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Contents

Federal Register

Vol. 83, No. 21

Wednesday, January 31, 2018

Agency for Healthcare Research and Quality

NOTICES

Meetings:

Subcommittees, 4483–4484

Agricultural Marketing Service

RULES

Decreased Assessment Rates:

Apricots Grown in Designated Counties in Washington, 4413–4414

Watermelon Research and Promotion Plan; Redistricting and Importer Representation, 4414–4420

Agriculture Department

See Agricultural Marketing Service

See Federal Crop Insurance Corporation

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4463

Antitrust Division

NOTICES

Changes under the National Cooperative Research and Production Act:

Advanced Media Workflow Association, Inc., 4516

National Fire Protection Association, 4516

Census Bureau

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

School District Review Program, 4464–4465

Centers for Disease Control and Prevention

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4484–4486

Final National Occupational Research Agenda for Manufacturing, 4484

Centers for Medicare & Medicaid Services

RULES

Medicare Program:

Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Correction, 4431

Coast Guard

RULES

Drawbridge Operations:

Canaveral Barge Canal, Canaveral, FL, 4428–4430

Commerce Department

See Census Bureau

See Foreign-Trade Zones Board

See International Trade Administration

See Patent and Trademark Office

Defense Acquisition Regulations System

RULES

Defense Federal Acquisition Regulation Supplement:

Procurement of Commercial Items (DFARS Case 2016–D006), 4431–4447

State Sponsor of Terrorism—North Korea (DFARS Case 2018–D004), 4447–4449

Defense Department

See Defense Acquisition Regulations System

Employment and Training Administration

NOTICES

Change in Status of the Extended Benefit Program for the Virgin Islands, 4517

Revised Schedule of Remuneration for the Unemployment Compensation for Ex-Servicemembers Program, 4517–4518

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4477

Applications to Export Liquefied Natural Gas: Freeport LNG Expansion, L.P., et al., 4475–4476
Galveston Bay LNG, LLC, 4473–4475

Meetings:

Supercritical CO₂ Oxy-combustion Technology Group, 4476–4477

Environmental Protection Agency

RULES

Addition of a Subsurface Intrusion Component to the Hazard Ranking System; CFR Correction, 4430–4431

National Oil and Hazardous Substances Pollution

Contingency Plan National Priorities List:

Deletion of the Hatheway and Patterson Superfund Site, 4431

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium Under the Safe Drinking Water Act, 4478–4479

Integrated Risk Information System Assessment Plans: Uranium, 4479–4480

Systematic Review Protocol for the Chloroform Integrated Risk Information System (IRIS) Assessment., 4480–4481

Federal Aviation Administration

RULES

Correcting Amendments:

Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems, 4420–4422

Federal Communications Commission

PROPOSED RULES

Auction of FM Translator Construction Permits Scheduled for June 21, 2018; Comment Sought on Competitive Bidding Procedures for Auction 83, 4455–4462

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4481–4482

Meetings; Sunshine Act, 4481

Federal Crop Insurance Corporation**RULES**

Common Crop Insurance Regulations:
Nursery Crop Insurance Provisions, 4564–4574

Federal Energy Regulatory Commission**NOTICES**

Combined Filings, 4477–4478

Federal Maritime Commission**NOTICES**

Agreements Filed, 4482–4483

Federal Motor Carrier Safety Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Consumer Complaint Database, 4540–4543
Hours of Service of Drivers; Exemption Applications:
Electronic Logging Devices; Old Dominion and Other Motor Carriers Experiencing Problems Integrating PeopleNet ELD System Updates Into Their Fleet Management Systems, 4548–4550
Parts and Accessories Necessary for Safe Operation; Exemption Applications:
Daimler Trucks North America, LLC, 4543–4545
Qualification of Drivers; Exemption Applications:
Epilepsy and Seizure Disorders, 4539–4540, 4546–4548, 4550–4551
Implantable Cardioverter Defibrillators, 4545–4546
Vision, 4537–4539

Federal Reserve System**NOTICES**

Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 4483
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 4483

Food and Drug Administration**RULES**

Listing of Color Additives Exempt from Certification:
Calcium Carbonate, 4423

NOTICES

Determinations of Regulatory Review Periods for Purposes of Patent Extensions:
CRESEMBA—New Drug Application 207501, 4494–4495
DUAVEE, 4487–4489
KEYTRUDA, 4492–4494
LENVIMA, 4489–4490
MOBI-C CERVICAL DISC PROSTHESIS, 4490–4492
SAPIEN XT TRANSCATHETER HEART VALVE, 4486–4487

Foreign Assets Control Office**NOTICES**

Blocking or Unblocking of Persons and Properties, 4557–4558

Foreign-Trade Zones Board**NOTICES**

Production Activities:
BGM America, Inc., Foreign-Trade Zone 127, West Columbia, SC, 4467
Reorganizations under Alternative Site Frameworks:
Foreign-Trade Zone 105, Providence, RI, 4466
Foreign-Trade Zone 179, Madawaska, ME, 4466

Geological Survey**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
International Organization for Standardization Geospatial Metadata Editors Registry, 4509–4510
The National Map Corps—Volunteered Geographic Information Project, 4511–4512
The William T. Pecora Award; Application and Nomination Process, 4510–4511

Health and Human Services Department

See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See National Institutes of Health

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4496
Interest Rate on Overdue Debts, 4496–4497

Homeland Security Department

See Coast Guard
See Transportation Security Administration
See U.S. Citizenship and Immigration Services

Housing and Urban Development Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Healthy Homes and Lead Hazard Control Grant Programs and Quality Assurance Plans, 4509
Evaluation of Public Housing Program Activities, 4506–4507
Section 184 and 184–A Loan Guarantee Program, 4507–4508

Interior Department

See Geological Survey
See Land Management Bureau
See Reclamation Bureau
See Surface Mining Reclamation and Enforcement Office

International Trade Administration**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Polyester Staple Fiber from the People's Republic of China, 4470
Large Residential Washers from the Republic of Korea, 4467–4468
Requests for Applications:
International Buyer Program Quarter 1 Calendar Year 2019, 4471–4473
International Buyer Program Select for Quarter 1 Calendar Year 2019, 4468–4470

International Trade Commission**NOTICES**

Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Batteries and Electrochemical Devices Containing Composite Separators, Components Thereof, and Products Containing Same, 4515

Justice Department

See Antitrust Division

NOTICES

Proposed Consent Decrees under the Clean Water Act, Oil Pollution Act, 4516–4517

Labor Department

See Employment and Training Administration

Land Management Bureau**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Oil Shale Management, 4512–4513

Maritime Administration**NOTICES**

Requests for Administrative Waivers of the Coastwise Trade Laws:
Vessel DOWN UNDER, 4552
Vessel LIBERTINE, 4555–4556
Vessel MOMENT, 4551–4552
Vessel PUNAWELEWELE KAI, 4556
Vessel S/V LOBO, 4551
Vessel SNOCKERED, 4554–4555
Vessel WINSOME RIDE, 4556–4557
Voluntary Intermodal Sealift Agreement:
Changes to the Open Season Enrollment Period, 4552–4554

National Credit Union Administration**PROPOSED RULES**

Involuntary Liquidation of Federal Credit Unions and Claims Procedures, 4450–4452

NOTICES

Modernizing Data Collection for Supervision of Credit Unions, 4518–4519

National Institutes of Health**NOTICES**

Government-Owned Inventions; Availability for Licensing, 4498–4499

Meetings:

Center for Scientific Review, 4497–4500
National Advisory Council on Aging, 4499–4500
National Deafness and Other Communication Disorders Advisory Council, 4497
National Heart, Lung, and Blood Institute, 4497–4499
National Institute of General Medical Sciences, 4500
National Institute of Neurological Disorders and Stroke, 4501
National Institute of Nursing Research, 4497, 4500–4501

National Labor Relations Board**NOTICES**

Amendment of Statement of Organization and Functions; Restructuring of National Labor Relations Board's Field Organization, 4519–4520

Nuclear Regulatory Commission**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Domestic Licensing of Production and Utilization Facilities, 4522–4523

Guidance:

An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis, 4520–4521

Meetings:

Advisory Committee on Reactor Safeguards, 4521–4522

Advisory Committee on Reactor Safeguards
Subcommittee on Future Plant Designs, 4523

Patent and Trademark Office**NOTICES**

Manual of Patent Examining Procedure, Ninth Edition, Revision of January 2018, 4473

Reclamation Bureau**NOTICES****Meetings:**

Glen Canyon Dam Adaptive Management Work Group, 4513–4514

Securities and Exchange Commission**NOTICES****Applications and Temporary Orders:**

BNP Paribas USA, Inc., et al., 4523–4526

Applications for Deregistrations, 4531–4532**Applications:**

EquiBot LLC and ETF Series Solutions, 4533–4534

FS Series Trust and FS Fund Advisor, LLC, 4534–4535

Self-Regulatory Organizations; Proposed Rule Changes:

NYSE Arca, Inc., 4528–4530

The Options Clearing Corp., 4526–4527

State Department**RULES**

Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—Passport Services Fee Changes, 4425–4428

Schedule of Fees:

Consular Services, Department of State and Overseas Embassies and Consulates, 4423–4425

NOTICES**Culturally Significant Objects Imported for Exhibition:**

Cezanne Portraits Exhibition, 4536

Danh Vo: Take My Breath Away Exhibition, 4535–4536

Imposition of Missile Proliferation Sanctions on Two North Korean Entities, 4536

Surface Mining Reclamation and Enforcement Office**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Reclamation Awards—Call for Nominations, 4514

Meetings:

Western Energy Company's Rosebud Mine Area F Draft Environmental Impact Statement, 4515

Transportation Department

See Federal Aviation Administration

See Federal Motor Carrier Safety Administration

See Maritime Administration

Transportation Security Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training, 4502

Treasury Department

See Foreign Assets Control Office

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4558

U.S. Citizenship and Immigration Services**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4503–4504
- Agency Information Collection Activities; Proposals, Submissions, and Approvals:
- Application for Provisional Unlawful Presence Waiver of Inadmissibility, 4505–4506
 - Application for Replacement Naturalization/Citizenship Document, 4504–4505
 - Nonimmigrant Petition Based on Blanket L Petition, 4502–4503

Veterans Affairs Department**PROPOSED RULES**

- Medical Care in Foreign Countries and Filing for Reimbursement for Community Care not Previously Authorized by VA, 4452–4455

NOTICES

- Agency Information Collection Activities; Proposals, Submissions, and Approvals:
- Application for United States Flag for Burial Purposes, 4559–4560
 - Certification of United States Paralympics Training Status, 4558–4559
 - Child Care Subsidy, 4559
 - Claim for Credit of Annual Leave, 4562

- Evaluation of Patient and Provider Satisfaction with Mental Health-Clinical Pharmacy Specialists in Outpatient Mental Health Clinics at the Madison VA, 4561–4562

- Grants to States for Construction and Acquisition of State Home Facilities, 4560

- Requests for Nominations:
Research Advisory Committee on Gulf War Veterans' Illnesses, 4560–4561
-

Separate Parts In This Issue**Part II**

- Agriculture Department, Federal Crop Insurance Corporation, 4564–4574
-

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR

4574564
9224413
12104414

12 CFR**Proposed Rules:**

7094450

14 CFR

1214420

21 CFR

734423

22 CFR

22 (2 documents)4423, 4425

33 CFR

1174428

38 CFR**Proposed Rules:**

174452

40 CFR

300 (3 documents)4430,
4431

42 CFR

4144431
4164431
4194431

47 CFR**Proposed Rules:**

14455
734455

48 CFR

2024431
2124431
2154431
2344431
2394431
252 (2 documents)4431,
4447

Rules and Regulations

Federal Register

Vol. 83, No. 21

Wednesday, January 31, 2018

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 922

[Doc. No. AMS-SC-17-0033; SC17-922-1 FIR]

Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule an interim rule that implemented a recommendation from the Washington Apricot Marketing Committee (Committee) to decrease the assessment rate established for the 2017–2018 and subsequent fiscal periods. The interim rule was necessary to allow the Committee to reduce its financial reserve while still providing adequate funding to meet program expenses. This final rule also makes administrative revisions to the subpart headings to bring the language into conformance with the Office of Federal Register requirements.

DATES: Effective February 1, 2018.

FOR FURTHER INFORMATION CONTACT: Dale Novotny, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: DaleJ.Novotny@ams.usda.gov or GaryD.Olson@ams.usda.gov.

Small businesses may obtain information on complying with this and other Marketing Order regulations by viewing a guide at the following website: <http://www.ams.usda.gov/rules-regulations/moa/small-businesses>; or by contacting Richard Lower, Marketing Order and Agreement

Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: Richard.Lower@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Agreement and Order No. 922, both as amended (7 CFR part 922), regulating the handling of apricots grown in designated counties in Washington. Part 922 (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Committee locally administers the Order and is comprised of growers and handlers of apricots operating within the area of production.

USDA is issuing this rule in conformance with Executive Orders 13563 and 13175. This rule falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB’s Memorandum titled “Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled ‘Reducing Regulation and Controlling Regulatory Costs’” (February 2, 2017).

Under the Order, Washington apricot handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate, as issued herein, will be applicable to all assessable apricots beginning April 1, 2017, and continue until amended, suspended, or terminated. The Committee’s fiscal period begins on April 1 and ends on March 31.

In an interim rule published in the **Federal Register** on September 15, 2017, and effective on September 18, 2017, (82 FR 43297), § 922.235 was amended by decreasing the assessment rate established for Washington apricots for the 2017–2018 and subsequent fiscal periods from \$1.40 to \$1.00 per ton of apricots handled. The decrease in the per ton assessment rate allows the Committee to reduce its financial

reserve while still providing adequate funding to meet program expenses.

Final Regulatory Flexibility Analysis

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

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

There are approximately 17 Washington apricot handlers subject to regulation under the Order and approximately 100 apricot growers in the regulated production area. Small agricultural service firms (handlers) are defined by the Small Business Administration (SBA) as those whose annual receipts are less than \$7,500,000, and small agricultural producers (growers) are defined as those having annual receipts less than \$750,000 (13 CFR 121.201).

Committee reports indicate that the industry shipped 6,028 tons of Washington apricots over the 2016–2017 fiscal period. Based on information from the USDA’s Market News Service, 2016 free on board (f.o.b.) prices for Washington No.1 apricots ranged from \$18.00 to \$23.00 per 24-pound container, for both loose-pack and 2-layer tray-pack containers. Using those prices and the shipment information provided by the Committee, the approximate total value of Washington apricot shipments likely ranged between \$9.0 million and \$11.6 million, with the average revenue per handler ranging from \$529,000 to \$682,000. It is therefore determined that most, if not all, of the Washington apricot handlers ship less than \$7,500,000 worth of apricots on an annual basis.

In addition, using shipment data from the Committee and the 2016 National Agricultural Statistics Service (NASS) average f.o.b. price of \$1,210 per ton for fresh apricots, total revenue for Washington apricot growers for the

2016–2017 fiscal period is estimated to be approximately \$7.3 million. Based on these reports and the number of apricot growers within the production area, it is estimated that the average per grower revenue from the sale of apricots in 2016 was approximately \$73,000. In view of the foregoing, it is concluded that most of the handlers and growers of Washington apricots may be classified as small entities.

This rule continues in effect the action that decreased the assessment rate established for the Committee and collected from handlers for the 2017–2018 and subsequent fiscal periods from \$1.40 to \$1.00 per ton of apricots. The Committee unanimously recommended 2017–2018 expenditures of \$8,225 and an assessment rate of \$1.00 per ton of apricots. The assessment rate of \$1.00 per ton is \$0.40 lower than the assessment rate previously in effect.

The quantity of assessable apricots for the 2017–2018 fiscal period is estimated at 6,000 tons. Thus, the \$1.00 per ton rate should provide \$6,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. This action will allow the Committee to reduce its financial reserve while still providing adequate funding to meet program expenses.

This rule continues in effect the action that decreased the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to growers. However, decreasing the assessment rate reduces the burden on handlers and may reduce the burden on growers.

In addition, the Committee's meeting was widely publicized throughout the Washington apricot industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the May 3, 2017, meeting was a public meeting, and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0189, Marketing Orders for Fruit Crops. This final interim rule corrects information provided in the interim rule, which had incorrectly cited OMB No. 0581–0178, Vegetable and Specialty Crops, as the previously approved information collection. No changes are necessary in those requirements as a result of this

action. Should any changes become necessary, they would be submitted to OMB for approval.

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

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

Comments on the interim rule were required to be received on or before November 14, 2017. Two comments were received in response to the interim rule. One comment was a general question about the administration of the Order, and the other comment was a statement of gratitude for a perceived lower cost to consumers resulting from the decreased assessment rate. Therefore, for the reasons given in the interim rule, USDA is adopting the interim rule as a final rule, without change.

To view the interim rule, go to: <https://www.federalregister.gov/documents/2017/09/15/2017-19553/apricots-grown-in-designated-counties-in-washington-decreased-assessment-rate>.

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, 13563, and 13771; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (82 FR 43297, September 15, 2017) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 922

Apricots, Marketing agreements, Reporting and recordkeeping requirements.

Accordingly, AMS adopts the interim rule published September 15, 2017, at 82 FR 43297, as final with the following non-substantive amendments:

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

■ 1. The authority citation for 7 CFR part 922 continues to read as follows:

Authority: 7 U.S.C. 601–674.

[Subpart Redesignated as Subpart A]

■ 2. Redesignate the subpart labeled “Order Regulating Handling” as “Subpart A-Order Regulating Handling”.

[Subpart Redesignated as Subpart B]

■ 3. Redesignate the subpart labeled “Container Exemption; Waivers of Inspection and Certification” as “Subpart B-Container Exemption; Waivers of Inspection and Certification”.

[Subpart Redesignated as Subpart C]

■ 4. Redesignate the subpart labeled “Assessment Rate” as “Subpart C-Assessment Rate”.

[Subpart Redesignated as Subpart D and Amended]

■ 5. Redesignate “Subpart-Container Regulations” as subpart D and revise the heading to read as follows:

Subpart D—Container Requirements

[Subpart Redesignated as Subpart E and Amended]

■ 6. Redesignate “Subpart “Grade and Size Regulation” as subpart E and revise the heading to read as follows:

Subpart E—Grade and Size Requirements

Dated: January 25, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–01801 Filed 1–30–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1210

[Document Number AMS–SC–16–0097]

Watermelon Research and Promotion Plan; Redistricting and Importer Representation

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This rule realigns the production districts for producer and handler membership on the National Watermelon Promotion Board (Board) under the Agricultural Marketing Service's (AMS) regulations regarding a national research and promotion program for watermelons. This rule also

adds four importer seats to the Board. These changes were recommended by the Board after a review of the production volume in each district as well as assessments paid by importers. This action is necessary to provide for the equitable representation of producers, handlers, and importers on the Board.

DATES: *Effective Date:* March 2, 2018.

FOR FURTHER INFORMATION CONTACT:

Stacy Jones King, Agricultural Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406-S, Stop 0244, Washington, DC 20250-0244; telephone: (202) 731-2117; facsimile: (202) 205-2800; or electronic mail: Stacy.JonesKing@ams.usda.gov.

SUPPLEMENTARY INFORMATION:

This final rule affecting 7 CFR part 1210 is authorized under the Watermelon Research and Promotion Act (Act) (7 U.S.C. 4901-4916). The Watermelon Research and Promotion Plan is codified at 7 CFR part 1210.

Executive Orders 12866, 13563, and 13715

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 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This final rule falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. *See* OMB's Memorandum titled "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs'" (February 2, 2017).

Executive Order 13175

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

Executive Order 12988

In addition, this final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. The Act provides that it shall not affect or preempt any other State or Federal law authorizing promotion or research relating to an agricultural commodity.

Under section 1650 of the Act (7 U.S.C. 4909), a person may file a written petition with USDA if they believe that part 1210, any provision of the part, or any obligation imposed in connection with the part, is not in accordance with the law. In any petition, the person may request a modification of the part or an exemption from the part. The petitioner will have the opportunity for a hearing on the petition. Afterwards, an Administrative Law Judge (ALJ) will issue a decision. If the petitioner disagrees with the ALJ's ruling, the petitioner has 30 days to appeal to the Judicial Officer, who will issue a ruling on behalf of USDA. If the petitioner disagrees with USDA's ruling, the petitioner may file, within 20 days, an appeal in the U.S. District Court for the district where the petitioner resides or conducts business.

Background

Under the Watermelon Research and Promotion Plan, the Board administers a nationally coordinated program of research, development, advertising and promotion designed to strengthen the watermelon's position in the market place and to establish, maintain, and expand markets for watermelons. The program is financed by assessments on producers growing 10 acres or more of watermelons, handlers of watermelons, and importers of 150,000 pounds of watermelons or more per year. The regulations specify that handlers are responsible for collecting and submitting both the producer and handler assessments to the Board, reporting their handling of watermelons, and maintaining records necessary to verify their reporting(s). Importers are responsible for payment of assessments to the Board on watermelons imported into the United States through U.S. Customs and Border Protection (Customs).

This final rule realigns the production districts under part 1210 for producer and handler membership on the Board, and adds four importer seats to the Board. The Board administers the regulations with oversight by USDA. These changes were recommended by the Board after a review of the production volume in each district as well as the assessments paid by

importers. The regulations require that such a review be conducted every 5 years. This action is necessary to provide for the equitable representation of producers, handlers and importers on the Board.

Section 1210.320(a) specifies that the Board shall be composed of producers, handlers, importers and one public representative appointed by the Secretary. Pursuant to § 1210.320(b), the United States is divided into seven districts of comparable production volumes of watermelons, and each district is allocated two producer members and two handler members. Section 1210.320(d) specifies that importer representation on the Board shall be proportionate to the percentage of assessments paid by importers to the Board, except that at least one representative of importers shall serve on the Board.

The current Board is composed of 37 members—14 producers (two from each district), 14 handlers (two from each district), 8 importers and one public member.

Review of U.S. Districts

Section 1210.320(c) requires the Board, at least every 5 years, to review the districts to determine whether realignment is necessary. In conducting the review, the Board must consider: (1) The most recent 3 years of USDA production reports or Board assessment reports if USDA production reports are not available; (2) shifts and trends in quantities of watermelon produced, and (3) other relevant factors. As a result of the review, the Board may recommend to USDA that the districts be realigned.

Pursuant to § 1210.501, the seven current districts are as follows:

District 1—The Florida counties of Brevard, Broward, Charlotte, Collier, Dade, Desoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, Seminole, St. Lucie, and Volusia;

District 2—The Florida counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Putnam, Santa Rosa, St. Johns, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington, and the States of North Carolina and South Carolina;

District 3—The State of Georgia;

District 4—The States of Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland,

Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and Washington, DC;
District 5—The State of California;
District 6—The State of Texas; and
District 7—The States of Alaska, Arkansas, Arizona, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana,

Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

The districts listed above were recommended by the Board in 2010 and established through rulemaking by USDA in 2011 (76 FR 42009; July 18, 2011).

The Board appointed a subcommittee in 2016 to conduct a review of the seven U.S. watermelon production districts to determine whether realignment was necessary. The subcommittee held a teleconference on July 27, 2016, and reviewed production data for 2013, 2014 and 2015 from USDA’s National Agricultural Statistics Service’s (NASS) Vegetables Annual Summary for 2015.¹ The data is shown in Table 1 below.

TABLE 1—U.S. WATERMELON PRODUCTION FIGURES FROM 2013–2015

State	Hundredweight			3-year average	Percent of U.S. 3-year average
	2013	2014	2015		
	A	B	C	D	E
Alabama	377,000	456,000	420,000	417,667	1.2
Arizona	1,800,000	1,334,000	1,584,000	1,572,667	4.5
Arkansas	336,000	320,000	338,000	331,333	1.0
California	5,800,000	6,384,000	5,512,000	5,898,667	16.9
Delaware	864,000	833,000	761,000	819,333	2.4
Florida	6,262,000	4,827,000	5,880,000	5,656,333	16.2
Georgia	5,580,000	5,130,000	5,510,000	5,406,667	15.5
Indiana	2,414,000	2,964,000	2,415,000	2,597,667	7.5
Maryland	1,056,000	1,089,000	1,040,000	1,061,667	3.0
Mississippi	400,000	378,000	315,000	364,333	1.0
Missouri	843,000	837,000	572,000	750,667	2.2
North Carolina	1,710,000	1,155,000	1,798,000	1,554,333	4.5
Oklahoma	242,000	364,000	540,000	382,000	1.1
South Carolina	2,734,000	1,862,000	2,736,000	2,444,000	7.0
Texas	5,520,000	5,200,000	5,520,000	5,413,333	15.5
Virginia	164,000	130,000	163,000	152,333	0.4
United States	36,102,000	33,263,000	35,104,000	34,823,000	

Column D equals the sum of (Columns A, B and C), divided by 3.
 Column E equals Column D divided by 34,823,000 pounds (the total for the U.S.), multiplied by 100.

The subcommittee considered three scenarios in realigning the districts. All three scenarios would consolidate the State of Florida into District 1 and would make no changes to Districts 3 (Georgia), 5 (California), and 6 (Texas). Two of the scenarios would have moved the States of North and South Carolina into one district—District 2. Ultimately the subcommittee proposed the following changes: (1) Consolidating the State of Florida into one district by moving the Florida counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Putnam, Santa Rosa, St. Johns, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington from District 2 to District 1; (2) moving the States of Kentucky, Tennessee, Virginia and West Virginia from District 4 to District 2; and (3)

moving the State of Alabama from District 4 to District 7. As shown in Table 2, under the realignment, each district will represent, on average, 14 percent of the total U.S. production based on NASS data, with a range of 11 to 17 percent.

TABLE 2—PERCENT OF U.S. PRODUCTION BY DISTRICT²

Districts	Percent of U.S. production
1	16
2	12
3	16
4	13
5	17
6	16
7	11

Upon review, the Board subsequently recommended through a mail ballot vote in late July 2016 that four of the seven

production districts be realigned. The districts will be as follows:

- District 1*—The State of Florida;
- District 2*—The States of Kentucky, North Carolina, South Carolina, Tennessee, Virginia and West Virginia;
- District 3*—The State of Georgia (no change);
- District 4*—The States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and Washington, DC;
- District 5*—The State of California (no change);
- District 6*—The State of Texas (no change); and
- District 7*—The States of Alabama, Alaska, Arizona, Arkansas, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma,

¹ Vegetables 2015 Summary, February 2016, USDA, National Agricultural Statistics Service, p. 44. <http://usda.mannlib.cornell.edu/usda/nass/>

² *VegeSumm//2010s/2016/VegeSumm-02-04-2016.pdf*. NASS lists watermelon data for 16 producing States.

² Table values were rounded to the nearest percent.

Oregon, South Dakota, Utah, Washington, and Wyoming.

Additionally, USDA has reviewed the NASS report that was issued in

February 2017.³ The data is shown in Table 3 below. While the data is in a slightly different format (consolidating

some of the smaller producing states), the data is consistent with the Board's recommendation.

TABLE 3—U.S. WATERMELON PRODUCTION FIGURES 2016

State	Hundredweight	Percent of total U.S.
Alabama	* N/A	
Arizona	2,448,000	6
Arkansas	N/A	
California	6,750,000	17
Delaware	838,000	2
Florida	7,659,000	19
Georgia	6,076,000	15
Indiana	3,010,000	8
Maryland	1,070,000	3
Mississippi	N/A	
Missouri	** D	
North Carolina	D	
Oklahoma	N/A	
South Carolina	2,592,000	6
Texas	7,250,000	18
Virginia	N/A	
Other States	2,432,000	7
United States	40,125,000	

* N/A means not available; the estimates were discontinued in 2016.

** D means that the data is withheld to avoid disclosing data for individual operations.

Section 1210.501 is revised accordingly.

