BOE per year)	Request-based relief (less than 15 BOE per well per day)
Alabama	No	No.
Arkansas	N/A	Yes.
California	No	No.
Colorado	No	No.
Kansas	No	No.
Louisiana	Yes	Yes.
Michigan	Yes	Yes.
Mississippi	No	No.
Montana	No	No.
Nebraska	No	No.
Nevada	No	No.
New Mexico	No	Yes.
North Dakota	Yes	Yes.
Oklahoma	No	No.
South Dakota	No	No.
Utah	No	No.
Wyoming	Yes	No.

Federal oil and gas properties located in all other States where ONRR does not share a portion of Federal royalties with the State are eligible for relief if they qualify as marginal under 117(c) of RSFA, 30 U.S.C. 1726(c). For information on how to obtain relief, please refer to 30 CFR 1204.205, which you may view at *https://www.ecfr.gov/.*

Unless the information that ONRR received is proprietary data, all correspondence, records, or information that we receive in response to this notice may be subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552 *et seq.*). If applicable, please highlight the proprietary portions, including any supporting documentation, or mark the page(s) that contain proprietary data. We protect the proprietary information under the Trade Secrets Act (18 U.S.C. 1905), FOIA Exemption 4 (5 U.S.C. 552(b)(4)), and the Department of the Interior's FOIA regulations (43 CFR part 2).

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2018–00970 Filed 1–19–18; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION

United States and Mexico; United States Section; Notice of Availability of a Final Environmental Assessment and Finding of No Significant Impact for Channel Maintenance Alternatives at Thurman I and II Arroyos in Hatch, NM, Rio Grande Canalization Project

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC).

ACTION: Notice of Availability of the Final Environmental Assessment (EA).

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality Final Regulations (40 CFR parts 1500 through 1508); and the USIBWC Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981, (46 FR 44083); the USIBWC hereby gives notice that the *Final Environmental Assessment and Finding of No Significant Impact for Channel Maintenance Alternatives at Thurman I and II Arroyos in Hatch, NM, Rio Grande Canalization Project* is available. This EA evaluated potential environmental impacts of the No Action Alternative and two alternatives for the construction of sediment control projects at Thurman I and II Arroyos, two ephemeral tributaries of the Rio Grande, located in Hatch, Doña Ana County, New Mexico within a portion of the Rio Grande Canalization Project protective levee system. The Preferred Alternative, Alternative C: Sediment Basins, calls for the construction of a sediment basin at each arroyo with a concrete end wall. Permits would be required from the U.S. Army Corps of Engineers for dredge and fill of Waters of the United States, per the Clean Water Act Sections 404 and 401. Potential impacts on natural, cultural, and other resources were evaluated. Mitigation has been proposed for permits for construction. A Finding of No Significant Impact (FONSI) has been prepared for the Preferred Alternative based on a review of the facts and analyses contained in the EA.

Notice of the draft EA was published in the **Federal Register** on October 17, 2017 (**Federal Register** Notice, Vol. 82, No. 199, Page 48253) and provided a thirty (30) day comment period. An environmental impact statement will not be prepared.

FOR FURTHER INFORMATION CONTACT: Elizabeth Verdecchia, Natural Resources Specialist, USIBWC, 4171 N. Mesa, C–100; El Paso, Texas 79902. Telephone: (915) 832–4701, email: *Elizabeth.Verdecchia@ibwc.gov.*

Availability: The electronic version of the Final EA/FONSI is available on the USIBWC web page: *https://www.ibwc.gov/EMD/EIS_EA_Public_Comment.html.*

Dated: January 8, 2018.

Matt Myers,

Chief Legal Counsel.

[FR Doc. 2018–00943 Filed 1–19–18; 8:45 am]

BILLING CODE 4710–01–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1096]

Certain Microperforated Packaging Containing Fresh Produce; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 13, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Windham Packaging LLC of Windham, New Hampshire. On December 4, 2017 Complainant requested an extension of time until January 2, 2018 to file supplemental material, and the request was granted December 7, 2017. EDIS Doc. IDs 630561 (Request) and 631033 (Letter granting request). On January 2, 2018 Complainant requested a second extension of time until January 16, 2018 to file supplemental materials. EDIS Doc. ID 632797. An amended complaint was filed January 3, 2018. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain microperforated packaging containing fresh produce by reason of infringement of certain claims of U.S. Patent No. 7,083,837 (''the '837 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The amended complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 16, 2018, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microperforated packaging containing fresh produce by reason of infringement of one or more of claims 1–6, 11, and 13, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Windham Packaging, LLC, 18 Wilson Road, Windham, NH 03087.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Alpine Fresh, Inc., 9300 NW 58th Street, Suite 201, Miami, FL 33178.

Apio, Inc., 4575 W Main Street, Guadalupe, CA 93434.

B&G Foods North America, Inc., Four Gatehall Drive, Parsippany, NJ 07054.

Glory Foods, Inc., 901 Oak Street, Columbus, OH 43205.

Taylor Farms California, Inc., 947 B Blanco Circle, Salinas, CA 93901.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 17, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–01037 Filed 1–19–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–590 and 731–TA–1397–98 (Preliminary)]

Sodium Gluconate, Gluconic Acid, and Derivative Products From China and France

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 there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of sodium gluconate, gluconic acid, and derivative products from China, provided for in subheadings 2918.16.10, 2918.16.50 and 2932.20.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the government of China. The Commission further determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of sodium gluconate, gluconic acid, and derivative products from France that are alleged to be sold in the United States at LTFV.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On November 30, 2017, PMP Fermentation Products, Inc., Peoria, Illinois, filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of sodium gluconate, gluconic acid, and derivative products from China and LTFV imports of sodium gluconate, gluconic acid, and derivative products from France. Accordingly, effective November 30, 2017, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation No. 701–TA–590 and antidumping duty investigation Nos. 731–TA–1397–98 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference 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 December 6, 2017 (82 FR 57614). The conference was held in Washington, DC, on December 21, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on January 16, 2018. The views of the Commission are contained in USITC Publication 4756 (January 2018), entitled *Sodium Gluconate, Gluconic Acid, and Derivative Products from China and France: Investigation Nos. 701 TA–590 and 731–TA–1397–98 (Preliminary).*

By order of the Commission.

Issued: January 16, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–00984 Filed 1–19–18; 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] Chairman Rhonda K. Schmidtlein dissenting. Chairman Schmidtlein determines that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the subject product from China and France.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1094]

Certain IoT Devices and Components Thereof (IoT, the Internet of Things)—Web Applications Displayed on a Web Browser; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 3, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Lakshmi Arunachalam, Ph.D. of Menlo Park, California. Supplements were filed on October 24, October 30, and November 3, 2017. On November 7, 2017, an amended complaint was filed with the U.S. International Trade Commission under section 337 of the Tariff Act of 1930, as amended, on behalf of Lakshmi Arunachalam, Ph.D. and WebXchange, Inc., both of Menlo Park, California. Supplements were filed on November 7, 13, and December 21, 2017. On December 6, 2017, the Commission postponed the vote on whether to institute an investigation based on the amended complaint to January 9, 2017. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain IOT devices and components thereof (IOT, the Internet of Things)—web applications displayed on a web browser by reason of infringement of certain claims of U.S. Patent No. 7,930,340 (''the '340 patent''), and that an industry in the United States exists as required by the applicable Federal Statute. The amended complaint further alleges unfair methods of competition and unfair acts (criminal and civil RICO violations, breach of contract, theft of intellectual property, antitrust violations, and trade secret misappropriation), the threat or effect of which is to destroy or substantially injure an industry in the United States.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S.

International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION: *Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2018).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 12, 2018, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain IoT devices and components thereof (IoT, the Internet of Things)—web applications displayed on a web browser by reason of infringement of one or more of claims 1–40 of the '340 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding Administrative Law Judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in his investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) Notwithstanding any Commission Rules that would otherwise apply, the presiding Administrative Law Judge shall hold an early evidentiary hearing, find facts, and issue an early decision, as to whether the complainant has satisfied the domestic industry requirement. Any such decision shall be in the form of an initial determination (ID). Petitions for review of such an ID shall be due five calendar days after service of the ID; any replies shall be due three business days after service of a petition. The ID will become the Commission's final determination 30 days after the date of service of the ID unless the Commission determines to review the ID. Any such review will be conducted in accordance with Commission Rules 210.43, 210.44, and 210.45, 19 CFR 210.43, 210.44, and 210.45. The Commission expects the issuance of an early ID relating to the domestic industry requirement within 100 days of institution, except that the presiding ALJ may grant a limited extension of the ID for good cause shown. The issuance of an early ID finding that complainants do not satisfy the domestic industry requirement shall stay the investigation unless the Commission orders otherwise; any other decision shall not stay the investigation or delay the issuance of a final ID covering the other issues of the investigation.

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Lakshmi-Arunachalam, Ph.D., 222 Stanford Avenue, Menlo Park, CA 94025

WebXchange, Inc., 222 Stanford Avenue, Menlo Park, CA 94025

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Apple Inc., 1 Infinite Loop, Cupertino, California 95014

Facebook, Inc., 1 Hacker Way, Menlo Park, CA 94025

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ

Samsung Electronics Co., Ltd., 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Korea; Headquarters: 40th floor Samsung Electronics, Building, 11, Seocho-daero 74-gil, Seocho District, Seoul, South Korea

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 17, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–01035 Filed 1–19–18; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1095]

Certain Load Supporting Systems, Including Composite Mat Systems, and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 15, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Newpark Mats & Integrated Services LLC of The Woodlands, Texas. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain load supporting systems, including composite mat systems, and

components thereof by reason of infringement of certain claims of U.S. Patent No. 6,511,257 (''the '257 patent'') and U.S. Patent No. 6,695,527 (''the '527 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 16, 2018, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain load supporting systems, including composite mat systems, and components thereof by reason of infringement of one or more of claims 1–4 of the '257 patent and claims 1, 4, 5, 7, and 8 of the '527 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Newpark Mats & Integrated Services LLC, 9320 Lakeside Boulevard, Suite 100, The Woodlands, TX 77381.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Checkers Industrial Products, LLC, 620 Compton Street, Broomfield, CO 80020.

Checkers Safety Group UK LTD, 3rd Floor 1 Ashley Road, Altrincham, Cheshire, United Kingdom, WA14 2DT.

Zigma Ground Solutions LTD, Unit 11 M11 Business Link Parsonage Lane, Stansted, Essex, United Kingdom, CM24 8GF.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 17, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–01036 Filed 1–19–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1023]

Certain Memory Modules and Components Thereof, and Products Containing Same: Commission Determination To Review-in-Part an Initial Determination Finding No Violation of Section 337; on Review, To Take No Position on One Issue; Affirmance of the Finding of No Violation and Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part a final initial determination (''ID'') of the presiding administrative law judge (''ALJ'') finding no violation of section 337. On review, the Commission has determined to take no position on the issue under review. The Commission has also determined to affirm the ID's finding of no violation of section 337 and has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. 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 7, 2016, based on a

complaint filed on behalf of Netlist, Inc. of Irvine, California. 81 FR 69853–54. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of the following U.S. Patent Nos.: 8,756,364 (''the '364 patent''); 8,689,064; 8,516,185; 8,001,434 (''the '434 patent''); 8,359,501 (''the '501 patent''); and 8,489,837. The Commission's notice of investigation named SK Hynix Inc. of Gyeoonggi-do, Republic of Korea; and SK Hynix America Inc. and SK Hynix Memory Solutions Inc., both of San Jose, California, as respondents. The Office of Unfair Import Investigations (''OUII'') is also a party to the investigation. *Id.*

On May 31, 2017, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 21) terminating the investigation as to the '364 patent based on partial withdrawal of the complaint.

On November 14, 2017, the ALJ issued his final ID and recommended determination (RD) on remedy and bonding in one document. The ID finds, *inter alia,* that none of respondents' accused products infringe any of the remaining asserted patents. The ID also finds that claims 1–3 and 5–7 of the '434 patent and claim 1 of the '501 patent are not invalid as anticipated in view of U.S. Patent Publication No. 2005/0257109 A1 (''Averbuj'').

On November 27, 2017, complainant and respondents petitioned for review of the final ID. On December 5, 2017, complainant, respondents, and OUII each filed a response in opposition to the opposing petition for review. On December 5, 2017, the Chairman granted respondents' motion for leave to refile its petition for review out of time.

Having examined the record of this investigation, including the ID, the parties' 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 finding that claims 1–3 and 5–7 of the '434 patent and claim 1 of the '501 patent are not anticipated by Averbuj. The Commission has determined not to review the remainder of the final ID.

On review, the Commission determines to take no position on the ID's finding that claims 1–3 and 5–7 of the '434 patent and claim 1 of the '501 patent are not invalid as anticipated in view of Averbuj. *See Beloit Corp.* v. *Valmet Oy,* 742 F.2d 1421 (Fed. Cir. 1984). The Commission therefore affirms the ID's finding of no violation of section 337 and terminates the investigation.

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 16, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–00983 Filed 1–19–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–591 and 731–TA–1399 (Preliminary)]

Common Alloy Aluminum Sheet From China

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 there is a reasonable indication that an industry in the United States is materially injured by reason of imports of common alloy aluminum sheet from China, provided for in subheadings 7606.11.30, 7606.11.60, 7606.12.30, 7606.12.60, 7606.91.30, 7606.91.60, 7606.92.30, and 7606.92.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the government of China.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

These investigations were instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a notification of investigations self-initiated by the U.S. Department of Commerce deemed by the Commission as having been filed on December 1, 2017.

Notice of the institution of the Commission's investigations and of a public conference 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 December 8, 2017 (82 FR 58025). The conference was held in Washington, DC, on December 21, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on January 16, 2018. The views of the Commission are contained in USITC Publication 4757 (January 2018), entitled *Common Alloy Aluminum Sheet from China: Investigation Nos. 701–TA–591 and 731–TA–1399 (Preliminary).*

By order of the Commission.

Issued: January 17, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–01034 Filed 1–19–18; 8:45 am]

BILLING CODE 7020–02–P

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[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–575 (Final)]

Tool Chests and Cabinets From China (Final)

Determination

On the basis of the record [1] developed in the subject investigation, 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 tool chests and cabinets from China, provided for in subheadings 7326.90.35, 7326.90.86, and 9403.20.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (''Commerce'') to be subsidized by the government of China.

Background

The Commission, pursuant to section 705(b) of the Act (19 U.S.C. 1671d(b), instituted this investigation effective April 11, 2017, following receipt of a petition filed with the Commission and Commerce by Waterloo Industries Inc., Sedalia, Missouri. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of tool chests and cabinets from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigation 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** on September 25, 2017 (82 FR 44657). The hearing was held in Washington, DC, on November 28, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 705(b) of the Act (19 U.S.C. 1671d(b)). It completed and filed its determination in this investigation on January 16, 2018. The views of the Commission are contained in USITC Publication 4753 (January 2018), entitled *Tool Chests and Cabinets from China: Investigation No. 701–TA–575 (Final).*

By order of the Commission.

Issued: January 16, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–00981 Filed 1–19–18; 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)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–672–673 (Fourth Review)]

Silicomanganese From China and Ukraine; Notice of Commission Determinations To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty orders on silicomanganese from China and Ukraine would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: January 5, 2018.

FOR FURTHER INFORMATION CONTACT: Amelia Shister (202–205–2047), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On January 5, 2018, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (82 FR 45892, October 2, 2017) was adequate and that the respondent interested party group response with respect to Ukraine was adequate, and decided to conduct a full review of the antidumping duty order on silicomanganese from Ukraine. The Commission found that the respondent interested party group response with respect to China was inadequate. However, the Commission determined to conduct a full review concerning the order on silicomanganese from China to promote administrative efficiency in light of its decision to conduct a full review of the order on silicomanganese from Ukraine. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: January 16, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–00982 Filed 1–19–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on December 19, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interchangeable Virtual Instruments Foundation, Inc. (''IVI Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ThinkRF, Kanata, CANADA, has been added as a party to this venture.