Review of Imports

Section 1210.320(e) requires USDA to evaluate the average annual percentage

of assessments paid by importers during the 3-year period preceding the date of the evaluation and adjust, to the extent practicable, the number of importer representatives on the Board.

Table 4 below shows domestic and import assessment data for watermelons for the years 2013, 2014 and 2015. The data is from the Board's financial audits for 2013, 2014⁴ and 2015.⁵

TABLE 4—U.S. AND IMPORT ASSESSMENT DATA FOR 2013–2015

Year	Domestic (U.S.) assessments	Import assessments	Total
2013	\$1,829,446	\$952,484	\$2,781,930
2014	2,009,528	1,033,797	3,043,325
2015	2,133,552	1,100,810	3,234,362
3-Year Average	1,990,842	1,029,030	3,019,872
Percent of Total	66	34	

Based on this data, the 3-year average annual import assessments for watermelons for 2013–2015 totaled \$1,029,030, approximately 34 percent of the Board's assessment income. Thus, increasing the number of importers on the Board from 8 to 14 members would reflect that almost 34 percent of the assessments were paid by importers over the 3-year period. However, due to the difficulty the Board has had in finding individuals that are both eligible and willing to serve in the current eight importer seats, it would likely be very

challenging to fill six additional importer seats. Furthermore, under the program's nomination rules, the Board would need to recommend to the Secretary at least two importers for each open seat, which would mean that 12 eligible and willing importers would have to be secured. For these reasons, the Board recommended only adding four importer seats (representing 30 percent of the Board's total industry members) to ensure that it would have a sufficient number of potential nominees. The Board subsequently

recommended through the July 2016 mail vote increasing the number of importer seats from 8 to 12, thereby increasing the number of Board members from 37 to a total of 41: 14 producers, 14 handlers, 12 importers, and one public member. Importers would represent 30 percent of the Board's 40 industry members. (Importers (8) represent about 22 percent of the current Board's 36 industry members.)

Section 1210.502 is revised accordingly.

³ Vegetables 2016 Summary, February 2017, USDA, National Agricultural Statistics Service, p. 103–104; http://usda.mannlib.cornell.edu/usda/current/VegeSumm/VegeSumm-02-22-2017_revision.pdf.

⁴ National Watermelon Promotion Board, Financial Statements and Supplementary Information, Years Ending March 31, 2015, and 2014, Cross, Fernandez & Riley, LLP, Accountants and Consultants, July 7, 2014, p. 6.

⁵ National Watermelon Promotion Board, Financial Statements and Supplementary Information, Years Ending March 31, 2016, and 2015, BDO USA, LLP, July 25, 2016, p. 8.

Nominations will be held as soon as possible to fill the four new importer seats.

Final Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the economic impact of this rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than \$750,000 and small agricultural service firms (handlers and importers) as those having annual receipts of no more than \$7.5 million.

According to the Board, there are 1,251 producers, 147 handlers, and 365 importers who are required to pay assessments under the program. NASS data for the 2016 crop year estimated about 354 hundredweight (cwt.) of watermelons were produced per acre in the United States, and the 2016 grower price was \$14.40 per cwt.⁶ Thus, the value of watermelon production per acre in 2016 averaged about \$5,098 (354 cwt. × \$14.40). At that average price, a producer would have to farm over 147 acres to receive an annual income from watermelons of \$750,000 (\$750,000 divided by \$5,098 per acre equals approximately 147 acres). Using 2012 USDA Census of Agriculture data, a maximum of 321 farms had watermelon acreage greater than or equal to 100 acres, and 12,675 out of a total of 12,996 farms producing watermelons reported less than 100 acres of watermelon on their farms.⁷ Therefore, assuming watermelon producers operate no more than one farm, a majority (97.5 percent) of all U.S. watermelon farms would be classified as small businesses. Using Board assessment data, 930 of the 1,251 (roughly 74 percent) U.S. watermelon producers currently paying assessments to the Board would be classified as small businesses.

⁶ Vegetables 2016 Summary, February 2017, USDA, National Agricultural Statistics Service, p. 102–104. http://usda.mannlib.cornell.edu/usda/current/VegeSumm/VegeSumm-02-22-2017_revision.pdf.

⁷ 2012 Census of Agriculture, May 2014, USDA, National Agricultural Statistics Service, p. 36; https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1_Chapter_1_US/usv1.pdf.

Also based on the Board's data, using an average freight on board (f.o.b.) price of \$0.186 per pound and the number of pounds handled annually, none of the watermelon handlers have receipts over the \$7.5 million threshold.⁸ Therefore, the watermelon handlers would all be considered small businesses. A handler would have to ship over 40 million pounds of watermelons to be considered large (40,322,580 × \$0.186 f.o.b. equals approximately \$7,500,000).

Based on 2016 Customs data, over 90 percent of watermelon importers shipped under \$7.5 million worth of watermelons. Based on the foregoing, the majority of the producers, handlers and importers that will be affected by this rule would be classified as small entities.

Regarding the value of the commodity, based on 2016 NASS data, the value of the U.S. watermelon crop was about \$578 million.⁹ According to Customs data, the value of 2016 imports was about \$356 million.

This rule revises §§ 1210.501 and 1210.502, respectively, to change the boundaries of four of the seven U.S. production districts and add four importers to the Board, increasing the size of the Board from 37 to 41 members. The Board administers the program with oversight by USDA.

Under the program, the United States is divided into seven districts of comparable production volumes of watermelons, and each district is allocated two producer members and two handler members. Further, importer representation on the Board must be, to the extent practicable, proportionate to the percentage of assessments paid by importers, except there must be at least one importer on the Board.

Every 5 years, the Board is required to evaluate, based on the preceding 3-year period, the average production in each production district and the average annual percentage of assessments paid by importers. The Board conducted this review in 2016 and recommended changing the boundaries of four of the seven districts and increasing the importer membership by four members. Authority for these changes is provided in § 1210.320.

Regarding the economic impact of this rule on affected entities, neither the realignment of production districts nor the expansion of Board membership imposes additional costs on industry members. Eligible importers interested in serving on the Board would have to

⁸ National Watermelon Promotion Board assessment records, 2013–2015.

⁹ Vegetables, 2016 Summary, February 2017, USDA, p. 104.

complete a background questionnaire. Those requirements are addressed in the section titled *Reporting and Recordkeeping Requirements*. The changes are necessary to provide for the equitable representation of producers, handlers and importers on the Board.

Regarding alternatives, the Board considered three scenarios in realigning the districts. All three scenarios would consolidate the State of Florida in District 1 and would make no changes to Districts 3 (Georgia), 5 (California), and 6 (Texas). Two of the scenarios would have moved the States of North and South Carolina into one district—District 2. Ultimately the Board recommended consolidating the State of Florida into one district (District 1), moving the States of Kentucky, Tennessee, Virginia and West Virginia from District 4 to District 2, and moving the State of Alabama from District 4 to District 7. The Board recommended the alignment scenario described in this rule because it: (1) Provides for a proportional geographical representation on the Board for producers and handlers; (2) does not create any producer or handler vacancies on the Board; and (3) streamlines the nomination process for District 1 by condensing all the Florida counties into a single district. The Board's recommendation is consistent with the 2011 realignment that kept States (except Florida) together.

Regarding alternatives for importer representation, as stated previously, the 3-year average annual imports for watermelon totals \$1,029,030. This represents almost 34 percent of the total assessments paid to the Board. One alternative would be to add five or six importer seats (representing 33 and 35 percent, respectively, of the Board's 40 industry members), so that importer representation would be proportionate to the percentage of importer assessments paid. However, due to the difficulty the Board has had in finding individuals who are both eligible and willing to serve in the current eight importer seats, it would likely be very challenging to fill six additional importer seats. Furthermore, under the program's nomination rules, the Board would need to recommend to the Secretary at least two importers for each open seat, which would mean that 12 eligible and willing importers would have to be secured. For these reasons, the Board recommended only adding four importer seats (representing 30 percent of the Board's total industry members) to ensure that it would have a sufficient number of potential nominees. This is consistent with § 1210.320(e) which prescribes that the

number of importer seats should be adjusted, to the extent practicable. The addition of four importers will allow for more importer representation in the Board's decision making and also potentially provide an opportunity to increase diversity on the Board.

Reporting and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the background form, which represents the information collection and recordkeeping requirements that are imposed under the program, have been approved previously under OMB number 0581-0093. The watermelon regulations require that two nominees be submitted for each vacant position. With regard to information collection requirements, adding four importers to the Board means that eight additional importers would be required to submit background forms (Form AD-755) to USDA in order to verify their eligibility for appointment to the Board. However, serving on the Board is optional, and the burden of submitting the background form will be offset by the benefits of serving on the Board. The estimated annual cost of the eight importers providing the required information would be \$66 or \$8.25 per importer. The additional minimal burden is included in the existing information collection package under OMB number 0581-0093.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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

Regarding outreach efforts, the Board formed a subcommittee to review the production, assessment and import data to assess whether changes to the district boundaries and number of importers on the Board was warranted. The subcommittee held a teleconference on July 27, 2016. All Board and subcommittee meetings, including meetings held via teleconference, are open to the public and interested persons are invited to participate and express their views.

A proposed rule concerning this action was published in the **Federal Register** on September 27, 2017 (82 FR 44966). A 30-day comment period ending on October 27, 2017, was provided to allow interested persons to respond to the proposal. Board staff distributed the proposal to Board members via electronic mail. The proposal was also made available through the internet by USDA and the Office of the Federal Register.

Analysis of Comments

Eleven comments were received in response to the proposed rule. Of those eleven comments, seven supported the proposed district realignment and the addition of four importer seats, three expressed concerns with the proposal, and one was outside the scope of the rulemaking.

The comments that supported the proposed changes focused on increasing the positive impact that the research and promotion program has already had on the watermelon industry. Several commenters opined that gradual adjustments such as adding new members and realigning the production districts after completing an analysis of the available data are a necessary component of the program's continued success. Several commenters also acknowledged that the Board accomplished the very difficult task of equitably distributing representation despite the fact that there is a variance in production levels across the country. One commenter stated that the four largest-producing states ". . . will be fairly represented while other smaller production areas will be grouped with states that produce little or no watermelons on a commercial scale."

Three comments expressed concerns with the proposed rule. One commenter opined that the district realignment could weaken the representative power of the larger producing states. The commenter was concerned that the realignment unfairly left large production states like Florida, which will now be in one district, with the same number of Board seats as districts that combined smaller producing states. The watermelon regulations provide for seven U.S. districts of comparable production and do not prohibit one district being composed of just one state. The States of Georgia, California and Texas are already in their own respective district. The Board's recommendation, as adopted herein by USDA, provides for a proportional geographical representation of producers and handlers (on average each district accounts for 14 percent of total production), creates no vacancies

within a district, and streamlines the nomination process for District 1 by consolidating all of the Florida counties. Further, the Board is composed of members representing both large and small states, and all members voting supported the district realignment.

The commenter also suggested that the increase in the number of importer seats be implemented gradually. The watermelon regulations require importer representation on the Board to be proportionate to the percentage of assessments paid by importers. Based on the Board's assessment records, more than 34 percent of the assessments collected from 2013-2015 came from imports. This would correspond to increasing the number of importers from 8 to 14 members. However, because the Board had difficulty in finding eligible importers willing to serve, it recommended adding only four importer seats to ensure that it would have a sufficient number of nominees. This will bring the total number of importers on the Board to 12 (representing 30 percent of the Board's total industry members). This change will ensure an equitable representation of importers on the Board as required in part 1210. Thus, delaying implementation would not be appropriate.

Another commenter expressed concern that there is only one public member on the Board. The commenter suggested that the size of the Board be increased to 50 members, adding 10 consumer members on top of its current makeup. Section 1647(c)(1) of the Act and § 1210.320 of part 1210 limit the number of public members that can serve on the Board to one.

One commenter asked why the government was ". . . spending money on this." The national watermelon promotion program is funded through assessments paid by watermelon producers, handlers and importers. It is not funded by the government or taxpayer funds.

No changes have been made to the proposed rule based on the comments received.

After consideration of all relevant matters presented, including the information and recommendation submitted by the Board, the comments received, and other relevant information, it is hereby found that this rule, as hereinafter set forth, is consistent with and would effectuate the purposes of the Act.

List of Subjects in 7 CFR Part 1210

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements,

Reporting and recordkeeping requirements, Watermelon promotion.

For the reasons set forth in the preamble, 7 CFR part 1210 is amended as follows:

PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

■ 1. The authority citation for 7 CFR part 1210 continues to read as follows:

Authority: 7 U.S.C. 4901–4916 and 7 U.S.C. 7401.

Subpart C—Administrative Requirements

■ 2. The heading for subpart C is revised to read as set forth above.

■ 3. In § 1210.501, paragraphs (a), (b), (d), and (g) are revised to read as follows:

§ 1210.501 Realignment of districts.

* * * * *

- (a) *District 1*—The State of Florida.
- (b) *District 2*—The States of Kentucky, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

* * * * *

(d) *District 4*—The States of Connecticut, Delaware, Illinois, Indiana,

Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and Washington, DC.

* * * * *

(g) *District 7*—The States of Alabama, Alaska, Arizona, Arkansas, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

■ 4. Section 1210.502 is revised to read as follows:

§ 1210.502 Importer members.

Pursuant to § 1210.320(d) of the Plan, there are twelve importer representatives on the Board based on the proportionate percentage of assessments paid by importers to the Board.

Dated: January 25, 2018.

Bruce Summers,
Acting Administrator.

[FR Doc. 2018–01802 Filed 1–30–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No.: FAA–2013–0485; Amdt. No. 121–376B]

RIN 2120–AJ94

Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems; Correcting Amendment

Correction

In rule document 2018–00225 appearing on pages 1186–1188 in the issue of Wednesday, January 10, 2018, make the following correction:

Appendix F to Part 121

On page 1187, beginning in the third column, Appendix F to Part 121 should read as follows:

Appendix F to Part 121—Proficiency Check Requirements

* * * * *

Maneuvers/Procedures	Required		Permitted			
	Simulated Instrument Conditions	Inflight	Visual Simulator	Nonvisual Simulator	Training Device	Waiver Provisions of § 121.441(d)
* * * * *						
III. Instrument procedures:						
(a) Area departure and area arrival. During each of these maneuvers the applicant must—	B	----	----	B	----	B*
(1) Adhere to actual or simulated ATC clearances (including assigned radials); and	----	----	----	----	----	----
(2) Properly use available navigation facilities.	----	----	----	----	----	----
Either area arrival or area departure, but not both, may be waived under § 121.441(d).						
(b) Holding. This maneuver includes entering, maintaining, and leaving holding patterns. It may be performed in connection with either area departure or area arrival.	B	----	----	B	----	B
(c) ILS and other instrument approaches. There must be the following:						
(1) At least one normal ILS approach.	B	----	B	----	----	----

Maneuvers/Procedures	Required		Permitted			
	Simulated Instrument Conditions	Inflight	Visual Simulator	Nonvisual Simulator	Training Device	Waiver Provisions of § 121.441(d)
(2) At least one manually controlled ILS approach with a simulated failure of one powerplant. The simulated failure should occur before initiating the final approach course and must continue to touchdown or through the missed approach procedure.	B	----	----	----	----	----
(3) At least one nonprecision approach procedure that is representative of the non-precision approach procedures that the certificate holder is likely to use.	B	----	B	----	----	----
(4) Demonstration of at least one nonprecision approach procedure on a letdown aid other than the approach procedure performed under subparagraph (3) of this paragraph that the certificate holder is approved to use.	B	----	----	----	B	----
(5) For each type of EFVS operation the certificate holder is authorized to conduct, at least one instrument approach must be made using an EFVS.	B	B*				
Each instrument approach must be performed according to any procedures and limitations approved for the approach facility used. The instrument approach begins when the airplane is over the initial approach fix for the approach procedure being used (or turned over to the final approach controller in the case of a GCA approach) and ends when the airplane touches down on the runway or when transition to a missed approach configuration is completed. Instrument conditions need not be simulated below 100' above touchdown zone elevation.						
(d) Circling approaches. If the certificate holder is approved for circling minimums below 1000–3, at least one circling approach must be made under the following conditions.	----	----	B*	----	----	B*
(1) The portion of the approach to the authorized minimum circling approach altitude must be made under simulated instrument conditions.	B	----	----	----	----	----

Maneuvers/Procedures	Required		Permitted			
	Simulated Instrument Conditions	Inflight	Visual Simulator	Nonvisual Simulator	Training Device	Waiver Provisions of § 121.441(d)
(2) The approach must be made to the authorized minimum circling approach attitude followed by a change in heading and the necessary maneuvering by visual reference to maintain a flight path that permits a normal landing on a runway at least 90[degrees] from the final approach course of the simulated instrument portion of the approach.	----	----	----	----	----	----
(3) The circling approach must be performed without excessive maneuvering, and without exceeding the normal operating limits of the airplane. The angle of bank should not exceed 30[degrees]	----	----	----	----	----	----
If local conditions beyond the control of the pilot prohibit the maneuver or prevent it from being performed as required, it may be waived as provided in § 121.441(d): Provided, however, that the maneuver may not be waived under this provision for two successive proficiency checks.						
The circling approach maneuver is not required for a second-in-command if the certificate holder's manual prohibits a second-in-command from performing a circling approach in operations under this part.						
(e) Missed Approach	----	----	----	----	----	----
(1) Each pilot must perform at least one missed approach from an ILS approach.	----	----	B*	----	----	----
(2) Each pilot in command must perform at least one additional missed approach. A complete approved missed approach procedure must be accomplished at least once. At the discretion of the person conducting a check a simulated powerplant failure may be required during any of the missed approaches. These maneuvers may be performed either independently or in conjunction with maneuvers required under Sections III or V of this appendix. At least one missed approach must be performed in flight.	----	----	P*	----	----	----
* * * * *						

[FR Doc. C1-2018-00225 Filed 1-30-18; 8:45 am]

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 73****[Docket No. FDA-2016-C-2767]****Listing of Color Additives Exempt From Certification; Calcium Carbonate; Confirmation of Effective Date****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is confirming the effective date of December 8, 2017, for the final rule that appeared in the **Federal Register** of November 7, 2017, and that amended the color additive regulations to provide for the safe use of calcium carbonate to color hard and soft candy, mints, and inks used on the surface of chewing gum.

DATES: Effective date of final rule published in the **Federal Register** of November 7, 2017 (82 FR 51554) confirmed: December 8, 2017.

ADDRESSES: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and insert the docket number found in brackets in the heading of this final rule 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: Judith Kidwell, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-1071.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 7, 2017 (82 FR 51554), we amended the color additive regulations to add § 73.70, "Calcium carbonate," (21 CFR 73.70) to provide for the safe use of calcium carbonate to color soft and hard candies and mints, and in inks used on the surface of chewing gum, except that it may not be used to color chocolate for which standards of identity have been issued under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), unless added color is authorized by such standards.

We gave interested persons until December 7, 2017, to file objections or requests for a hearing. We explained that to file an objection, among other things, persons must specify with particularity the provision(s) to which

they object. We also explained that if a person who properly submits an objection wants a hearing, he or she must specifically request a hearing and that failure to do so will constitute a waiver of the right to a hearing (82 FR 51554 at 51557).

We received two comments regarding our decision to amend the color additive regulations to provide for the safe use of calcium carbonate to color soft and hard candies and mints, and in inks used on the surface of chewing gum. Neither comment, however, specified with particularity the provision(s) of the regulation to which they objected nor specifically requested a hearing. Therefore, we find that the effective date of the final rule that published in the **Federal Register** of November 7, 2017, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Foods, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, we are giving notice that no objections or requests for a hearing were filed in response to the November 7, 2017, final rule. Accordingly, the amendments issued thereby became effective December 8, 2017.

Dated: January 24, 2018.

Leslie Kux,*Associate Commissioner for Policy.*

[FR Doc. 2018-01912 Filed 1-30-18; 8:45 am]

BILLING CODE 4164-01-P**DEPARTMENT OF STATE****22 CFR Part 22****[Public Notice 9450]****RIN 1400-AD71****Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates****AGENCY:** Department of State.**ACTION:** Final rule.

SUMMARY: This rule finalizes the interim final rule published in the **Federal Register** on September 8, 2015. Specifically, the rule implemented changes to the Schedule of Fees for Consular Services ("Schedule") for certain passport and citizenship services fees. This rulemaking addresses public comments and adopts as final the changes to these fees.

DATES: In accordance with the Congressional Review Act, this rule is effective on April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Rob Schlicht, Office of the Comptroller, Bureau of Consular Affairs, Department of State; phone: 202-485-6685, telefax: 202-485-6826; email: fees@state.gov.

SUPPLEMENTARY INFORMATION: For the complete explanation of the background of this rule, including the rationale for the change, the authority of the Department of State ("Department") to make the fee changes in question, and an explanation of the study that produced the fee amounts, consult the prior public notices cited in the "Background" section below.

Background

The Department published an interim final rule in the **Federal Register**, 80 FR 53704, on September 8, 2015, amending sections of 22 CFR part 22. Specifically, the rule amended the Schedule of Fees for Consular Services and provided 60 days for comments from the public. During this 60-day comment period, 15 comments were received by mail, email, and through the submission process at regulations.gov.

This rule establishes the following fees for the categories below:

- Administrative Processing of Request for Certificate of Loss of Nationality (CLN) \$2,350
- Passport Book Application Fee (age 16 and older) from \$70 to \$50
- Passport Book Application Fee (under age 16) from \$40 to \$20
- Passport Security Surcharge from \$40 to \$60

The original publication of the interim final rule included an incorrect effective date of September 23, 2015, for the above changes in the Passport Book Application fees and Passport Security Surcharge. That date subsequently was corrected. See 80 FR 55242. The correct effective date is reflected herein; it is September 26, 2015.

Analysis of Comments

In the 60-day period since the publication of the interim final rule, 15 comments were received. Twelve of the comments were about the Administrative Processing of Request for CLN fee. The other three comments were about Executive Branch fees or U.S. citizenship.

Many of the comments suggested that the fee for Administrative Processing of Request for CLN creates a barrier to expatriation. Most asserted that the fee is excessive and that many individuals will be unable to pay it. However, one comment expressed support for

collecting the fee from those attempting to evade taxes. Several asked for clarification about the amount of the fee, including one comment seeking confirmation that the Department had not doubled the CLN fee. Two challenged the analysis of processing costs used to justify the fee. Several cited the Expatriation Act of 1868 or the Universal Declaration of Human Rights when asserting that expatriation is a constitutional or human right.

In collecting the CLN fee, the Department has not restricted or burdened the right of expatriation. Further, the fee is not punitive and is unrelated to the Foreign Account Tax Compliance Act (FATCA) mentioned in some comments, except to the extent that the Act caused an increase in consular workload that must be paid for by user fees. Rather, the fee is a cost-based user fee for consular services. Conforming to guidance from the Office of Management and Budget (OMB), federal agencies make every effort to ensure that each service provided to specific recipients is self-sustaining, charging fees that are sufficient to recover the full cost to the government. (See OMB Circular A-25, ¶ 6(a)(1), (a)(2)(a).) Because costs change from year to year, the Department conducts an annual update of the costs for providing consular services in the form of a Cost of Service Model (CoSM). In addition to enabling the government to recover costs, the study also helps the Department to avoid charging consumers more than the cost of the services they consume. The CoSM is an activity-based costing (ABC) model that the Department developed following guidance provided in Statement 4 of OMB's Statement of Federal Financial Accounting Standards, available at <http://www.fasab.gov/pdffiles/sffas-4.pdf>. Setting the fee at \$2,350 reflects the cost for the service as determined by the model. In sum, the Administrative Processing of Request for CLN fee is a "user charge," which reflects the full cost to the U.S. government of providing the service, as determined through analysis based on federal financial accounting standards.

The Department has not doubled the CLN fee. In the past, the Department collected a fee only from U.S. nationals (*i.e.*, U.S. citizens and non-citizen nationals) taking the oath of renunciation. The Department did not charge a fee for the service of documenting a non-renunciatory relinquishment, which it performed much less frequently. However, requests for documentation of relinquishment of nationality on the basis of a non-renunciatory relinquishment have

increased significantly in recent years, and the Department expects the number to remain at an elevated level in the future. The services performed for both individuals who renounce nationality and individuals who apply for documentation on the basis of a non-renunciation relinquishment are similar, requiring close and detailed case-by-case review of the factors involved. The fiscal year 2013 CoSM update demonstrated that both services are extremely costly. For these reasons, the \$2,350 fee now applies to relinquishments under 8 U.S.C. 1481(a)(1) to 8 U.S.C. 1481(a)(4) (and predecessor statutes) and to relinquishments by renunciation under 8 U.S.C. 1481(a)(5). With this change, the Department renamed the service "Administrative Processing of Request for Certificate of Loss of Nationality."

The right of expatriation is addressed in the Immigration and Nationality Act and the Universal Declaration of Human Rights. The CLN fee does not impinge on the right of expatriation. Rather, the fee reflects the resources necessary for the U.S. government to verify that all constitutional and other requirements for expatriation are satisfied in every case. As described in the interim final rule and in an earlier rule that raised the fee for taking the oath of renunciation to \$2,350 (80 FR 51464), expatriation for a U.S. national requires a thorough, serious, time-consuming process, in view of U.S. Supreme Court jurisprudence that declared unconstitutional an involuntary or forcible expatriation. In *Afroyim v. Rusk*, 387 U.S. 253 (1967) and *Vance v. Terrazas*, 444 U.S. 252 (1980), the Supreme Court ruled that expatriation requires the voluntary commission of an expatriating act with the intention or assent of the citizen to relinquish citizenship. It is therefore incumbent upon the Department to maintain and implement procedures that allow consular officers and other Department employees to ensure these requirements are satisfied in every expatriation case.

Several commenters requested information on the relinquishment process, *e.g.* payment options and documentation. Individuals desiring to relinquish their U.S. citizenship should consult travel.state.gov and may contact the appropriate U.S. embassy with any questions on the process. Embassy contact information can be found at usembassy.gov.

Conclusion

The Department adjusted the fees in light of the CoSM's findings that the U.S. government was not covering fully its costs for providing these consular

services. Pursuant to OMB guidance, the Department endeavors to recover the cost of providing services that benefit specific individuals, as opposed to the general public. See OMB Circular A-25, ¶ 6(a)(1), (a)(2)(a). For this reason, the Department has adjusted the Schedule of Fees.

Regulatory Findings

A. Administrative Procedure Act (APA)

The Department of State published this rule as an interim final rule on September 8, 2015, and provided 60 days for comment. 80 FR 53704. The rule will be effective 60 days after publication, in accordance with the APA.

B. Regulatory Flexibility Act/Executive Order 13272: Small Business

The Department of State has reviewed this rulemaking and certifies that this rule will not have a significant economic impact on a substantial number of small entities.

C. The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104-4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

D. The Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based companies to compete with foreign-based companies in domestic and import markets.

E. Executive Orders 12866 and 13771

The Office of Management and Budget reviewed this rule, and determined it is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866. As this rule is not a significant regularly action, it is except from the requirements of Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs." See OMB

Memorandum M–17–21, “Guidance Implementing Executive Order 13771” of April 5, 2017.

F. Executive Order 13563

The Department of State has considered this rule in light of Executive Order 13563 and affirms that this regulation is consistent with the guidance therein. G. Executive Orders 12372 and 13132: Federalism

*H. Executive Order 13175—
Consultation and Coordination With
Indian Tribal Governments*

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of section 5 of Executive Order 13175 do not apply to this rulemaking.