No other changes have been made in either the membership or planned

activity of the group research project. Membership in this group research project remains open, and IVI Foundation intends to file additional written notifications disclosing all changes in membership.

On May 29, 2001, IVI Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on December 15, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 11, 2017 (82 FR 3361).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–01061 Filed 1–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on December 14, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Pistoia Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Vivenics, Oss, THE NETHERLANDS; Francisco J. Fernandez (individual member), Madrid, SPAIN; Arxspan, Southborough, MA; Andrew Conkie (individual member), Glasgow, UNITED KINGDOM; Till Dettmering (individual member), Frankfurt, GERMANY; Healthcare Impact Foundation, New York, NY; Medley Genomics, Providence, RI; cubuslab GmbH, Karlsruhe, GERMANY; grit42, Copenhagen, DENMARK; and Phenomic AI Inc., Toronto, CANADA, have been added as parties to this venture.

Also, Instem, Melbourne, UNITED KINGDOM, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on October 3, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 13, 2017 (82 FR 52318).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–01060 Filed 1–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on December 18, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. (''PXI Systems'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Rohde & Schwarz GmbH & Co KG, Munchen, GERMANY, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on September 26, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 17, 2017 (82 FR 48255).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–01062 Filed 1–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Completion of Claims Adjudication Program

AGENCY: Foreign Claims Settlement Commission of the United States, Justice.

ACTION: Notice.

SUMMARY: This notice announces the completion date of the claims adjudication program referred to the Foreign Claims Settlement Commission (''Commission'') by the Department of State by letter dated November 27, 2013 (the ''Libya III program''), involving claims of United States nationals against the Government of Libya that were settled under the ''Claims Settlement Agreement Between the United States of America and the Great Socialist People's Libyan Arab Jamahiriya,'' dated August 14, 2008. By prior notice, the Commission announced the commencement of the Libya III program on December 13, 2013 (78 FR 75944).

DATES: The completion date of the Libya III program is April 6, 2018. A petition to reopen a claim filed in the Libya III program must be filed not later than February 5, 2018 (60 days before the completion date). 45 CFR 509.5(l).

FOR FURTHER INFORMATION CONTACT: Brian M. Simkin, Chief Counsel, Foreign Claims Settlement Commission of the United States, 600 E Street NW, Room 6002, Washington, DC 20579, Tel. (202) 616–6975, FAX (202) 616–6993.

Notice of Completion of Claims Adjudication Program

Pursuant to the authority conferred upon the Secretary of State and the Commission under subsection 4(a)(1)(C) of Title I of the International Claims Settlement Act of 1949 (Pub. L. 455, 81st Cong., approved March 10, 1950, as amended by Public Law 105–277, approved October 21, 1998 (22 U.S.C. 1623(a)(1)(C))), the Foreign Claims Settlement Commission hereby gives notice that on April 6, 2018, the Commission will complete the claims adjudication programs referred to the Commission by the Department of State by letter dated November 27, 2013 (the

''Libya III program''), involving claims of United States nationals against the Government of Libya that were settled under the ''Claims Settlement Agreement Between the United States of America and the Great Socialist People's Libyan Arab Jamahiriya,'' dated August 14, 2008.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2018–01047 Filed 1–19–18; 8:45 am]

BILLING CODE 4410–01–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 21, 2018.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2017–030–C.

Petitioner: Bronco Utah Operations, LLC, P.O. Box 527, Emery, Utah 84522.

Mine: Emery Mine, MSHA I.D. No. 42–00079, located in Emery County, Utah.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit the alternative method of compliance to allow the use of nonpermissible low-voltage or battery-powered electronic testing or diagnostic equipment in or inby the last open crosscut.

The petitioner states that:

(1) The use of nonpermissible low-voltage or battery-powered electronic testing and diagnostic equipment will be limited to laptop computers; oscilloscopes; vibration analysis machines; cable fault detectors; point temperature probes; infrared temperature devices; voltage, current, and power measurement recorders; pressure and flow measurement devices; signal analyzer devices; ultrasonic thickness gauges; electronic tachometers; and nonpermissible surveying equipment. Other testing and diagnostic equipment may be used if approved in advance by the MSHA District Office.

(2) Nonpermissible electronic testing and diagnostic equipment will be used only when equivalent permissible equipment does not exist.

(3) All other test and diagnostic equipment used in or inby the last open crosscut will be permissible.

(4) All nonpermissible electronic testing and diagnostic equipment used in or inby the last open crosscut will be examined by a qualified person, as defined in 30 CFR 75.153, prior to being used to ensure the equipment is being maintained in safe operating condition. These examinations results will be recorded in the weekly examination of electrical equipment book and will be made available to MSHA and the miners at the mine.

(5) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic testing and diagnostic equipment in or inby the last open crosscut. The results of such examination(s) will be recorded as a special examination in the on-shift examination record books immediately after the shift on which the examination(s) were performed.

(6) Nonpermissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When a 1.0 percent or more methane concentration is detected while the nonpermissible electronic equipment is being used, the equipment will be deenergized immediately and withdrawn to outby the last open crosscut.

(7) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(8) Except for the time necessary to troubleshoot under actual mining conditions, coal production in the miner section will cease. However, coal may remain in or on the equipment in order to test and diagnose the equipment under ''load.''

(9) Nonpermissible electronic testing and diagnostic equipment will not be used to test equipment when float coal dust is in suspension.

(10) All electronic testing and diagnostic equipment will be used in accordance with the manufacturer's recommended safe use practices.

(11) Qualified personnel engaged in the use of electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the electronic testing and diagnostic equipment.

(12) The petitioner will notify MSHA before using nonpermissible electronic

testing and diagnostic equipment in or inby the last open crosscut. The notice will advise MSHA when any nonpermissible electronic testing and diagnostic equipment is put in service and will give MSHA the opportunity to inspect such equipment before being used.

(13) Within 60 days after the proposed decision and order (PDO) becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the PDO.

The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2017–031–C.

Petitioner: M & D Anthracite Coal Company, 2030 East Center Street, Tremont, Pennsylvania 17981.

Mine: Slope #1 Mine, MSHA I.D. No. 36–09976, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 49.2(b) (Availability of mine rescue teams).

Modification Request: The petitioner requests a modification of the existing standard to permit the reduction of two mine rescue teams with five members and one alternate each to two mine rescue teams of three members each with one alternative for either team.

The petitioner states that:

(1) The underground mine is a small mine and there is hardly enough physical room to accommodate more than three or four miners in the working places. An attempt to utilize five or more rescue team members in the mine's confined working places would result in a diminution of safety to both the miners at the mine and members of the rescue team.

(2) Records of Mine Emergency responses over the last 20 years indicate that rescue and recovery operations conducted by Anthracite Underground Rescue, Inc. (AUGR) have never utilized more than one team. In addition, when one rescue team was utilized there were no more than three rescue team members traveling to a working place simultaneously.

(3) Employment in underground anthracite mines has decreased substantially and the ratio of mine rescue teams to underground miners has correspondingly been reduced. The loss of the underground work force dramatically reduces the pool of qualified people available to fill mine rescue positions.

(4) Pennsylvania Deep Mine Safety presently has four deep mine inspectors that have deep mine rescue training and are pledged to assist if required in an emergency. In addition, the surrounding small mines have always provided assistance during mine emergencies.

The petitioner asserts that the proposed alternative method will provide the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–032–C.

Petitioner: M & D Anthracite Coal Company, 2030 East Center Street, Tremont, Pennsylvania 17981.

Mine: Slope #1 Mine, MSHA I.D. No. 36–09976, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 49.6(a)(1) and (a)(5) (Equipment maintenance requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit the reduction of twelve self-contained oxygen breathing apparatus, to eight self-contained apparatus and the reduction of twelve permissible cap lamps and charging rack to eight permissible cap lamps and charging rack.

The petitioner states that:

(1) A petition for modification of 30 CFR 49.2(b) allowing the reduction of two rescue teams with five members and one alternate each to two rescue teams of three members each with one alternate has been granted to all operating anthracite coal mines.

(2) Eight self-contained breathing apparatus and eight permissible cap lamps are sufficient to supply the seven members of the rescue team.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–033–C.

Petitioner: M & D Anthracite Coal Company, 2030 East Center Street, Tremont, Pennsylvania 17981.

Mine: Slope #1 Mine, MSHA I.D. No. 36–09976, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.311(b)(2) and (b)(3) (Main mine fan operation).

Modification Request: The petitioner requests a modification of the existing standard to permit the electrical circuits entering the underground mine to remain energized to the mine's pumps, while the main fan has been shut down during idle shifts when no miners are working underground.

The petitioner states that:

(1) The mine requires pumping water from the sump area of the intake haulage slope below the active gangway level workings intermittently and for different periods of time on a daily basis. During the wet season from late winter to early summer, the pumps are often required to operate for extended periods of time to keep the mine from flooding.

(2) Most anthracite mines work only one shift per day, 5–6 days per week during the colder months when coal sales are greatest, and may only work 2–3 days per week during the warmer months because of lower coal sales.

(3) The vast majority of underground anthracite mines are small, employ 5 or less miners underground, have very low daily coal production of less than 25 tons, and have never encountered a measurable quantity of methane during the life of the mine.

(4) Methane liberation in the few underground mines with a history of liberation occurs only when coal is shot from the solid and is dissipated by face ventilation shortly thereafter.

(5) Underground anthracite miners are significantly affected by natural ventilation that continues after the mine fan has been intentionally stopped during idle periods.

(6) Accumulations of methane, in those underground mines with a history of liberation, are historically found in chutes and breasts (entries driven up the pitch) and are not yet connected to the adjacent return entry. These entries are not affected by the natural ventilation air currents.

(7) The primary method of face ventilation utilized in underground anthracite mines is compressed air movers with approved tubing in the working place. They are shut off prior to the miners exiting the mine at the end of the shift and prior to the stoppage of the main fan for the idle shifts. Therefore, potential accumulation of methane in the working face is unlikely to be affected by natural ventilation currents.

(8) The mine's pumping system typically consists of a submersible pump located below the water level in the sump and a centrifugal pump located in the intake haulage slope above the active gangway level. The pumps are started and shut off by a set of switches or electrodes located in the sump. The switch/electrode located at the highest elevation in the sump will start the pumps when the water depth increases to a pre-determined level to protect the active gangway level from flooding. The pumps will continue to operate until the water level depth decreases to the elevation of the lower switch/electrode.

(9) Compliance with 30 CFR 75.311 through the continuous operation of the main mine fan when pumps are energized would result in a diminution of safety to the miners. During the colder months, the wet conditions present in the intake haulage slope will result in freezing and accumulations of ice creating a hazard to the miners riding the slope conveyance and to those miners who must manually chip away the ice in the pitching slope thereby increasing a fall hazard. The amount of ice accumulations during a single shift of production is usually minimal and can be melted during the idle shifts, with the main fan off, as the natural ventilating air current is warmed by the higher underground temperatures and carried through slope.

(10) The mine operator proposes to initiate the following alternatives to ensure the safety of the miners:

(a) The examiner will determine whether the pumps are operating and if the natural ventilation air current is moving in the proper direction prior to energizing the main mine fan and before starting the required pre-shift examination.

(b) In the cases where the pumps are not operating when the examiner arrives, the examiner will deenergize the pump circuits before starting the main mine fan and will allow the fan to operate for 30 minutes prior to entering the mine to conduct the pre-shift examination.

(c) During the pre-shift examination, when no accumulation of methane is found in the vicinity of the pumps, the pump circuits may be energized before the miners travel underground.

(d) In those cases where the pumps are found to be already in operation because of high water levels and when the natural ventilating currents are moving in the proper direction, the main mine fan will be started and run for 30 minutes before entering the mine to conduct a pre-shift examination. Examination of the mine pump installation will be completed prior to entering the active gangway level working and before continuing the pre-shift examination.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–034–C.

Petitioner: M & D Anthracite Coal Company, 2030 East Center Street, Tremont, Pennsylvania 17981.

Mine: Slope #1 Mine, MSHA I.D. No. 36–09976, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.335 (Seal strengths, design applications, and installation).

Modification Request: The petitioner requests a modification of the existing standard to permit alternative methods of construction employing wooden material of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing the inaccessible abandoned workings through the use of homemade ladders. Additionally, a design criterion in the 10-psi range should be accepted due to the non-explosibility of anthracite coal dust and minimal potential for either an accumulation of methane in previously mined pitching veins or an ignition source in the gob area, and that seals installed in pairs permit the water trap to be installed only in the gangway seal (lowest elevation) and sampling tube in the monkey (higher elevation) seal.

The petitioner states that:

(1) The required transportation of solid concrete blocks or equivalent materials manually on ladders on pitching anthracite veins will expose miners to greater hazards such as falling, being struck by falling materials, or resulting strains or sprains due to the weight of the materials.

(2) No evidence of ignition in accessible abandoned anthracite workings has been found to date.

(3) In veins pitching greater than 45 degrees, the weight of the seal is transferred to the low side rib (coal).

(4) Irregularly shaped anthracite openings would require substantial cutting of rectangular blocks to ensure proper tie-in to hitches in the top rock, bottom rock, and low side coal rib.

(5) Concrete block and mortar construction for openings parallel to the pitching vein would be almost impossible to construct and subject to failure by its own weight.

(6) Isolation of inaccessible abandoned workings from an active section will permit natural venting of any potential methane build-up through surface breeches, and the mine has not experienced measurable liberation of methane to-date.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–035–C.

Petitioner: M & D Anthracite Coal Company, 2030 East Center Street, Tremont, Pennsylvania 17981.

Mine: Slope #1 Mine, MSHA I.D. No. 36–09976, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of nonpermissible electric equipment within 150 feet of the pillar line to include drags and battery locomotives due in part to the method of mining used in pitching anthracite mines and the alternative hourly evaluation of the mine air quality for methane during operation with one of the gas test results to be recorded in the on-shift examination record. Petitioner also proposes to suspend equipment operation anytime methane concentration at the equipment reaches 0.5 percent either during operation or when found during a pre-shift examination.

The petitioner states that:

(1) The equipment will be operated in the working section's only intake entry (gangway) which is regularly traveled and examined.

(2) The use of drags on less than moderate pitching veins (less than 20 degrees pitch) is the only practical system of mining in use.

(3) Permissible drags are not commercially available and, due in part to their small size, permissible locomotives are not commercially available.

(4) As result of low daily production rates and full timbering support, in-rushes of methane due to massive pillar falls are unlikely to occur.

(5) Recovery of the pillars above the first miner heading is usually accomplished on the advance within 150 feet of the section intake (gangway) and the remaining minable pillars recovered from the deepest point of penetration outby.

(6) The 5,000 cfm of required intake air flow is measured just outby the nonpermissible equipment with the ventilating air passing over the equipment to ventilate the pillar being mined.

(7) The nonpermissible electrical equipment is attended during operation and either power to the unit will be deenergized at the intersection of the working gangway and intake slope or the equipment will be moved to that area when production ceases, thereby, minimizing any ignition potential from the pillar recovery area.

(8) Where more than one active line of pillar breast recovery exists, the locomotive may travel to a point just outby the deepest active chute/breast (room) workings or last open crosscut in a developing set of entries.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–037–C.

Petitioner: M & D Anthracite Coal Company, 2030 East Center Street, Tremont, Pennsylvania 17981.

Mine: Slope #1 Mine, MSHA I.D. No. 36–09976, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1200(d) and (i) (Mine map).

Modification Request: The petitioner requests a modification of the existing standard to permit the substitution of cross-sections in lieu of contour lines through the intake slope, at locations of rock tunnel connections between veins, and at 1,000 feet intervals of advance from the intake slope and to limit the required mapping of mine workings above and below to those present within 100 feet of the vein(s) being mined unless these veins are interconnected to other veins beyond the 100 feet limit, through rock tunnels.

The petitioner states that:

(1) Due to steep pitch encountered in mining anthracite coal veins, contours provide no useful information and their presence would make portions of the map illegible.

(2) The vast majority of current underground anthracite mining involves either second mining of remnant pillars from previous mining/mine operators or the mining of veins of lower quality in proximity to inaccessible and frequently flooded abandoned mine workings which may or may not be mapped.

(3) All mapping for mines above and below will be researched by a contract engineer for the presence of interconnecting rock tunnels between veins in relation to the mine and a hazard analysis done when mapping indicates the presence of known or potentially flooded workings.

(4) Mine workings found to exist beyond 100 feet from the mine, when no rock tunnel connections are found, will be recognized as presenting no hazard to the mine due to the pitch of the vein and rock separation between.

(5) Additionally, the mine workings above and below are usually inactive and abandoned and therefore, not subject to changes during the life of the mine.

(6) Where evidence indicates prior mining was conducted on a vein above or below and research exhausts the availability of mine mapping, the vein will be considered to be mined and flooded and appropriate precautions taken, as required by 30 CFR 75.388, where possible.

(7) Where potential hazards exist and in-mine drilling capabilities limit penetration, surface boreholes may be used to intercept the workings and results analyzed prior to the beginning of mining in the affected area.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–038–C.

Petitioner: M & D Anthracite Coal Company, 2030 East Center Street, Tremont, Pennsylvania 17981.

Mine: Slope #1 Mine, MSHA I.D. No. 36–09976, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1202–1(a) (Temporary notations, revisions and supplements).

Modification Request: The petitioner requests a modification of the existing standard to permit the required interval of survey to be on an annual basis from the initial survey in lieu of the current interval of not more than 6 months.

The petitioner proposes to continue to update the mine map by hand notations on a daily basis and conduct subsequent surveys prior to commencing retreat mining, and when either a drilling program is required by 30 CFR 75.388 or a plan for mining into inaccessible areas is required by 30 CFR 75.389.

The petitioner states that:

(1) The low production and slow rate of advance in anthracite mining make surveying on 6-month intervals impractical. The mine operates using non-mechanized, hand-loading mining methods. In most cases, annual development is frequently limited to less than 500 feet of gangway advance with associated up-pitch development.

(2) Development above the active gangway is designed to mine into the level above at designated intervals thereby maintaining sufficient control between both surveyed gangways.

(3) The available engineering/surveyor resources are limited in the anthracite coal fields. Surveying on an annual basis is difficult to achieve with four individual contractors currently available.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–039–C.

Petitioner: M & D Anthracite Coal Company, 2030 East Center Street, Tremont, Pennsylvania 17981.

Mine: Slope #1 Mine, MSHA I.D. No. 36–09976, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1400(c) (Hoisting equipment; general).

Modification Request: The petitioner requests a modification of the existing standard to permit the gunboat to transport persons without safety catches or other no less effective devices because to date, no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of Anthracite mines, that range in length from 30 to 4200 feet and vary in pitch from 12 degrees and 75 degrees.

The petitioner states that:

(1) A functional safety catch has not been developed. Makeshift devices, if installed, could be activated on knuckles and curves when no emergency exists causing a tumbling effect on the conveyance which would increase rather than decrease the hazard to miners.

(2) As an alternative, the petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device and use hoisting ropes having a factor of safety in excess of the 4 to 8 to 1 as suggested in the American Standards Specifications for Use of Wire Ropes for Mines.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–040–C.

Petitioner: Mountain Coal Company, LLC, 5174 Hwy. 133, Somerset, CO 81434.

Mine: West Elk Mine, MSHA I.D. No. 05–03672, located in Gunnison County, Colorado.

Regulation Affected: 30 CFR 75.364(b)(2) (Weekly examination).

Modification Request: The petitioner requests a modification of the existing standard that requires at least one entry of each return air course to be traveled and examined in its entirety at least every 7 days by a certified person. The petitioner proposes to establish multiple inlet and outlet evaluation points to measure and evaluate at least every 7 days the air quality, air quantity, and air direction of all air entering and leaving the Sly Gulch South Mains Return in lieu of traveling one of the affected entries. The petitioner states that:

(1) Multiple roof falls and floor heave within the proposed evaluation area limits the entries that can be traveled by the weekly examiner. Some of the

traveled entries require the weekly examiner to crawl on his hands and knees, preventing quick egress if necessary.

(2) All air entering and leaving the affected area can be measured and evaluated safely from the proposed inlet and outlet evaluation points shown on the drawing attached to this petition. Access to the proposed inlet and outlet evaluation points is not hindered by roof falls or excessive floor heave, allowing quick egress if necessary.

(3) There are no seals or electrical installations within the proposed evaluation area that must be examined.

(4) In lieu of traveling one of the return entries in the proposed evaluation area, at least every 7 days, a certified person will:

(a) Measure the air quantity at each inlet and outlet evaluation point. If the combined air quantity at the outlet evaluation points differs by more than 20 percent from the combined air quantity at the inlet evaluation points, ventilation controls surrounding the affected area will be examined from the outby side and corrective measures will be implemented to repair the affected ventilation controls to restore the differential air quantities to within 20 percent.

(b) Measure the air quality at each inlet and outlet evaluation point. Both the methane and oxygen concentrations will be measured. Methane concentrations at the inlet and outlet evaluation points will be a minimum of 19.5 percent.

(c) Verify the proper air direction as indicated on the drawing at each inlet and outlet evaluation point.

(d) Record the air quantity, air quality, and a notation of proper air direction at each inlet and outlet evaluation point in the weekly examination book.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard and that traveling one of the affected entries results in a diminution of safety.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2018–01008 Filed 1–19–18; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0066]

Vertical Tandem Lifts (VTLs) for Marine Terminals; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Vertical Tandem Lifts (VTLs) for Marine Terminals.

DATES: Comments must be submitted (postmarked, sent, or received) by March 23, 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–2011–0066, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., E.T.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA–2011–0066) 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 through 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, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and cost) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The VTL Standard for Marine Terminals (29 CFR part 1917) specifies the following collection of information requirements. The purpose of each of these requirements is to provide workers with safe work practices when conducting VTLs.

Paragraph (i)(8)(iv) of § 1917.71 requires employers to ensure that the interbox connectors used in VTLs have been certified by a competent authority authorized under § 1918.11 (for interbox connectors that are part of a vessel's

gear) or § 1917.50 (for other interbox connectors). Paragraph (i)(8)(v) requires employers to have a certificate available for inspection that attests that the interbox connector meets the strength criteria specified in paragraph (i)(8)(iv) of the standard. Also, paragraph (i)(8)(vi) requires that each interbox connector be clearly and durably marked with its safe working load for lifting, including an identifying number or mark that will enable it to be associated with its test certificate.

The certification is necessary to ensure that interbox connector-corner casting assemblies have adequate strength to safely perform the lift. Marking of interbox connectors informs employers, workers, and OSHA that the interbox connectors have been certified.

Paragraph (j)(2) of § 1917.71 requires the employer to develop, implement, and maintain a written plan for transporting vertically connected containers in the terminal. The transport plan helps ensure the safety of terminal workers and thereby enhances productivity. Paragraph (k)(2) of § 1917.71 requires the written transport plan to identify a safe work zone within which workers are not permitted to be present when a VTL is in motion.

Written plans give employers, workers, and OSHA compliance officers assurance that VTLs are safe to use and provide the compliance officers with an efficient means to assess employer compliance with the Standard.

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 to protect workers, 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 proposing an adjustment decrease of the existing burden hour estimate for the collection of information requirement specified by the Standard from 560 hours to 512 hours—a total decrease of 48 hours. Based on staff expertise with marine terminals, the Agency reduced the estimated number of marine terminals that use VTLs with updated establishment data from the North American Classification Information System (NACIS) retrieved from the Bureau of Labor Statistics *http://www.regulations.gov.*

Type of Review: Extension of a currently approved collection.

Title: Vertical tandem Lifts (VTLs) for Marine Terminals (29 CFR part 1917).

OMB Control Number: 1218–0260.

Affected Public: Business or other for-profits; not-for-profit organizations; Federal Government; State, Local, or Tribal Government.

Number of Respondents: 128.

Number of Responses: 128.

Frequency of Responses: On occasion.

Average Time per Response: The average time is 4 hours for employers to generate, develop, and maintain a written plan for transporting vertically coupled containers in a terminal.

Estimated Total Burden Hours: 512.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at: *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0066). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or a 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 that the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at: *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available 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 12, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–00973 Filed 1–19–18; 8:45 am]

BILLING CODE 4510–26–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket Nos. 18–CRB–0001–AU (Music Choice), 18–CRB–0002–AU (Google Inc.), 18–CRB–0003–AU (Alpha Media LLC)]

Notice of Intent To Audit

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Public notice.

SUMMARY: The Copyright Royalty Judges announce receipt of three notices of intent to audit the 2013, 2014, and 2015 statements of account submitted by commercial webcaster and broadcaster Alpha Media LLC and by commercial webcasters Google Inc. and Music Choice [1] concerning royalty payments each made pursuant to two statutory licenses.

ADDRESSES: *Docket:* For access to the docket to read background documents,

[1] The Judges' receipt and publication of SoundExchange's notice of intent to audit Music Choice in these circumstances does not imply an opinion regarding the applicability of the section 112 and 114 licenses to Music Choice's webcast transmissions.

go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at *https://app.crb.gov/* and search for docket numbers 18–CRB–0001–AU (Music Choice), 18–CRB–0002–AU (Google Inc.), and 18–CRB–0003–AU (Alpha Media LLC).

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: The Copyright Act, title 17 of the United States Code, grants to sound recordings copyright owners the exclusive right to publicly perform sound recordings by means of certain digital audio transmissions, subject to limitations. Specifically, the performance right is limited by the statutory license in section 114, which allows nonexempt noninteractive digital subscription services, eligible nonsubscription services, pre-existing subscription services, and preexisting satellite digital audio radio services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). In addition, a statutory license in section 112 allows a service to make necessary ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR parts 380 and 382–84.

As part of the terms for these licenses, the Judges designated SoundExchange, Inc., as the Collective, *i.e.,* the organization charged with collecting royalty payments and statements of account submitted by eligible licensees and with distributing royalties to the copyright owners and performers entitled to receive them under the section 112 and 114 licenses. *See, e.g.,* 37 CFR 380.2(a).[2]

As the Collective, SoundExchange may, only once a year, conduct an audit of a licensee for any or all of the prior three calendar years in order to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee. *See, e.g.,* 37 CFR 380.6(c).

On December 22, 2017, SoundExchange filed with the Judges notices of intent to audit licensees Alpha Media LLC and Google Inc. for their transmissions terminating in the United States for the years 2014, 2015, and 2016. On December 29, 2017, it filed a notice of intent to audit Music Choice for its webcast transmissions for the same years. The Judges must publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. *See id.* Today's notice fulfills this requirement with respect to SoundExchange's notices of intent to audit filed December 22, 2017, and December 29, 2017.

Dated: January 17, 2018.

Suzanne M. Barnett,

Chief Copyright.

[FR Doc. 2018–01011 Filed 1–19–18; 8:45 am]

BILLING CODE 1410–72–P

[2] Citations are to current sections of the CFR.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 18–003]

Planetary Science Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Advisory Committee (PAC). This Committee functions in an advisory capacity to the Director, Planetary Science Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the planetary science community and other persons, scientific and technical information relevant to program planning.

DATES: Wednesday, February 21, 2018, 9:00 a.m. to 5:00 p.m., Thursday, February 22, 2018, 8:30 a.m. to 5:00 p.m., and Friday, February 23, 2018, 8:30 a.m. to 5:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 5H41, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the Toll Number 1–517–645–6359 or Toll Free Number 1–800–779–9966, and then the numeric passcode 3954829, followed by the # sign on all three days. **Note:** If dialing in, please ''mute'' your phone. To join via WebEx, the link is *https://nasa.webex.com/*; the meeting number on February 21 is 993 463 983, password is PAC@Feb21; the meeting number on February 22 is 998 765 672, password is PAC@Feb22, and the meeting number on February 23 is 993 512 979, password is PAC@Feb23.

The agenda for the meeting includes the following topics:

—Planetary Science Division Update
—Planetary Science Division Research and Analysis Program Update

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee to. To expedite admittance, attendees with U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days in advance by contacting Ms. KarShelia Henderson via email at *khenderson@nasa.gov* or by fax at (202) 358–2779. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–00957 Filed 1–19–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 18–004]

Notice of Intent To Grant Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive Patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive patent license in the United States to practice the invention described and claimed in for U.S. Patent Number 9,514,734 entitled ''Acoustic Liners for Turbine Engines'', LEW 18769–1 and U.S. Patent pending for an invention entitled ''Improved Acoustic Liners for Turbine Engines'', LEW 18769–2, to Tellus Aerospace, Inc., having its principal place of business in San Jose, California. The fields of use may be limited to aircraft (manned and unmanned) engines.

DATES: The prospective exclusive license may be granted unless, no later than February 6, 2018, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than February 6, 2018 will also be treated as objections to the grant of the contemplated exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, MS 142–7, NASA Glenn Research Center, 21000 Brookpark Rd., Cleveland, OH 44135. Phone (216) 433–3663. Facsimile (216) 433–6790.

FOR FURTHER INFORMATION CONTACT: Robert Earp, Patent Counsel, Office of Chief Counsel, MS 142–7, NASA Glenn Research Center, 21000 Brookpark Rd., Cleveland, OH 44135. Phone (216) 433–3663. Facsimile (216) 433–6790.

SUPPLEMENTARY INFORMATION: This notice of intent to grant an exclusive patent license is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Mark P. Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2018–00989 Filed 1–19–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Thursday, January 25, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Board Briefing, Civil Monetary Penalty Statutory Inflation Adjustment.
2. NCUA Rules and Regulations, Involuntary Liquidation and Claims Procedures.
3. NCUA's 2018—2022 Strategic Plan, and 2018 Annual Performance Plan.
4. Board Briefing, Call Report Modernization.

RECESS: 11:00 a.m.

TIME AND DATE: 11:15 a.m., Thursday, January 25, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–01181 Filed 1–18–18; 4:15 pm]

BILLING CODE 7535–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Claim for Unpaid Compensation for Deceased Civilian Employee, SF 1153, 3206–0234

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) as amended by the Clinger-Cohen Act (Pub. L. 104–106), this notice announces that the U.S. Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of an expiring information collection. Standard Form 1153, Claim for Unpaid Compensation for Deceased Civilian Employee, is used to collect information from individuals who have been designated as beneficiaries of the unpaid compensation of a deceased Federal employee or who believe that their relationship to the deceased entitles them to receive the unpaid compensation of the deceased Federal employee. OPM needs this information in order to adjudicate the claim and properly assign a deceased Federal employee's unpaid compensation to the appropriate individual(s).

DATES: Comments are encouraged and will be accepted until March 23, 2018. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Merit System Accountability and Compliance, Office of Personnel Management, 1900 E. Street NW, Washington, DC 20415, Attention: Damon Ford or sent via electronic mail to *damon.ford@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Compensation and Leave Claims Program, Office of Personnel Management, 1900 E. Street NW, Washington, DC 20415, Attention: Damon Ford or sent via electronic mail to *damon.ford@opm.gov* or 202–606–7948.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

MSAC adjudicates classification appeals, job-grading appeals, FLSA Claims, compensation and leave Claims, and declination of reasonable offer appeals, as well as the settling of disputed Claims for unpaid compensation due deceased Federal employees. This adjudicative function provides Federal employees administrative due process rights to challenge compensation and related agency decisions without having to seek redress in Federal courts. These decisions are also a critical resource for agency HR offices in making their own classification, pay, and FLSA determinations.

Analysis

Agency: Merit System Accountability and Compliance, Office of Personnel Management.

Title: Standard Form 1153, Claim for Unpaid Compensation of Deceased Civilian Employee.

OMB Number: 3206–0234.

Frequency: Annually.

Affected Public: Federal Employees and Retirees.

Number of Respondents: 3,000.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 750 hours.

Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2018–01051 Filed 1–19–18; 8:45 am]

BILLING CODE 6325–58–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Representative Payee Survey, RI 38–115

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR), Representative Payee Survey. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until March 23, 2018. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Personnel Management, Retirement Services, 1900 E Street NW, Room 2347E, Washington, DC 20415, Attention: Alberta Butler, or sent by email to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent by email to *Cyrus.Benson@opm.gov,* by phone to 202–606–4808 or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: The Representative Payee Survey is used to collect information about how the benefits paid to a representative payee have been used or conserved for the benefit of the incompetent annuitant. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 38–115, Representative Payee Survey, is used to collect information about how the benefits paid to a representative payee have been used or conserved for the benefit of the incompetent annuitant.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Representative Payee Survey.