I. Paperwork Reduction Act

This rule does not impose or revise information collections subject to the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

For a summary of the regulatory findings and analyses regarding this rulemaking, please refer to the findings and analyses published with the interim final rule, which can be found at 80 FR 53704, which are adopted herein. Section 22.1, Items 2.(a), 2.(b), and 2.(g) of this rule became effective September 26, 2015. Section 22.1, Item 8 became effective November 9, 2015. As noted above, the Department considered the comments submitted in response to the interim final rule and does not adopt them. Thus, the rule remains in effect.

List of Subjects in 22 CFR Part 22

Consular services, Fees, Passports and visas.

**PART 22—SCHEDULE OF FEES FOR
CONSULAR SERVICES—
DEPARTMENT OF STATE AND
FOREIGN SERVICE**

■ Accordingly, the interim final rule amending 22 CFR part 22, which was published in the **Federal Register**, 80 FR 53704, on September 8, 2015 is adopted as final without change.

Carl C. Risch,

*Assistant Secretary for Consular Affairs,
Department of State.*

[FR Doc. 2018–01850 Filed 1–30–18; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

22 CFR Part 22

[Public Notice 10027]

RIN 1400–AD81

**Schedule of Fees for Consular
Services, Department of State and
Overseas Embassies and
Consulates—Passport Services Fee
Changes**

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State implements an adjustment to the Schedule of Fees for Consular Services of the Department of State’s Bureau of Consular Affairs (“Schedule of Fees” or “Schedule”) to raise the execution fee for passport books and cards from \$25 to \$35. The Department is adjusting this fee in light of the findings of the most recently approved update to the Cost of Service Model to better align the fees for consular services with the costs of providing those services.

DATES: In accordance with the Congressional Review Act, this rule is effective on April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Rob Schlicht, Management Analyst, Office of the Comptroller, Bureau of Consular Affairs, Department of State; phone: 202–485–6685, telefax: 202–485–6826; email: fees@state.gov.

SUPPLEMENTARY INFORMATION:

Background

This rule makes a change to the Schedule of Fees for passport services (passport books and cards). The Department published a notice of proposed rulemaking (NPRM) on September 19, 2016 (81 FR 64088), with 60 days provided for public comment. This final rule addresses the relevant comments. Justification for this rulemaking can be found in the NPRM.

Analysis of Comments

The Department received 34 comments, of which 26 are addressed herein. The other eight were duplicates submitted to regulations.gov and fees@state.gov.

The majority of the comments were in favor of raising the fee from \$25 to \$35. Four were opposed to raising the fee and one comment referred to visa fees which are not addressed in this rulemaking.

A majority of the comments that were in favor of the fee increase cited increased overhead, with most mentioning staffing and postage as major costs. Other comments expressed

the view that the small increase in fee would not affect business or personal travel.

Two commenters who opposed the fee increase expressed concern that the fee would be a burden to some travelers. Although the Department is sympathetic to the impact the fee increase may have on the public, the fee increase reflects the result of an evaluation to determine the cost of the service provided so that the U.S. Government may recover the full cost of the service in accordance with 31 U.S.C. 9701 and guidance from the Office of Management and Budget (OMB). Federal agencies make every effort to ensure that fees for services are sufficient to recover the full cost to the government. (See OMB Circular A–25, ¶ 6(a)(1), (a)(2)(a).)

Two commenters stated that the government should work more efficiently rather than raise fees. The Department of State’s Bureau of Consular Affairs along with its partner acceptance facilities strive to optimize business functions to increase efficiency and effectively manage financial and capital resources funded by consular fees. There are approximately 7,400 acceptance facilities throughout the United States, including those at post offices and clerks of court. This fee is necessary to ensure that acceptance agents are compensated for the time and materials required to accept applications on behalf of the Department of State. The fee has remained the same for over nine years even though the cost of labor and material has increased during the same time period. In 2008, the Department lowered the execution fee for passport books from \$30 to \$25 based on costs at the time. The proposed \$10 increase to \$35, from the current fee of \$25, is in line with cost increases for both the Department and United States Postal Service during the past nine years.

In an effort to improve business practices, the Department publishes a guide that standardizes processes for acceptance facilities and provides annual training to ensure the processes are followed. Additionally, the Department conducts regular audits and inspections of the acceptance facilities to protect the integrity of the application process, prevent mis/malfeasance, and promote standardization and efficiency.

The revenue from retained consular fees fund CA’s domestic and overseas operations and consular-related programs. These operations protect the lives and serve the interests of United States citizens and strengthen U.S. border security.

One commenter stated that the amount of time and effort it takes to

process applications does not justify the cost of service. The person believes that fees should be less for children when they apply with their family. As described in the section of this rule describing activity-based costing, the fee is determined in its totality, not as an individual transaction with consideration given to family circumstances. Conforming to guidance from OMB, federal agencies make every effort to ensure that fees for service are sufficient to recover the full cost to the government of providing the service. (See OMB Circular A-25, ¶ 6(a)(1), (a)(2)(a).) Activity-based costing was explained in the NPRM, and the Department will summarize the explanation here, for convenience.

Activity-Based Costing

To set fees in accordance with the general principles of cost recovery, the Department must determine the true cost of providing consular services. Following guidance provided in “Managerial Cost Accounting Concepts and Standards for the Federal Government,” OMB’s Statement #4 of Federal Accounting Standards (SFFAS #4 (available at <http://www.fasab.gov/pdffiles/sffas-4.pdf>), the Department developed an activity-based costing (ABC) model to determine the true cost of each of its consular services.

The Government Accountability Office (GAO) defines activity-based costing as a “set of accounting methods used to identify and describe costs and required resources for activities within processes.” Because an organization can use the same staff and resources (computer equipment, production facilities, etc.) to produce multiple products or services, ABC models seek to identify and assign costs to processes and activities and then to individual products and services through the identification of key cost drivers referred to as “resource drivers” and “activity drivers.” ABC models also seek to identify the amount of time an organization’s personnel spend on each service and how much overhead cost (rent, utilities, facilities maintenance, etc.) is associated with delivering each service.

ABC models require financial and accounting analysis and modeling skills combined with a detailed understanding of an organization’s business processes. ABC models require an organization to identify all activities required to produce a particular product or service (“activities”) and all resources consumed (“costs”) in the course of producing that product or service. An organization must also measure the quantity of resources consumed

(“resource driver”); and the frequency and intensity of demand placed on activities to produce services (“activity driver”). SFFAS Statement #4 provides a detailed discussion of the use of cost accounting by the U.S. Government.

The Department’s Cost of Service Model

The Department conducted periodic Cost of Service Studies using ABC methods to determine the costs of its consular services through 2009. In 2010, the Department moved to adopt an annually updated Cost of Service Model that measures all of its consular operations and costs, including all activities needed to provide consular services, whether fee-based or not. This provides a comprehensive and detailed look at all consular services as well as all services the Department performs for other agencies in connection with its consular operations. The Cost of Service Model now includes approximately 80 distinct activities, and enables the Department to model its consular-related costs with a high degree of precision.

The Department uses three methods outlined in SFFAS Statement #4 (paragraph 149(2)) to assign resource costs to activities: (a) Direct tracing; (b) estimation based on surveys, interviews, or statistical sampling; and (c) allocations. The Department uses direct tracing to assign the cost of, for example, a physical passport book or the visa foil placed in a visa applicant’s passport. Assigning costs to activities such as adjudicating a passport or visa application requires estimation based on surveys, interviews, or statistical sampling to determine who performs an activity and how long it takes. Indirect costs (overhead) in the Cost of Service Model are allocated according to the level of effort needed for a particular activity. Where possible, the model uses overhead cost pools to assign indirect costs only to related activities. For instance, the cost of rent for domestic passport agencies is assigned only to passport costs, not to visas or other services the Department provides only overseas. The Department allocates indirect support costs to each consular service by the portion of each cost attributable to consular activities. For example, the model allocates a portion of the cost of the Department’s Bureau of Human Resources to consular services. The total amount of this allocation is based on the number of Bureau of Human Resources staff members who support Bureau of Consular Affairs personnel. In turn, this amount is allocated between the different consular services by the level of effort to provide them.

To assign labor costs, the Department relies on a variety of industry-standard estimation methodologies. To document how consular staff divide their time overseas, the Department conducts the Consular Overseas Data Collection (CODaC) survey of a representative sample of posts each year. The Department uses CODaC survey data in conjunction with volume data from over 200 individual consular sections in consulates and embassies worldwide, to develop resource drivers to assign labor costs to activities. For consular activities that take place in the United States, the Department collects volume data from periodic workload reports including Passport Agency Task Reports pulled from management databases that include Passport’s Management Information System. Financial information is gathered from reports by the Comptroller and Global Financial Services bureau financial systems. The Department converts the cost and workload data it collects into resource drivers and activity drivers for each resource and activity.

Roughly 70 percent of the workforce involved in providing consular services are full-time Federal employees. When demand for a service rises, it takes time for the Department to increase the number of employees because of the lengthy security clearance process and special training involved. Likewise, it is difficult to rapidly decrease the number of employees when demand for a service falls. Additionally, given government procurement rules and security requirements, the Department must commit to many of its facilities and infrastructure costs years before a facility becomes available. In spite of changes in demand, the Department is obligated to cover these costs. Given these and other constraints on altering the Department’s cost structure in the short term, changes in service volumes can have dramatic effects on whether a fee is self-sustaining. Therefore, the Cost of Service Model includes predictive data as well as actual data. Predictive workloads are based on projections by the Office of Visa Services, the Office of Passport Services, and other parts of the Bureau of Consular Affairs that are consistent with Department budget documents prepared for Congress. As notified in the FY 2018 Congressional Budget Justification, the Department estimates a workload of 20.2 million passport applications, 14.4 million nonimmigrant visa applications, and 600,000 immigrant visa applications in FY 2018.

The costs the Department enters into the Cost of Service Model include every line item of costs, such as physical

material for making passports and visas, salaries, rent, supplies, and IT hardware and software. The Department then calculates a resource driver for overseas staff time based on responses to the Consular Overseas Data Collection survey for overseas compensation costs and enters the resource drivers and activity assignments into the model. The Department then selects an activity driver, such as the volume data discussed above, for each activity, in order to assign these costs to each service type. This process allows the model to calculate a total cost for each of the Schedule of Fees line items for visa services, passport services, and overseas citizens services as well as services for other government agencies and no fee services. The model then divides this total cost by the total volume of the service or product in question in order to determine a final unit cost for the service or product. Projected costs for predictive years are also included to take account of changes in the size of consular staff, workload, and similar factors.¹ The resulting database constitutes the Cost of Service Model. The Department continues to refine and update the Cost of Service Model in order to set fees commensurate with the cost of providing consular services.

The Cost of Service Model is a complex series of iterative computer processes incorporating more than a million calculations, housed in an industry standard commercial off-the-shelf product, SAP Enterprise Performance Management; therefore, it is not reducible to a tangible form such as a document. Inputs are formatted in spreadsheets for entry into the ABC software package. The software's output includes spreadsheets with raw unit costs, validation reports, and management reports. All data inputs and outputs are considered Sensitive but Unclassified and therefore cannot be made publically available.

The new cost reflected in the Schedule of Fees is based on projected workload for Fiscal Year 2018, and the fee has been rounded to make it easier to collect.

The New Passport Execution Fee

The Department is increasing the execution fee for passport books and

¹ Workload volume increases and decreases are the main drivers for staffing changes, but other factors may impact staffing or the speed of staffing changes (e.g., the length of the recruitment and clearance processes).

cards from \$25 to \$35, excepting those persons who are statutorily exempted from paying the passport execution fee. The costs of providing passport services to exempt individuals are covered by fees paid by non-exempt individuals. The passport execution fee is applicable to all first-time passport applicants and certain other applicants who must apply in person, such as minors under the age of 16. Applicants apply in person at post offices and other acceptance facilities, such as local clerks of court, as well as at the Department's passport offices. The passport execution fee includes the costs associated with accepting passport applications and fees in-person, including salaries, benefits, and an allocated portion of overhead including, but not limited to, rent, utilities, supplies and equipment. The Department's Cost of Service Model showed that these costs were over \$33. The United States Postal Service—the acceptance agent for the majority of passport applications—regularly conducts a similar study and found that these costs were more than \$34.² See 22 U.S.C. 214(a); 22 CFR 51.51(b).

The \$10 increase in the passport execution fee will affect first-time passport applicants and certain applicants who must appear at post offices and other acceptance facilities such as local clerks of court. Individuals who apply for a passport renewal by mail will not see a fee increase.

Regulatory Findings

Administrative Procedure Act

The Department published this rule as a proposed rule on September 19, 2016, with a 60-day provision for public comments. See 81 FR 64088. In accordance with the Congressional Review Act, this rule will be effective 60 days after publication and receipt by Congress and the GAO.

Regulatory Flexibility Act

The Department has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities as defined in 5 U.S.C. 601(6).

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year, and it will not significantly

² The United States Postal Service does not produce a public report on this study.

or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501–1504.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is a major rule as defined by 5 U.S.C. 804(2). The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The Department will submit the required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule will take effect 60 days after it is published in the **Federal Register** and receipt by Congress and the GAO.

Executive Order 12866

The Department has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders. OMB has determined that this rule is economically significant under Executive Order 12866.

This rule is necessary in light of the Department of State's Cost of Service Model finding that the cost of executing first-time passports is higher than the current fee. The Department is setting this fee in accordance with 22 U.S.C. 214(a) ("There shall be collected and paid into the Treasury of the United States . . . a fee, prescribed by the Secretary of State by regulation, for executing each such [passport] application) and 31 U.S.C. 9701 ("The head of each agency . . . may prescribe regulations establishing the charge for a service or thing of value provided by the agency . . . based on . . . the costs to the Government."). This regulation generally sets the fee for passport executions at the amount required to recover the costs associated with providing this service.

Details of the fee change are as follows:

Item No.	Proposed fee	Current fee	Change in fee	Percentage increase	Estimated annual number of applications ¹	Estimated change in annual fees collected ¹
Schedule of Fees for Consular Services						
*	*	*	*	*	*	*
Passport and Citizenship Services						
1. Passport Book or Card Execution: Required for first-time applicants and others who must apply in person	\$35	\$25	\$10	40	11,500,000	\$115,000,000
Total						\$115,000,000
*	*	*	*	*	*	*

¹ Based on projected FY 2018 workload.

As noted in the NPRM, the Department of State does not anticipate that demand for passport services affected by this rule will change significantly due to the fee change.

The Department does not believe that passport application fees are a significant determining factor when Americans decide to travel internationally. The price of a passport book or card remains minor in comparison with other costs associated with foreign travel, given that taxes and surcharges alone on international airfare can easily surpass \$100. As a result, the Department does not believe passport demand will be significantly affected by the new fee.

Executive Order 13771

This rule is not an E.O. 13771 regulatory action because it is a transfer rule that changes only the fee for a service without imposing any new costs.

Executive Orders 12372 and 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities do not apply to this regulation.

Executive Order 13175

The Department has determined that this rulemaking will not have tribal

implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

Information collection 1405-0004, which relates to this rule, is approved by OMB pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35. Other than the comments summarized above, the Department received no public comments regarding this rulemaking. This information collection has been renewed until August 31, 2019.

List of Subjects in 22 CFR Part 22

Consular Services, Fees, Passports.

Accordingly, 22 CFR part 22 is amended as follows:

**PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—
DEPARTMENT OF STATE AND FOREIGN SERVICE**

■ 1. The authority citation for part 22 is revised to read as follows:

Authority: 8 U.S.C. 1101 note, 1153 note, 1183a note, 1351, 1351 note, 1714, 1714 note; 10 U.S.C. 2602(c); 11 U.S.C. 1157 note; 22 U.S.C. 214, 214 note, 1475e, 2504(a), 2651a, 4201, 4206, 4215, 4219, 6551; 31 U.S.C. 9701; Exec. Order 10,718, 22 FR 4632 (1957); Exec. Order 11,295, 31 FR 10603 (1966).

■ 2. In § 22.1, in the table, revise item 1 to read as follows:

§ 22.1 Schedule of fees.
* * * * *

SCHEDULE OF FEES FOR CONSULAR SERVICES

Item No.	Fee
Passport and Citizenship Services:	
1. Passport Book or Card Execution: Required for first-time applicants and others who must apply in person	\$35
*	*

Carl C. Risch,
*Assistant Secretary for Consular Affairs,
Department of State.*

[FR Doc. 2018-01809 Filed 1-30-18; 8:45 am]
BILLING CODE 4710-06-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0161]

RIN 1625-AA09

**Drawbridge Operation Regulation
Canaveral Barge Canal, Canaveral, FL**

AGENCY: Coast Guard, DHS.
ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the SR 401 Drawbridges across the Canaveral Barge Canal, mile 5.5, at Port Canaveral, Florida. This modification is necessary to reduce vehicular traffic congestion and to ensure the safety of roadways while passengers are transiting to and from the cruise ship terminals. Since the arrival of additional cruise ships to the Port of Canaveral, traffic back-ups have been caused by the

on demand drawbridge openings. This modification allows the bridges to not open to navigation during prime cruise ship passenger loading and unloading times on Saturdays and Sundays.

DATES: This rule is effective March 2, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0161. In the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Allan Storm, Sector Jacksonville, Waterways Management Division, U.S. Coast Guard; telephone 904-714-7616, email Allan.H.Storm@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
Pub. L.	Public Law
§	Section
FL	Florida
SR	State Route
MHW	Mean High Water
U.S.C.	United States Code

II. Background Information and Regulatory History

On October 23, 2017, we published a notice of proposed rulemaking from drawbridge regulation with request for comments entitled Drawbridge Operation Regulations: Canaveral Barge Canal, Canaveral, FL in the **Federal Register** (82 FR 48940). We received three comments on this rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 499.

The SR 401 Drawbridges across the Canaveral Barge Canal, mile 5.5, at Port Canaveral, FL are three parallel double leaf bascule bridges that have a vertical clearance of 25 feet at MHW in the closed to navigation position and a horizontal clearance of 90 feet between the fender system. Presently, in accordance with 33 CFR 117.273(b), the bridges shall open on signal, except that from 6:15 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday except Federal holidays, the bridges need not open and from 10 p.m. to 6 a.m. the bridges must open on signal if at least three hours notice is given. The bridges must open as soon as possible for the passage of public vessels of the United States and tugs with tows. The

Canaveral Port Authority, with concurrence from the bridge owner, Florida Department of Transportation requested the operating schedule be changed to allow the bridges to not open to navigation from 11 a.m. to 2 p.m. on Saturdays and Sundays. This will provide relief to the increase in vehicle traffic congestion on the weekends while meeting the reasonable needs of navigation.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard received three comments to this rule stating that this regulation is unnecessarily restrictive to recreational boaters. All comments also recommended that if the Coast Guard moves forward with changing the operating schedule, they should consider allowing the bridge to open on the hour during the 11 a.m. to 2 p.m. closure. The Coast Guard has considered this recommendation, however, after analyzing vessel traffic data versus vehicular traffic data, the Coast Guard has determined that the benefit of reducing vehicle traffic to enhance the safety on the roadways, without compromising the safety of mariners, outweighs an inconvenience to vessels transiting the waterway.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability that vessels can still transit the bridge before and after the proposed periods. Vessels that can pass under the bridge in the closed position may continue to do so.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section V.A above, this 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**, above.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction. A Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Amend § 117.273 by revising paragraph (b) to read as follows:

§ 117.273 Canaveral Barge Canal.

* * * * *

(b) The drawspans of the SR401 Drawbridges, mile 5.5 at Port Canaveral, must open on signal; except that, from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday except Federal holidays and from 11 a.m. to 2 p.m. on Saturdays and Sundays, the drawspans need not be opened for the passage of vessels. From 10 p.m. to 6 a.m., the drawspans must open on signal if at least three hours notice is given. The drawspans must open as soon as possible for the passage of public vessels of the United States and tugs with tows.

Dated: January 22, 2018.

Peter J. Brown,

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

[FR Doc. 2018–01913 Filed 1–30–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

Addition of a Subsurface Intrusion Component to the Hazard Ranking System

CFR Correction

In Title 40 of the Code of Federal Regulations, Parts 300 to 399, revised as of July 1, 2017, on page 110, in the Table of Contents to Appendix A to Part 300, revise the following headings:

Appendix A to Part 300—The Hazard Ranking System

Table of Contents

* * * * *

7.1.1 Observed release/observed contamination/observed exposure.

7.1.2 Potential to release/potential for exposure.

* * * * *

7.2.3 Persistence/degradation.

* * * * *

7.3.3 Weighting of targets within an area of subsurface contamination.

* * * * *

List of Figures, Figure number

* * * * *

5–1 Overview of the soil exposure and subsurface intrusion pathway.

* * * * *

List of Tables, Table number

* * * * *

5–1 Soil exposure component scoresheet.

5–2 Hazardous waste quantity evaluation equations for soil exposure component.

* * * * *

5–11 Subsurface intrusion component scoresheet.

5–12 Structure containment.

5–13 Depth to contamination.

5–14 Effective porosity/permeability of geological materials.

5–15 Vertical migration factor values.

5–16 Values for vapor pressure and Henry’s constant.

5–17 Vapor migration potential factor values for a hazardous substance.

5–18 Degradation factor value table.

5–19 Hazardous waste quantity evaluation equations for subsurface intrusion component.

5–20 Health-based benchmarks for hazardous substances in the subsurface intrusion component.

5–21 Weighting factor values for populations within an area of subsurface contamination.

* * * * *

[FR Doc. 2018–01971 Filed 1–30–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

Addition of a Subsurface Intrusion Component to the Hazard Ranking System

CFR Correction

In Title 40 of the Code of Federal Regulations, Parts 300 to 399, revised as of July 1, 2017, on page 117, in Appendix A to Part 300, the definition of “source” is reinstated to read as follows:

Appendix A to Part 300—The Hazard Ranking System

* * * * *

1.1 Definitions

* * * * *

Source: Any area where a hazardous substance has been deposited, stored, disposed, or placed, plus those soils that have become contaminated from migration of a hazardous substance. Sources do not include those volumes of air, ground water,

surface water, or surface water sediments that have become contaminated by migration, except: In the case of either a ground water plume with no identified source or contaminated surface water sediments with no identified source, the plume or contaminated sediments may be considered a source.

* * * * *

[FR Doc. 2018-01972 Filed 1-30-18; 8:45 am]

BILLING CODE 1301-00-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-2002-0001; FRL-9973-52-Region 1]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Deletion of the Hatheway & Patterson Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On December 1, 2017 EPA published a direct final Notice of Deletion for the Hatheway & Patterson Superfund Site from the National Priorities List. The EPA is withdrawing the direct final Notice of Deletion due to adverse comments that were received during the public comment period.

DATES: This direct final rule published at 82 FR 56890, on December 1, 2017 is withdrawn effective January 30, 2018.

ADDRESSES: *Information Repositories:* Comprehensive information on the Site, as well as the comments that we received during the comment period, are available in docket EPA-HQ-SFUND-2002-0001, accessed through the <http://www.regulations.gov> website. Although listed in the docket index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at: U.S. EPA Region 1, Superfund Records Center, 5 Post Office Square, Suite 100, Boston, MA 02109, Phone: 617-918-1440, Monday-Friday: 9:00 a.m.-5:00 p.m., Saturday and Sunday—Closed.

FOR FURTHER INFORMATION CONTACT: Kimberly White, Remedial Project Manager, U.S. Environmental Protection Agency, Region 1, Mailcode OSRR07-1, Boston, MA, 02109-3912, telephone number: 617-918-1752, email address: white.kimberly@epa.gov.

SUPPLEMENTARY INFORMATION: After consideration of the comments received, if appropriate, EPA will publish a notification of deletion in the **Federal Register** based on the parallel Notice of Intent to Delete (82 FR 56939) and place a copy of the final deletion package, including a Responsiveness Summary, if prepared, in docket EPA-HQ-SFUND-2002-0001, accessed through the <http://www.regulations.gov> website and in the Site repositories.

List of Subjects in 40 CFR Part 300

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

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

Dated: January 23, 2018.

Alexandra Dapolito Dunn,
Regional Administrator, Region 1.

■ Accordingly, the amendment to table 1 of appendix B to 40 CFR part 300 published on December 1, 2017 (82 FR 56890), is withdrawn January 30, 2018.

[FR Doc. 2018-01916 Filed 1-30-18; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 414, 416, and 419

[CMS-1678-CN]

RIN 0938-AT03

Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs

Correction

In rule document 2017-27949 appearing on pages 61184-61190 in the issue of Wednesday, December 27, 2017 make the following correction:

On page 61188, in the first column, the thirteenth through fifteenth lines following the table titled “Table 54”, should read as follows:

“11. On page 59375, second column, third full paragraph, in line 7, correct “CCR ≤5” to read “CCR >5”.”

[FR Doc. C1-2017-27949 Filed 1-30-18; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 202, 212, 215, 234, 239, and 252

[Docket DARS-2016-0028]

RIN 0750-AJ01

Defense Federal Acquisition Regulation Supplement: Procurement of Commercial Items (DFARS Case 2016-D006)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the National Defense Authorization Acts for Fiscal Years 2013, 2016, and 2018 relating to commercial item acquisitions.

DATES: Effective January 31, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Gomersall, telephone 571-372-6176.

SUPPLEMENTARY INFORMATION:

I. Background

DoD published a proposed rule in the **Federal Register** at 81 FR 53101 on August 11, 2016, to amend the DFARS to implement the requirements of sections 851 through 853 and 855 through 857 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016 (Pub. L. 114-92, enacted November 25, 2015), as well as the requirements of section 831 of the NDAA for FY 2013 (Pub. L. 112-239, enacted January 2, 2013). This rule provides guidance to contracting officers for making price reasonableness determinations, promotes consistency in making commercial item determinations, and expands opportunities for nontraditional defense contractors to do business with DoD.

On August 3, 2015, DoD published proposed DFARS rule 2013-D034 to implement the requirements of section 831 of the NDAA for FY 2013 (80 FR 45918). Based on the comments received in response to that proposed rule, and in order to implement the requirements in sections 851 through 853 and 855 through 857 of the NDAA for FY 2016, DFARS rule 2013-D034 was closed into this DFARS rule.

In addition, this final rule implements section 848 of the NDAA of FY 2018

(Pub. L. 115–91, enacted December 12, 2017), which amended 10 U.S.C. 2380 regarding the content of the written determination required when determining that the prior use of commercial procedures was inappropriate or is no longer appropriate.

II. Discussion and Analysis

Twelve respondents submitted public comments in response to the proposed rule. DoD reviewed the public comments in the development of this final rule. A discussion of the comments and the changes made to the rule as a result of those comments are provided as follows:

A. Summary of Significant Changes

1. For consistency in terminology, the word “data” has been changed to “information” where appropriate throughout the rule.

2. The language at DFARS 212.102(a)(ii) has been revised to state that a contracting officer may presume that a prior commercial item determination, or a determination that overturned a prior commercial item determination, made by a military department, a defense agency, or another component of DoD shall serve as a determination for subsequent procurements of such item.

3. The language at DFARS 212.102(a)(iii) on nontraditional defense contractors was reworded for clarity.

4. The language at DFARS 212.209(b) and 215.404–1(b)(ii) was amended to add the word “and” to allow contracting officers to consider recent purchase prices paid by both the Government “and” commercial customers for the same or similar commercial items.

5. DFARS 215.404–1(b)(iv) and 234.7002(d)(3), have been revised such that if the contracting officer determines that the pricing information submitted is not sufficient to determine the reasonableness of price, the contracting officer shall request other relevant information to include cost data. The proposed rule directed that the contracting officer may request other relevant information to include cost data.

6. To expedite commercial item determinations, the provision at DFARS 252.215–7010, paragraph (b)(1)(ii)(A) has been revised to require offerors to provide contract numbers and if available, a Government point of contact for items that have been previously determined to be commercial.

7. The provision at DFARS 252.215–7010, paragraph (b)(1)(ii)(B) has been reworded to remove the unintended

offeror certification language from the proposed rule.