OMB Number: 3206–0208.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 11,000.

Estimated Time per Respondent: 20 minutes.

Total Burden Hours: 3,667.

Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2018–01052 Filed 1–19–18; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82506; File No. SR–NYSE–2018–01]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend the Complimentary Products and Services Available to Certain Eligible New Listings Pursuant to Section 907.00 of the Exchange's Listed Company Manual

January 16, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 3, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend 907.00 of the Exchange's Listed Company Manual (the ''Manual'') to provide that companies initially listed on or after April 1, 2018 will no longer be eligible to receive corporate governance tools under the Exchange's services offering. 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section 907.00 of the Manual to provide that companies initially listed on or after April 1, 2018 will no longer be eligible to receive corporate governance tools under the Exchange's services offering.

Currently, all Eligible New Listings [4] are entitled to receive complimentary access to corporate governance tools for a period of 24 calendar months with a commercial value of approximately $50,000).[5] In the Exchange's experience, companies that qualify as Eligible New Listings have generally not been interested in utilizing the corporate governance tools available as part of the Exchange's services offering. Consequently, the Exchange proposes to amend Section 907.00 to discontinue its provision of corporate governance tools. Eligible New Listings with an initial listing date before April 1, 2018, will continue to be eligible to avail themselves of complimentary corporate governance tools on the same terms as such services are currently offered. Companies whose initial listing date is on or after April 1, 2018 will no longer be eligible to receive any complimentary corporate governance tools.[6]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) [7] of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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 amendment is not unfairly discriminatory, as all companies listed on or after April 1, 2018 will continue to be eligible to avail themselves of the same services offering with the exception of the corporate governance tools offering which will be discontinued. It is not unfairly discriminatory to continue to offer corporate governance tools to companies listed prior to April 1, 2018 on the same terms as they are currently offered, as that benefit was part of the services offering that was available at the time of those companies' initial listing and may have had some influence over their listing decisions. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act.[9] In particular, the Exchange has found that companies that qualify as Eligible New Listings have generally not been interested in utilizing the corporate governance tools available as part of the Exchange's services offerings and, therefore, the Exchange believes it is reasonable to eliminate such offering.

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 proposed rule change does not impose any burden on competition, as all companies whose initial listing occurs on or after April 1, 2018 will be eligible for an identical services offering with the exception of the discontinued corporate governance tools. In addition, all companies whole [sic] initial listing occurs prior to April 1, 2018 will continue to be eligible for corporate governance services on the same terms as they are currently offered.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or 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–NYSE–2018–01 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–NYSE–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

[4] For the purposes of Section 907.00, the term ''Eligible New Listing'' means (i) any U.S. company that lists common stock on the Exchange for the first time and any non-U.S. company that lists an equity security on the Exchange under Section 102.01 or 103.00 of the Manual for the first time, regardless of whether such U.S. or non-U.S. company conducts an offering and (ii) any U.S. or non-U.S. company emerging from a bankruptcy, spinoff (where a company lists new shares in the absence of a public offering), and carve-out (where a company carves out a business line or division, which then conducts a separate initial public offering).

[5] The period of complimentary products and services provided to Eligible New Listing Companies begins on the date of listing on the Exchange. Notwithstanding the foregoing, however, if an Eligible New Listing begins to use a particular product or service provided for under Section 907.00 within 30 days of its initial listing date, the complimentary period will begin on the date of first use. The Exchange's current offering of corporate governance services have a commercial value of approximately $50,000 on an annual basis.

[6] This rule filing is subject to Commission approval. If the Commission does not approve this rule filing prior to April 1, 2018, the Exchange will amend this rule filing to propose that the complimentary corporate governance services offering provided for in Section 907.00 of the Manual will be terminated as of a later date.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(4).

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–NYSE–2018–01, and should be submitted on or before February 12, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00977 Filed 1–19–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82505; File No. SR–Phlx–2018–06]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Price Improvement XL Rule

January 16, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 8, 2018, Nasdaq PHLX LLC (''Phlx'' or ''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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to relocate Rule 1080(n) (''Price Improvement XL'' or ''PIXL''), make conforming cross-reference changes and minor corrections throughout the Exchange's rulebook.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to relocate Exchange Rule 1080(n) to Rule 1087, which is currently reserved. This proposal seeks to better organize the rules to avoid lengthy rules, specifically Rule 1080, to make the rule easier to read. Also, to locate the PIXL auction rule similar to the auction rules of its affiliated options exchanges, as a separate rule.[3] The Exchange also proposes to amend cross-references to current Rule 1080(n) to new Rule 1087.[4] Finally, the Exchange will make minor corrections to Rule 1000(b)(14) to update incorrect cross-references to Rules 1064 and 1080.07 to their current locations.[5] The Exchange notes that the changes proposed herein are non-substantive rule changes, they merely seek to conform the rule text structure to that of other affiliated markets.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by improving the way its rulebook is organized, making it easier to read, to align it closer to the rules of its sister exchanges and, particularly, to help market participants better understand the rules of the Exchange.

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. The Exchange's proposal does not impose an undue burden on competition, rather the proposal seeks to make non-substantive rule changes to relocate the rule and update cross references to Rule 1080(n) as well as other incorrect cross-references.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and

[3] *See* NOM and BX Options Rules at Chapter VI.

[4] Specifically, the Exchange will amend cross references in Rules 1000, 1080, and 1098.

[5] The Exchange will insert the word ''Commentary'' after the citation to Rule 1064.02, to properly cite the section of the rule.

Moreover, the cite to Rule 1080.07 will be updated to Rule 1098, as rule 1080.07 was relocated to existing Rule 1098 in 2016. Securities Exchange Act Release No. 78001 (June 7, 2016), 81 FR 38246 (June 13, 2016) (SR–Phlx–2016–63).

Finally, the call ''(ii),'' at the end of Rule 1000(b)(14) will be removed, as it was not part of the most recent change approved for this rule. Securities Exchange Act Release No. 77449 (March 25, 2016), 81 FR 18665 (March 31, 2016) (SR–Phlx–2016–10).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [10] 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 requested that the Commission waive the 30-day operative delay so that the proposed rule change will become operative on filing. The Exchange stated that the proposed rule change promotes the protection of investors and the public interest by improving the organization and readability of the Exchange's rules. Waiver of the operative delay would allow the Exchange, without delay, to continue to amend other sections of Rule 1080 for improved readability, therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2018–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2018–06. 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–Phlx–2018–06, and should be submitted on or before February 12, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

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[9] 17 CFR 240.19b-4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82504; File No. SR–NYSEArca–2018–01]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.31–E Relating to Mid-Point Liquidity Orders and the Minimum Trade Size Modifier and Rule 7.36–E To Add a Definition of "Aggressing Order"

January 16, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the "Act") [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 3, 2018, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31–E relating to Mid-Point Liquidity Orders and the Minimum Trade Size modifier and Rule 7.36–E to add a definition of "Aggressing Order." 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Mid-Point Liquidity (''MPL'') Orders and the Minimum Trade Size (''MTS'') modifier and Rule 7.36–E (Order Ranking and Display) to add a definition of ''Aggressing Order.'' [sic] For MPL Orders, the Exchange proposes to amend the price at which a marketable MPL Order would trade when there are resting orders priced better than the midpoint. The Exchange further proposes to amend functionality related to MPL–ALO Orders to describe how orders would trade if an MPL–ALO Order locks contra-side same-priced interest on the NYSE Arca Book. For MTS, the Exchange proposes to move all discussion relating to the MTS modifier to new sub-paragraph (i)(3) of Rule 7.31–E and in so doing, amend how resting orders with an MTS modifier would trade in specified circumstances.

Background

As provided for in current Rule 7.31–E(d)(3)(C), on arrival, an MPL Order to buy (sell) that is eligible to trade will trade with resting orders to sell (buy) with a working price at or below (above) the midpoint of the PBBO (*i.e.,* priced better than the midpoint of the PBBO). The rule further provides that resting MPL Orders to buy (sell) will trade at the midpoint of the PBBO against all incoming orders to sell (buy) priced at or below (above) the midpoint of the PBBO (*i.e.,* priced better than the midpoint of the PBBO).

Current Rule 7.31–E(d)(3)(F) provides that an MPL Order may be designated with an ALO Modifier (an ''MPL–ALO Order'') and that on arrival, an MPL–ALO Order to buy (sell) will trade with resting orders to sell (buy) with a working price below (above) the midpoint of the PBBO, but will not trade with resting orders to sell (buy) priced at the midpoint of the PBBO. The rule further provides that a resting MPL–ALO Order to buy (sell) will trade with an arriving order to sell (buy) that is eligible to trade at the midpoint of the PBBO.

The MTS modifier is currently available for Limit IOC Orders,[4] MPL Orders,[5] and Tracking Orders.[6] As such, the MTS modifier is currently available only for orders that are not displayed and do not route. On arrival, both Limit IOC Orders and MPL Orders with an MTS modifier will trade against contra-side orders in the NYSE Arca Book that in the aggregate, meet the MTS.[7] Once resting, MPL Orders and Tracking Orders with an MTS modifier function similarly: If a contra-side order does not meet the MTS, the incoming order will not trade with and may trade through the resting order with the MTS modifier. In addition, both MPL Orders and Tracking Orders with an MTS modifier will be cancelled if such orders are traded in part or reduced in size and the remaining quantity is less than the MTS.

Proposed Definition of ''Aggressing Order''

The Exchange proposes to amend Rule 7.36–E to add a definition that would be used for purposes of Rule 7–E. Proposed Rule 7.36–E(a)(5) would define the term ''Aggressing Order'' to mean a buy (sell) order that is or becomes marketable against sell (buy) interest on the NYSE Arca Book.[8] This term would therefore refer to orders that are marketable against other orders on the NYSE Arca Book, such as incoming orders and orders that have returned unexecuted after routing.

This term would also be applicable to resting orders that become marketable due to one or more events. For the most part, resting orders will have already traded with contra-side orders against which they are marketable. However, there are circumstances when a resting order may become marketable, such as orders that become eligible to trade when a PBBO unlocks or uncrosses (*e.g.,* MPL and Pegged Orders) or orders that have a trading restriction at specified prices (*e.g.,* as discussed in greater detail below, MPL–ALO Orders or orders with an MTS Modifier). To maximize the potential for orders to trade, the Exchange continually evaluates whether resting orders may become marketable. Events that could trigger a resting order to become marketable include updates to the working price of such order, updates to the PBBO or NBBO, changes to other orders on the NYSE Arca Book, or processing of inbound messages (*e.g.,* an update to Price Bands under the Regulation NMS Plan to Address Extraordinary Market Volatility). To address such circumstances, the Exchange proposes to include in proposed Rule 7.36–E(a)(5) that a resting order may become an Aggressing Order if its working price changes, if the PBBO or NBBO is updated, because of changes to other orders on the NYSE Arca Book, or when processing inbound messages.

The order that becomes the Aggressing Order is the liquidity-taking order. Generally, if resting orders on both sides are determined to be an Aggressing Order, *e.g.,* a locked PBBO becomes unlocked and as a result, MPL Orders are repriced, the later-arriving order will be the liquidity-taking order.[9] However, if the evaluation results in only one side becoming an Aggressing Order, *e.g.,* an order with an MTS Modifier becomes eligible to trade and the contra-side order(s) have no working price changes, the order with the MTS Modifier would become the liquidity-taking Aggressing Order. As described below, the Exchange proposes to use the term ''Aggressing Order'' in the rule text relating to the MTS Modifier and the MPL–ALO Order. Because an Aggressing Order becomes a liquidity taker, such term could be applicable to other circumstances. For example, an order with a Non-Display Remove Modifier that trades as a liquidity taker would also be considered an Aggressing Order. However, at this time, the Exchange does not propose to amend its rules to use the term ''Aggressing Order'' because the rule already specifies which order is the liquidity taker.

[4] *See* Rule 7.31–E(b)(2)(A) (''A Limit IOC Order to buy (sell) may be designated with a minimum trade size (''MTS''), which will trade against sell (buy) orders in the NYSE Arca Book that in the aggregate, meets its MTS. On entry, a Limit IOC Order with an MTS must have a minimum of one round lot and will be rejected on arrival if the MTS is larger than the size of the Limit IOC Order. A Limit IOC Order with an MTS that cannot be immediately traded at its minimum size will be cancelled in its entirety.'')

[5] *See* Rule 7.31–E(d)(3)(D) (''An MPL Order may be designated with an MTS of a minimum of one round lot and will be rejected on arrival if the MTS is larger than the size of the MPL Order. On arrival, an MPL Order to buy (sell) with an MTS will trade with sell (buy) orders in the NYSE Arca Book that in the aggregate, meets its MTS. If the sell (buy) orders do not meet the MTS, the MPL Order to buy (sell) will not trade on arrival and will be ranked in the NYSE Arca Book. Once resting, an MPL Order to buy (sell) with an MTS will trade with an order to sell (buy) that meets the MTS and is priced at or below (above) the midpoint of the PBBO. If an order does not meet an MPL Order's MTS, the order will not trade with and may trade through such MPL Order. If an MPL Order with an MTS is traded in part or reduced in size and the remaining quantity of the order is less than the MTS, the MPL Order will be cancelled.'')

[6] *See* Rule 7.31–E(d)(4)(C) (''A Tracking Order may be designated with an MTS of one round lot or more. If an incoming order cannot meet the MTS, a Tracking Order with a later working time will trade ahead of the Tracking Order designated with an MTS with an earlier working time. If a Tracking Order with an MTS is traded in part or reduced in size and the remaining quantity is less than the MTS, the Tracking Order will be cancelled.'')

[7] Tracking Orders, including Tracking Orders with an MTS modifier, are passive orders that do not trade on arrival. *See* Rule 7.31–E(d)(4)(A).

[8] The term ''marketable'' is defined in Rule 1.1(y) to mean for a Limit Order, an order than [sic] can be immediately executed or routed.

[9] *See, e.g.,* Rule 7.31–E(d)(3)(B).

Proposed Amendments Relating to MPL and MPL–ALO Orders

The Exchange proposes to amend the first sentence of current Rule 7.31–E(d)(3)(C) to make this text applicable to any marketable MPL Order, and not just an arriving MPL Order. To effect this change, the Exchange proposes to use the term ''Aggressing Order'' and replace the phrase ''[o]n arrival, an MPL Order to buy (sell) that is eligible to trade'' with the phrase, ''[a]n Aggressing MPL Order to buy (sell).''

The Exchange also proposes to amend the first sentence of current Rule 7.31–E(d)(3)(C) to describe at what price an Aggressing MPL Order would trade with contra-side resting orders that are priced better than the midpoint. The rule currently provides that an arriving MPL Order to buy (sell) would trade with resting orders to sell (buy) with a working price at or below (above) the midpoint of the PBBO. The Exchange proposes to specify that when an Aggressing MPL Order trades with resting orders priced better than the midpoint, it will trade at the working price of the resting orders, which is current functionality. For example, if the PBB is 10.10 and the midpoint is 10.13, and there are non-displayed sell orders of 100 shares with working prices of 10.11 and 10.12, an Aggressing MPL Order to buy with a limit of 10.13 for 200 shares would trade with such non-displayed sell orders at 10.11 and 10.12, respectively. The Exchange believes that this proposed amendment would promote transparency in Exchange rules regarding at what price an Aggressing MPL Order would trade.

By using the term ''Aggressing Order,'' this rule would be applicable to a resting MPL Order that becomes marketable, such as after a PBBO unlocks or uncrosses. In the above example, if the MPL Order to buy is ineligible to trade because of a crossed PBBO, and while the PBBO is crossed, the Exchange receives the two non-displayed sell orders, when the PBBO uncrosses and the new midpoint is 10.13, the resting MPL Order would become an Aggressing Order and would trade with the non-displayed sell orders at 10.11 and 10.12, respectively.