8. The provision at DFARS 252.215–7010, paragraph (d) has been reworded to require “the minimum information necessary” instead of “all data” to permit a determination that the proposed price is fair and reasonable.

9. The proposed rule language at DFARS 252.215–7010, paragraph (d)(3) has been removed as unnecessary, and paragraphs (d)(4) and (d)(5) have been renumbered accordingly.

10. The language at DFARS 252.215–7010, paragraph (d)(3), formerly paragraph (d)(4), has been reworded for clarity.

11. The DFARS provision 252.215–7013, Supplies and Services Provided by Nontraditional Defense Contractors, has been added to advise offerors that in accordance with 10 U.S.C. 2380a, supplies and services provided by a nontraditional defense contractor, as defined in DFARS 212.001, may be treated as commercial items.

B. Analysis of Public Comments

1. Agree with the rule.

Comment: Two respondents expressed support for the rule, stating that the rule will reduce the risk of fraud, increase accountability, and make the buying process more seamless for the military.

Response: DoD appreciates the support for this rule.

2. Audit clause.

Comment: One respondent recommended that DFARS 252.215–7010(b)(2) mirror the entire language of Federal Acquisition Regulation (FAR) 52.215–20(a)(2) because the respondent did not believe that Congress intended for either section 831 of the NDAA for FY 2013 or sections 851 and 853 of the NDAA for FY 2016 to expand the Government’s access to cost or profit information when commercial items are priced based on catalog or market prices, or set by law or regulation.

Response: Section 831 of the NDAA for FY 2013 requires the establishment of standards for determining the extent of uncertified cost information that should be required in cases in which price information is not adequate for evaluating the reasonableness of price. To that extent, the rule sets forth a hierarchy of information that the contracting officer shall require to determine the reasonableness of the price, including other relevant information that can serve as the basis for a price assessment. Further, section 853 requires that contracting officers shall consider evidence provided by offerors of recent purchase prices paid by the Government for the same or

similar commercial items in establishing price reasonableness on a subsequent purchase if the contracting officer is satisfied that the prices previously paid remain a valid reference for comparison after considering the totality of other relevant factors such as the time elapsed since the prior purchase and any differences in the quantities purchased or applicable terms and conditions.

3. Catalog pricing provision.

Comment: Two respondents recommended removing or revising the catalog pricing provision. The respondents recommended deleting DFARS 252.215–7010(b)(1)(ii)(B)(2) because it is not based on any provision in the NDAA for FY 2013 or the NDAA for FY 2016, and is unclear about what it means for “catalog pricing” to be “consistent” or “not consistent” with “all relevant sales data.” According to the respondent, the provision raises these unanswered questions:

(a) Does “catalog pricing” refer to prices shown in the catalog in question or in the offeror’s proposed pricing for the proposal?

(b) Does “catalog pricing” refer to prices shown in the catalog that must be used in the pricing of all sales in order for that pricing to be “consistent” with “all relevant sales data”?

(c) Does the determination of consistency take into account whether “catalog pricing” is higher or lower than the pricing reflected in “all relevant sales data”?

(d) How does the use of the term “all relevant sales data” in the provision relate to the definition of the term “relevant sales data” in the proposed DFARS provision 252.215–7010(a)?

The respondent is concerned that contracting officers will not know what offerors mean by these statements, which could lead to confusion and misunderstandings.

Another respondent recommends removing the requirement in DFARS 252.215–7010 that an offeror provide an explanation as to whether their proposed prices that are based on catalog pricing are consistent with relevant sales data. The offeror believes this requirement constitutes a new and unauthorized certification.

Response: The language at DFARS 252.215–7010(b)(1)(ii)(B)(2) has been revised to remove the certification requirements. However, for a commercial item exception, the offeror shall submit, at a minimum, information that is adequate for evaluating the reasonableness of the price for the acquisition, including prices at which the same item or similar items have been sold in the commercial market. Without the DFARS 252.215–

7010(b)(1)(ii)(B)(2) requirements, the contracting officer will not have sufficient information to determine whether the price is fair and reasonable, and will need to request additional data. The catalog must state prices at which sales are currently, or were last made to a significant number of buyers constituting the general public. If the catalog pricing provided is not consistent with all relevant sales data, the offeror must describe the differences. It does not matter whether the catalog price is higher or lower than the proposed price. "Relevant sales data" means evidence provided by an offeror of sales of the same or similar items that can be used to establish price reasonableness taking into consideration the age, volume, and nature of the transactions (including any related discounts, refunds, rebates, offsets or other adjustments).

4. Collaboration on commercial item and price reasonableness determinations.

Comment: One respondent recommended that the rule codify and provide the opportunity for offerors to collaborate with DoD's cadre of experts prior to a final decision by the contracting officer on commercial item and price reasonableness determinations.

Response: DoD concurs with the statement that an open exchange of information by both parties leads to more timely commercial item determinations and price analysis. DoD has already issued guidance to contracting officers to collaborate with the Defense Contract Management Agency (DCMA) cadre of experts to assist in the timeliness and consistency of commercial procurements. The cadre regularly engages with offerors to obtain an understanding of proposed commercial items and associated pricing. DCMA is also facilitating collaboration with offerors through commercial item memorandums of agreement with interested companies.

5. Commercial item determination.

Comment: One respondent questioned if there is no commercial market place to establish price reasonableness and the contractor only offers an item that is "of a type" customarily used by the general public for sale, is that sufficient for the contractor to escape the Truthful Cost or Pricing Data requirement? The respondent further questioned what constitutes an offer, and whether an advertisement on a website is sufficient? The respondent suggested that the rule define an "offer" to incorporate a bona fide offer in a known market where competitive forces exist.

Response: DoD considers commercial item determinations separately from price reasonableness determinations. Commercial item determinations are not dependent upon the offered price of an item. The FAR 2.101 definition of "commercial item" does not require that the identical proposed item must be sold or offered for sale to the general public. When deciding whether to grant a commercial item exception to the requirement for certified cost or pricing data, FAR 2.101 permits contracting officers to consider items that are "of a type"—i.e., items that are similar to those customarily used by and sold or offered for sale to the general public. While pricing based on market prices is the preferred method to establish a fair and reasonable price, a commercial marketplace is not required for the item to meet the definition of a commercial item. This embraces DoD's broader view of the types of items that may qualify as commercial items and gives consideration to products and services offered by both traditional and nontraditional defense contractors. Contracting officers must use business judgement and consider all relevant factors when evaluating evidence of offers for sale, which may include advertisements on websites, sales orders, quotes, or other information that demonstrate that the similar item has been offered for sale in the commercial marketplace.

Comment: One respondent stated that the final rule should permit commercial item determinations in a timely and efficient manner with minimal deliberations. The respondent further suggested that any further guidance that might be issued in support of commercial item determinations after the final rule is published would greatly improve its chances of succeeding and facilitate the desired results of the final rule.

Response: Timely and consistent commercial item determinations are the standard for DoD. The proposed rule promotes timeliness and efficiency by providing that contracting officers may presume that a prior commercial item determination made by a military department, defense agency, or another component of DoD shall serve as a determination for subsequent procurements. As such, DoD has instructed contracting officers to adopt the practice of recognizing prior known determinations as valid. To further assist in the timeliness and consistency of commercial procurements, DoD has established a cadre of experts within DCMA to provide advice to contracting officers. DCMA is also streamlining the exchange of information for the

evaluation and pricing of commercial items through "memorandums of agreement" with interested companies. DoD will finalize the Commercial Item Handbook to provide further guidance to contracting officers.

6. Conflating pricing with commercial item exception.

Comment: Two respondents recommended that commercial item determinations for exceptions from certified cost or pricing data be separated from price reasonableness determinations. One respondent recommended that DFARS 252.215-70XX(b)(1)(ii) be amended by striking the phrase "For a commercial item exception" and replacing it with the phrase "For items determined to be commercial" to ensure that the commercial item determination and the price reasonableness determination are kept separate.

Another respondent recommended changing DFARS 252.215-7010(b)(1)(ii) by separating the initial commercial item determination procedure from concurrent submission of any cost or pricing data that may be needed for a subsequent and independent evaluation of price reasonableness. This new clause creates several negative impacts when requiring subcontractors and/or prime contractors initial upfront submission of all past sales because:

(a) It excludes any use of FAR 2.101 commercial item definition of "offered for sale" because there is no sales data yet for "offered for sale" commercial items.

(b) It forces them to concurrently meet both the commercial item determination and price reasonableness data submission criteria, which will invite contracting officers to use the submitted cost or pricing data to actually determine initial commerciality, rather than using one or more of the current FAR 2.101 definitions of commercial items.

(c) It is a direct conflict with current FAR 15.402(a)(2) and (a)(3) for obtaining cost or pricing data from subcontractors and/or prime contractors to determine price reasonableness. The proposed rule directly conflicts with both newly proposed DFARS 212.209 and FAR 15.402 provisions.

Another respondent recommended modifying proposed DFARS 252.215-7010(b)(1)(ii) to separate a commercial item determination from a price reasonableness determination of a commercial item. Although this language mirrors FAR 52.215-20(a)(1)(ii), both elements are equally important to the Government's procurement of commercial items, but only the commercial item determination

is necessary for an exception to submitting certified cost or pricing data. Pricing information is not solely determinative of whether a product or service is a “commercial item,” yet that is the only information the proposed language requires. DoD should make improvements to FAR 52.215–20 with supplemental guidance, which not only implements the requirements of section 831 of the NDAA for FY 2013 and sections 851, 852, and 855 of the NDAA for FY 2016, but also clarifies important distinctions that are critical to DoD’s commercial item acquisition. This distinction was maintained by Congress, for a commercial item determination to be made and only then for price reasonableness to be assessed. The respondent asserted that commercial items determinations should be focused on the Government’s market research and the commercial item definition in FAR 2.101, and cost or pricing data required for price reasonableness determinations should be uncertified when required by the clause to support the Government’s price reasonableness determination.

Response: DoD considers commercial item determinations separately from price reasonableness determinations, however, offerors are still expected to provide adequate supporting data with their proposal submissions in order to avoid unnecessary delays in contract award. It would not be in the best interest of DoD or industry to delay acquisitions by establishing a formal two-step sequential proposal process of first requiring supporting information only for the purpose of making a commercial item determination, and then following up with a second request for information in order to make a determination of price reasonableness. In accordance with DFARS 252.215–7010, and consistent with the existing requirements of FAR 52.215–20, where commercial items are proposed in response to a solicitation, the offeror is required to concurrently submit information that is adequate for evaluating the reasonableness of the proposed price.

7. Congressional comments on previous rule.

Comment: One respondent indicated Congressman Derek Kilmer (R-WA), wrote a letter to the Director of Defense Pricing (March 7, 2014) and voiced his concern with the application of the term “of a type” that was used to determine what is or is not a commercial item or service in certain cases. The Congressman addressed his concern with DoD’s attempts to restrict “offered for sale” and “of a type” commercial item procurements, and its

negative impact on the innovative defense community and the Government’s defense mission. A contracting officer’s commerciality determination may have long-ranging effects that impact the company’s interest in investing private capital into innovation or participating in the Government marketplace. These are most likely to be dual-use and second-tier suppliers that tend to be among our most innovative and that are willing to invest their own money in development.

Another respondent indicated that Senator John McCain (R-AZ) wrote a letter to the Secretary of Defense (September 8, 2015) indicating he was deeply concerned by a new proposed DFARS CASE 2013–D034 and its ability to effectively preclude any significant participation by commercial firms in defense programs. The Senate and the House have included provisions in the NDAA for FY 2016 to entice new firms into the defense market and retain them once there. The Senator stated that the rule would deter privately-held start-up companies from offering their products and services to DoD, because it would impose cumbersome and excessive bureaucratic requirements on these firms and require firms to build entirely new accounting systems. The respondent indicated the current rule in question does not succeed in removing the accumulated detritus of law, process, and regulation sought by Senator McCain.

Response: DoD received comments on proposed DFARS rule 2013–D034 from many respondents, including members of Congress. Based on the comments received in response to that proposed rule, and in order to implement the requirements in sections 851 through 853 and 855 through 857 of the NDAA for FY 2016, DFARS rule 2013–D034 was closed into this DFARS rule, 2016–D006.

8. Contractual limitations on information necessary to support a determination of fair and reasonable Pricing.

Comment: One respondent recommended deleting DFARS 215.402(a)(i)(B), because the language does not appear to be based on statutory authority cited under section 831 of the NDAA for FY 2013. The use of terms “any data” and “necessary supporting information” are unclear and creates confusion regarding the scope of the information the Government would require.

Another respondent recommended adding language to DFARS 215.402(a)(i)(B) to state that any provision that limits the Government’s ability to obtain any information that

may be necessary to support a determination of fair and reasonable pricing is void.

Response: The language at 215.402(a)(i)(B) is intended to prohibit DoD contracting officers from agreeing to contract terms that preclude obtaining supporting information that may be necessary to support a determination of fair and reasonable pricing. For clarification, the language has been revised to state that the contracting officer shall not limit the Government’s ability to obtain “information . . .” in lieu of “any data,” and is sufficient to instruct contracting officers not to agree to any such limitations.

9. Converting commercial to noncommercial.

Comment: One respondent recommended changing DFARS 212.7001(a) allowing contracting officers to either consider finding errors “or” cost savings when converting from a commercial acquisition to a noncommercial acquisition. The current language reads “and.” Making this change will allow Government officials to convert the procurement when it is deemed appropriate.

Response: The language at DFARS 212.7001(a)(1)(i) and (ii) is in accordance with section 856 of the NDAA for FY 2016 and as such is unchanged.

10. Definition of “commercial item”.

Comment: One respondent supported narrowing the definition of a “commercial item” to mean goods or services that are actually sold to the general public in like quantities. This change would be a huge improvement over the current definition, which includes goods or services “of a type” that are merely “offered” for sale or lease.

Response: The definition of “commercial item” is not revised under this rule since the definition is set forth in 41 U.S.C. 103, which defines “commercial item”, in part, as an item, other than real property, that—

- (a) Is of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes; and
- (b) Has been sold, leased, or licensed, or offered for sale, lease, or license, to the general public.

11. Definition of “market research”.

Comment: One respondent recommended amending the definition of “market research” to provide additional guidance to contracting officers to focus more directly on pricing and adequate evaluation of the fairness and reasonableness of an offeror’s proposed price. A critical

component of market research—particularly for determining fair and reasonable pricing—is reviewing and understanding pricing conditions and related considerations in the relevant industry and marketplace. The respondent proposed adding the following into the definition of “market research”:

(a) Include review of previous prices of the items.

(b) Considering offeror’s net profit margins.

(c) Review and identify previous contract types.

(d) Other contract terms that may have affected differences in pricing (*i.e.*, warranties, financing, discounts).

Response: The recommended revisions are not necessary. Language within the proposed rule and sections of FAR part 10 addresses these factors and does not require change. Specific to listed factor (a), the proposed language at DFARS 215.404–1 provides a hierarchy to follow when determining what information is necessary to determine the reasonableness of price. Included in this hierarchy is a review of information on prices paid. Specific to listed factor (b), the net profit margins would require access to cost data and including this as a factor would encourage contracting officers to seek cost data before considering DFARS 212.209(c) and the order of techniques listed in DFARS 215.404–1. Specific to listed factors (c) and (d), FAR 10.002(b)(1)(iii) includes reference to customary practices, including warranty, financing, discounts, and contract types.

12. Definition of relevant sales data.

Comment: One respondent supported the concept that contracting officers should review the age, volume, and nature of transactions when considering price reasonableness information (DFARS 252.215–7010).

Response: Section 831 of the NDAA for FY 2013 requires standards to be established for determining whether information on prices at which the same or similar items have previously been sold is adequate for evaluating the reasonableness of price. DFARS 215.404–1, Proposal Analysis Techniques, implements the requirements of section 831 by providing guidance to contracting officers to consider the totality of relevant factors when evaluating the reasonableness of price, including the time elapsed since the prior purchase, any differences in the quantities purchased, and applicable terms and conditions.

13. Federal Supply Schedule contracts.

Comment: Two respondents recommended revising the DFARS to recognize Federal Supply Schedule (FSS) contracts as commercial. One respondent recommended deleting the requirement at DFARS 252.215–7010(b)(1)(ii)(D) that an offeror must provide proof of a commercial item exception when an item is sold via an active FSS contract, because it is redundant and unsupported by statute. By the mere fact that items are included on FSS contracts, means that they have been determined to qualify as commercial items (see *CGI Fed. Inc. v. United States*, 779 F.3d 1346, 1353 (Fed. Cir. 2015)). In addition, the proposed rule disregards the prior work of the General Services Administration FSS contracting officers, and provisions of the NDAA do not require proof that a commercial item exemption has been granted for a schedule item.

Response: Section 851 of the NDAA for FY 2016 provided the authority for DoD contracting officers to presume that a prior commercial item determination made by a military department, a defense agency, or another component of the Department of Defense shall serve as a determination for subsequent procurements of such item. This does not preclude contracting officers from applying a commercial item exception when an item is sold via an active FSS contract. However, this statutory language does not mandate that DoD contracting officers apply the same presumptions to prior commercial item determinations made by non-DoD agencies. Therefore, the language at DFARS 252.215–7010(b)(1)(ii)(D) remains unchanged.

14. Format for submission of data.

Comment: One respondent recommended revising the language that requires the offeror to provide data to the contracting officer in a format regularly maintained in the offeror’s business operations by replacing the word “operations” with the word “systems”.

Response: Section 831 of the NDAA for FY 2013 requires that guidance be established to ensure that in cases in which such uncertified cost information is required, the information shall be provided in the form in which it is regularly maintained by the offeror in its business operations. The language included in the rule is consistent with the language in section 831 of the NDAA for FY 2013.

15. “Of a type” items.

Comment: One respondent indicated that language in the proposed rule **Federal Register** notice (Section II.B., Analysis of Public Comments, on DFARS Rule 2013–D034), at Comment

3, asserts that “Regulations for CIDs [commercial item determinations] for ‘of a type’ . . . are unchanged by this rule” is not entirely correct. Since it’s a fact that the “of a type” commercial item category is the most widely used designation by innovative subcontractors, then it is also a fact that the new DFARS requirement for “concurrent” productions of cost or pricing data with a commercial item determination application will impact that class of subcontracted items the most. The proposed rule seems to be a thinly disguised major reversal of congressionally mandated direction in 2012 for DoD to procure more commercial items, especially “of a type” items.

Another respondent suggested that the rule clarify that for an “of a type” item to meet the definition of a commercial item (excluding modifications and services) there should be a two prong test: (1) The item has to be of a type that customarily used by the general public and (2) the item itself has to have been sold (leased or licensed) or offered to the general public.

Response: The language of this rule does not revise the definition of “commercial item” in FAR part 2, nor alter the requirements for commercial item determinations for “of a type” items. As stated in the response to comment 6 herein, DoD considers commercial item determinations separately from price reasonableness determinations. However, offerors are still expected to provide adequate supporting data with their proposal submissions in order to avoid unnecessary delays in contract award.

16. Major systems acquisition.

Comment: One respondent suggested the proposed rule language for major system acquisitions at DFARS 234.7002 incorporates proposal analysis techniques under DFARS 215.404–1, and provides that only a contracting officer may determine that a “subsystem, component or spare part” is a commercial item for a major weapon system. This same DFARS requirement first imposed in 2015, squarely conflicts with the older pragmatic DFARS policy requirement in DFARS 244.402 that mandates that only prime contractors “shall determine whether a particular subcontract item meets the definition of a commercial item.” This will not alleviate the inevitable log jam of subcontract commercial item applications on major weapons.

Response: This is a statutory requirement under 10 U.S.C. 2379(b)(2). DFARS 244.402 does require contractors to determine whether a particular subcontract item meets the definition of

commercial item. However, it explicitly states that the requirement does not affect the contracting officer's responsibilities for determinations made under FAR 15.403-1(c)(3) whereby if the contracting officer determines that an item is not commercial and no other exception or waiver applies, then the contracting officer shall require the submission of certified cost or pricing data. This authority applies to prime contracts and subcontracts.

17. Market prices.

Comment: One respondent expressed concern that the definition of "market prices" focuses on "current prices." The proposed definition could be interpreted by contracting officers to limit market prices to only those prices that have just been agreed to by a customer, and in extreme cases, only prices that are less than a few days old. Whether a price is "current enough" to be relevant varies based on many factors that are best addressed through guidance on age of data rather than within the definition of market prices. The respondent pointed out that section 853 of the NDAA for FY 2016 uses the term "recent" in lieu of the term "current." The difference between "recent" and "current" is significant. "Recent" is having happened not long ago whereas "current" means in the present, contemporaneous, or being used or done now.

Response: Recent prices paid can be used in the determination of price reasonableness. "Market prices" means current prices that are established in the course of ordinary trade between buyers and sellers free to bargain, and that can be substantiated through competition or from sources independent of the offerors. At any point in time, the market price would be the current price.

Comment: One respondent stated that for an item to be exempt from submitting certified cost or pricing data, a commercial market place should exist that allows for establishing price reasonableness. Excluding this requirement from the definition of a commercial item has created a policy for which proposed regulations have tried and failed to work around.

Response: This rule does not revise the established FAR definition of a commercial item which, in part, specifically identifies an item that "Has been offered for sale, lease, or license to the general public". Section 831 of the NDAA for FY 2013 requires that standards be established for determining the extent of uncertified cost information that should be required in cases in which price information is not adequate for evaluating the reasonableness of price. While pricing

based on market prices is the preferred method to establish a fair and reasonable price, a commercial marketplace is not required for the item to meet the definition of a commercial item. Furthermore, the rule sets forth a hierarchy of information that the contracting officer shall require to determine the reasonableness of the price, including other relevant information that can serve as the basis for a price assessment.

18. Market research.

Comment: One respondent recommends removing "where appropriate" from DFARS 212.209(a) because it injects the uncertainty that market research is conditional. Understanding the market place, even if there is limited research, is critical for commercial item determinations.

A second respondent recommended including language in the DFARS to require contracting officers to conduct market research prior to soliciting information from offerors for purposes of price reasonableness determinations of commercial items, however, another respondent opposes the use of market research to determine price reasonableness, when obtaining offeror cost or pricing data would be more time efficient and germane.

One respondent recommends that the rule specify that market research be conducted before the solicitation in order to inform the contracting officer whether a solicitation can be accommodated under FAR part 12.

Response: DoD agrees that understanding the market place, even if there is limited research, is critical for commercial item determinations. DoD disagrees that "where appropriate" indicates that it is conditional, but simply if it is appropriate at that point in the acquisition process. Market research also informs decisions at several other points in the requirements development and acquisition process, and is one of several techniques contracting officers may use to reach a conclusion regarding price reasonableness.

Market research is conducted at several points in the acquisition process, and that is adequately covered in FAR 10.001(a)(2) as well as in this rule. Market research is first conducted by the Requirements Community in developing requirements. The Acquisition Community builds upon initial market research in development of the acquisition strategy and drafting of the solicitation. However, additional focused market research is again conducted during the pricing and proposal analysis phase.

19. Modified and similar items.

Comment: One respondent stated that under FAR 15.403-1, if a minor modification of a commercial item exceeds the greater of the threshold for obtaining certified cost or pricing data or 5 percent of the total price of the contract, certified cost or pricing data are required. The respondent questioned whether equivalent requirements apply to price reasonableness assessments based on a "similar" item. The respondent believes that conceptually it seems it should. The respondent further questioned if there is a difference between a "similar" item and an item that has been modified, and whether a "similar" item can be an unmodified item of the item being purchased.

Another respondent suggested that the rule define a "similar" item as an item that is so sufficiently comparable in technical and physical characteristics that the differences in price due to those differences is not material to the assessment of price reasonableness. The respondent further stated that if significant price differences are allowed for similar items, there seems no meaningful way to distinguish similar items from modified items.

One respondent stated that in practice one of the biggest obstacles to determine price reasonableness on commercial items is the physical differences between the item being acquired and the item for which sales data is provided. It is difficult for the Government or contractor personnel to assess the price impact, with any level of fidelity, of the physical differences without associated price or cost data. Parametric models typically generate values with a gross level of precision, especially when using data from sources external to the manufacturer. The respondent suggested that the rule address data required for modifications of an item to include the technical or physical differences and the associated price or cost impact of each. The respondent further suggested that the rule address data required for "similar" items to include the technical or physical differences and the associated price or cost impact of each; including the data requirements for subcontractors in 252.215-7010, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data. This would be required to validate that the physical differences do not have a price impact.

Response: The rule provides the ability for contracting officers to obtain necessary data to determine price reasonableness. Consistent with FAR 15.403-1(b)(3), contracting officers shall not request certified cost and pricing data when a commercial item is being

acquired, but may require data other than certified cost and pricing data as defined in FAR 2.101 to support a determination of a fair and reasonable price. The rule does not define “similar items” for the purposes of determining price reasonableness, but authorizes contracting officers, when appropriate, to require the contractor to supply information that is sufficient to determine the reasonableness of price, including information showing the similar item is comparable to the item being purchased to be used as a comparison in price reasonableness. Since no two contract actions are exactly the same, the rule provides a broad framework for data requirements. Contracting officers must use business judgement and consider all relevant factors including the similarity of items when making comparisons for the purposes of determining price reasonableness. Further information on the comparison of same or similar items may be found at FAR 15.404–1(b)(2)(ii).

20. Non-governmental entities.

Comment: One respondent recommended adding the term “non-governmental entities” into the rule where data is considered based on sales to the Government and commercial customers.

Response: The language of this rule is consistent with the preexisting terminology in the DFARS.

21. Nontraditional defense contractors.

Comment: One respondent recommended elimination of the permissive nature of this authority. The respondent further recommended deletion of the language stating that the use of commercial item procedures under this authority does not mean the item is commercial, stating that this additional direction adds uncertainty for nontraditional contractors for renewal contracts and could adversely impact their initial decision to sell to DoD.

Additionally, two respondents recommended clarifying that “subcontractors” be added to the definition of nontraditional defense contractors so that items provided by a subcontractor that meet the definition of a “nontraditional defense contractor” may be treated as commercial items.

Response: Section 857 amended 10 U.S.C 2380a to provide DoD with the permissive authority to treat items and services provided by nontraditional defense contractors as commercial items. This authority was neither mandatory nor was it extended to prime contractor commercial item determinations for subcontracted items and services.

Comment: One respondent recommended broadening the statement of intent in DFARS 212.102(a)(iv) to state: “This permissive authority is intended to enhance defense innovation and investment, enable DoD to acquire items that otherwise might not have been available, and create incentives for qualified firms to do business with DoD.”

The respondent further recommended an editorial revision to state “. . . does not require a commercial item determination . . .” in lieu of “. . . does not constitute a requirement for a commercial item determination. . . .”

Response: DoD concurs with the recommended revisions and has revised DFARS 212.102(a)(iii) accordingly. In addition, the DFARS provision 252.215–7013, Supplies and Services Provided by Nontraditional Defense Contractors, has been added to advise offerors that in accordance with 10 U.S.C. 2380a, supplies and services provided by a nontraditional defense contractor, as defined in DFARS 212.001, may be treated as commercial items.

22. Order of preference for determining price reasonableness.

Comment: One respondent recommended changing DFARS 215.404–1 to clearly conform to the order of preference in FAR 15.402(a) in determining the sources, order and type of data needed to adequately determine price reasonableness. The respondent asserts that listing “market research” as first in the order of preference gives the contracting officer unintended discretion to determine whether any market research is even appropriate. The respondent stated that the proposed rule side-steps the FAR 15.402 cost or pricing threshold and data exceptions as well as the requirement to rely on data available within the Government before going through market research, and demands, at a minimum up-front, information on prices at which the same or similar items have been sold in the commercial market (via DFARS Clause 252.215–7010).

Response: This rule establishes DFARS language to supplement the requirements of the FAR, including the requirements at FAR 15.402. It does not establish a different order of preference in determining the sources, order, and type of data needed to adequately determine price reasonableness. Per FAR 10.001, agencies must conduct market research (appropriate to the circumstances) before soliciting offers for acquisitions with an estimated value in excess of the simplified acquisition threshold.

23. Price analysis.

Comment: One respondent indicated the proposed rule would require prime contractors to obtain whatever information necessary from subcontractors to support concurrent commercial item determinations and price realism analyses. This requirement will more likely create disputes between prime contractors and subcontractors regarding the types of information necessary to support a subcontractor’s commercial item assertion. Further, the respondent expressed concern that the rule gives DoD the subjective ability to effectively challenge the prime contractor’s costs incurred for commercial item subcontracts under cost-type contracts, and provides fodder for DoD to challenge the adequacy of a prime contractor’s purchasing system.

Response: The standards for what information is necessary to make commercial item determinations and determinations of price reasonableness should not be relaxed for subcontractors. Prime contractors are responsible for exercising the same due diligence as DoD contracting officers in making subcontractor commercial item determinations and evaluating their subcontractors’ price reasonableness.

Comment: One respondent recommended changing DFARS 215.404–1(b)(ii) to allow contracting officers to consider recent purchase prices paid by both the Government “and” commercial customers for the same or similar commercial items. The current language reads “or”. Making this change can give Government officials access to both, which can ensure the Government is obtaining the best prices.

Response: DoD concurs with the respondent’s recommendation and has incorporated this revision in the final rule in DFARS 212.209(b) and 215.404–1(b)(ii).

24. Price analysis techniques.

Comment: One respondent suggested expanding DFARS 212.209 and 215.404–1(b)(ii) to reference FAR 15.404 that lists the various price analysis techniques and procedures to ensure a fair and reasonable price.

Response: It is not necessary to reiterate the various price analysis techniques and procedures in FAR 15.404 in this rule.

25. Price reasonableness determinations.

Comment: One respondent recommended that DFARS 252.215–7010(d) be revised to require only the minimum data necessary to support a determination that the proposed price is fair and reasonable instead of requiring all data necessary to support such a determination.

Response: To ensure contracting officers request only the data necessary to permit a determination that the proposed price is fair and reasonable, the language has been revised to state “the minimum information” instead of “all data.” However, this does not relieve the requirement that offerors submit minimum essential information necessary to determine that the proposed price is fair and reasonable.

Comment: One respondent recommended changing DFARS 212.209(d), 215.404–1(b)(iv), and 234.7002(d)(3) to state the contracting officer “shall request” the offeror to submit other relevant information, including uncertified cost data instead of the current language “may request.” This change clears up confusion, especially when contractors refuse to turn over cost data to DoD. Since the proposed rule limits DoD’s access to uncertified cost data to that which is regularly maintained by the offerors in its business operations, there should be no additional burden on contractors.

Response: DoD concurs that DFARS 215.404–1(b)(iv) and 234.7002(d)(3) should be changed to “shall” in accordance with the language in the NDAA for FY 2016.

26. Prior commercial item determination.

Comment: One respondent recommended adding the requirement under DFARS 212.102 that a prior commercial item determination will remain if the contracting activity fails to provide a written explanation of the basis for the revision within the 30 day review period.

Response: This rule will not impose such a time constraint on commercial item determinations.

Comment: Two respondents recommended that a prior commercial item determination made by a prime contractor shall serve as a determination for subsequent procurements of such item. One respondent recommended adding to DFARS 212.102(a)(iii)(A) that the contracting officer shall “also” presume that a prior commercial item determination made by a prime contractor for a subcontracted item (pursuant to the mandate of DFARS 244.402(a) Policy Requirements), shall serve as a determination for subsequent procurements of such subcontracted item either by the prime contractor or directly by the Government as a spare part.

Three respondents recommended further consistency and uniformity in the acquisition process by allowing the contracting officer to consider prior commercial items determinations made by “any” federal department or agency,

including civilian agencies, departments and components not only DoD Agencies, or another component of DoD as stated under 212.102(a)(iii). The proposed provisions implement and are consistent with 10 U.S.C. 2306(a)(b)(4), however, this recommendation is not prohibited by section 851 of the NDAA for FY 2016.

Response: 10 U.S.C. 2306a(b)(4)(A) states that for purposes of applying the commercial item exception under paragraph (1)(B) to the required submission of certified cost or pricing data, the contracting officer may presume that a prior commercial item determination made by a military department, a defense agency, or another component of DoD shall serve as a determination for subsequent procurements of such item. This statutory language does not extend this authority to prior determinations made by prime contractors or civilian agencies.

Comment: One respondent recommended adding a DFARS provision that clearly separates commercial item determinations of “end items/weapons” by the contracting officer from commercial item determinations by prime contractors of subcontractor subsystems and components. This addition will streamline commercial item procurements.

Response: This rule does not alter prime contractors’ responsibility for making subcontractor commercial item determinations and evaluating their subcontractors’ price reasonableness, regardless of whether the end item has or has not been determined to be a commercial item.

Comment: One respondent suggested DFARS 212.102(a)(iii)(A) can lock DoD into buying items that are no longer commercial, and that requiring commercial item determinations as listed under DFARS 212.102(a)(iii)(B) and (C) can slow down the process by taking up to 30 days.

Response: DoD contracting officers remain responsible for adhering to the definition of commercial items set forth in 41 U.S.C. 103 and applying professional judgement in making commercial item determinations as expeditiously as possible. To that end, DoD has stood up a DCMA cadre of experts to assist contracting officers in making commercial item determinations.

27. Prior commercial sales.

Comment: One respondent recommended that the rule be revised to permit contracting officers to accept prior FAR part 12 contract numbers

from the offeror to demonstrate prior commercial item determinations.

Response: Contracting officers must validate a previous commercial item determination and document the file appropriately. DoD agrees with the respondent that the identification of contract numbers is beneficial. In accordance with DFARS 252.215–7010, for items previously determined to be commercial, offerors are required to identify the contract and military department, defense agency, or another DoD component that rendered such determination. To expedite the commercial item determination, this language has been revised to include the contract number and, if available, a Government point of contact. Additionally, offerors are also required to provide information that is adequate for evaluating the reasonableness of the price for the acquisition.

28. Proposal analysis techniques.

Comment: One respondent suggested DFARS 215.404–1 doesn’t incorporate the NDAA for FY 2016 section 855 “preference” for pricing based upon existing market prices. The respondent asserts that the proposed rule includes a cornucopia of market research and relevance “factors” that are confusing and will be extremely burdensome and time consuming for contractors, innovative subcontractors, and the Government.

Response: The language at DFARS 215.404–1 states that “In the absence of adequate price competition in response to the solicitation, pricing based on market prices is the preferred method to establish a fair and reasonable price.” This rule implements requirements from both the NDAA for FYs 2013 and 2016. Having the guidelines required by section 831 of the NDAA for FY 2013 should help contracting officers to know what information to request and also help contractors, as the data will be limited to the minimum necessary to make a determination of price reasonableness.

29. Revised commercial item determination.

Comment: One respondent recommended requiring that a revised commercial item determination be provided to the offeror.

Response: Offerors will be notified of the results of any commercial item redetermination during the negotiation process.

30. Right to examine offeror data.

Comment: Two respondents believed that offerors should be exempt from the requirement in DFARS 252.215–7010(b)(2) to submit data to support proposed prices based on catalog or market prices, or those prices set by law

or regulation in accordance with the limitations set forth under FAR 52.215–20(a)(2).

Another respondent is concerned that the language at DFARS 252.215–7010(b)(2), which grants DoD the right to examine, at any time before award, books, records, documents, or other directly pertinent records to verify any request for a commercial item exception, and to determine the reasonableness of price, will negatively impact the entry of large and small commercial firms into the defense sector, impeding innovation and reducing competition.

Response: Section 831 of the NDAA for FY 2013 requires that standards be established for determining the extent of uncertified cost information that should be required in cases in which price information is not adequate for evaluating the reasonableness of price. To that extent, the rule sets forth a hierarchy of information that the contracting officer shall require to determine the reasonableness of the price, including other relevant information that can serve as the basis for a price assessment.

31. Rule origination.

Comment: One respondent suggested an investigation be conducted of how or who originated this proposal and how high up in the DoD hierarchy there is an understanding of how this proposal subverts congressional mandates.

Response: This rule implements sections of the NDAs for FYs 2013 and 2016 relating to commercial item acquisitions, and is consistent with Congressional intent as set forth in statute.

32. Significant economic impact.

Comment: One respondent strongly believed the proposed rule goes much further than implementing section 831(a) of the NDAA for FY 2013 and sections 851–853, 855–857 of the NDAA for FY 2016. The respondent asserts that the requirement for submission of cost or price data concurrently with a contractor's commercial item determination request under DoD-funded prime contracts and commercial subcontracts would impose significant time and paperwork burdens on prime contractors for submission to the contracting officer. Although section IV of this preamble indicates there will be no significant economic impact on a substantial number of entities, the converse is true. It is a major rule which will have a significant adverse effect on competition, investment and innovation, especially in the innovative subcontractor market place. In addition, the respondent states that commercial items merely "offered for sale" in the

commercial market are implicitly excluded from ever getting a positive commercial item determination because they can't meet their DFARS clauses "minimum" prior sales data standard.

Response: There is no minimum prior sales standard that impacts the determination of commerciality. If an offeror does not have sales data to submit, the rule provides a list of other data that may be submitted, such as prices paid for similar levels of work or effort on related products or services. As previously stated, offerors are expected to provide adequate supporting data with their proposal submissions. It would not be in the best interest of DoD or industry to delay acquisitions by establishing a formal two-step sequential proposal process of first requiring supporting information only for the purpose of making a commercial item determination, and then following up with a second request for information in order to make a determination of price reasonableness. The rule does not contain any new information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

33. Sole source commercial acquisitions.

Comment: One respondent suggested that this proposed rule be further amended to address the situation of sole source commercial item acquisitions where market prices do not accurately reflect fair and reasonable prices due the lack of competition and the Government's bulk buys.

Response: If the contracting officer determines that the information obtained through market research is not sufficient, the contracting officer will follow the order of preference and request additional data until there is sufficient information to determine price reasonableness.

34. Solicitation provision.

Comment: One respondent recommended that the final rule incorporate the alternate version of DFARS solicitation provision 252.215–7010 in lieu of the proposed basic version of the provision to facilitate the ability of commercial companies that have an item not granted an exception to support the determination of price reasonableness with their commercial business systems.

Response: Both the basic and alternate versions of the provisions are required. Contracting officers shall use the basic provision when submission of certified cost or pricing data is required to be in the FAR Table 15–2 format, or if it is anticipated, at the time of solicitation,

that the submission of certified cost or pricing data may not be required. Contracting officers shall use the alternate I provision to specify a format for certified cost or pricing data other than the format required by FAR Table 15–2.

35. Subcontract cost or pricing data flowdown requirements.

Comment: One respondent believed that the requirement for subcontractors to provide certified cost or pricing data and for data other than certified cost or pricing data is outside the scope of section 831 of the NDAA for FY 2013 because:

(a) Subcontract pricing has no bearing on the commercial price offered to the Government.

(b) In a fixed-price type commercial transaction, the prime contractor bears all the risk of subcontract price increases.

(c) There is little incentive for the offeror's commercial subcontractors to provide information necessary to support price reasonableness.

(d) Due to the nature of commercial supply chains, the fluidity of subcontractors is a common occurrence. With the increased use of electronic auctions and reverse auctions on commodities and basic services, the flowdown requirement regarding proposal preparation and evaluation to first-tier subcontractors would be problematic from a compliance standpoint.

(e) It is exponentially more difficult to flow down to subcontractors at all tiers, as many lower-tier subcontracts may not be negotiated at the same time as the prime contract.

(f) There is no way to flow down a solicitation provision in a "subcontract" because there isn't a subcontract yet.

(g) The requirements for certified cost or pricing data are flowed down to all lower-tier subcontractors above the certified cost or pricing data threshold without exception, despite the fact that many subcontracts may qualify for an exemption from certified cost or pricing data due to competition or commercial item status.

(h) The rule requires subcontractors to submit detailed data to support subcontract pricing for all subcontracts exceeding the simplified acquisition threshold, without any rationale or determination that such detailed data is necessary or relevant to the prices proposed by the prime.

(i) The contractor purchasing processes will require substantial changes to deal with this issue and for those commercial companies not so conversant on Government regulations.

(j) This is a significant cost driver and runs counter to Better Buying Power.

(k) FAR 52.215–20, the regulation that the proposed rule would replace, does not contain special rules for subcontracts.

(l) If the commercial item meets the Government's requirement and is determined to have a fair and reasonable price, there is little incentive for offeror's commercial subcontractors to provide "information necessary to support price reasonableness." In a commercial marketplace, the Government's buying power or position is not significant enough to garner unique pricing data not customarily provided to commercial buyers.

(m) There is little justification to propose a DoD-unique subcontract price evaluation requirement as part of a rule to address Congressional direction on standards and limitations of cost data to support commercial pricing at the prime contract level.

The respondent further suggested that if the requirement for the offeror to provide data from subcontractors is retained, the final rule should exempt firm-fixed price contracts from this requirement.

Response: Section 831 of the NDAA for FY 2013 does not relieve prime contractors from their responsibility for exercising the same due diligence as DoD contracting officers in making subcontractor commercial item determinations and evaluating their subcontractors' price reasonableness.

36. Supporting information.

Comment: One respondent recommended deleting the ten-day requirement for offerors to provide additional information to support proposal analysis in the DFARS provision 252.215–7010(d)(4).

Response: The ten-day requirement is reasonable for offerors to provide additional data consistent with similar time limitations cited in the FAR and DFARS. Since the source selection process is time constrained, it is appropriate to impose a time limit on the provision of information to be considered in the source selection process.

37. Uncertified cost data.

Comment: One respondent asserted that the term "uncertified cost data" is inconsistent with the statutory language and recommended that the term be deleted from the rule.

Response: Section 831 of the NDAA for FY 2013 requires that standards be established for determining the extent of uncertified cost information that should be required in cases in which price information is not adequate for evaluating the reasonableness of price.

Section 852 of the NDAA for FY 2016 further provides language on information submissions regarding the basis for price. The rule defines "uncertified cost data" as the subset of data other than certified cost or pricing data that relates specifically to cost data. The term "uncertified cost data" is included as a subset to reinforce that cost data may be requested as a last resort after pricing data has been determined to be insufficient to determine the price reasonableness. For consistency in terminology, this rule uses the term "uncertified cost data" in lieu of the term "uncertified cost information" as used in section 831.

Comment: One respondent stated that the language at DFARS 215.404–1 suggests a prohibition against obtaining other than certified cost or pricing data when there may only be a miniscule amount of nongovernment sales. The respondent suggested that the proposed rule should highlight instead that the Government should consider any cost data in its possession and seek additional cost data as permitted elsewhere in the regulations.

Response: The rule does not preclude the contracting officer from considering any cost data. DFARS 215.404–1 provides that if the contracting officer determines that the pricing information submitted is not sufficient to determine the price reasonableness, the contracting officer may request other relevant information, to include cost data. The language does not create a prohibition, but does provide a hierarchy that includes incorporation as to when to request other relevant information. Additional references within the rule, to include DFARS 212.209(d), provide that nothing in the section shall be construed to preclude the contracting officer from requiring the contractor to supply information that is sufficient to determine the reasonableness of the price. This would further reinforce that there is not a prohibition in place to restrict obtaining other than certified cost or pricing data when necessary to determine price reasonableness.

Comment: One respondent is concerned that the proposed rule leaves open a very favorite information shielding mechanism for contractors, insofar as it does not require contractors to disclose, in meaningful detail, the actual terms and conditions at which other buyers have acquired their commercial products. The respondent suggested that since information provided to the Government is protected from unwarranted disclosure under various federal procurement and data protection statutes, there is no valid reason why the regulations cannot

require sharing of the actual commercial sales terms and conditions, as well as prices paid and identities of the purchasers.

Response: DoD agrees that that terms and conditions are frequently included in public websites and in catalogues for the prospective purchaser. Similarly, it is reasonable to require the offeror to provide terms and conditions as well as the price to support an informed and efficient decision by the contracting officer, whether the commercial procurement is competed or a sole source commercial acquisition. However, this comment is covered in DFARS 215.404–1(b)(iv) which states, "If the contracting officer determines that the pricing information submitted is not sufficient to determine the reasonableness of price, the contracting officer shall request other relevant information, to include cost data."

38. Volume and completeness of transaction data.

Comment: One respondent recommended revising the definition of "Volume and completeness of transaction data" to remove the requirement to identify the customer as part of the key information. Further, the respondent recommended adding the phrase "to the extent it is reasonably available and can be released by the offeror." Many commercial customer sales agreements contain non-disclosure provisions that restrict the seller's ability to disclose contract information, including customer identity, outside of the organization. These confidentiality provisions are extremely common in business-to-business agreements due to the fact that the identity of a business's suppliers and the prices paid to those suppliers is competitively sensitive information. A supplier may determine that price information may be disclosed so long as the customer's identity is not included with the disclosure, however requiring that both the price and the customer be identified puts the supplier at risk of violating contractual agreements with other customers. Using the phrase "released by the offeror" will allow the current practice of allowing the contracting officer to view un-redacted invoices (but not physically collect them) to ensure the data provided to the Government supports price reasonableness.

Response: The language states "customer" but does not state "customer name." It is relevant to the contracting officer whether the customer is a commercial customer versus a Government customer. The subsequent paragraph provides further clarification that the DoD contracting officer needs to understand the type of customer.

Nothing prohibits the current practice that the DoD contracting officer can travel onsite to review un-redacted invoices.

39. *Out of scope comments.*

Comment: One respondent commented on the affordability of technology. Another respondent stated that 100% of U.S. Government requirements should be purchased from U.S. small businesses.

Response: Both of these comments are beyond the scope of this rule.

III. Applicability to Commercial Item Acquisitions

The objective of this rule is to implement sections 851 through 853 and 855 through 857 of the NDAA for FY 2016 and section 831 of the NDAA for FY 2013. Sections 831, 851, and 853 address requirements related to commercial items. The statutes are silent on applicability to contracts for the acquisition of commercial items or commercially-available-off-the-shelf (COTS) and do not provide for criminal or civil penalties. Therefore, sections 831, 851, and 853 do not apply to the acquisition of commercial items unless the Director, Defense Procurement and Acquisition Policy (DPAP) makes a written determination as provided in 41 U.S.C. 1906 to apply the statutes for commercial items and 41 U.S.C. 1907 for COTS items. Consistent with 41 U.S.C. 1906 and 1907, the Director, DPAP, has determined that it is in the best interest of DoD to apply sections 831, 851, and 853 to the acquisition of commercial items.

IV. Expected Cost Savings

This final rule prescribes the use of a new DFARS provision 252.215-7010, to be used in lieu of FAR provision 52.215-20, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data. The new DFARS provision includes the existing requirement under FAR provision 52.215-20 for offerors to submit certified cost and pricing data and data other than certified cost or pricing data, as appropriate; however, the new DFARS provision adds levels of granularity to assist offerors in their proposal preparation with regards to “other than certified cost or pricing data” and implements a statutory exemption to the requirement for “certified cost or pricing data” for nontraditional defense contractors.

This rule will impact large businesses and small entities who currently compete on DoD solicitations issued using FAR part 15, Negotiation Procedures, and are valued at \$750,000 or more. Offerors competing on

contracts and orders subject to the new DFARS provision, will have the benefit of additional details on (and a hierarchy of) the types of “other than certified cost or pricing data” that they should consider including in their proposal. This information has the potential to improve the quality of proposals from businesses and reduce resubmissions of data during negotiations. In addition, this rule adds a statutory exemption from the requirement to submit “certified cost or pricing data” for nontraditional defense contractors, who may now “other than certified cost or pricing data,” which takes less time to prepare.

Finally, this rule also advises contracting officers that they may presume that a prior commercial item determination made another DoD component shall serve as a determination for subsequent procurements of such items, unless the contracting officer obtains a determination from the head of the contracting activity that the item is not commercial and the basis for that decision.

DoD has performed a regulatory cost analysis on this rule. The following is a summary of the estimated public cost savings in millions, which are calculated in 2016 dollars at a 3-percent and 7-percent discount rate:

Present Value at 3%	\$4.4
Annualized at 3%	0.1
Present Value at 7%	1.6
Annualized at 7%	0.1

To access the full Regulatory Cost Analysis for this rule, go to the Federal eRulemaking Portal at www.regulations.gov, search for “DFARS Case 2016-D006,” click “Open Docket,” and view “Supporting Documents.”

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This

rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This final rule is considered to be an E.O. 13771 deregulatory action. Details on the estimated cost savings can be found in Section IV. of this rule.

VII. Regulatory Flexibility Act

A final regulatory flexibility analysis has been performed and is summarized as follows:

This rule amends the DFARS to provide additional guidance to contracting officers on making price reasonableness determinations, expand opportunities for nontraditional defense contractors to do business with DoD, and provide additional details on the types of “other than certified cost or pricing data” that offerors should include in their proposal in order to for the purposes of determining whether proposed prices for commercial items are fair and reasonable. The objective of this rule is to implement the requirements of sections 851 through 853 and 855 through 857 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016 (Pub. L. 114-92, enacted November 25, 2015), as well as the requirements of section 831 of the NDAA for FY 2013 (Pub. L. 112-239, enacted January 2, 2013) and section 848 of the NDAA for FY 2018 (Pub. L. 115-91, enacted December 12, 2017).

There were no significant issues raised by the public in response to the initial regulatory flexibility analysis.

This rule will apply to contractors that compete for contracts being awarded using FAR part 15 Negotiation procedures that are valued at \$750,000 or more. According to data available in the Federal Procurement Data System for FY 2016, DoD awarded approximately 6,865 contracts meeting this criteria to 5,105 unique contractors, of which 4,544 contracts (~66 percent) were to 3,536 (~70 percent) unique small businesses.

DoD does not expect this rule to have a significant impact on the small businesses that may be affected by this rule, because the rule does not add to or remove any of the existing requirements for the submission of other than certified cost or pricing data for the purpose of determining the reasonableness of prices proposed for commercial items. Rather the rule provides offerors additional details and a hierarchy of the “other than certified cost or pricing data” that should be included in their proposals. This additional detail could reduce the amount of time it takes a small business resubmit data during negotiations. In

addition, the exception to “certified cost or pricing data” for nontraditional defense contractors would be of benefit to small businesses that meet the definition.

There are no significant alternative approaches to the rule that would meet the requirements of the statute.

VIII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 202, 212, 215, 234, 239, and 252

Government procurement.

Jennifer L. Hawes,

Regulatory Control Officer Defense Acquisition Regulations System.

Therefore, 48 CFR parts 202, 212, 215, 234, 239, and 252 are amended as follows:

■ 1. The authority citation for parts 202, 212, 215, 234, 239, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 202—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 202.101 by adding, in alphabetical order, the definitions of “non-Government sales”, “sufficient non-Government sales”, and “uncertified cost data” to read as follows:

202.101 Definitions.

* * * * *

Non-Government sales means sales of the supplies or services to non-Governmental entities for purposes other than governmental purposes.

* * * * *

Sufficient non-Government sales means relevant sales data that reflects market pricing and contains enough information to make adjustments covered by FAR 15.404–1(b)(2)(ii)(B).

* * * * *

Uncertified cost data means the subset of “data other than certified cost or pricing data” (see FAR 2.101) that relates to cost.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 3. Section 212.001 is added above subpart 212.1 to read as follows:

212.001 Definitions.

As used in this part—

Market research means a review of existing systems, subsystems, capabilities, and technologies that are available or could be made available to meet the needs of DoD in whole or in part. The review shall include, at a minimum, contacting knowledgeable individuals in Government and industry regarding existing market capabilities and pricing information, and may include any of the techniques for conducting market research provided in FAR 10.002(b)(2) (section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92)).

Nontraditional defense contractor means an entity that is not currently performing and has not performed any contract or subcontract for DoD that is subject to full coverage under the cost accounting standards prescribed pursuant to 41 U.S.C. 1502 and the regulations implementing such section, for at least the 1-year period preceding the solicitation of sources by DoD for the procurement (10 U.S.C. 2302(9)).

- 4. Amend section 212.102 by—
- a. Adding a paragraph (a)(i) heading;
- b. Redesignating paragraph (a)(ii) as (a)(i)(D) and revising the newly redesignated paragraph (a)(i)(D); and
- c. Adding new paragraphs (a)(ii) and (a)(iii).

The revision and additions read as follows:

212.102 Applicability.

(a)(i) *Commercial item determination.*
* * *
* * * * *

(D) Follow the procedures and guidance at PGI 212.102(a)(i) regarding file documentation and commercial item determinations.

(ii) *Prior commercial item determination.* This section implements 10 U.S.C. 2306a(b)(4) and 10 U.S.C. 2380(b).

(A) The contracting officer may presume that a prior commercial item determination made by a military department, a defense agency, or another component of DoD shall serve as a determination for subsequent procurements of such item. See PGI 212.102(a)(ii) for information about items that the Department has historically acquired as military unique, noncommercial items.

(B) If the contracting officer does not make the presumption that a prior commercial item determination is valid, and instead chooses to proceed with a procurement of an item previously determined to be a commercial item using procedures other than the procedures authorized for the procurement of a commercial item, the

contracting officer shall request a review of the commercial item determination by the head of the contracting activity that will conduct the procurement. Not later than 30 days after receiving a request for review of a commercial item determination, the head of a contracting activity shall—

(1) Confirm that the prior determination was appropriate and still applicable; or

(2) Issue a determination that the prior use of FAR part 12 procedures was improper or that it is no longer appropriate to acquire the item using FAR part 12 procedures, with a written explanation of the basis for the determination (see 212.70).

(iii) *Nontraditional defense contractors.* In accordance with 10 U.S.C. 2380a, contracting officers may treat supplies and services provided by nontraditional defense contractors as commercial items. This permissive authority is intended to enhance defense innovation and investment, enable DoD to acquire items that otherwise might not have been available, and create incentives for nontraditional defense contractors to do business with DoD. It is not intended to recategorize current noncommercial items, however, when appropriate, contracting officers may consider applying commercial item procedures to the procurement of supplies and services from business segments that meet the definition of “nontraditional defense contractor” even though they have been established under traditional defense contractors. The decision to apply commercial item procedures to the procurement of supplies and services from nontraditional defense contractors does not require a commercial item determination and does not mean the item is commercial.

■ 5. Section 212.209 is added to read as follows:

212.209 Determination of price reasonableness.

(a) Market research shall be used, where appropriate, to inform price reasonableness determinations.

(b) If the contracting officer determines that the information obtained through market research pursuant to paragraph (a) of this section, is insufficient to determine the reasonableness of price, the contracting officer shall consider information submitted by the offeror of recent purchase prices paid by the Government and commercial customers for the same or similar commercial items under comparable terms and conditions in establishing price reasonableness on a subsequent purchase if the contracting

officer is satisfied that the prices previously paid remain a valid reference for comparison. In assessing whether the prices previously paid remain a valid reference for comparison, the contracting officer shall consider the totality of other relevant factors such as the time elapsed since the prior purchase and any differences in the quantities purchased (10 U.S.C. 2306a(b)).

(c) If the contracting officer determines that the offeror cannot provide sufficient information as described in paragraph (b) of this section to determine the reasonableness of price, the contracting officer should request the offeror to submit information on—

(1) Prices paid for the same or similar items sold under different terms and conditions;

(2) Prices paid for similar levels of work or effort on related products or services;

(3) Prices paid for alternative solutions or approaches; and

(4) Other relevant information that can serve as the basis for determining the reasonableness of price.