The Exchange also proposes to amend the second sentence of Rule 7.31–E(d)(3)(C) to replace the term ''incoming orders'' with the term ''Aggressing Orders.'' This proposed rule change would provide greater specificity that any contra-side order that is an Aggressing Order, as defined in proposed Rule 7.36–E(a)(5), would trade with a resting MPL Order at the midpoint of the PBBO.

The Exchange also proposes to amend the rule governing MPL–ALO Orders to make similar changes. Currently, MPL–ALO Orders are described in Rule 7.31–E(d)(3)(F). Because of changes described below relating to MTS, as proposed, MPL–ALO Orders would be described in Rule 7.31–E(d)(3)(E).

In amending proposed Rule 7.31–E(d)(3)(E), the Exchange proposes to break the current rule text into three sub-paragraphs. The first sentence of current Rule 7.31–E(d)(3)(F), which provides that an MPL Order may be designated with an ALO Modifier, would follow Rule 7.31–E(d)(3)(E). The current second sentence of Rule 7.31–E(d)(3)(F) would be set forth in proposed Rule 7.31–E(d)(3)(E)(i). The Exchange proposes to amend this rule in the same manner that it is proposing to amend the first sentence of Rule 7.31–E(d)(3)(C), described above. In addition, the Exchange proposes a non-substantive, clarifying amendment to add that an arriving MPL–ALO Order would trade with a contra-side same-priced order that has been designated with a Non-Display Remove Modifier, which is current functionality. Accordingly, proposed Rule 7.31–E(d)(3)(E)(i) would provide that *an Aggressing MPL–ALO Order* to buy (sell) will trade with resting orders to sell (buy) with a working price below (above) the midpoint of the PBBO *at the working price of the resting orders,* but will not trade with resting orders to sell (buy) priced at the midpoint of the PBBO *unless such resting order is designated with a Non-Display Remove Modifier pursuant to paragraph (d)(3)(F) of this Rule* (proposed new text italicized).[10]

Because an Aggressing MPL–ALO Order does not trade with resting contra-side orders priced at the midpoint of the PBBO (unless the resting order has the Non-Display Remove Modifier), the Exchange proposes to specify the circumstances of when an MPL–ALO Order would be eligible to trade if it locks contra-side orders, which would differ depending on whether the contra-side order is displayed.[11] The first sentence of Proposed Rule 7.31–E(d)(3)(E)(ii) would provide that if an MPL–ALO Order to buy (sell) cannot trade with a same-priced resting order to sell (buy), a subsequently arriving order to sell (buy) eligible to trade at the midpoint would trade ahead of a resting order to sell (buy) that is not displayed at that price. Accordingly, if an MPL–ALO Order locks a non-displayed order, such resting MPL–ALO Order can trade at that price with a subsequent order.

By contrast, the second sentence of proposed Rule 7.31–E(d)(3)(E)(ii) would provide that if such resting order to sell (buy) is displayed, the MPL–ALO Order to buy (sell) would not be eligible to trade at that price. Accordingly, if an MPL–ALO Order locks a displayed order, such resting MPL–ALO Order would not be eligible to trade at that price with any interest. The Exchange proposes to treat displayed orders locked by an MPL–ALO Order differently to avoid having non-displayed orders trade ahead of a same-priced, same-side displayed order.

Proposed Amendments Relating to MTS

The Exchange proposes to consolidate all references to MTS modifiers in Rule 7.31–E in proposed Rule 7.31–E(i)(3) as a new additional order instruction and modifier to be referred to as the ''Minimum Trade Size ('MTS') Modifier.'' As proposed, Rule 7.31–E(i)(3) would provide that a Limit IOC Order, MPL Order, or Tracking Order may be designated with an MTS Modifier, which is existing functionality. Because this proposed rule would specify which orders would be eligible for the MTS Modifier, the Exchange proposes to delete existing rule text specifying which orders are and are not eligible for an MTS Modifier.[12] Proposed Rule 7.31–E(i)(3) is based in part on NYSE American Rule 7.31E(i)(3).

Proposed Rule 7.31–E(i)(3)(A) would provide that an MTS must be a minimum of a round lot and that an order with an MTS Modifier would be rejected if the MTS is less than a round lot or if the MTS is larger than the size of the order. This proposed rule text is based on the next-to-last sentence of current Rule 7.31–E(b)(2)(A) and the first sentence of current Rule 7.31–E(d)(3)(D), and in part on the first sentence of current Rule 7.31–E(d)(4)(C), with non-substantive differences to use common terminology when applying

[10] A resting MPL–ALO Order that becomes an Aggressing Order would trade consistent with proposed Rule 7.31–E(d)(3)(E)(i) and therefore would trade with contra-side orders priced better than the midpoint, but would not trade at the midpoint unless such order had a Non-Display Remove Modifier.

[11] A displayed odd-lot order that is not included in the calculation of the PBBO could be at the same price as an MPL Order.

[12] The Exchange proposes to delete references to MTS in Rules 7.31–E(b)(2)(A), 7.31–E(b)(2)(B), 7.31–E(d)(3)(D), 7.31–E(d)(4)(C), 7.31–E(e)(3)(B), and 7.46–E(f)(1)(A). As noted above, because current Rule 7.31–E(d)(3)(D) would be deleted in its entirety, the remaining sub-paragraphs of Rule 7.31–E(d)(3) would be renumbered accordingly. In addition, current Rule 7.31–E(d)(4)(C) would be deleted in its entirety.

this requirement to all of the order types eligible for an MTS Modifier.[13] Proposed Rule 7.31–E(i)(3)(A) is based on NYSE American Rule 7.31E(i)(3)(A) without any differences.

Proposed Rule 7.31–E(i)(3)(B) would provide that an order to buy (sell) with an MTS Modifier would trade with sell (buy) orders in the NYSE Arca Book that in the aggregate meet such order's MTS. This proposed rule text is based on the third sentence of Rule 7.31–E(b)(2)(A) and the second sentence of Rule 7.31–E(d)(3)(D) with non-substantive differences to use common terminology when applying this requirement to all of the order types eligible for an MTS Modifier.

Because Tracking Orders do not trade on arrival, this rule text would be applicable only to MPL Orders and Limit IOC Orders with an MTS Modifier. Proposed Rule 7.31–E(i)(3)(B) is based on NYSE American Rule 7.31E(i)(3)(B)(i) without any differences.

Proposed Rule 7.31–E(i)(3)(C) would provide that an order with an MTS Modifier that is designated Day and cannot be satisfied on arrival would not trade and would be ranked in the NYSE Arca Book. This proposed rule text is based on the third sentence of Rule 7.31–E(d)(3)(D) with non-substantive differences to reference orders designated Day, *i.e.,* MPL Orders and MPL–ALO Orders. The first sentence of Rule 7.31–E(i)(3)(C) is based on NYSE American Rule 7.31E(i)(3)(C) without any differences.

The Exchange further proposes to describe new functionality relating to when an order with an MTS Modifier that is designated Day would not be eligible to trade. In short, if a later-arriving contra-side order can meet the MTS of a resting order with an MTS Modifier, the two orders would trade unless the execution would be inconsistent with either intra-market price priority or would result in a non-displayed order trading ahead of a same-side, same-priced displayed order.[14] Therefore, as proposed, the Exchange would not permit an order with an MTS Modifier that crosses other displayed or non-displayed orders on the NYSE Arca Book to trade at prices that are worse than the price of such contra-side orders. As further proposed, the Exchange would not permit a resting order with an MTS Modifier to trade at a price equal to a displayed contra-side order.[15]

To reflect these changes, the second sentence of Rule 7.31–E(i)(3)(C) would provide that when a buy (sell) order with an MTS Modifier that is designated Day is ranked in the NYSE Arca Book, it would not be eligible to trade:

(i) At a price equal to or above (below) any sell (buy) orders that are displayed and that have a working price equal to or below (above) the working price of such order with an MTS Modifier, or

(ii) at a price above (below) any sell (buy) orders that are not displayed and that have a working price below (above) the working price of such order with an MTS Modifier.

For example,

• If the PBBO is 10.10 x 10.16, on the NYSE Arca Book there is a sell order (''Order A'') ranked Priority 3—Non-Display Orders for 50 shares at 10.12 and a sell order (''Order B'') ranked Priority 2—Display Orders for 25 shares at 10.11, and the Exchange receives a buy MPL Order (''Order C'') with an MTS Modifier for 100 shares with a 10.16 limit, because the MTS cannot be met, Order C will not trade and will be ranked in the NYSE Arca Book at the midpoint of 10.13. At this point, the Exchange would have a non-displayed buy order crossing both non-displayed and displayed sell orders on the NYSE Arca Book. If the Exchange then receives a non-displayed sell order (''Order D'') for 100 shares at 10.11, even though Order D would be marketable against Order C, it would not trade because a trade at 10.13 would be above the price of resting sell orders.[16] Order D would be added to the NYSE Arca Book at 10.11.

• If next, the Exchange receives a buy order (''Order E'') to buy 25 shares at 10.11, it would trade with Order B. As discussed above, this execution would trigger the Exchange to evaluate whether Order C becomes marketable against contra-side orders.[17] In this scenario, because Order B has now executed, Order C is no longer restricted from trading at 10.11. Because Order C's restriction has been lifted and Order D does not have a working price change, Order C would become an Aggressing Order and trade as the liquidity taker with Order D at 10.11.

Proposed Rule 7.31–E(i)(3)(D) would provide that an order with an MTS Modifier that is designated IOC and cannot be immediately satisfied would be cancelled in its entirety. This proposed rule text is based on the last sentence of Rule 7.31–E(b)(2)(A), with non-substantive differences to specify that this functionality would be applicable to any orders designated IOC that have an MTS Modifier, *i.e.,* Limit IOC Orders and MPL–IOC Orders. Proposed Rule 7.31–E(i)(3)(D) is based on NYSE American Rule 7.31E(i)(3)(D) without any differences.

Proposed Rule 7.31–E(i)(3)(E) would provide that a resting order to buy (sell) with an MTS Modifier would trade with individual sell (buy) orders that each meets the MTS.[18] This proposed rule text is based on the fourth sentence of Rule 7.31–E(d)(3)(D) with a non-substantive difference to use the same terminology as proposed Rule 7.31–E(i)(3)(B) because a resting order with an MTS Modifier only trades if contra-side individual orders each meets such order's MTS. The Exchange proposes non-substantive differences to use common terminology when applying this requirement to all of the order types eligible for an MTS Modifier. Proposed Rule 7.31–E(i)(3)(E) is based on NYSE American Rule 7.31E(i)(3)(E) without any differences.

Proposed Rules 7.31–E(i)(3)(E)(i)–(ii) would set forth additional requirements for how a resting order with an MTS Modifier would trade. Proposed Rule 7.31–E(i)(3)(E)(i) would provide that if an Aggressing Order to sell (buy) does not meet the MTS of the resting order to buy (sell) with an MTS Modifier, that Aggressing Order would not trade with and may trade through such order with an MTS Modifier. This proposed rule text is based on the fifth sentence of current Rule 7.31–E(d)(3)(D) and the second sentence of current Rule 7.31–E(d)(4)(C) with non-substantive differences to use common terminology when applying this requirement to all of the order types eligible for an MTS Modifier. Proposed Rule 7.31–E(i)(3)(E)(i) is based on NYSE American Rule 7.31E(i)(3)(E)(i) with a non-substantive difference to use the term ''Aggressing Order.''

Proposed Rule 7.31–E(i)(3)(E)(ii) would provide that if a resting non-displayed sell (buy) order did not meet the MTS of a same-priced resting order

[13] Nasdaq also requires that its Minimum Quantity Order also have a size of at least a round lot. *See* Nasdaq Rule 4703(e).

[14] Rule 7.36–E(c) provides that the Exchange ranks all non-marketable orders on the NYSE Arca Book according to price—time priority.

[15] At this time, the only resting orders with an MTS on the Exchange subject to this requirement would be MPL Orders. In such case, a contra-side order that is displayed and between the PBBO would be an odd-lot sized order; a round-lot sized displayed order would be reflected in the PBBO.

[16] Pursuant to Rule 7.31–E(d)(3)(C), an Aggressing Order will trade with a resting MPL Order at the midpoint of the PBBO.

[17] *See* discussion *infra* regarding the second sentence to proposed Rule 7.36–E(a)(5).

[18] A resting order with an MTS Modifier that becomes an Aggressing Order would trade consistent with proposed Rule 7.31–E(i)(3)(E) and therefore would trade with individual orders that each meet the MTS.

to buy (sell) with an MTS Modifier, a subsequently arriving sell (buy) order that meets the MTS would trade ahead of such resting non-displayed sell (buy) order at that price. This proposed rule text is based in part on the second sentence of Rule 7.31–E(d)(4)(C) with non-substantive differences to use common terminology when applying this requirement to all of the order types eligible for an MTS Modifier. This proposed rule text is also based in part on NYSE American Rule 7.31E(i)(3)(E)(ii).

However, the Exchange proposes a difference from current text and the NYSE American Rule to add that the subsequently arriving order could trade ahead of a resting non-displayed order at that price, *e.g.,* at the internal locking price. This proposed behavior is consistent with the proposed amendment to MPL–ALO Orders, described above in proposed Rule 7.31–E(d)(3)(E)(ii). In addition, as discussed above, pursuant to proposed Rule 7.31–E(i)(3)(C)(i), if an order with an MTS Modifier is locked by a displayed order, the resting order with an MTS Modifier would not be eligible to trade at that price. In such case, the subsequently arriving order would not trade with the order with an MTS Modifier.

Proposed Rule 7.31–E(i)(3)(F) would provide that a resting order with an MTS Modifier would be cancelled if it is traded in part or reduced in size and the remaining quantity is less than such order's MTS. This proposed rule text is based on the last sentence of Rule 7.31–E(d)(3)(D) and the last sentence of Rule 7.31–E(d)(4)(C) with non-substantive differences to use common terminology when applying this requirement to all of the order types eligible for an MTS Modifier. Proposed Rule 7.31–E(i)(3)(F) is based on NYSE American Rule 7.31E(i)(3)(F) without any differences

Because of the technology changes associated with these proposed rule change, the Exchange will announce the implementation date of this proposed rule change by Trader Update. The Exchange anticipates that the implementation date will be in the first quarter of 2018.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[19] in general, and furthers the objectives of Section 6(b)(5),[20] in particular, because 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 definition of ''Aggressing Order'' in Rule 7.36–E would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, protect investors and the public interest because it would provide for a definition in Exchange rules that describes orders that are or become marketable. The Exchange believes that the proposed definition would promote transparency in Exchange rules by providing detail regarding circumstances when a resting order may become marketable, and thus would be an Aggressing Order. The Exchange further believes that use of such definition would promote clarity in Exchange rules, particularly in the context of the amendments to MPL Orders and orders with an MTS Modifier.

The Exchange believes that the proposed amendments to Rule 7.31–E(d)(3)(C) and (E) to use the term ''Aggressing Order'' and to describe the prices at which an Aggressing MPL Order would trade would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, protect investors and the public interest because it would promote clarity and transparency in Exchange rules regarding the behavior of marketable MPL and MPL–ALO Orders. In particular, the rule would provide greater specificity regarding how a resting MPL Order that becomes an Aggressing Order would trade.

The Exchange believes that the proposed amendments to Rule 7.31–E(d)(3)(E) regarding when a resting MPL–ALO Order that locks contra-side, same-priced orders would be eligible to trade would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, protect investors and the public interest because it would describe circumstances when a subsequently arriving order could trade with the MPL–ALO Order. The proposed rule change would protect displayed orders by not allowing a subsequently arriving order to trade ahead of a same-priced, same-side displayed order.

The Exchange believes that the proposed amendment to describe the existing MTS Modifier in proposed Rule 7.31–E(i)(3) would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, protect investors and the public interest because it would promote transparency in Exchange rules because MTS Modifiers for different order types operate in the same manner. The Exchange believes that by consolidating such references in a single location in Rule 7.31–E, the rule will be easier for members, the Commission, and the public to navigate.

Finally, the Exchange believes that the proposal regarding when a resting order with an MTS Modifier would be eligible to trade would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, protect investors and the public interest, because the proposed rule change would ensure that there would not be an execution of a resting order with an MTS Modifier that either would be inconsistent with intra-market price priority or would result in a non-displayed order trading ahead of a same-side, same-priced displayed order. This proposed rule change would therefore promote just and equitable principles of trade by ensuring that displayed interest does not get traded through by a non-displayed order.

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 is not designed to address any competitive issues, but rather to add further clarity to Exchange rules by defining the term ''Aggressing Order,'' using that term in connection with MPL Orders, and consolidating references to MTS Modifiers in a single location in Exchange rules. In addition, the rule is designed to ensure that resting orders with trading restrictions, such as MPL–ALO Orders and resting orders with an MTS Modifier, would not trade through displayed orders or violate intra-market price priority.

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.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6) thereunder.[22]

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–2018–01 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–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–NYSEArca–2018–01 and should be submitted on or before February 12, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00975 Filed 1–19–18; 8:45 am]

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[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Wednesday, January 24, 2018.

PLACE: Closed Commission Hearing Room 10800.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Settlement of injunctive actions;
Institution and settlement of administrative proceedings; and
Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: January 17, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–01164 Filed 1–18–18; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82503; File Nos. SR–BatsBYX–2017–11; SR–BatsBZX–2017–38; SR–BatsEDGA–2017–13; SR–BatsEDGX–2017–22; SR–BOX–2017–16; SR–BX–2017–023; SR–C2–2017–017; SR–CBOE–2017–040; SR–CHX–2017–08; SR–FINRA–2017–011; SR–GEMX–2017–17; SR–IEX–2017–16; SR–ISE–2017–45; SR–MIAX–2017–18; SR–MRX–2017–04; SR–NASDAQ–2017–046; SR–NYSE–2017–22; SR–NYSEArca–2017–52; SR–NYSEMKT–2017–26; SR–PEARL–2017–20; SR–PHLX–2017–37]

Self-Regulatory Organizations; Bats BYX Exchange, Inc. (n/k/a Cboe BYX Exchange, Inc.), Bats BZX Exchange, Inc. (n/k/a Cboe BZX Exchange, Inc.), Bats EDGA Exchange, Inc. (n/k/a Cboe EDGA Exchange, Inc.), Bats EDGX Exchange, Inc. (n/k/a Cboe EDGX Exchange, Inc.), BOX Options Exchange LLC, C2 Options Exchange, Incorporated (n/k/a Cboe C2 Options Exchange, Inc.), Chicago Board Options Exchange, Incorporated (n/k/a Cboe Exchange, Inc.), Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE Arca, Inc. and NYSE MKT LLC (n/k/a NYSE American LLC); Notice of Withdrawal of Proposed Rule Changes, as Modified by Amendments, To Establish Fees for Industry Members To Fund the Consolidated Audit Trail

January 16, 2018.

On May 1, 2017,[1] May 2, 2017,[2] May 3, 2017,[3] May 8, 2017,[4] May 9, 2017,[5] May 10, 2017,[6] May 12, 2017,[7] May 15, 2017,[8] May 16, 2017,[9] and May 23, 2017,[10] Bats BYX Exchange, Inc. (''Bats BYX'') (n/k/a Cboe BYX Exchange, Inc.),[11] Bats BZX Exchange, Inc. (''Bats BZX'') (n/k/a Cboe BZX Exchange, Inc.),[12] Bats EDGA Exchange, Inc. (''Bats EDGA'') (n/k/a Cboe EDGA Exchange, Inc.),[13] Bats EDGX Exchange, Inc. (''Bats EDGX'') (n/k/a Cboe EDGX Exchange, Inc.),[14] BOX Options Exchange LLC (''BOX''), C2 Options Exchange, Incorporated (''C2'') (n/k/a Cboe C2 Options Exchange, Inc.),[15] Chicago Board Options Exchange, Incorporated (''CBOE'') (n/k/a Cboe Exchange, Inc.),[16] Chicago Stock Exchange, Inc. (''CHX''), Financial Industry Regulatory Authority, Inc. (''FINRA''), Investors Exchange LLC (''IEX''), Nasdaq ISE, LLC (''ISE''), Miami International Securities Exchange, LLC (''MIAX''), MIAX PEARL, LLC (''PEARL''), Nasdaq BX, Inc. (''BX''), Nasdaq GEMX, LLC (''GEMX''), Nasdaq MRX, LLC (''MRX''), Nasdaq PHLX LLC (''Phlx''), The Nasdaq Stock Market LLC (''Nasdaq''), New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''NYSE Arca'') and NYSE MKT LLC (''NYSE MKT'') (n/k/a NYSE American LLC)[17] (collectively, the ''Participants'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[18] and Rule 19b–4 thereunder,[19] proposed rule changes to adopt fees to be charged to Industry Members to fund the Consolidated Audit Trail (collectively the ''Original Proposed Rule Changes'').[20] The Original Proposed Rule Changes were immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[21] The proposed rule changes submitted by MIAX and PEARL were published for comment in the **Federal Register** on May 19, 2017.[22] The proposed rule changes submitted by BX, CHX, IEX, Nasdaq, NYSE, NYSE Arca and NYSE MKT were published for comment in the **Federal Register** on May 22, 2017.[23] The proposed rule change submitted by FINRA was published for comment in the **Federal Register** on May 23, 2017.[24] The proposed rule changes submitted by BOX, GEMX, ISE, MRX and Phlx were published for comment in the **Federal Register** on May 24, 2017.[25] The proposed rule changes submitted by C2, CBOE and Bats EDGA were published for comment in the **Federal Register** on June 1, 2017.[26] The proposed rule change submitted by Bats BYX was published for comment in the **Federal**

[1] Miami International Securities Exchange, LLC and MIAX PEARL LLC filed their proposed rule changes on May 1, 2017.

[2] The Nasdaq Stock Market LLC and Nasdaq BX, Inc. filed their proposed rule changes on May 2, 2017.

[3] Chicago Stock Exchange, Inc. filed its proposed rule change on May 3, 2017.

[4] Financial Industry Regulatory Authority, Inc. filed its proposed rule change on May 8, 2017.

[5] Investors Exchange LLC originally filed its proposed rule change on May 3, 2017 under File No. SR–IEX–2017–13, and subsequently withdrew that filing and filed a proposed rule change on May 9, 2017.

[6] The New York Stock Exchange LLC, NYSE Arca, Inc. and NYSE MKT LLC filed their proposed rule changes on May 10, 2017.

[7] Nasdaq GEMX LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC and Nasdaq PHLX LLC originally filed their proposed rule changes on May 3, 2017 under File Nos. SR–GEMX–2017–11, SR–ISE–2017–40, SR–MRX–2017–03, and SR–PHLX–2017–35, and subsequently withdrew those filings and filed proposed rule changes on May 12, 2017.

[8] BOX Options Exchange LLC originally filed its proposed rule change on May 11, 2017 under File No. SR–BOX–2017–15, and subsequently withdrew that filing and filed a proposed rule change on May 15, 2017.

[9] Bats BYX Exchange, Inc., C2 Options Exchange, Incorporated and Chicago Board Options Exchange, Incorporated filed their proposed rule changes on May 16, 2017. Bats EDGA Exchange, Inc. originally filed its proposed rule change on May 5, 2017 under File No. SR–BatsEDGA–2017–11, and subsequently withdrew that filing on May 11, 2017 and filed a proposed rule change on May 16, 2017.

[10] Bats BZX Exchange, Inc. filed its proposed rule changes on May 23, 2017. Bats EDGX Exchange, Inc. originally filed its proposed rule change on May 5, 2017 under File No. SR–BatsEDGX–2017–20, and subsequently withdrew that filing on May 10, 2017 and filed a proposed rule change on May 23, 2017.

[11] *See* Securities Exchange Act Release No. 81952 (October 26, 2017), 82 FR 50725 (November 1, 2017). The name change was not yet effective when Bats BYX filed SR–BatsBYX–2017–11.

[12] *See* Securities Exchange Act Release No. 81962 (October 26, 2017), 82 FR 50711 (November 1, 2017). The name change was not yet effective when Bats BZX filed SR–BatsBZX–2017–38.

[13] *See* Securities Exchange Act Release No. 81957 (October 26, 2017), 82 FR 50716 (November 1, 2017). The name change was not yet effective when Bats EDGA filed SR–BatsEDGA–2017–13.

[14] *See* Securities Exchange Act Release No. 81963 (October 26, 2017), 82 FR 50697 (November 1, 2017). The name change was not yet effective when Bats EDGX filed SR–BatsEDGX–2017–22.

[15] *See* Securities Exchange Act Release No. 81979 (October 30, 2017), 82 FR 51317 (November 3, 2017). The name change was not yet effective when C2 filed SR–C2–2017–017.

[16] *See* Securities Exchange Act Release No. 81981 (October 30, 2017), 82 FR 51309 (November 3, 2017). The name change was not yet effective when CBOE filed SR–CBOE–2017–040.

[17] *See* Securities Exchange Act Release No. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017). The name change was not yet effective when NYSE MKT filed SR–NYSEMKT–2017–26.

[18] 15 U.S.C. 78s(b)(1).

[19] 17 CFR 240.19b–4.

[20] *See infra* notes 22–28. The National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan'') was published for comment in the **Federal Register** on May 17, 2016, and approved by the Commission, as modified, on November 15, 2016. *See* Securities Exchange Act Release Nos. 77724 (April 27, 2016), 81 FR 30614 (May 17, 2016); 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016).

[21] 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as ''establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.'' 15 U.S.C. 78s(b)(3)(A)(ii).

[22] *See* Securities Exchange Act Release Nos. 80675 (May 15, 2017), 82 FR 23100 (May 19, 2017) (SR–MIAX–2017–18); and 80676 (May 15, 2017), 82 FR 23083 (May 19, 2017) (SR–PEARL–2017–20).

[23] *See* Securities Exchange Act Release Nos. 80697 (May 16, 2017), 82 FR 23398 (May 22, 2017) (SR–BX–2017–023); 80691 (May 16, 2017), 82 FR 23344 (May 22, 2017) (SR–CHX–2017–08); 80692 (May 16, 2017), 82 FR 23325 (May 22, 2017) (SR–IEX–2017–16); 80696 (May 16, 2017), 82 FR 23439 (May 22, 2017) (SR–NASDAQ–2017–046); 80693 (May 16, 2017), 82 FR 23363 (May 22, 2017) (SR–NYSE–2017–22); 80698 (May 16, 2017), 82 FR 23457 (May 22, 2017) (SR–NYSEArca–2017–52); and 80694 (May 16, 2017), 82 FR 23416 (May 22, 2017) (SR–NYSEMKT–2017–26).

[24] *See* Securities Exchange Act Release No. 80710 (May 17, 2017), 82 FR 23639 (May 23, 2017) (SR–FINRA–2017–011).

[25] *See* Securities Exchange Act Release Nos. 80721 (May 18, 2017), 82 FR 23864 (May 24, 2017) (SR–BOX–2017–16); 80713 (May 18, 2017), 82 FR 23956 (May 24, 2017) (SR–GEMX–2017–17); 80715 (May 18, 2017), 82 FR 23895 (May 24, 2017) (SR–ISE–2017–45); 80726 (May 18, 2017), 82 FR 23915 (May 24, 2017) (SR–MRX–2017–04); and 80725 (May 18, 2017), 82 FR 23935 (May 24, 2017) (SR–PHLX–2017–37).

[26] *See* Securities Exchange Act Release Nos. 80786 (May 26, 2017), 82 FR 25474 (June 1, 2017) (SR–C2–2017–017); 80785 (May 26, 2017), 82 FR 25404 (June 1, 2017) (SR–CBOE–2017–040); and 80784 (May 26, 2017), 82 FR 25448 (June 1, 2017) (SR–BatsEDGA–2017–13).

Register on June 5, 2017.[27] The proposed rule changes submitted by Bats BZX and Bats EDGX were published for comment in the **Federal Register** on June 6, 2017.[28] The Commission received seven comment letters on the Original Proposed Rule Changes,[29] and a response to comments from the Participants.[30] On June 30, 2017, the Commission temporarily suspended and initiated proceedings to determine whether to approve or disapprove the proposed rule changes.[31] The Commission thereafter received seven comment letters,[32] and a response to comments from the Participants.[33] On October 25, 2017,[34] October 31, 2017,[35] November 3, 2017,[36] November 6, 2017,[37] November 7, 2017,[38] November 9, 2017 [39] and December 1, 2017,[40] the Participants each filed an Amendment No. 1 to their Original Proposed Rule Changes that replaced and superseded the Original Proposed Rule Changes that had been temporarily suspended by the Commission. On November 9, 2017, the Commission extended the time period for Commission action on the proceedings to determine whether to approve or disapprove the proposed rule changes.[41] On November 29, 2017,[42] November 30, 2017,[43] December 1, 2017,[44] December 4, 2017,[45] December 5, 2017,[46] December 6, 2017 [47] and December 7, 2017,[48] the Participants, except FINRA, each filed Amendment No. 2 to their proposed rule changes.[49] The amended proposed rule changes submitted by CHX and FINRA were published for comment in the **Federal Register** on December 14, 2017.[50] The amended proposed rule changes submitted by PEARL, MIAX, IEX, NYSE, NYSE MKT, NYSE Arca, BOX, Bats EDGA, C2, CBOE, Bats BYX, Bats EDGX, Bats BZX, ISE, BX, Nasdaq, GEMX, MRX, and Phlx were published for comment in the **Federal Register** on December 14, 2017 [51] and December 15, 2017.[52] The Commission received two

[27] *See* Securities Exchange Act Release No. 80809 (May 30, 2017), 82 FR 25837 (June 5, 2017) (SR–BatsBYX–2017–11).

[28] *See* Securities Exchange Act Release Nos. 80822 (May 31, 2017), 82 FR 26148 (June 6, 2017) (SR–BatsBZX–2017–38); and 80821 (May 31, 2017), 82 FR 26177 (June 6, 2017) (SR–BatsEDGX–2017–22).

[29] Since the Participants' proposed rule changes to adopt fees to be charged to Industry Members to fund the Consolidated Audit Trail are substantively identical, the Commission considered all comments received on the proposed rule changes regardless of the comment file to which they were submitted. *See* Letter from Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, to Brent J. Fields, Secretary, Commission (dated June 6, 2017), *available at: https://www.sec.gov/comments/sr-batsbzx-2017-38/batsbzx201738-1788188-153228.pdf;* Letter from Patricia L. Cerny and Steven O'Malley, Compliance Consultants, to Brent J. Fields, Secretary, Commission (dated June 12, 2017), *available at: https://www.sec.gov/comments/sr-cboe-2017-040/cboe2017040-1799253-153675.pdf;* Letter from Daniel Zinn, General Counsel, OTC Markets Group Inc., to Eduardo A. Aleman, Assistant Secretary, Commission (dated June 13, 2017), *available at: https://www.sec.gov/comments/sr-finra-2017-011/finra2017011-1801717-153703.pdf;* Letter from Joanna Mallers, Secretary, FIA Principal Traders Group, to Brent J. Fields, Secretary, Commission (dated June 22, 2017), *available at: https://www.sec.gov/comments/sr-cboe-2017-040/cboe2017040-1819670-154195.pdf;* Letter from Stuart J. Kaswell, Executive Vice President and Managing Director, General Counsel, Managed Funds Association, to Brent J. Fields, Secretary, Commission (dated June 23, 2017), available at: *https://www.sec.gov/comments/sr-finra-2017-011/finra2017011-1822454-154283.pdf;* and Letter from Suzanne H. Shatto, Investor, to Commission (dated June 27, 2017), *available at: https://www.sec.gov/comments/sr-batsedgx-2017-22/batsedgx201722-154443.pdf.* The Commission also received a comment letter which is not pertinent to these proposed rule changes. *See* Letter from Christina Crouch, Smart Ltd., to Brent J. Fields, Secretary, Commission (dated June 5, 2017), *available at: https://www.sec.gov/comments/sr-batsbzx-2017-38/batsbzx201738-1785545-153152.htm.*

[30] *See* Letter from CAT NMS Plan Participants to Brent J. Fields, Secretary, Commission (dated June 29, 2017), *available at: https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-1832632-154584.pdf.*

[31] *See* Securities Exchange Act Release No. 81067 (June 30, 2017), 82 FR 31656 (July 7, 2017).