(d) Nothing in this section shall be construed to preclude the contracting officer from requiring the contractor to supply information that is sufficient to determine the reasonableness of price, regardless of whether or not the contractor was required to provide such information in connection with any earlier procurement. If the contracting officer determines that the pricing information submitted is not sufficient to determine the reasonableness of price, the contracting officer may request other relevant information regarding the basis for price or cost, including uncertified cost data such as labor costs, material costs, and other direct and indirect costs.

■ 6. Amend section 212.301 by adding paragraph (f)(vi)(E) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(f) * * *
(vi) * * *

(E) Use the provision 252.215–7010, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data, as prescribed at 215.408(6)(i) to comply with section 831 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239) and sections 851 and 853 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92).

(1) Use the basic provision as prescribed at 215.408(6)(i)(A).

(2) Use the alternate I provision as prescribed at 215.408(6)(i)(B).

* * * * *

■ 7. Add subpart 212.70 to read as follows:

Subpart 212.70—Limitation on Conversion of Procurement from Commercial Acquisition Procedures

Sec.
212.7000 Scope.
212.7001 Procedures.

Subpart 212.70—Limitation on Conversion of Procurement from Commercial Acquisition Procedures

212.7000 Scope.

This subpart implements section 856 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92).

212.7001 Procedures.

(a) *Limitation.* (1) For a procurement valued at more than \$1 million, but less than \$100 million, previously procured under a prime contract using FAR part 12 procedures based on a commercial item determination made by a military department, a defense agency, or another DoD component, prior to converting the procurement from commercial acquisition procedures to noncommercial acquisition procedures under FAR part 15, the head of the contracting activity shall determine in writing, upon recommendation from the contracting officer for the procurement that—

(i) The earlier use of commercial acquisition procedures under FAR part 12 was in error or based on inadequate information; and

(ii) DoD will realize a cost savings compared to the cost of procuring a similar quantity or level of such item or service using commercial acquisition procedures.

(2) In the case of a procurement valued at \$100 million or more, a contract may not be awarded pursuant to a conversion of the procurement described in paragraph (a)(1) of this section until a copy of the head of contracting activity determination is provided to the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) In making a determination under paragraph (a) of this section, the determining official shall, at a minimum, consider the following factors:

(1) The estimated cost of research and development to be performed by the existing contractor to improve future products or services.

(2) The costs for DoD and the contractor in assessing and responding to data requests to support a conversion to noncommercial acquisition procedures.

(3) Changes in purchase quantities.

(4) Costs associated with potential procurement delays resulting from the conversion.

(c) The requirements of this subpart terminate November 25, 2020.

PART 215—CONTRACTING BY NEGOTIATION

■ 8. Section 215.401 is added to subpart 215.4 to read as follows:

215.401 Definitions.

As used in this subpart—
Market prices means current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated through competition or from sources independent of the offerors.

Relevant sales data means information provided by an offeror of sales of the same or similar items that can be used to establish price reasonableness taking into consideration the age, volume, and nature of the transactions (including any related discounts, refunds, rebates, offsets, or other adjustments).

■ 9. Amend section 215.402 by—
■ a. Redesignating the existing text as paragraph (a)(ii); and
■ b. Adding paragraph (a)(i).

The addition reads as follows:

215.402 Pricing policy.

(a)(i) Pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239)—

(A) The contracting officer is responsible for determining if the information provided by the offeror is sufficient to determine price reasonableness. This responsibility includes determining whether information on the prices at which the same or similar items have previously been sold is adequate for evaluating the reasonableness of price, and determining the extent of uncertified cost data that should be required in cases in which price information is not adequate;

(B) The contracting officer shall not limit the Government’s ability to obtain any data that may be necessary to support a determination of fair and reasonable pricing by agreeing to contract terms that preclude obtaining necessary supporting information; and

(C) When obtaining uncertified cost data, the contracting officer shall require

the offeror to provide the information in the form in which it is regularly maintained in the offeror's business operations.

* * * * *

■ 10. Amend section 215.403-1 by adding paragraph (c)(3)(C) to read as follows:

215.403-1 Prohibition on obtaining certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).

* * * * *

(c) * * *
(3) * * *

(C) When applying the commercial item exception under FAR 15.403-1(b)(3), see 212.102(a)(ii) regarding prior commercial item determinations.

* * * * *

■ 11. Amend section 215.404-1 by—

■ a. Redesignating paragraphs (1), (2), and (2)(i) through (iv) as paragraphs (a)(i), (a)(ii), and (a)(ii)(A) through (D), respectively;

■ b. Adding a paragraph (a) heading; and

■ c. Adding paragraph (b).

The additions read as follows:

215.404-1 Proposal analysis techniques.

(a) *General.* (i) * * *

* * * * *

(b) *Price analysis for commercial and noncommercial items.* (i) In the absence of adequate price competition in response to the solicitation, pricing based on market prices is the preferred method to establish a fair and reasonable price (see PGI 215.404-1(b)(i)).

(ii) If the contracting officer determines that the information obtained through market research is insufficient to determine the reasonableness of price, the contracting officer shall consider information submitted by the offeror of recent purchase prices paid by the Government and commercial customers for the same or similar commercial items under comparable terms and conditions in establishing price reasonableness on a subsequent purchase if the contracting officer is satisfied that the prices previously paid remain a valid reference for comparison. The contracting officer shall consider the totality of other relevant factors such as the time elapsed since the prior purchase and any differences in the quantities purchased (section 853 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114-92)).

(iii) If the contracting officer determines that the offeror cannot provide sufficient information as described in paragraph (b)(ii) of this

section to determine the reasonableness of price, the contracting officer should request the offeror to submit information on—

(A) Prices paid for the same or similar items sold under different terms and conditions;

(B) Prices paid for similar levels of work or effort on related products or services;

(C) Prices paid for alternative solutions or approaches; and

(D) Other relevant information that can serve as the basis for determining the reasonableness of price.

(iv) If the contracting officer determines that the pricing information submitted is not sufficient to determine the reasonableness of price, the contracting officer shall request other relevant information, to include cost data. However, no cost data may be required in any case in which there are sufficient non-Government sales of the same item to establish reasonableness of price (section 831 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239)).

(v) When evaluating pricing data, the contracting officer shall consider materially differing terms and conditions, quantities, and market and economic factors. For similar items, the contracting officer shall also consider material differences between the similar item and the item being procured (see FAR 15.404-1(b)(2)(ii)(B) and PGI 215.404-1(b)(v)). Material differences are those that could reasonably be expected to influence the contracting officer's determination of price reasonableness. The contracting officer shall consider the following factors when evaluating the relevance of the information available:

(A) *Market prices.*

(B) *Age of data.*

(1) Whether data is too old to be relevant depends on the industry (*e.g.*, rapidly evolving technologies), product maturity (*e.g.*, stable), economic factors (*e.g.*, new sellers in the marketplace), and various other considerations.

(2) A pending sale may be relevant if, in the judgement of the contracting officer, it is probable at the anticipated price, and the sale could reasonably be expected to materially influence the contracting officer's determination of price reasonableness. The contracting officer may consult with the cognizant administrative contracting officers (ACOs) as they may have information about pending sales.

(C) *Volume and completeness of transaction data.* Data must include a sufficient number of transactions to represent the range of relevant sales to all types of customers. The data must

also include key information, such as date, quantity sold, part number, part nomenclature, sales price, and customer. If the number of transactions is insufficient or the data is incomplete, the contracting officer shall request additional sales data to evaluate price reasonableness. If the contractor cannot provide sufficient sales data, the contracting officer shall request other relevant information.

(D) *Nature of transactions.* The nature of a sales transaction includes the information necessary to understand the transaction, such as terms and conditions, date, quantity sold, sale price, unique requirements, the type of customer (government, distributor, retail end-user, etc.), and related agreements. It also includes warranties, key product technical specifications, maintenance agreements, and preferred customer rewards.

(vi) The contracting officer shall consider catalog prices to be reliable when they are regularly maintained and supported by relevant sales data (including any related discounts, refunds, rebates, offsets, or other adjustments). The contracting officer may request that the offeror support differences between the proposed price(s), catalog price(s), and relevant sales data.

(vii) The contracting officer may consult with the DoD cadre of experts who are available to provide expert advice to the acquisition workforce in assisting with commercial item and price reasonableness determinations. The DoD cadre of experts is identified at PGI 215.404-1(b)(vii).

■ 12. Amend section 215.408 by—

■ a. In paragraph (3)(i)(A) introductory text, removing "Requirement for Data" and adding "Requirement for Submission of Data" in its place;

■ b. In paragraph (3)(i)(A)(1) introductory text, removing "FAR 52.215-20, Requirement for" and adding "DFARS 252.215-7010, Requirements for Certified Cost or Pricing Data and" in its place;

■ c. In paragraph (3)(i)(A)(2), removing "FAR 52.215-20" and adding "DFARS 252.215-7010" in its place;

■ d. Revising paragraph (3)(i)(B);

■ e. In paragraph (3)(ii)(A) introductory text, removing "Requirement for Data" and adding "Requirement for Submission of Data" in its place; and

■ f. Adding paragraphs (6) and (7).

The revision and additions read as follows:

215.408 Solicitation provisions and contract clauses.

* * * * *

(3) * * *

(j) * * *

(B) Do not use 252.225–7003 in lieu of DFARS 252.215–7010 in competitive acquisitions; and

* * * * *

(6) When reasonably certain that the submission of certified cost or pricing data or data other than certified cost or pricing data will be required—

(i) Use the basic or alternate of the provision at 252.215–7010, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data, in lieu of the provision at FAR 52.215–20, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data, in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items.

(A) Use the basic provision when submission of certified cost or pricing data is required to be in the FAR Table 15–2 format, or if it is anticipated, at the time of solicitation, that the submission of certified cost or pricing data may not be required.

(B) Use the alternate I provision to specify a format for certified cost or pricing data other than the format required by FAR Table 15–2;

(ii) Use the provision at 252.215–7011, Requirements for Submission of Proposals to the Administrative Contracting Officer and Contract Auditor, when using the basic or alternate of the provision at 252.215–7010 and copies of the proposal are to be sent to the ACO and contract auditor; and

(iii) Use the provision at 252.215–7012, Requirements for Submission of Proposals via Electronic Media, when using the basic or alternate of the provision at 252.215–7010 and submission via electronic media is required.

(7) Use the provision at 252.215–7013, Supplies and Services Provided by Nontraditional Defense Contractors, in all solicitations.

PART 234—MAJOR SYSTEM ACQUISITION

- 13. Amend section 234.7002 by—
- a. In paragraph (a)(1)(i)(B), adding the word “and” after the semicolon;
- b. Removing paragraph (a)(1)(ii);
- c. Redesignating paragraph (a)(1)(iii) as paragraph (a)(1)(ii);
- d. In paragraph (b) introductory text, removing “may” and adding “shall” in its place, and removing “only if—” and adding “if—” in its place;
- e. Revising paragraph (b)(2);
- f. In paragraph (c)(1) introductory text, removing “only if—” and adding “if—” in its place;

- g. Revising paragraph (c)(1)(ii); and
- h. Revising paragraph (d).

The revisions read as follows:

234.7002 Policy.

* * * * *

(b) * * *

(2) The contracting officer determines in writing that the subsystem is a commercial item.

(c) * * *

(1) * * *

(ii) The contracting officer determines in writing that the component or spare part is a commercial item.

* * * * *

(d) *Relevant information.* This section implements 10 U.S.C. 2379.

(1) To the extent necessary to make a determination of price reasonableness, the contracting officer shall require the offeror to submit prices paid for the same or similar commercial items under comparable terms and conditions by both Government and commercial customers.

(2) If the contracting officer determines that the offeror cannot provide sufficient information described in paragraph (d)(1) of this section to determine the reasonableness of price, the contracting officer shall request the offeror to submit information on—

(i) Prices paid for the same or similar items under different terms and conditions;

(ii) Prices paid for similar levels of work or effort on related products or services;

(iii) Prices paid for alternative solutions or approaches; and

(iv) Other relevant information that can serve as the basis for a price reasonableness determination.

(3) If the contracting officer determines that the information submitted pursuant to paragraphs (d)(1) and (2) of this section is not sufficient

to determine the reasonableness of price, the contracting officer shall request the offeror to submit other relevant information, including uncertified cost data. However, no uncertified cost data may be required in any case in which there are sufficient non-Government sales of the same item to establish reasonableness of price.

(4) An offeror shall not be required to submit information described in paragraph (d)(3) of this section with regard to a commercially available off-the-shelf item. An offeror may be required to submit such information with regard to any other item that was developed exclusively at private expense only after the head of the contracting activity determines in writing that the information submitted pursuant to paragraphs (d)(1) and (2) of

this section is not sufficient to determine the reasonableness of price.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

- 14. Revise section 239.101 to read as follows:

239.101 Policy.

(1) A contracting officer may not enter into a contract in excess of the simplified acquisition threshold for information technology products or services that are not commercial items unless the head of the contracting activity determines in writing that no commercial items are suitable to meet the agency’s needs, as determined through the use of market research appropriate to the circumstances (see FAR 10.001(a)(3)) (section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92)).

(2) See subpart 208.74 when acquiring commercial software or software maintenance.

(3) See 227.7202 for policy on the acquisition of commercial computer software and commercial computer software documentation.

PART 252—ACQUISITION OF INFORMATION TECHNOLOGY

- 15. Add section 252.215–7010 to read as follows:

252.215–7010 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data.

Basic. As prescribed in 215.408(6)(i) and (6)(i)(A), use the following provision:

Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data—Basic (Jan 2018)

(a) *Definitions.* As used in this provision—
Market prices means current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated through competition or from sources independent of the offerors.

Non-Government sales means sales of the supplies or services to non-Governmental entities for purposes other than governmental purposes.

Relevant sales data means information provided by an offeror on sales of the same or similar items that can be used to establish price reasonableness taking into consideration the age, volume, and nature of the transactions (including any related discounts, refunds, rebates, offsets, or other adjustments).

Sufficient non-Government sales means relevant sales data that reflects market pricing and contains enough information to

make adjustments covered by FAR 15.404–1(b)(2)(ii)(B).

Uncertified cost data means the subset of “data other than certified cost or pricing data” (see FAR 2.101) that relates to cost.

(b) *Exceptions from certified cost or pricing data.* (1) In lieu of submitting certified cost or pricing data, the Offeror may submit a written request for exception by submitting the information described in paragraphs (b)(1)(i) and (ii) of this provision. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether an exception should be granted and whether the price is fair and reasonable.

(i) *Exception for prices set by law or regulation—Identification of the law or regulation establishing the prices offered.* If the prices are controlled under law by periodic rulings, reviews, or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the contracting office.

(ii) *Commercial item exception.* For a commercial item exception, the Offeror shall submit, at a minimum, information that is adequate for evaluating the reasonableness of the price for this acquisition, including prices at which the same item or similar items have been sold in the commercial market. Such information shall include—

(A) For items previously determined to be commercial, the contract number and military department, defense agency, or other DoD component that rendered such determination, and if available, a Government point of contact;

(B) For items priced based on a catalog—

(1) A copy of or identification of the Offeror’s current catalog showing the price for that item; and

(2) If the catalog pricing provided with this proposal is not consistent with all relevant sales data, a detailed description of differences or inconsistencies between or among the relevant sales data, the proposed price, and the catalog price (including any related discounts, refunds, rebates, offsets, or other adjustments);

(C) For items priced based on market pricing, a description of the nature of the commercial market, the methodology used to establish a market price, and all relevant sales data. The description shall be adequate to permit the DoD to verify the accuracy of the description;

(D) For items included on an active Federal Supply Service Multiple Award Schedule contract, proof that an exception has been granted for the schedule item; or

(E) For items provided by nontraditional defense contractors, a statement that the entity is not currently performing and has not performed, for at least the 1-year period preceding the solicitation of sources by DoD for the procurement or transaction, any contract or subcontract for DoD that is subject to full coverage under the cost accounting standards prescribed pursuant to 41 U.S.C. 1502 and the regulations implementing such section.

(2) The Offeror grants the Contracting Officer or an authorized representative the right to examine, at any time before award,

books, records, documents, or other directly pertinent records to verify any request for an exception under this provision, and to determine the reasonableness of price.

(c) *Requirements for certified cost or pricing data.* If the Offeror is not granted an exception from the requirement to submit certified cost or pricing data, the following applies:

(1) The Offeror shall prepare and submit certified cost or pricing data and supporting attachments in accordance with the instructions contained in Table 15–2 of FAR 15.408, which is incorporated by reference with the same force and effect as though it were inserted here in full text. The instructions in Table 15–2 are incorporated as a mandatory format to be used in any resultant contract, unless the Contracting Officer and the Offeror agree to a different format and change this provision to use Alternate I.

(2) As soon as practicable after agreement on price, but before contract award (except for unpriced actions such as letter contracts), the Offeror shall submit a Certificate of Current Cost or Pricing Data, as prescribed by FAR 15.406–2.

(d) *Requirements for data other than certified cost or pricing data.* (1) Data other than certified cost or pricing data submitted in accordance with this provision shall include the minimum information necessary to permit a determination that the proposed price is fair and reasonable, to include the requirements in DFARS 215.402(a)(i) and 215.404–1(b).

(2) In cases in which uncertified cost data is required, the information shall be provided in the form in which it is regularly maintained by the Offeror or prospective subcontractor in its business operations.

(3) Within 10 days of a written request from the Contracting Officer for additional information to permit an adequate evaluation of the proposed price in accordance with FAR 15.403–3, the Offeror shall provide either the requested information, or a written explanation for the inability to fully comply.

(4) *Subcontract price evaluation.* (i) Offerors shall obtain from subcontractors the minimum information necessary to support a determination of price reasonableness, as described in FAR part 15 and DFARS part 215.

(ii) No cost data may be required from a prospective subcontractor in any case in which there are sufficient non-Government sales of the same item to establish reasonableness of price.

(iii) If the Offeror relies on relevant sales data for similar items to determine the price is reasonable, the Offeror shall obtain only that technical information necessary—

(A) To support the conclusion that items are technically similar; and

(B) To explain any technical differences that account for variances between the proposed prices and the sales data presented.

(e) *Subcontracts.* The Offeror shall insert the substance of this provision, including this paragraph (e), in subcontracts exceeding the simplified acquisition threshold defined in FAR part 2. The Offeror shall require prospective subcontractors to adhere to the requirements of—

(1) Paragraphs (c) and (d) of this provision for subcontracts above the threshold for submission of certified cost or pricing data in FAR 15.403–4; and

(2) Paragraph (d) of this provision for subcontracts exceeding the simplified acquisition threshold defined in FAR part 2.

(End of provision)

Alternate I. As prescribed in 215.408(6)(i) and (6)(i)(B), use the following provision, which includes a different paragraph (c)(1).

Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data—Alternate I (Jan 2018)

(a) *Definitions.* As used in this provision—

Market prices means current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated through competition or from sources independent of the offerors.

Non-Government sales means sales of the supplies or services to non-Governmental entities for purposes other than governmental purposes.

Relevant sales data means information provided by an offeror on sales of the same or similar items that can be used to establish price reasonableness taking into consideration the age, volume, and nature of the transactions (including any related discounts, refunds, rebates, offsets, or other adjustments).

Sufficient non-Government sales means relevant sales data that reflects market pricing and contains enough information to make adjustments covered by FAR 15.404–1(b)(2)(ii)(B).

Uncertified cost data means the subset of “data other than certified cost or pricing data” (see FAR 2.101) that relates to cost.

(b) *Exceptions from certified cost or pricing data.* (1) In lieu of submitting certified cost or pricing data, the Offeror may submit a written request for exception by submitting the information described in paragraphs (b)(1)(i) and (ii) of this provision. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether an exception should be granted and whether the price is fair and reasonable.

(i) *Exception for price set by law or regulation—Identification of the law or regulation establishing the price offered.* If the price is controlled under law by periodic rulings, reviews, or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the contracting office.

(ii) *Commercial item exception.* For a commercial item exception, the Offeror shall submit, at a minimum, information that is adequate for evaluating the reasonableness of the price for this acquisition, including prices at which the same item or similar items have been sold in the commercial market. Such information shall include—

(A) For items previously determined to be commercial, the contract number and

military department, defense agency, or other DoD component that rendered such determination, and if available, a Government point of contact;

(B) For items priced based on a catalog—

(1) A copy of or identification of the Offeror's current catalog showing the price for that item; and

(2) If the catalog pricing provided with this proposal is not consistent with all relevant sales data, a detailed description of differences or inconsistencies between or among the relevant sales data, the proposed price, and the catalog price (including any related discounts, refunds, rebates, offsets, or other adjustments);

(C) For items priced based on market pricing, a description of the nature of the commercial market, the methodology used to establish a market price, and all relevant sales data. The description shall be adequate to permit the DoD to verify the accuracy of the description;

(D) For items included on an active Federal Supply Service Multiple Award Schedule contract, proof that an exception has been granted for the schedule item; or

(E) For items provided by nontraditional defense contractors, a statement that the entity is not currently performing and has not performed, for at least the 1-year period preceding the solicitation of sources by the DoD for the procurement or transaction, any contract or subcontract for the DoD that is subject to full coverage under the cost accounting standards prescribed pursuant to 41 U.S.C. 1502 and the regulations implementing such section.

(2) The Offeror grants the Contracting Officer or an authorized representative the right to examine, at any time before award, books, records, documents, or other directly pertinent records to verify any request for an exception under this provision, and to determine the reasonableness of price.

(c) *Requirements for certified cost or pricing data.* If the Offeror is not granted an exception from the requirement to submit certified cost or pricing data, the following applies:

(1) The Offeror shall submit certified cost or pricing data and supporting attachments in the following format: *[Insert description of the data and format that are required, and include access to records necessary to permit an adequate evaluation of the proposed price in accordance with FAR 15.408, Table 15-2, Note 2. The Contracting Officer shall insert the description at the time of issuing the solicitation or specify that the format regularly maintained by the offeror or prospective subcontractor in its business operations will be acceptable. The Contracting Officer may amend the description as the result of negotiations.]*

(2) As soon as practicable after agreement on price, but before contract award (except for unpriced actions such as letter contracts), the Offeror shall submit a Certificate of Current Cost or Pricing Data, as prescribed by FAR 15.406-2.

(d) *Requirements for data other than certified cost or pricing data.* (1) Data other than certified cost or pricing data submitted in accordance with this provision shall include all data necessary to permit a

determination that the proposed price is fair and reasonable, to include the requirements in DFARS 215.402(a)(i) and 215.404-1(b).

(2) In cases in which uncertified cost data is required, the information shall be provided in the form in which it is regularly maintained by the Offeror or prospective subcontractor in its business operations.

(3) The Offeror shall provide information described as follows: *[Insert description of the data and the format that are required, including access to records necessary to permit an adequate evaluation of the proposed price in accordance with FAR 15.403-3.]*

(4) Within 10 days of a written request from the Contracting Officer for additional information to support proposal analysis, the Offeror shall provide either the requested information, or a written explanation for the inability to fully comply.

(5) *Subcontract price evaluation.* (i) Offerors shall obtain from subcontractors the information necessary to support a determination of price reasonableness, as described in FAR part 15 and DFARS part 215.

(ii) No cost information may be required from a prospective subcontractor in any case in which there are sufficient non-Government sales of the same item to establish reasonableness of price.

(iii) If the Offeror relies on relevant sales data for similar items to determine the price is reasonable, the Offeror shall obtain only that technical information necessary—

(A) To support the conclusion that items are technically similar; and

(B) To explain any technical differences that account for variances between the proposed prices and the sales data presented.

(e) *Subcontracts.* The Offeror shall insert the substance of this provision, including this paragraph (e), in all subcontracts exceeding the simplified acquisition threshold defined in FAR part 2. The Offeror shall require prospective subcontractors to adhere to the requirements of—

(1) Paragraph (c) and (d) of this provision for subcontracts above the threshold for submission of certified cost or pricing data in FAR 15.403-4; and

(2) Paragraph (d) of this provision for subcontracts exceeding the simplified acquisition threshold defined in FAR part 2.

(End of provision)

■ 16. Add section 252.215-7011 to read as follows:

252.215-7011 Requirements for Submission of Proposals to the Administrative Contracting Officer and Contract Auditor.

As prescribed in 215.408(6)(ii), use the following provision:

Requirements for Submission of Proposals to the Administrative Contracting Officer and Contract Auditor (Jan 2018)

When the proposal is submitted, the Offeror shall also submit one copy each to—

(a) The Administrative Contracting Officer; and

(b) The Contract Auditor.

(End of provision)

■ 17. Add section 252.215-7012 to read as follows:

252.215-7012 Requirements for Submission of Proposals via Electronic Media.

As prescribed in 215.408(6)(iii), use the following provision:

Requirements for Submission of Proposals Via Electronic Media (Jan 2018)

The Offeror shall submit the cost portion of the proposal via the following electronic media: *[Insert media format, e.g., electronic spreadsheet format, electronic mail, etc.]*

(End of provision)

■ 18. Add section 252.215-7013 to read as follows:

252.215-7013 Supplies and Services Provided by Nontraditional Defense Contractors.

As prescribed in 215.408(7), use the following provision:

Supplies and Services Provided by Nontraditional Defense Contractors (Jan 2018)

Offerors are advised that in accordance with 10 U.S.C. 2380a, supplies and services provided by a nontraditional defense contractor, as defined in DFARS 212.001, may be treated as commercial items. The decision to apply commercial item procedures to the procurement of supplies and services from a nontraditional defense contractor does not require a commercial item determination and does not mean the supplies or services are commercial.

(End of provision)

[FR Doc. 2018-01781 Filed 1-30-18; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

[Docket DARS-2017-0019]

RIN 0750-AJ68

Defense Federal Acquisition Regulation Supplement: State Sponsor of Terrorism—North Korea (DFARS Case 2018-D004)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal

Acquisition Regulation Supplement (DFARS) to implement the designation by the Department of State of North Korea as a state sponsor of terrorism.

DATES: Effective January 31, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, telephone 571-372-6106.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule implements the November 20, 2017, designation by the Department of State of North Korea as a state sponsor of terrorism, in accordance with section 6(j)(1)(A) of the Export Administration Act of 1979. A state sponsor of terrorism is a country, the government of which has repeatedly provided support for acts of international terrorism. The Department of State previously designated North Korea as a state sponsor of terrorism in January 1988, but rescinded the designation in October 2008. Consistent with the November 20, 2017, action, North Korea is added to the list of countries that are state sponsors of terrorism in the definition of “state sponsor of terrorism” in paragraph (a) of the provisions at DFARS 252.225-7049, Prohibition on Acquisition of Commercial Satellite Services from Certain Foreign Entities—Representation; and DFARS 252.225-7050, Disclosure of Ownership or Control by the Government of a Country that is a State Sponsor of Terrorism. The provision at DFARS 252.225-7050 implements 10 U.S.C. 2327, which prohibits DoD from entering into a contract with a firm that is owned or controlled by the government of a country that is a state sponsor of terrorism. The provision at 252.225-7049 implements 10 U.S.C. 2279, which restricts acquisitions of commercial satellite services from any entity—

- Owned by the government of a covered foreign country (China, North Korea, or any state sponsor of terrorism); or
- Planning or expected to provide or use launch or other satellite services under the contract from a covered foreign country.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule only updates the list of countries that are state sponsors of terrorism in the definition of “state sponsors of terrorism” in paragraph (a) of the DFARS provisions 252.225-7049, Prohibition on Acquisition of

Commercial Satellite Services from Certain Foreign Entities—Representation; and DFARS 252.225-7050, Disclosure of Ownership or Control by the Government of a Country that is a State Sponsor of Terrorism. This revision does not impact use of clauses, their applicability to contracts or subcontracts valued at or below the simplified acquisition threshold, or their applicability to contracts or subcontracts for the acquisition of commercial items.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.) 12866, Regulatory Planning and Review, and E.O. 13563, Improving Regulation and Regulatory Review, 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Executive Order 13771

This rule is not subject to the requirements of E.O. 13771, because the rule is issued with respect to a national security function of the United States.

V. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is codified at Title 41 of the United States Code (formerly known as the Office of Federal Procurement Policy Act). Specifically, 41 U.S.C 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it only adds North Korea to the list of countries that fall within the

DFARS definition of “state sponsors of terrorism,” consistent with the November 20, 2017, designation of the country by the Secretary of State. These requirements affect only the internal operating procedures of the Government.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section V. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does apply. However, the changes to these DFARS provisions, do not impose additional information collection requirements or change the burden under two currently approved collections—OMB Control Number 0704-0525, entitled “Foreign Commercial Satellite Services,” and OMB Control Number 0704-0187, entitled “Information Collection in Support of the DoD Acquisition Process (Various Miscellaneous Requirements).”

List of Subjects in 48 CFR Part 252

Government procurement.

Jennifer L. Hawes,
Regulatory Control Officer, Defense Acquisition Regulations System.

Therefore, 48 CFR part 252 is amended as follows:

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 1. The authority citation for 48 CFR part 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

252.225-7049 [Amended]

- 2. Section 252.225-7049 is amended by—
 - a. In the clause heading, removing the date “(OCT 2015)” and adding “(JAN 2018)” in its place; and
 - b. In paragraph (a), the definition of “State sponsor of terrorism”—
 - i. Removing “2405(j)(i)(A))” and adding “2405(j)(1)(A))” in its place; and
 - ii. Adding, after “Iran,”, the country of “North Korea”.

252.225-7050 [Amended]

- 3. Section 252.225-7050 is amended by—

■ a. In the clause heading, removing the date “(OCT 2015)” and adding “(JAN 2018)” in its place; and

■ b. In paragraph (a), the definition of “State sponsor of terrorism”, adding

after “Iran,”, the country of “North Korea”.

[FR Doc. 2018-01780 Filed 1-30-18; 8:45 am]

BILLING CODE 5001-06-P

Proposed Rules

Federal Register

Vol. 83, No. 21

Wednesday, January 31, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 709

RIN 3133-AE82

Involuntary Liquidation of Federal Credit Unions and Claims Procedures

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) proposes to amend part 709 of its rules to update and clarify the procedures that apply to claims administration for federally insured credit unions that enter involuntary liquidation. Specifically, the proposal would amend the current rule's payout priority provision by specifying the conditions that claims in the nature of severance must meet to be allowed as provable claims.

DATES: Comments must be received on or before April 2, 2018.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *NCUA website:* <https://www.ncua.gov/regulation-supervision/Pages/rules/proposed.aspx>. Follow the instructions for submitting comments.
- *Email:* Address to regcomments@ncua.gov. Include “[Your name] Comments on ‘Involuntary Liquidation of Federal Credit Unions and Claims Procedures’” in the email subject line.
- *Fax:* (703) 518-6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

• *Hand Delivery/Courier:* Same as mail address.

Public Inspection: All public comments are available on the agency's website at <http://www.ncua.gov/>

Regulations/Opinions/Laws/comments as submitted, except as may not be possible for technical reasons. Public comments will not be edited to remove any identifying or contact information. Paper copies of comments may be inspected in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9:00 a.m. and 3:00 p.m. To make an appointment, call (703) 518-6546 or send an email to OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Ian Marenga, Senior Trial Attorney, at 1775 Duke Street, Alexandria, Virginia 22314, or telephone: (703) 518-6540.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1217 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA)¹ amended the Federal Credit Union Act (FCU Act) by adding Section 207(b), thereby creating a comprehensive statutory framework for the liquidation of federally insured credit unions.² Section 207(b)(4) authorizes the Board to “prescribe regulations regarding the allowance or disallowance of claims by the liquidating agent and providing for administrative determination of claims and review of such determination.”³ In accordance with this authority, the Board adopted part 709 in 1991.⁴

The Board is proposing changes to part 709 to clarify how severance claims will be treated in involuntary liquidations. Specifically, the proposed rule would create an exception to the generally applicable limitation on provability for severance claims as set out in the Board's regulation governing golden parachute payments.⁵

II. Summary of Proposed Changes

Priority accorded wages, including vacation pay, sick leave, and severance. Section 709.5 sets forth the priorities by which claims will be paid from the liquidation estate. Currently, § 709.5(b)(2) accords second priority to claims for wages, including vacation pay, sick leave, and severance, subordinate among unsecured claims only to administrative costs and

expenses of liquidation. This section operates to protect those employees whose employment is terminated as a result of the appointment of the liquidating agent, but who may have worked some or all of the pay period immediately preceding the date of liquidation for which they had not been paid. The regulation contemplates that such an employee's final paycheck may include compensation for hours worked as well as accrued but unpaid sick leave and vacation time, as well as any severance to which he or she is entitled.

This provision may be in tension with NCUA's separate regulatory authority to control the types and amounts of payments that may be made by federally insured credit unions to institution affiliated parties upon termination of their employment. Under the FCU Act, the Board is authorized to prohibit or limit “golden parachute payments,” defined to include payments that are contingent on the termination of the party's employment at the credit union and that are made when the credit union is in troubled financial condition.⁶ In addition, part 750 of NCUA's regulations contains explicit limitations on the ability of an institution affiliated party to pursue a severance claim with the liquidating agent after a credit union has become insolvent and is placed in conservatorship or liquidation.⁷

Thus, part 750 expressly provides that any claim for “employee welfare benefits” or other benefits that are contingent at the time of liquidation are not provable claims against the liquidating agent or payable as damages if the conservator or liquidating agent repudiates the relevant contract under 12 U.S.C. 1787(c). This bar covers claims for severance or other employee welfare benefits that are contingent at the time of liquidation, even if otherwise vested, including any contingency for termination of employment.⁸ This language is broad enough to extend to virtually any claim to benefits or entitlements (other than earned but unpaid wages) that remains unpaid as of the date of liquidation.

Given the breadth of the language in § 750.7, the Board believes clarification concerning the interplay with part 709 is necessary and appropriate. Claims for

¹ Sec. 1217(a)(3), (4), Public Law 101-73. Sec. 1217(a)(3), (4).

² 12 U.S.C. 1787(b).

³ 12 U.S.C. 1787(b)(4).

⁴ 56 FR 56925 (Nov. 7, 1991).

⁵ 12 CFR part 750.

⁶ 12 U.S.C. 1786(t)(4); 12 CFR 750.1(d).

⁷ 12 CFR 750.7.

⁸ Id.

unpaid wages or salary earned during the pay period immediately prior to the appointment of the conservator or liquidating agent will be allowed and accorded the second priority level under § 709.5(b). Employees are also allowed to claim earned but unused paid time off as of the liquidation date, provided that the credit union had a written policy, as reflected in the employee handbook or other similar credit union record, permitting departing employees to receive payment for earned but unused paid time off with their last paycheck. Employees may also claim severance pay, provided that the amount of entitlement is determined under an objective formula made available to all employees and is specified in a written policy, as reflected in the employee handbook or other similar credit union record.

The documentary evidence requirement reflects the standard for agreement-based claims against the liquidation estate and is intended to provide the liquidating agent an appropriate basis to determine that the credit union agreed to provide the benefits.⁹ Because not every credit union may have an employee handbook, the proposed rule would allow for other credit union records that evidence entitlement to the benefits.

The Board intends for the provisions in part 750 restricting the provability of certain severance claims to be applicable in cases that involve executive level employees with separately negotiated employment contracts or similar benefit plans that are not generally available to all employees on a non-discriminatory basis. In such cases, the Board anticipates that the liquidating agent will exercise its power of repudiation¹⁰ concerning the employment contract and/or benefit plan, with the result being that neither the severance claim itself nor any claim for damages arising from the repudiation will be allowed as provable in the liquidation, pursuant to part 750. It should be noted that these limitations on provability are applicable whether or not the arrangement in question would be considered a prohibited golden parachute under part 750 for an open credit union.

Accordingly, the Board proposes to amend § 709.5(b)(2) to provide that

⁹ See 12 U.S.C. 1787(b)(9); *D'Oench, Duhme & Co. v. Federal Deposit Ins. Corp.*, 315 U.S. 447 (1942). Under the FCU Act and relevant case law, a claimant may not sustain a claim against the liquidating agent based on an agreement unless the agreement was in writing, was executed by the credit union and the claimant, was approved by the credit union's board, and has continuously been an official credit union record.

¹⁰ 12 U.S.C. 1787(c).

claims seeking employee benefits other than earned but undisbursed salary or wages, including earned but unused paid time off and severance pay, will be allowed to the extent that the credit union has adopted a written policy, as reflected in the employee handbook or other similar record, that establishes a right to such payments and that the amount of such payment is determined in accordance with an objective, non-discriminatory formula made available to all employees. The proposed rule also recognizes that state law may require such payments and accommodates this possibility.

III. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a rule may have on a substantial number of small entities (primarily those under \$100 million in assets). The severance provision imposes no new requirements on credit unions. Instead, it would provide a limited exception to an existing regulation that applies to liquidated credit unions. Accordingly, the proposed rule will not have a significant economic impact on a substantial number of small credit unions, and therefore, no regulatory flexibility analysis is required.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden. 44 U.S.C. 3507(d). For purposes of the PRA, a paperwork burden may take the form of a either a reporting or a recordkeeping requirement, both referred to as information collections. Part 709 only concerns credit unions that have failed and imposes no information collection requirements on existing credit unions. Accordingly, there are no PRA implications.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule would clarify certain procedures for NCUA's administration of liquidated federally insured credit unions. This proposed rule will not have a substantial direct effect on the states, on the connection

between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The Board has determined that this proposed rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105-277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 709

Credit unions, Involuntary liquidation.

By the National Credit Union Administration Board, this 25th day of January, 2018.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed in the preamble, NCUA proposes to amend 12 CFR part 709 as follows:

PART 709—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS AND ADJUDICATION OF CREDITOR CLAIMS INVOLVING FEDERALLY INSURED CREDIT UNIONS IN LIQUIDATION

■ 1. The authority citation for part 709 is revised to read as follows:

Authority: 12 U.S.C. 1757, 1766, 1767, 1786(h), 1786(t), and 1787(b)(4), 1788, 1789, 1789a.

■ 2. Revise paragraph (b)(2) of § 709.5 to read as follows:

§ 709.5 Payout priorities in involuntary liquidation.

* * * * *

(b) * * *

(2) Claims for wages and salaries, including vacation, severance, and sick leave pay; *provided, however*, that, in accordance with § 750.7 of this chapter, no claim for vacation, severance, or sick leave pay is provable unless entitlement to the benefit is provided for in the credit union employee handbook or other written credit union record, is calculable in accordance with an objective formula, and is available to all employees who meet applicable eligibility requirements, such as minimum length of service, or if such

payment is required by applicable state or local law.

* * * * *

[FR Doc. 2018-01884 Filed 1-30-18; 8:45 am]

BILLING CODE 7535-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AP55

Medical Care in Foreign Countries and Filing for Reimbursement for Community Care Not Previously Authorized by VA

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its medical regulations related to hospital care and medical services in foreign countries. We would amend the regulations to simplify and clarify the scope of these rules. We would address medical services provided to eligible veterans in the Republic of the Philippines, and remove regulations related to grants to the Republic of the Philippines that are no longer supported by statutory authority. VA also proposes to amend its medical regulations related to filing claims for reimbursement of medical expenses incurred for VA care not previously authorized.

DATES: Written comments must be received on or before April 2, 2018.

ADDRESSES: Written comments may be submitted through www.Regulations.gov; by mail or hand-delivery to the Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Ave NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273-9026. Comments should indicate that they are submitted in response to “RIN 2900-AP55—Medical care in foreign countries and filing for reimbursement for community care not previously authorized by VA.” Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment (this is not a toll-free number). In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT: Joseph Duran, Director, Policy and Planning, Office of Community Care

(10D1A1), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (303) 372-4629. (This is not a toll-free number) or Joseph.Duran2@va.gov.

SUPPLEMENTARY INFORMATION: Section 1724 of title 38 United States Code (U.S.C.) prohibits VA from furnishing hospital care or medical services outside any State except under specific circumstances. VA is authorized under 38 U.S.C. 1724(b)(1) to furnish care and services to an eligible veteran outside any State if VA “determines that such care and services are needed for the treatment of a service-connected disability of the veteran or as part of a rehabilitation program under chapter 31 of this title.” VA furnishes health care to eligible veterans in the Republic of the Philippines under this authority. In addition, 38 U.S.C. 1724(c) provides that “within the limits” of the Veterans Memorial Medical Center at Manila, Republic of the Philippines, VA may enter into contracts to furnish necessary hospital care to a veteran for any non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital care. VA may also operate an outpatient clinic in the Republic of the Philippines to furnish necessary medical services to a veteran who has a service-connected disability. 38 U.S.C. 1724(e).

Several sections of title 38 Code of Federal Regulations (CFR) part 17 address VA’s authority to provide for hospital care and medical services for eligible veterans outside the United States, as well as submission of claims for reimbursement for services obtained from community care providers outside the United States. VA proposes to revise or amend these regulations to consolidate similar content, clarify provisions, and ensure that these regulations reflect current VA practice and statutory authority.

§ 17.35 Hospital Care and Outpatient Services in Foreign Countries

Current § 17.35 states that the Secretary may furnish hospital care and medical services to any veteran sojourning or residing outside the United States, without regard to the veteran’s citizenship if necessary for treatment of a service-connected disability, or any disability associated with and held to be aggravating a service-connected disability; or, if the care is furnished to a veteran participating in a rehabilitation program under 38 U.S.C. chapter 31 who requires care for the reasons enumerated in 38 CFR 17.47(i)(2).

We would revise § 17.35 by simplifying the rule and adding a paragraph to address medical services provided to eligible veterans in the Republic of the Philippines. VA proposes to remove the phrase “sojourning or residing” as it creates an unnecessary distinction. VA may furnish medical care and services to any veteran outside the United States, regardless of whether the veteran is sojourning (temporarily staying), has established residence outside of the United States, or in some other status that does not fit the broad definitions of either “sojourning or residing.” In addition, the term “sojourning” is antiquated. While it remains a defined term in many dictionaries it is not commonly used by the public. We would also amend the introductory sentence to refer to VA rather than the Secretary of VA which is how VA is referred to in recently published rulemakings. We would designate the introductory sentence in this section as paragraph (a), and current paragraphs (a) and (b) as paragraphs (a)(1) and (2) respectively. Finally, we would change the references to “medical services” in the current regulation to “outpatient services.” The term “outpatient services” is similarly used in § 17.38 and other VA regulations instead of “medical services,” and we believe it is more understandable to the reader.

We would add a new paragraph (b) to address hospital care and outpatient services provided to eligible veterans in the Republic of the Philippines as authorized in 38 U.S.C. 1724. Paragraph (b) would state that under the VA Foreign Medical Program VA may furnish hospital care and outpatient services in the Republic of the Philippines to a veteran who meets the requirements of § 17.35(a). VA may also provide outpatient services to a veteran in the VA outpatient clinic in Manila for the treatment of such veteran’s service-connected conditions within the limits of the clinic. A veteran’s non-service connected conditions may also be treated within the limits of the VA outpatient clinic in Manila, if the veteran has a service-connected disability.

Paragraph (c) would provide guidance on which sections of part 17 apply to claims for payment or reimbursement of services not previously authorized by the Foreign Medical Program. We would state that such claims are governed by §§ 17.123–17.127 and 17.129–17.132. This is consistent with the requirements for claims for payment or reimbursement for medical services not previously authorized by VA provided within the United States.

§ 17.125 Where To File Claims

Current § 17.125 addresses where veterans must file claims for payment or reimbursement of medical expenses incurred for care not previously authorized in the United States, including the Territories and possessions of the United States, Puerto Rico, the Republic of the Philippines, and other foreign countries. Paragraph (a) focuses on medical care rendered in the U.S. and U.S. Territories or possessions other than Puerto Rico. Puerto Rico is addressed in a separate paragraph in current § 17.125 since it is the only U.S. territory with a VA medical center. Paragraph (a) directs that claims should be filed with the Chief, Outpatient Service, or Clinic Director of the VA facility designated as a clinic or jurisdiction which serves the region in which the care or services were rendered.

We would amend § 17.125 by amending the prefatory statement to state that, generally, VA must preauthorize VA payment for health care services provided in the community when such care is provided in a State as that term is defined in 38 U.S.C. 101(20). This definition of "State" encompasses each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. Paragraph (a) would be amended to state that in those cases where VA payment for such services has not been authorized in advance, claims for payment for such health care services provided in a State should be submitted to the VA medical facility nearest to where those services were provided. We believe these changes would simplify the claims submission process. Under the current rule, a veteran must first determine which VA facility is designated as a clinic or jurisdiction which serves the region in which the care or services were rendered. This may not be the VA facility nearest to where community care was rendered, and that information is not always readily available. The proposed amendment would require only that the veteran determine which VA facility is geographically closest to where community care was rendered. In addition, the proposed change would simplify the rule, as there would be no separate paragraph addressing reimbursement for community care provided in Puerto Rico.

Current § 17.125 does not specifically address submission of claims for medical care provided in Canada. VA entered into a reciprocal agreement with Canada in 1956 which provides that

Veterans Affairs Canada will furnish medical service and hospital care to U.S. veterans in Canada to the extent requested by VA. Medical services and hospital care furnished by Veterans Affairs Canada under this agreement is that authorized under VA's Foreign Medical Program. Consistent with that agreement, if a U.S. veteran obtains hospital or medical care in Canada which is authorized under 38 CFR 17.35, the veteran must submit the claim to Veterans Affairs Canada, a department of the government of Canada equivalent to VA. In turn, Canadian veterans who incur certain hospital or medical expenses in the United States must submit any claim for reimbursement to VA. Proposed paragraph (b) would state that claims for payment for health care services under proposed 38 CFR 17.35(a) that are provided in Canada must be submitted to the Foreign Countries Operations Unit of Veterans Affairs Canada. The Foreign Countries Operations Unit is the office designated by Veterans Affairs Canada to accept claims for reimbursement of medical expenses from U.S. veterans.

Current paragraph (c) provides that claims for the expenses of care or services rendered in other foreign countries must be mailed to the Health Administration Center (HAC). The program office currently responsible for administering health care provided to veterans outside of the U.S. is the Foreign Medical Program, Office of Community Care. In proposed paragraph (c) we would state that all other claims for payment for health care services under proposed 38 CFR 17.35(a) that are provided outside a State must be submitted to the Foreign Medical Program, P.O. Box 469061, Denver, CO 80246-9061.

§§ 17.140 and 17.141 Delegation of Authority

Current § 17.140 states that the VA medical facility with responsibility for the fee basis program in the region or territory (including the Republic of the Philippines) served by such medical facility has authority to adjudicate all claims for the payment or reimbursement of the expenses of services not previously authorized rendered in the region or territory. Current § 17.141 states that HAC has authority to adjudicate claims for the payment or reimbursement of the expenses of services not previously authorized rendered in any foreign country except the Republic of the Philippines which will be referred to the VA Outpatient Clinic in Pasay City. We propose to remove §§ 17.140 and

17.141 and mark those sections as reserved for future use. VA believes that these sections are no longer required as the subject matter would be covered by proposed revisions to § 17.125.

§§ 17.350 through 17.370 Grants to the Republic of the Philippines

Executive Order 11762 provides that the President has delegated authority to VA relating to grants-in-aid to the Republic of the Philippines for medical care and treatment of veterans under 38 U.S.C. 1731 through 1734. Under 38 U.S.C. 1732(b) VA is authorized to provide grants to the Veterans Memorial Medical Center for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such center. Grants under this section are for the purpose of providing effective care and treatment of United States veterans in the Veterans Memorial Medical Center, and the amount of such grants is limited to funds specifically appropriated for that purpose. Authority to provide grants under 38 U.S.C. 1732(b) extended only through September 30, 1990. VA published regulations at 38 CFR 17.350 through 17.370 to administer these grants. As VA's authority to provide grants under 38 U.S.C. 1732(b) has expired, we propose to remove §§ 17.350 through 17.370. VA still retains authority under 38 U.S.C. 1731 to assist the Republic of the Philippines in fulfilling its responsibility in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions. Since 2002, under that separate authority, VA has provided several grants to the Republic of the Philippines to furnish, install and maintain medical equipment at the Veterans Memorial Medical Center.

Effect of Rulemaking

The Code of Federal Regulations, as proposed to be revised by this proposed rulemaking, would represent the exclusive legal authority on this subject. No contrary rules or procedures would be authorized. All VA guidance would be read to conform with this rulemaking if possible or, if not possible, such guidance would be superseded by this rulemaking.

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

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

Executive Orders 12866, 13563 and 13771

Executive Orders (E.O.s) 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 12866, Regulatory Planning and Review, defines “significant regulatory action” to mean any regulatory action that is likely to result in a rule that may: “(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order.”

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined not to be a significant regulatory action under E.O. 12866. This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

Unfunded Mandates

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

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program number and title for this proposed rule are as follows: 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.018, Sharing Specialized Medical Resources.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Signing Authority

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

Dated: January 26, 2018.

Janet Coleman,

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

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read as follows:

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

Section 17.35 is also issued under 38 U.S.C. 1724.

Section 17.38 is also issued under 38 U.S.C. 101, 501, 1701, 1705, 1710, 1710A, 1721, 1722, 1782, and 1786.

Section 17.125 is also issued under 38 U.S.C. 7304.

Section 17.169 is also issued under 38 U.S.C. 1712C.

Sections 17.380 and 17.412 are also issued under sec. 260, Public Law 114–223, 130 Stat. 857.

Section 17.410 is also issued under 38 U.S.C. 1787.

Section 17.415 is also issued under 38 U.S.C. 7301, 7304, 7402, and 7403.

Sections 17.640 and 17.647 are also issued under sec. 4, Public Law 114–2, 129 Stat. 30.

Sections 17.641 through 17.646 are also issued under 38 U.S.C. 501(a) and sec. 4, Public Law 114–2, 129 Stat. 30.

■ 2. Revise § 17.35 to read as follows:

§ 17.35 Hospital care and outpatient services in foreign countries.

(a) Under the VA Foreign Medical Program, VA may furnish hospital care and outpatient services to any veteran outside of the United States, without regard to the veteran’s citizenship:

(1) If necessary for treatment of a service-connected disability, or any disability associated with and held to be aggravating a service-connected disability;

(2) If the care and services are furnished to a veteran participating in a rehabilitation program under 38 U.S.C. chapter 31 who requires care and services for the reasons enumerated in 38 CFR 17.47(i)(2).

(b) Under the Foreign Medical Program, the care and services authorized under paragraph (a) of this section are available in the Republic of the Philippines to a veteran who meets the requirements of paragraph (a) of this section. VA may also provide outpatient services to a veteran referenced in paragraph (a)(1) in the VA outpatient clinic in Manila for the treatment of such veteran’s service-connected conditions within the limits of the clinic. Non-service connected conditions of a veteran who has a service-connected disability may be treated within the limits of the VA outpatient clinic in Manila.

(c) Claims for payment or reimbursement for services not previously authorized by VA under this section are governed by §§ 17.123–17.127 and 17.129–17.132 of this title.

■ 3. Revise § 17.125 to read as follows:

§ 17.125 Where to file claims.

Generally, VA must preauthorize VA payment for health care services provided in the community when such

care is provided in a State as that term is defined in 38 U.S.C. 101(20).

(a) Where VA payment for such services has not been authorized in advance, claims for payment for such health care services provided in a State should be submitted to the VA medical facility nearest to where those services were provided.

(b) Claims for payment for hospital care and outpatient services authorized under section 17.35(a) of this title and provided in Canada must be submitted to Veterans Affairs Canada, Foreign Countries Operations Unit, 2323 Riverside Dr., 2nd Floor, Ottawa, Ontario, Canada K1A 0P5.

(c) All other claims for payment for hospital care and outpatient services authorized under section 17.35(a) of this title and provided outside a State must be submitted to the Foreign Medical Program, P.O. Box 469061, Denver, CO 80246-9061.

§ 17.140 [Reserved]

■ 4. Remove § 17.140 and the undesignated center heading “Delegations of Authority”, immediately preceding it.

§ 17.141 [Reserved]

■ 5. Remove § 17.141.
 ■ 6. Add an undesignated center heading, “Delegation of Authority” immediately preceding § 17.142.

§§ 17.350–17.370 [Reserved]

■ 7. Remove the undesignated center heading, “Grants to the Republic of the Philippines”, immediately preceding § 17.350.
 ■ 8. Remove §§ 17.350 through 17.370.

[FR Doc. 2018-01865 Filed 1-30-18; 8:45 am]

BILLING CODE 8320-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[AU Docket No. 17-351; DA 18-11]

Auction of FM Translator Construction Permits Scheduled for June 21, 2018; Comment Sought on Competitive Bidding Procedures for Auction 83

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; proposed auction procedures.

SUMMARY: In this document, the Wireless Telecommunications and Media Bureaus (the Bureaus) announce an auction of certain FM translator construction permits. This document also seeks comment on competitive

bidding procedures and proposed minimum opening bids for Auction 83.

DATES: Comments are due on or before February 6, 2018, and reply comments are due on or before February 13, 2018. Bidding for FM translator construction permits in Auction 83 is scheduled to begin on June 21, 2018.

ADDRESSES: Interested parties may submit comments in response to the Auction 83 Comment Public Notice by any of the following methods:

- *FCC’s Website:* Federal Communication Commission’s Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.

- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, or audio format), send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For detailed instructions for submitting comments, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For auction legal questions, Lynne Milne in the Wireless Telecommunications Bureau’s Auctions and Spectrum Access Division at (202) 418-0660. For general auction questions, the Auctions Hotline at (717) 338-2868. For FM translator service rule questions, James Bradshaw, Lisa Scanlan or Tom Nessinger in the Media Bureau’s Audio Division at (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s document (Auction 83 Comment Public Notice) in AU Docket No. 17-351, DA 18-11, released on January 16, 2018. The complete text of this document, including any attachment, is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW, Room CY-A257, Washington, DC 20554. The Auction 83 Comment Public Notice and related documents also are available on the internet at the Commission’s website: <http://wireless.fcc.gov/auctions/83/>, or by using the search function for AU Docket No. 17-351 on the Commission’s ECFS web page at <http://www.fcc.gov/cgb/ecfs/>.

All filings in response to the Auction 83 Comment Public Notice must refer to AU Docket No. 17-351. The Bureaus strongly encourage interested parties to file comments electronically, and

request that an additional copy of all comments and reply comments be submitted electronically to the following address: auction83@fcc.gov.

Electronic Filers: Comments may be filed electronically using the internet by accessing ECFS: <http://apps.fcc.gov/ecfs>. Follow the instructions for submitting comments.

Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission (FCC). All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to the FCC Headquarters at 445 12th Street SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. Eastern Time (ET). All hand deliveries must be held together with rubber bands or fasteners. Any envelope or box must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

I. Background

1. On February 6, 2003, the Bureaus announced an auction filing window for non-reserved band (Channels 221 to 300) applications for new FM translator stations and major modifications to authorized FM translator facilities. By Public Notices released May 21, 2013 and April 30, 2014, the Bureaus provided a list of all applications received during the filing window that were mutually exclusive (MX) with other applications submitted in the filing window. Applicants were previously given the opportunity to eliminate their mutual exclusivity with other applicants’ engineering proposals by settlement or technical modification to their proposals.