[32] *See* Letter from W. Hardy Callcott, Partner, Sidley Austin LLP, to Brent J. Fields, Secretary, Commission (dated July 27, 2017), *available at: https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-2148338-157737.pdf;* Letter from Kevin Coleman, General Counsel and Chief Compliance Officer, Belvedere Trading LLC, to Brent J. Fields, Secretary, Commission (dated July 28, 2017), *available at: https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-2148360-157740.pdf;* Letter from Joanna Mallers, Secretary, FIA Principal Traders Group, to Brent J. Fields, Secretary, Commission (dated July 28, 2017), *available at: https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-2151228-157745.pdf;* Letter from Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA, to Brent J. Fields, Secretary, Commission (dated July 28, 2017), *available at: https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-2150977-157744.pdf;* Letter from Stuart J. Kaswell, Executive Vice President and Managing Director, General Counsel, Managed Funds Association, to Brent J. Fields, Secretary, Commission (dated July 28, 2017), *available at: https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-2150818-157743.pdf;* Letter from John Kinahan, Chief Executive Officer, Group One Trading, L.P., to Brent J. Fields, Secretary, Commission (dated August 10, 2017), *available at: https://www.sec.gov/comments/sr-finra-2017-011/finra2017011-2214568-160619.pdf;* Letter from Joseph Molluso, Executive Vice President and CFO, Virtu Financial, to Brent J. Fields, Commission (dated August 18, 2017), *available at: https://www.sec.gov/comments/sr-finra-2017-011/finra2017011-2238648-160830.pdf* .

[33] *See* Letter from Michael Simon, Chair, CAT NMS Plan Operating Committee, to Brent J. Fields, Commission, Secretary (dated November 2, 2017), *available at https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-2674608-161412.pdf.*

[34] NYSE, NYSE Arca and NYSE MKT filed Amendment No. 1 to their proposed rule changes on October 25, 2017.

[35] IEX filed Amendment No. 1 to its proposed rule change on October 31, 2017.

[36] Bats BYX, Bats BZX, Bats EDGA, Bats EDGX, CBOE and C2 filed Amendment No. 1 to their proposed rule changes on November 3, 2017.

[37] Nasdaq, BX, Phlx, ISE, MRX, and GEMX filed Amendment No. 1 to their proposed rule changes on November 6, 2017.

[38] BOX, MIAX and PEARL filed Amendment No. 1 to their proposed rule changes on November 7, 2017.

[39] CHX filed Amendment No. 1 to its proposed rule change on November 9, 2017.

[40] FINRA filed Amendment No. 1 to its proposed rule change on December 1, 2017.

[41] *See* Securities Exchange Act Release No. 82049 (November 9, 2017), 82 FR 53549 (November 16, 2017).

[42] NYSE, NYSE MKT and NYSE Arca filed Amendment No. 2 to their proposed rule changes on November 29, 2017.

[43] CHX filed Amendment No. 2 to its proposed rule change on November 30, 2017.

[44] MIAX and PEARL filed Amendment No. 2 to their proposed rule changes on December 1, 2017.

[45] NASDAQ, Phlx and IEX filed Amendment No. 2 to their proposed rule changes on December 4, 2017.

[46] ISE filed Amendment No. 2 to its proposed rule change on December 5, 2017.

[47] GEMX and MRX filed Amendment No. 2 to their proposed rule changes on December 6, 2017.

[48] BX, BOX, Bats EDGA, C2, CBOE, Bats BYX, Bats EDGX, and Bats BZX filed Amendment No. 2 to their proposed rule changes on December 7, 2017.

[49] Amendment No. 2 to the proposed rule changes proposed to make a correction to the Amendment No. 1 fee schedule to change a parenthetical regarding the OTC Equity Securities discount in paragraph (b)(2) of the proposed fee schedule from ''with a discount for Equity ATSs exclusively trading OTC Equity Securities based on the average shares per trade ratio between NMS Stocks and OTC Equity Securities'' to ''with a discount for OTC Equity Securities market share of Equity ATSs trading OTC Equity Securities based on the average shares per trade ratio between NMS Stocks and OTC Equity Securities.'' NASDAQ, Phlx, ISE, GEMX, MRX and BX filed an Amendment No. 2 that replaced and superseded Amendment No. 1 to their proposed rule changes. FINRA did not file Amendment No. 2 to its proposed rule change because its Amendment No. 1 did not need the correction made by the other Participants' Amendment No. 2.

[50] *See* Securities Exchange Act Release Nos. 82251 (December 8, 2017), 82 FR 59151 (December 14, 2017); 82252 (December 8, 2017), 82 FR 59037 (December 14, 2017); 82253 (December 8, 2017), 82 FR 58827 (December 14, 2017).

[51] *See* Securities Exchange Act Release Nos. 82254 (December 11, 2017), 82 FR 59094 (December 14, 2017); 82256 (December 11, 2017), 82 FR 59004 (December 14, 2017); 82258 (December 11, 2017), 82 FR 58917 (December 14, 2017); 82262 (December 11, 2017), 82 FR 59122 (December 14, 2017); 82264 (December 11, 2017), 82 FR 58971 (December 14, 2017); 82268 (December 11, 2017), 82 FR 58854 (December 14, 2017); 82274 (December 11, 2017), 82 FR 59177 (December 14, 2017); 82284 (December 11, 2017), 82 FR 58891 (December 14, 2017); 82285 (December 11, 2017), 82 FR 59040 (December 14, 2017); 82286 (December 11, 2017), 82 FR 59067 (December 14, 2017); and 82288 (December 11, 2017), 82 FR 58944 (December 14, 2017).

[52] *See* Securities Exchange Act Release Nos. 82255 (December 11, 2017), 82 FR 59841 (December 15, 2017); 82257 (December 11, 2017), 82 FR 59835 (December 15, 2017); 82259 (December 11, 2017), 82 FR 59933 (December 15, 2017); 82260 (December 11, 2017), 82 FR 59907 (December 15, 2017); 82261 (December 11, 2017), 82 FR 59897 (December 15,

Continued

comment letters on the amended proposed rule changes.[53]

On January 9, 2018, CHX, MIAX and PEARL withdrew their proposed rule changes (SR–CHX–2017–08; SR–MIAX–2017–18; SR–PEARL–2017–20). On January 10, 2018, Bats BYX, Bats BZX, Bats EDGA, Bats EDGX, BX, C2, CBOE, GEMX, IEX, ISE, MRX, Nasdaq and Phlx withdrew their proposed rule changes (SR–BatsBYX–2017–11; SR–BatsBZX–2017–38; SR–BatsEDGA–2017–13; SR–BatsEDGX–2017–22; SR–BX–2017–023; SR–C2–2017–017; SR–CBOE–2017–040; SR–GEMX–2017–17; SR–IEX–2017–16; SR–ISE–2017–45; SR–MRX–2017–04; SR–NASDAQ–2017–046; SR–PHLX–2017–37). On January 11, 2018, BOX, FINRA, NYSE, NYSE Arca, and NYSE MKT withdrew their proposed rule changes (SR–BOX–2017–16; SR–FINRA–2017–011; SR–NYSE–2017–22; SR–NYSEArca–2017–52; SR–NYSEMKT–2017–26).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[54]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00974 Filed 1–19–18; 8:45 am]

BILLING CODE 8011–01–P

2017); 82263 (December 11, 2017), 82 FR 59838 (December 15, 2017); 82265 (December 11, 2017), 82 FR 59723 (December 15, 2017); 82266 (December 11, 2017), 82 FR 59779 (December 15, 2017); 82267 (December 11, 2017), 82 FR 59680 (December 15, 2017); 82269 (December 11, 2017), 82 FR 59902 (December 15, 2017); 82270 (December 11, 2017), 82 FR 59805 (December 15, 2017); 82271 (December 11, 2017), 82 FR 59833 (December 15, 2017); 82272 (December 11, 2017), 82 FR 59871 (December 15, 2017); 82273 (December 11, 2017), 82 FR 59683 (December 15, 2017); 82275 (December 11, 2017), 82 FR 59721 (December 15, 2017); 82276 (December 11, 2017), 82 FR 59753 (December 15, 2017); 82277 (December 11, 2017), 82 FR 59905 (December 15, 2017); 82278 (December 11, 2017), 82 FR 59726 (December 15, 2017); 82279 (December 11, 2017), 82 FR 59900 (December 15, 2017); 82283 (December 11, 2017), 82 FR 59694 (December 15, 2017); and 82287 (December 11, 2017), 82 FR 59844 (December 15, 2017).

[53] *See* Letter from Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, to Brent J. Fields, Secretary, Commission (dated December 22, 2017), *available at https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-2838733-161715.pdf;* Letter from Joanna Mallers, Secretary, FIA Principal Traders Group, to Brent J. Fields, Secretary, Commission (dated January 12, 2018), *available at https://www.sec.gov/comments/sr-cboe-2017-040/cboe2017040-2902365-161828.pdf.*

[54] 17 CFR 200.30–3(a)(31).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15438 and #15439; California Disaster Number CA–00282]

Presidential Declaration of a Major Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the state of California (FEMA–4353–DR), dated 01/15/2018.

Incident: Wildfires, Flooding, Mudflows, and Debris Flows directly related to the Wildfires.

Incident Period: 12/04/2017 and continuing.

DATES: Issued on 01/15/2018.

Physical Loan Application Deadline Date: 03/16/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 10/15/2018.

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: Notice is hereby given that as a result of the President's major disaster declaration on 01/15/2018, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Los Angeles, San Diego, Santa Barbara, Ventura

Contiguous Counties (Economic Injury Loans Only):

California: Imperial, Kern, Orange, Riverside, San Bernardino, San Luis Obispo.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.500
Homeowners Without Credit Available Elsewhere	1.750
Businesses With Credit Available Elsewhere	6.770
Businesses Without Credit Available Elsewhere	3.385
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.385
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 154385 and for economic injury is 154390.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–01010 Filed 1–19–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15370; OREGON Disaster Number OR–00088 Declaration of Economic Injury]

Administrative Declaration Amendment of an Economic Injury Disaster for the State of Oregon

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of an Economic Injury Disaster Loan (EIDL) declaration of a disaster for the State of Oregon dated 10/31/2017.

Incident: Eagle Creek Fire.

Incident Period: 09/02/2017 through 11/30/2017.

DATES: Issued on 01/11/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 07/31/2018.

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 an Administrative declaration for the State of Oregon, dated 10/31/2017, is hereby amended to establish the incident closing date as 11/30/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: January 11, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–01044 Filed 1–19–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10280]

U.S. Department of State Cuba Internet Task Force; Notice of Open Meeting

The U.S. Department of State will conduct a public meeting for the Cuba internet Task Force, Wednesday, February 7, 2018, from 10:30 a.m. until 12:00 p.m. at the Harry S. Truman Building, 2201 C Street NW, Room 1406.

In accordance with the National Security Presidential Memorandum of June 16, 2017, on Strengthening the Policy of the United States Toward Cuba (NSPM–5), the Department of State created the Cuba internet Task Force and is announcing the date of its first public meeting. The Cuba internet Task Force is composed of U.S. Government and non-government representatives to examine technological challenges and opportunities for expanding internet access in Cuba.

Those wishing to attend must RSVP due to limited seating. Anyone wishing to attend must contact the Department's Office of the Coordinator for Cuban Affairs, Gilberto Torres-Vela at 202–647–7050 or email *WHACCAEconomicUnit@state.gov* and provide your name, organization and email address no later than February 2, 2018. Any request for reasonable accommodation must be made prior to February 2, 2018, to the same email address. Requests made after that date will be considered, but might not be possible to fulfill.

Gabriel Escobar,

Coordinator for Cuban Affairs, Department of State.

[FR Doc. 2018–01038 Filed 1–19–18; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–02]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before February 12, 2018.

ADDRESSES: Send comments identified by docket number FAA–2017–0997 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Lynette Mitterer, AIR–673, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98057–3356, email *Lynette.Mitterer@faa.gov,* phone (425) 227–1047; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on January 16, 2018.

Suzanne Masterson,

Acting Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2017–0997.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: § 25.1322(c)(2).

Description of Relief Sought: The petitioner seeks a time-limited exemption from the requirements of title 14, Code of Federal Regulations 25.1322(c)(2) with respect to specific military system-related flight deck alerting messages on the Boeing Model 767–2C airplanes.

[FR Doc. 2018–00986 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–03]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before February 12, 2018.

ADDRESSES: Send comments identified by docket number FAA–2017–0269–0006 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey

Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Lynette Mitterer, AIR–673, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98057–3356, email *Lynette.Mitterer@faa.gov,* phone (425) 227–1047; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on January 16, 2018.

Suzanne Masterson,

Acting Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2017–0269–0006.

Petitioner: Gulfstream.

Section of 14 CFR Affected: § 25.981(a)(3).

Description of Relief Sought: The petitioner seeks an amendment to Exemption 17636 to include relief from the requirements of 14 CFR 25.981(a)(3) at Amendment 25–125, with respect to fuel tank ignition prevention as it relates to lightning protection of systems for the Model GVII–G500 airplane.

[FR Doc. 2018–00985 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0129]

Notice of Application for Approval To Discontinue or Modify a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this provides the public notice that on December 19, 2017, National Railroad Passenger Corporation (Amtrak) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2017–0129.

Applicant: National Railroad Passenger Corporation, Mr. Nicholas J. Croce III, PE, Deputy Chief Engineer C&S, Acting, 2995 Market Street, Philadelphia, PA 19104.

Amtrak is installing new clear block signals at Oak and Bush interlockings to establish NORAC Rule 562 territory, *cab signals without fixed automatic block signals.* As a result, Amtrak seeks to retire the fixed wayside signals numbers 651, 652, 672, 673, 695, and 696 on Tracks 2, 3, and 4 on Amtrak's Northeast Corridor, Mid-Atlantic Division, Main Line, Philadelphia to Washington.

All NORAC Rules will remain in effect. The existing advanced civil speed enforcement system (ACSES) will be modified to enforce a positive stop at Oak and Bush interlockings for a train with failed cab signal equipment unless the ''C'' signal is displayed allowing the failed train to enter the block.

The reason for removal of the signals is to eliminate maintenance and operation of unnecessary hardware no longer needed, and to reduce delays to trains caused by failures of the signals. The signals are not required in NORAC Rule 562 territory.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 8, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *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.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018–01057 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0132]

Notice of Application for Approval To Discontinue or Modify a Railroad Signal System

In accordance with Part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this

provides the public notice that on December 11, 2017, the Union Pacific Railroad (UP) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2017–0132.

Applicant: Union Pacific Railroad, Mr. Kevin D. Hicks, AVP Engineering—Design, 1400 Douglas Street, MS 0910, Omaha, NE 68179.

Union Pacific seeks to retire the control point (CP) NA Jct. (Nepesta) on the Tennessee Pass Subdivision in the state of Colorado. The CP is no longer used. It will be replaced with an intermediate signal on the main track and a leaving signal in the siding. The existing #20 power-operated switch will be replaced with a #11 hand-operated switch. The purpose of this replacement is to remove unused equipment and to expedite train movements in the area.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 8, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *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.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Robert C. Lauby,

Associate Administrator for Safety, Chief Safety Officer.

[FR Doc. 2018–01055 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0131]

Notice of Application for Approval To Discontinue or Modify a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this provides the public notice that on December 11, 2017, Union Pacific Railroad (UP) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2017–0131.

Applicant: Union Pacific Railroad, Mr. Kevin D. Hicks, AVP Engineering—Design, 1400 Douglas Street, MS 0910, Omaha, NE 68179.

Union Pacific seeks to retire the traffic control system (TCS) on the #3 track between control point (CP) K005 and CP K006, between mileposts (MP) 5.00 and MP 6.10, on the KC Metro (Kansas) subdivision.

The reason for this retirement is to accommodate a proposed Remote Controlled Locomotive (RCL) zone expansion project for the 181st Street Yard and to facilitate switching operations. RCL trains will move in the block per General Code of Operating Rules pertaining to RCL locomotives. Other trains will enter the block at either end on a restricting signal indication and move at restricted speed.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 8, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *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.* See also *https://www.regulations.gov/*

privacyNotice for the privacy notice of *regulations.gov*.

Robert C. Lauby,

Associate Administrator for Safety, Chief Safety Officer.

[FR Doc. 2018–01054 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. 2017–0027]

Notice of Request for Revisions of an Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: This notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the revisions of the following information collection: Paul S. Sarbanes Transit in Parks Program.

DATES: Comments must be submitted before March 23, 2018.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (**Note:** The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.
2. *Fax:* 202–366–7951.
3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to *www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, or you may visit *www.regulations.gov.* Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Vanessa Williams, Office of Program Management (202) 366–4818 or email: *Vanessa.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: 49 U.S.C. Section 5320 Paul S. Sarbanes Transit in Parks Program

OMB Number: 2132–0574

Background: Section 3021 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA–LU), as amended, established the Paul S. Sarbanes Transit in Parks Program (Transit in Parks Program—49 U.S.C. 5320). The program was administered by FTA in partnership with the Department of the Interior (DOI) and the U.S. Department of Agriculture's Forest Service. The program provided grants to Federal land management agencies that manage an eligible area, including but not limited to the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, the Bureau of Reclamation; and State, tribal and local governments with jurisdiction over land in the vicinity of an eligible area, acting with the consent of a Federal land management agency, alone or in partnership with a Federal land management agency or other governmental or non- governmental participant. The purpose of the program was to provide for the planning and capital costs of alternative transportation systems that will enhance the protection of national parks and Federal lands; increase the enjoyment of visitors' experience by conserving natural, historical, and cultural resources; reduce congestion and pollution; improve visitor mobility and accessibility; enhance visitor experience; and ensure access to all, including persons with disabilities. The Paul S. Sarbanes Transit in the Parks program was repealed under the Moving Ahead for Progress in the 21st Century Act (MAP–21). However, funds previously authorized for programs repealed by MAP–21 remain available for their originally authorized purposes until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

Estimated Annual Burden on Respondents: Approximately 4 hours for each of the 15 respondents.

Estimated Total Annual Burden: 60 hours.

Frequency: Annually.

William Hyre,

Deputy Associate Administrator for Administration.

[FR Doc. 2018–00880 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0010; Notice 2]

Sumitomo Rubber USA, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Denial of petition.

SUMMARY: Sumitomo Rubber USA, LLC (SRUSA), has determined that certain Sumitomo Kelly brand commercial truck tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and Motorcycles.* SRUSA filed a noncompliance report dated January 3, 2017. SRUSA also petitioned NHTSA on January 31, 2017, for a decision that the

subject noncompliance is inconsequential as it relates to motor vehicle safety.

FOR FURTHER INFORMATION CONTACT: Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5310, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. *Overview:* Sumitomo Rubber USA, LLC (SRUSA), has determined that certain Sumitomo Kelly brand commercial truck tires do not fully comply with S6.5 of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and Motorcycles* (49 CFR 571.119). SRUSA filed a noncompliance report dated January 3, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* SRUSA also petitioned NHTSA on January 31, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published with a 30-day public comment period, on April 20, 2017, in the **Federal Register** (82 FR 18684). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at: *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2017–0010.''

II. *Tires Involved:* Affected are approximately 138 Sumitomo Kelly KDA size 11R22.5 commercial truck tires manufactured between December 4, 2016, and December 17, 2016.

III. *Noncompliance:* SRUSA explains that the noncompliance is that the required markings on one sidewall of the subject tires were inadvertently omitted and therefore do not comply with paragraph S6.5 of FMVSS No. 119.

IV. *Rule Requirements:* Paragraph S6.5 of FMVSS No. 119, labelled ''Tire Markings'' includes the requirements relevant to this petition:

- Each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of S6.5.
- The markings shall be placed between the maximum section width (exclusive of sidewall decorations or curb ribs) and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area which is not more than one-fourth of the distance from the bead to the shoulder of the tire.

V. *Summary of SRUSA's Petition:* SRUSA described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, SRUSA submitted the following reasoning:

SRUSA submits that the condition described above is inconsequential as it relates to motor vehicle safety. The tires were manufactured as designed and meet or exceed all performance requirements of applicable Federal motor vehicle safety standards. All of the subject tires are marked with the correct information; however, the information appears only on one sidewall. Therefore, the noncompliant condition does not affect motor vehicle safety because the required information is still visible and available to the consumer on one sidewall of the tire. Additionally, SRUSA is not aware of any customer complaints related to this condition. The affected tire mold was immediately corrected and no additional tires were or will be manufactured with this noncompliance.

SRUSA also noted that NHTSA had previously granted petitions for similar tire information noncompliances because of evidence showing that most consumers do not base tire purchases on tire information found on the tire sidewall. Moreover, SRUSA argued that the absence of the markings on one sidewall has no impact on the operational performance of the tires at issue or on the safety of the vehicles on which these tires may be mounted.

SRUSA concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

In a supplemental email dated February 24, 2017, SRUSA stated that the subject tires are not asymmetric tires, not labeled with the words ''OUTERSIDE'' or ''OUTER,'' and there is no designated outer or inner sidewall, thus, the tires may be mounted with the missing information on the inner or outward facing sidewall. In a supplemental email on May 31, 2017, SRUSA informed NHTSA that the TIN is readily available on the sidewall that was marked correctly.

To view SRUSA's petition, analyses, and any supplemental documentation in its entirety you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition shown in the heading of this notice.

NHTSA's Decision

NHTSA's Analysis: NHTSA has reviewed SRUSA's petition and has determined that the petitioner has not met the burden of persuasion that the subject noncompliance is inconsequential to motor vehicle safety. The omission of the maximum load rating and corresponding inflation pressure on one sidewall of the subject tires presents a safety hazard and is not inconsequential.

The importance of the maximum load carrying capabilities and pressure label for tires was discussed in the FMVSS No. 119 final rule (Nov. 13, 1973; 38 FR 31299). In that document, NHTSA explained the purpose of labeling tires with the maximum load and pressure as follows:

> ''The trucking industry questioned the advisability of labeling maximum inflation and load rating on the tire because it appeared to prohibit the adjustment of pressures to road conditions. The purpose of the labeling is to . . . warn the user of the tire's maximum capabilities.''

Furthermore, in the same rulemaking, NHTSA provided information to manufacturers that it was necessary to have loading and pressure markings on both sidewalls:

> ''Several manufacturers suggested that labeling appear on only one side of a tire when both sides of the tire, as mounted, will be available for inspection. Accordingly, motorcycle tires must now be labeled on one sidewall only, but the inaccessibility of both sidewalls on trucks and bus tires for visual inspection precludes one-sidewall labeling of these categories.''

Since the subject tires can be installed or mounted on a vehicle with either sidewall facing outboard, some of these tires will be mounted on vehicles with the sidewall containing the missing information facing outboard. As the tires at issue are intended for use on heavy vehicles, it is quite possible that the necessary loading and pressure markings could be on a sidewall immediately adjacent to another tire in a dual wheel configuration. In such a case, the aforementioned markings would only be accessible if the dual wheel assembly is taken apart. Failing to mark the maximum load and corresponding inflation pressure for that load on both sidewalls of the tires puts an enormous burden on end users to ensure that the subject tires will be properly installed, used, and serviced in accordance with the tire's maximum capability. It is reasonable to expect the

vehicle user to overload a tire without the explicit guidance provided by the required sidewall markings.

Finally, SRUSA stated that NHTSA had previously granted similar non-compliances, yet, they cited no specific petitions to support this statement. In fact, NHTSA recently denied a petition where a manufacturer omitted the markings designating the maximum load and corresponding inflation pressure for that load, *See* 82 FR 41678.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that SRUSA has not met its burden of persuasion that the FMVSS No. 119 noncompliance is inconsequential to motor vehicle safety. Accordingly, SRUSA's petition is hereby denied and SRUSA is obligated to provide notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2018–00222 Filed 1–19–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Prompt Payment Interest Rate; Contract Disputes Act

AGENCY: Bureau of the Fiscal Service, Treasury.

ACTION: Notice of prompt payment interest rate; Contract Disputes Act.

SUMMARY: For the period beginning January 1, 2018, and ending on June 30, 2018, the prompt payment interest rate is 2⅝ per centum per annum.

DATES: Applicable January 1, 2018, to June 30, 2018.

ADDRESSES: Comments or inquiries may be mailed to: E-Commerce Division, Bureau of the Fiscal Service, 401 14th Street SW, Room 306F, Washington, DC 20227. Comments or inquiries may also be emailed to *PromptPayment@fiscal.treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Thomas M. Burnum, E-Commerce Division, (202) 874–6430; or Thomas Kearns, Attorney-Advisor, Office of the Chief Counsel, (202) 874–7036.

SUPPLEMENTARY INFORMATION: An agency that has acquired property or service from a business concern and has failed to pay for the complete delivery of property or service by the required payment date shall pay the business concern an interest penalty. 31 U.S.C. 3902(a). The Contract Disputes Act of 1978, Sec. 12, Public Law 95–563, 92 Stat. 2389, and the Prompt Payment Act, 31 U.S.C. 3902(a), provide for the calculation of interest due on claims at the rate established by the Secretary of the Treasury.

The Secretary of the Treasury has the authority to specify the rate by which the interest shall be computed for interest payments under section 12 of the Contract Disputes Act of 1978 and under the Prompt Payment Act. Under the Prompt Payment Act, if an interest penalty is owed to a business concern, the penalty shall be paid regardless of whether the business concern requested payment of such penalty. 31 U.S.C. 3902(c)(1). Agencies must pay the interest penalty calculated with the interest rate, which is in effect at the time the agency accrues the obligation to pay a late payment interest penalty. 31 U.S.C. 3902(a). ''The interest penalty shall be paid for the period beginning on the day after the required payment date and ending on the date on which payment is made.'' 31 U.S.C. 3902(b).

Therefore, notice is given that the Secretary of the Treasury has determined that the rate of interest applicable for the period beginning January 1, 2018, and ending on June 30, 2018, is 2⅝ per centum per annum.

David A. Lebryk,

Fiscal Assistant Secretary.

[FR Doc. 2018–01049 Filed 1–19–18; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

United States Mint

2018 Pricing of Numismatic Gold, Commemorative Gold, and Platinum Products Grid

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint announces 2018 revisions to the pricing of gold and platinum numismatic products.

An excerpt of the grid appears below:

2018 Pricing of Numismatic Gold, Commemorative Gold, and Platinum Products

*an additional $5 introductory discount

Average Price per Ounce	Size	American Eagle Gold Proof	American Eagle Gold Uncirculated	American Buffalo 24K Gold Proof	American Eagle Platinum Proof	American Liberty Gold Proof	Commemorative Gold Proof*	Commemorative Gold Uncirculated*
$1300.00 to $1349.99	1 oz	$1,677.50	$1,640.00	$1,710.00	$1,720.00	$1,740.00		
	1/2 oz	$855.00						
	1/4 oz	$440.00						
	1/10 oz	$187.50				$215.00		
	4-coin set	$3,107.50						
	commemorative gold						$436.00	$426.00

The complete 2018 Pricing of Numismatic Gold, Commemorative Gold, and Platinum Products Grid will be available at *https://catalog.usmint.gov/coin-programs/american-eagle-coins.*

Pricing can vary weekly dependent upon the London Bullion Market Association (LBMA) gold price weekly average. The pricing for all United States Mint numismatic gold and platinum products is evaluated every Wednesday and modified as necessary.

FOR FURTHER INFORMATION CONTACT: Cathy Olson; Numismatic and Bullion Directorate; United States Mint, 801 9th Street NW, Washington, DC 20220; or call 202–354–7500.

Authority: 31 U.S.C. 5111, 5112 & 9701.

Dated: January 17, 2018.

David Motl,

Acting Deputy Director, United States Mint.

[FR Doc. 2018–01007 Filed 1–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—NEW]

Agency Information Collection Activity Under OMB Review: Veterans Experience Access Survey Questions Scheduling Appointment: Survey Reporting

AGENCY: Veterans Experience Office (VEO), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Experience Office (VEO), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 21, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900—NEW'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900—NEW'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Veterans Experience Access Survey Questions Scheduling Appointment: Survey Reporting.

OMB Control Number: 2900—NEW.

Type of Review: Approval for public dissemination of survey data.

Abstract: Veterans Experience Access Outpatient Survey Questions Scheduling Appointment is used to gather near real time feedback about specific interactions Veterans have with the Department of Veterans Affairs regarding their Outpatient medical experiences. The data collected will be publicly disseminated. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at Vol. 82 FR No. 187 on September 28, 2017, page 45362.

Affected Public: Individuals.

Estimated Annual Burden: 30,000 hours annually.

Estimated Average Burden per Respondent: 1 minute.

Frequency of Response: Once.

Estimated Number of Respondents: 1.8 million annually.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–01019 Filed 1–19–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Monday,

No. 14 January 22, 2018

Part II

The President

Proclamation 9690—Religious Freedom Day, 2018

Federal Register
Vol. 83, No. 14
Monday, January 22, 2018

Presidential Documents

Title 3—

The President

Proclamation 9690 of January 16, 2018

Religious Freedom Day, 2018

By the President of the United States of America

A Proclamation

Faith is embedded in the history, spirit, and soul of our Nation. On Religious Freedom Day, we celebrate the many faiths that make up our country, and we commemorate the 232nd anniversary of the passing of a State law that has shaped and secured our cherished legacy of religious liberty.

Our forefathers, seeking refuge from religious persecution, believed in the eternal truth that freedom is not a gift from the government, but a sacred right from Almighty God. On the coattails of the American Revolution, on January 16, 1786, the Virginia General Assembly passed the Virginia Statute of Religious Freedom. This seminal bill, penned by Thomas Jefferson, states that, ''all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.'' Five years later, these principles served as the inspiration for the First Amendment, which affirms our right to choose and exercise faith without government coercion or reprisal.

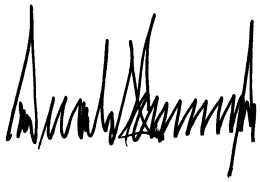
Today, Americans from diverse ethnic and religious backgrounds remain steadfast in a commitment to the inherent values of faith, honesty, integrity, and patriotism. Our Constitution and laws guarantee Americans the right not just to believe as they see fit, but to freely exercise their religion. Unfortunately, not all have recognized the importance of religious freedom, whether by threatening tax consequences for particular forms of religious speech, or forcing people to comply with laws that violate their core religious beliefs without sufficient justification. These incursions, little by little, can destroy the fundamental freedom underlying our democracy. Therefore, soon after taking office, I addressed these issues in an Executive Order that helps ensure Americans are able to follow their consciences without undue Government interference and the Department of Justice has issued guidance to Federal agencies regarding their compliance with laws that protect religious freedom. No American—whether a nun, nurse, baker, or business owner—should be forced to choose between the tenets of faith or adherence to the law.

The United States is also the paramount champion for religious freedom around the world, because we do not believe that conscience rights are only for Americans. We will continue to condemn and combat extremism, terrorism, and violence against people of faith, including genocide waged by the Islamic State of Iraq and Syria against Yezidis, Christians, and Shia Muslims. We will be undeterred in our commitment to monitor religious persecution and implement policies that promote religious freedom. Through these efforts, we strive for the day when people of all faiths can follow their hearts and worship according to their consciences.

The free exercise of religion is a source of personal and national stability, and its preservation is essential to protecting human dignity. Religious diversity strengthens our communities and promotes tolerance, respect, understanding, and equality. Faith breathes life and hope into our world. We must diligently guard, preserve, and cherish this unalienable right.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2018, as Religious Freedom Day. I call on all Americans to commemorate this day with events and activities that remind us of our shared heritage of religious liberty and teach us to secure this blessing both at home and abroad.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–01234
Filed 1–19–18; 11:15 am]
Billing code 3295–F8–P

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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/.**

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