II. Construction Permits in Auction 83

2. Auction 83 will resolve groups of pending mutually exclusive applications for commercial FM translator construction permits. Competitive bidding will be used to select winning bidders for up to 43 new FM translator permits. A list of those pending groups of mutually exclusive applications is identified in Attachment A of the Auction 83 Comment Public

Notice. Attachment A also lists proposed minimum opening bids and upfront payment amount for each construction permit.

3. An applicant listed in Attachment A may become qualified to bid only if it meets the additional filing, qualification and payment requirements, and otherwise complies with applicable requirements. Each applicant may become a qualified bidder only for those constructions permits specified for that applicant in Attachment A to the Auction 83 Comment Public Notice. Each of the engineering proposals within each MX group are directly mutually exclusive with one another; therefore, no more than one construction permit will be awarded for each MX group identified in Attachment A. Under the Commission's established precedent, because mutual exclusivity exists for auction purposes, once "mutually exclusive applications are accepted," even if only one applicant for a particular construction permit becomes qualified to bid, that applicant must submit a bid in order to be eligible to obtain that construction permit. The Bureaus seek comment on whether, in the event the Commission determines to apply to Auction 83 applicants the changes made since 2003 to Section 1.2105 of the auction rules described in paragraphs 9–11 of the Auction 83 Comment Public Notice, the Bureaus can or should apply a different approach in this unique context.

III. Remedial Filing Window for FCC Forms 175

4. Applicants listed in Attachment A previously filed short-form applications (FCC Forms 175). The Bureaus, in a future public notice, will specify procedures and announce a filing window for updating Auction 83 applicants' Forms 175. During this remedial filing window, each applicant seeking to become qualified to participate in bidding must make any updates to information submitted in its application that may be needed, whether to reflect new or revised information pursuant 47 CFR 1.65, to comply with requirements of the FCC auction application system or to address other requirements of the Commission's competitive bidding rules, including amendments to those rules that may have been adopted subsequent to Auction 83 applicants' initial submissions, such as those changes required to be reported pursuant to sections 1.65 and 1.2105 of the Commission's rules. If an applicant fails to update its FCC Form 175 during the upcoming remedial filing window, it

will be disqualified from further participation in Auction 83.

IV. Bureaus Seek Comment on Procedures for Pending Applications

5. Auction 83 applicants initially filed their short-form auction applications and Form 349 tech box proposals in 2003. Since those applications were filed, the Bureaus have undertaken significant engineering analysis to determine mutual exclusivity among over 13,000 tech boxes that were initially filed. In the intervening period, the Commission has also amended its Part 1 competitive bidding rules several times. In general, each Commission auction is subject to the current Commission's Part 1 competitive bidding rules, including any amendments that may be adopted after the initial filing of an application. In light of the many years during which the Auction 83 applicants' short-form applications have been pending, the Bureaus seek comment on whether certain aspects of the current rules governing auctions should be waived to account for regulatory and business changes that have occurred since these applications were filed in 2003.

6. *Prohibition on Major Changes.* The Bureaus seek comment on whether to waive section 1.2105(b)'s prohibition on major changes with respect to transfers of control or assignments that have occurred to date and/or that have been subject to Commission review and approval by a particular date. Section 1.2105(b)(2) provides that an auction applicant that undertakes a major change, including a change of ownership that would constitute an assignment or transfer of control, after the short-form application deadline will be disqualified from participating in bidding. This rule applies uniformly to auction applicants, including in broadcast auctions. As noted in the recent broadcast television spectrum incentive auction, this prohibition assures that "relevant parties are identified to the Commission prior to the auction" and that the representations and certifications in the application "remain effective and enforceable" while the application is pending. Further, preventing significant changes in the ownership of an applicant after the short-form application deadline assures that all applicants have consistent and transparent information about the identity of other applicants and, by leveling the informational playing field enhances competition in the auction. Accordingly, the bar on major modifications prevents an applicant entity from engaging in an assignment

or transfer of control from the short-form deadline until after the auction closes. For Auction 83, this prohibition has already been in effect for more than 14 years, and will not be lifted before the passage of at least another six months.

7. Two Auction 83 applicants whose ultimate parent corporation had consummated a transfer of control pursuant to authorization granted by the Commission in 2008 have sought waiver of section 1.2105(b)(2)'s bar on major modifications. Absent a waiver, the rule would require the dismissal of those applicants' short-form applications. The Bureaus seek comment on whether good cause exists to grant this request for waiver. Moreover, other Auction 83 applicants may have changed ownership or control since 2003 for operational or other business reasons entirely unrelated to the FM translator construction permits that they are seeking in Auction 83. Are there circumstances that would justify waiver of this rule for Auction 83 applicants? Should any such waiver be limited to certain transfers of control or assignments (e.g., that have occurred to date; that were subject to Commission review and approval by a particular date; and/or that were consummated pursuant to an assignment or transfer of control involving all, or substantially all, of the assets of the applicant or its parent and which involve multiple licenses)?

8. *Prohibitions on Joint Bidding Agreements, on Separate Auction Applications By Commonly Controlled Entities, and on Certain Communications.* Under section 1.2105(a), as revised in 2015, each auction applicant must certify that it has disclosed any arrangements or understandings of any kind relating to the licenses being auctioned to which it (or any party that controls or is controlled by it) is a party, and must certify that it (or any party that controls or is controlled by it) has not entered and will not enter any arrangement or understanding of any kind relating directly or indirectly to bidding at auction with any other applicant for the auction, among others. Consistent with this prohibition, the Commission also revised section 1.1205(a)(3) to prohibit the filing of more than one short-form auction application by any one entity or individual, or by multiple entities that have a controlling interest in common, and provided that if applications were filed by entities with overlapping controlling interests at most, only one of the applicants could become qualified to bid. For purposes of this prohibition, 47 CFR 1.2105(a)(4) defines controlling

interest to include individuals or entities with de jure or de facto control. In 2015, the Commission also revised the rule prohibiting certain communications, section 1.2105(c), to prohibit a communication of bids or bidding strategies between all applicants for an auction.

9. At the time Auction 83 applications were initially filed, section 1.2105 did not prohibit joint bidding agreements or the filing of separate auction applications by entities with overlapping controlling interests. The rule required, as it does now, the disclosure of any such agreement and identification of all parties to it. In addition, the section 1.2105(c) prohibition on certain communications applied only to a communication of bids and bidding strategies between auction applicants for construction permits in any of the same geographic license, areas, with an exception for applicants that had identified each other on their Forms 175 as parties with whom they had entered into agreements pursuant to section 1.2105(a)(2)(viii). For purposes of this prohibition, both former section 1.2105(c)(7)(i) and current section 1.2105(c)(5)(i) define applicant as including all officers and directors of the entity submitting a short-form application to participate in the auction, all controlling interests of that entity, as well as all holders of partnership and other ownership interests and any stock interest amounting to 10 percent or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application. Further, in applying the prohibited communications rule, the Bureaus have found that, where an individual served as an officer and director for two or more applicants subject to the rule, the bids and bidding strategies of one applicant are presumptively conveyed to the other applicant. Accordingly, the Bureaus determined under the former rule that, absent a disclosed bidding agreement between such applicants, an apparent violation of section 1.2105(c) would occur.

10. The Bureaus anticipate that some Auction 83 applicants and their pending applications may not be in compliance with the current provisions of section 1.2105. In light of the passage of time since the Auction 83 application filing deadline in 2003, the rule revisions that have become effective, and the business changes that applicants any applicants have undergone, the Bureaus seek comment on whether waiver of certain provisions of section 1.2105 to allow applicants to bring their applications into compliance with the current competitive bidding rules would serve

the underlying purposes of these current prohibitions better than strict enforcement under these circumstances. If so, how might applicants bring themselves into compliance with current requirements during the upcoming remedial filing window? For example, if any Auction 83 applicants are under common control, should the Bureaus require such applicants to participate through a single bidding entity by filing a single application covering all of the MX engineering proposals applied for by the separate commonly controlled applicants? If so, should the Bureaus adopt specific procedures for the remedial filing window that would allow such Auction 83 applicants to come into compliance with current competitive bidding rules and requirements? Under this approach, the Bureaus propose that any commonly controlled applicants that combine their applications for purposes of bidding would be able to apply separately post-auction for construction permits. As an alternative, if any Auction 83 applicants have overlapping controlling interests, should the Bureaus allow separate auction applications from Auction 83 applicants that are under common control? If so, how would the Bureaus address the issue of a prohibited communication of bidding-related information by shared officers or directors of Auction 83 applicants? To the extent any Auction 83 applicant may have previously entered into an arrangement that is now prohibited under section 1.2105's prohibition on joint bidding agreements, what steps could such parties take to bring themselves into compliance with current rules without implicating the concerns that led the Commission to adopt the new rule? How should the Bureaus address the potentially continuing effects of any previously negotiated arrangement relating to joint bidding that was disclosed consistently with our prior rules? Irrespective of any waiver, should the Bureaus presume, absent affirmative evidence to the contrary, that any communications that may have occurred due to a shared director and officer during the more than ten years the initial applications have been pending prior to the remedial filing window did not involve bids or bidding strategies for purposes of applying the prohibition? Commenters are encouraged to identify any particular circumstances of this auction that should guide us in developing application procedures under the competitive bidding rules now in effect, including the lengthy pendency of the auction applications, specific aspects of

the auction application process and processing procedures, limitations on eligibility to bid on specific permits in this closed auction, the nature of the permits to be awarded, or any other relevant considerations. Pursuant to 47 CFR 1.3 and 1.925, commenters favoring waiver of any rule should focus in particular on whether the underlying purpose of the rule would be served by its application in this case.

V. Updates to Application Outside of Filing Windows

11. Section 1.65 of the Commission's rules requires an applicant to maintain the accuracy and completeness of information furnished in its pending application and to notify the Commission of any substantial change that may be of decisional significance to that application. Thus, section 1.65 requires an auction applicant to notify the Commission of any substantial change to the information or certifications included in its pending short-form application. See also 47 CFR 1.2105(b), (c).

12. If information needs to be submitted pursuant to sections 1.65 or 1.2105 outside of the initial, remedial, or resubmission windows in Auction 83, the applicant must submit a letter briefly summarizing the changes by email to action83@fcc.gov. Such email must include a subject or caption referring to Auction 83 and the name of the applicant.

VI. Bureaus Seek Comment on Bidding Procedures

13. The Bureaus, under delegated authority, seek comment on a variety of auction-specific procedures prior to the start of bidding in Auction 83.

A. Auction Structure

14. *Simultaneous Multiple Round Auction Design.* The Bureaus propose using the Commission's standard simultaneous multiple-round auction format for Auction 83. This type of auction offers every construction permit for bid at the same time and consists of successive bidding rounds in which eligible bidders may place bids on individual construction permits. Typically, bidding remains open on all construction permits until bidding stops on every construction permit. The Bureaus seek comment on this proposal.

15. *Bidding Rounds.* Auction 83 will consist of sequential bidding rounds, each followed by the release of round results. The Commission will conduct Auction 83 over the internet using the FCC auction bidding system. Bidders will also have the option of placing bids

by telephone through a dedicated auction bidder line.

16. The Bureaus propose to retain the discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. Under this proposal, the Bureaus may change the amount of time for the bidding rounds, the amount of time between rounds, or the number of rounds per day, depending upon bidding activity and other factors. The Bureaus seek comment on this proposal. Commenters on this issue should address the role of the bidding schedule in managing the pace of the auction, specifically discussing the tradeoffs in managing auction pace by bidding schedule changes, by changing the activity requirements or bid amount parameters, or by using other means.

17. *Stopping Rule.* To complete the auction within a reasonable time, the Bureaus propose to employ a simultaneous stopping rule approach for Auction 83, which means all construction permits remain available for bidding until bidding stops on every construction permit. Specifically, bidding would close on all construction permits after the first round in which no bidder submits any new bids, applies a proactive waiver, or, if bid withdrawals are permitted in this auction, withdraws any provisionally winning bid which is a bid that would become a final winning bid if the auction were to close in that given round. Thus, unless the Bureaus announce alternative procedures, the simultaneous stopping rule will be used in this auction, and bidding will remain open on all construction permits until bidding stops on every construction permit. Consequently, it is not possible to determine in advance how long the bidding in this auction will last.

18. Further, the Bureaus propose to retain the discretion to exercise any of the following options during Auction 83. (1) Use a modified version of the simultaneous stopping rule that would close the auction for all construction permits after the first round in which no bidder applies a waiver, withdraws a provisionally winning bid (if withdrawals are permitted in this auction), or places any new bid on a construction permit for which it is not the provisionally winning bidder, which means that, absent any other bidding activity, a bidder placing a new bid on a construction permit for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule. (2) Use a modified version of the simultaneous stopping rule that would close the

auction for all construction permits after the first round in which no bidder applies a waiver, withdraws a provisionally winning bid (if withdrawals are permitted in this auction), or places any new bid on a construction permit that already has a provisionally winning bid, which means that, absent any other bidding activity, a bidder placing a new bid on an FCC-held construction permit (a construction permit that does not already have a provisionally winning bid) would not keep the auction open under this modified stopping rule. (3) Use a modified version of the simultaneous stopping rule that combines options (1) and (2). (4) The auction would close after a specified number of additional rounds (special stopping rule) to be announced by the Bureaus. If the Bureaus invoke this special stopping rule, they will accept bids in the specified final round(s), after which the auction will close. (5) The auction would remain open even if no bidder places any new bid, applies a waiver, or withdraws any provisionally winning bid (if withdrawals are permitted in this auction). In this event, the effect will be the same as if a bidder had applied a waiver. The activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a waiver.

19. The Bureaus propose to exercise these options only in certain circumstances, for example, where the auction is proceeding unusually slowly or quickly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time or will close prematurely. Before exercising these options, the Bureaus are likely to attempt to change the pace of the auction. For example, the Bureaus may adjust the pace of bidding by changing the number of bidding rounds per day and/or the minimum acceptable bids. The Bureaus proposed to retain the discretion to exercise any of these options with or without prior announcement during the auction. The Bureaus seek comment on these proposals.

20. *Auction Delay, Suspension or Cancellation.* Pursuant to 47 CFR 1.2104(i), the Bureaus propose that they may delay, suspend, or cancel bidding in Auction 83 in the event of a natural disaster, technical obstacle, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. The Bureaus will notify participants of any such delay,

suspension or cancellation by public notice and/or through the FCC auction bidding system's announcement function. If bidding is delayed or suspended, the Bureaus may, in their sole discretion, elect to resume the auction starting from the beginning of the current round or from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureaus to delay or suspend the auction. The Bureaus emphasize that they will exercise this authority solely at their discretion, and not as a substitute for situations in which bidders may wish to apply activity rule waivers. The Bureaus seek comment on this proposal.

B. Auction Procedures

21. *Upfront Payments and Bidding Eligibility.* The Bureaus have delegated authority and discretion to determine an appropriate upfront payment for each construction permit being auctioned, taking into account such factors as the efficiency of the auction process and the potential value of similar construction permits. The upfront payment is a refundable deposit made by an applicant to establish eligibility to bid on construction permits. Upfront payments that are related to the specific construction permits being auctioned protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of bidding. With these considerations in mind, the Bureaus proposed the upfront payments set forth in Attachment A of the Auction 83 Comment Public Notice. The Bureaus seek comment on the upfront payments specified in Attachment A of the Auction 83 Comment Public Notice.

22. The Bureaus further propose that the amount of the upfront payment submitted by a bidder will determine its initial bidding eligibility in bidding units. The Bureaus propose to assign each construction permit a specific number of bidding units, equal to one bidding unit per dollar of the upfront payment listed in Attachment A of the Auction 83 Comment Public Notice. The number of bidding units for a given construction permit is fixed and does not change during the auction as prices change. If an applicant is found to be qualified to bid on more than one permit in Auction 83, such a bidder may place bids on multiple construction permits, provided that the total number of bidding units associated with those construction permits does not exceed the bidder's current eligibility. A bidder cannot increase its eligibility during the auction; it can only maintain its

eligibility or decrease its eligibility. Thus, in calculating its upfront payment amount and hence its initial bidding eligibility, an applicant must determine the maximum number of bidding units on which it may wish to bid (or hold provisionally winning bids) in any single round, and submit an upfront payment amount covering that total number of bidding units. The Bureaus request comment on these proposals.

23. *Activity Rule.* In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. The Bureaus propose a single stage auction with the following activity requirement: In each round of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on 100 percent of its bidding eligibility. A bidder's activity in a round will be the sum of the bidding units associated with any construction permits upon which it places bids during the current round and the bidding units associated with any construction permits for which it holds provisionally winning bids. Failure to maintain the requisite activity level would result in the use of an activity rule waiver, if any, or a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction. The Bureaus seek comment on this proposal.

24. *Activity Rule Waivers and Reducing Eligibility.* When a bidder's activity in the current round is below the required minimum level, it may preserve its current level of eligibility through an activity rule waiver, if available. An activity rule waiver applies to an entire round of bidding, not to a particular construction permit. Activity rule waivers can be either proactive or automatic. Activity rule waivers are principally a mechanism for a bidder to avoid the loss of bidding eligibility in the event that exigent circumstances prevent it from bidding in a particular round.

25. The FCC auction bidding system will assume that a bidder that does not meet the activity requirement would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round in which a bidder's activity is below the minimum required unless (1) the bidder has no activity rule waivers remaining or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the activity

requirement. If a bidder has no waivers remaining and does not satisfy the required activity level, the bidder's current eligibility will be permanently reduced, possibly curtailing or eliminating the ability to place additional bids in the auction.

26. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding round by using the reduce eligibility function in the FCC auction bidding system. In this case, the bidder's eligibility would be permanently reduced to bring it into compliance with the specified activity requirement. Reducing eligibility is an irreversible action; once eligibility has been reduced, a bidder cannot regain its lost bidding eligibility.

27. Under the proposed simultaneous stopping rule, a bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively were to apply an activity rule waiver (using the proactive waiver function in the FCC auction bidding system) during a bidding round in which no bids are placed or withdrawn (if bid withdrawals are permitted in this auction), the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC auction bidding system in a round in which there are no new bids, no bid withdrawal (if bid withdrawals are permitted in this auction), or no proactive waiver will not keep the auction open.

28. The Bureaus propose that each bidder in Auction 83 be provided with three activity rule waivers that may be used at the bidder's discretion during the course of the auction. The Bureaus seek comment on this proposal.

29. *Reserve Price or Minimum Opening Bids.* Normally, a reserve price is an absolute minimum price below which a construction permit will not be sold in a given auction. The Bureaus do not propose to establish separate reserve prices for the Auction 83 construction permits.

30. A minimum opening bid is the minimum bid price set at the beginning of the auction below which no bids are accepted. Because it is an effective tool for accelerating the competitive bidding process, the Bureaus propose to establish minimum opening bid amounts for Auction 83 determined by taking into account the type of service and class of facility offered, market size, population covered by the proposed broadcast facility, and recent broadcast

transaction data. Attachment A of the Auction 83 Comment Public Notice lists a proposed minimum opening bid amount for each construction permit available in Auction 83. The Bureaus seek comment on the minimum opening bid amounts specified in Attachment A of the Auction 83 Comment Public Notice.

31. If commenters believe that these minimum opening bid amounts will result in unsold construction permits, are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so and comment on the desirability of an alternative approach. The Bureaus ask commenters to support their claims with valuation analyses and suggested amounts or formulas for reserve prices or minimum opening bids. In establishing the minimum opening bid amounts, the Bureaus particularly seek comment on factors that could reasonably have an impact on bidders' valuation of the broadcast spectrum, including the type of service offered, market size, population covered by the proposed broadcast facility, and any other relevant factors.

32. *Bid Amounts.* The Bureaus propose that, if the bidder has sufficient eligibility to place a bid on a particular construction permit in a round, an eligible bidder will be able to place a bid on that construction permit in any of up to nine different amounts. Under this proposal, the FCC auction bidding system interface will list the acceptable bid amounts for each construction permit.

33. The first of the acceptable bid amounts is called the minimum acceptable bid amount. The minimum acceptable bid amount for a construction permit will be equal to its minimum opening bid amount until there is a provisionally winning bid for the construction permit. After there is a provisionally winning bid for a construction permit, the minimum acceptable bid amount will be a certain percentage higher. The percentage used for this calculation, the minimum acceptable bid increment percentage, is multiplied by the provisionally winning bid amount, and the resulting amount is added to the provisionally winning bid amount. If, for example, the minimum acceptable bid increment percentage is 10 percent, then the provisionally winning bid amount is multiplied by 10 percent. The result of that calculation is added to the provisionally winning bid amount, and that sum is rounded using the Commission's standard rounding procedure for auctions. If bid withdrawals are permitted in this auction, in the case of a construction

permit for which the provisionally winning bid has been withdrawn, the minimum acceptable bid amount will equal the second highest bid received for the construction permit.

34. The FCC will calculate the eight additional bid amounts using the minimum acceptable bid amount and an additional bid increment percentage. The minimum acceptable bid amount is multiplied by the additional bid increment percentage, and that result rounded is the additional increment amount. The first additional acceptable bid amount equals the minimum acceptable bid amount plus the additional increment amount. The second additional acceptable bid amount equals the minimum acceptable bid amount plus two times the additional increment amount; the third additional acceptable bid amount is the minimum acceptable bid amount plus three times the additional increment amount; etc. If, for example, the additional bid increment percentage is 5 percent, then the calculation of the additional increment amount is (minimum acceptable bid amount) * (0.05), rounded. The first additional acceptable bid amount equals (minimum acceptable bid amount) + (additional increment amount); the second additional acceptable bid amount equals (minimum acceptable bid amount) + (2 * (additional increment amount)); the third additional acceptable bid amount equals (minimum acceptable bid amount) + (3 * (additional increment amount)); etc. The Bureaus will round the results using the Commission's standard rounding procedures for auctions.

35. For Auction 83, the Bureaus propose to use a minimum acceptable bid increment percentage of 10 percent. This means that the minimum acceptable bid amount for a construction permit will be approximately 10 percent greater than the provisionally winning bid amount for the construction permit. To calculate the additional acceptable bid amounts, the Bureaus proposed to use an additional bid increment percentage of 5 percent. The Bureaus seek comment on these proposals.

36. The Bureaus propose to retain the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid increment percentage, the additional bid increment percentage, and the number of acceptable bid amounts if the Bureaus determine that circumstances so dictate. Further, the Bureaus retain the discretion to do so on a construction-permit-by-construction-permit basis. The Bureaus also propose to retain the discretion to limit (a) the

amount by which a minimum acceptable bid for a construction permit may increase compared with the corresponding provisionally winning bid, and (b) the amount by which an additional bid amount may increase compared with the immediately preceding acceptable bid amount. For example, the Bureaus could set a \$1,000 limit on increases in minimum acceptable bid amounts over provisionally winning bids. Thus, if calculating a minimum acceptable bid using the minimum acceptable bid increment percentage results in a minimum acceptable bid amount that is \$1,200 higher than the provisionally winning bid on a construction permit, the minimum acceptable bid amount would instead be capped at \$1,000 above the provisionally winning bid. The Bureaus seek comment on the circumstances under which the Bureaus should employ such a limit, factors the Bureaus should consider when determining the dollar amount of the limit, and the tradeoffs in setting such a limit or changing other parameters, such as changing the minimum acceptable bid percentage, the bid increment percentage, or the number of acceptable bid amounts. If the Bureaus exercise this discretion, they will alert bidders by announcement in the FCC auction bidding system during the auction. The Bureaus seek comment on these proposals.

37. *Provisionally Winning Bids.* Provisionally winning bids are bids that would become winning bids if the auction were to close in that given round. At the end of a bidding round, the FCC auction bidding system will determine a provisionally winning bid for each construction permit based on the highest bid amount received. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same construction permit at the close of a subsequent round.

38. The auction bidding system assigns a pseudo-random number to each bid when the bid is entered. If identical high bid amounts are submitted on a construction permit in any given round (*i.e.*, tied bids), the FCC auction bidding system will use a pseudo-random number generator to select a single provisionally winning bid from among the tied bids. The tied bid with the highest pseudo-random number wins the tiebreaker and becomes the provisionally winning bid. The remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. However, if the auction were to close with no other bids being placed,

the winning bidder would be the one that placed the provisionally winning bid. If the construction permit receives any bids in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the construction permit.

39. A provisionally winning bid will be retained until there is a higher bid on the construction permit at the close of a subsequent round, unless the provisionally winning bid is withdrawn (if bid withdrawals are permitted in this auction). The Bureaus remind bidders that provisionally winning bids count toward a bidder's activity level for purposes of the activity rule.

40. *Bid Removal and Bid Withdrawal.* For Auction 83, the Bureaus propose the following bid removal procedures. The FCC auction bidding system allows each bidder to remove any of the bids it placed in a round before the close of that round. By removing a bid placed within a round, a bidder effectively unsubmitted the bid. In contrast to the bid withdrawal provisions, a bidder removing a bid placed in the same round is not subject to a withdrawal payment. Once a round closes, a bidder is no longer permitted to remove a bid. The Bureaus seek comment on this bid removal proposal.

41. The Bureaus also seek comment on whether bid withdrawals should be permitted in Auction 83. When permitted in an auction, bid withdrawals provide a bidder with the option of withdrawing bids placed in prior rounds that have become provisionally winning bids. A bidder would be able to withdraw its provisionally winning bids using the withdraw function in the FCC auction bidding system. A bidder that withdraws its provisionally winning bid(s), if permitted in this auction, is subject to the bid withdrawal payment provisions of 47 CFR 1.2104(g) and 1.2109.

42. Based on the nature of the permits available in Auction 83 and on the experience of the Bureaus with past auctions of broadcast construction permits, the Bureaus propose to prohibit bidders from withdrawing any bid after the close of the round in which the bid was placed. The Bureaus make this proposal in light of the site- and applicant-specific nature and wide geographic dispersion of the permits available in this closed auction, which suggests that potential applicants for this auction will have limited opportunity to aggregate construction permits through the auction process because of the closed MX groups previously established. Thus, the Bureaus believe that it is unlikely that

bidders will have a need to withdraw bids in this auction. Also, allowing bid withdrawals may encourage insincere bidding or increase opportunities for anti-competitive bidding in certain circumstances. The Bureaus also remain mindful that bid withdrawals, particularly those made late in this auction, could result in delays in licensing new FM translator stations and attendant delays in the offering of new broadcast service to the public. The Bureaus seek comment on their proposal to prohibit bid withdrawals in Auction 83.

C. Post-Auction Payments

43. *Interim Withdrawal Payment Percentage.* A bidder that withdraws a bid during an auction is subject to a withdrawal payment equal to the difference between the amount of the withdrawn bid and the amount of the winning bid in the same or a subsequent auction. However, if a construction permit for which a bid has been withdrawn does not receive a subsequent higher bid or winning bid in the same auction, the FCC cannot calculate the final withdrawal payment until that construction permit receives a higher bid or winning bid in a subsequent auction. In such cases, when that final withdrawal payment cannot yet be calculated, the FCC imposes on the bidder responsible for the withdrawn bid an interim bid withdrawal payment, which will be applied toward any final bid withdrawal payment that is ultimately assessed.

44. The amount of the interim bid withdrawal payment may range from three to 20 percent of the withdrawn bid amount. If bid withdrawals are allowed in Auction 83, the Bureaus propose that the interim bid withdrawal payment be 20 percent of the withdrawn bid. The Bureaus request comment on using 20 percent for calculating an interim bid withdrawal payment amount in Auction 83. Commenters advocating the use of bid withdrawals should also address the percentage of the interim bid withdrawal payment.

45. *Additional Default Payment Percentage.* Any winning bidder that defaults or is disqualified after the close of an auction (*i.e.*, fails to remit the required down payment by the specified deadline, fails to submit a timely long-form application, fails to make full and timely final payment, or is otherwise disqualified) is liable for a default payment under 47 CFR 1.2104(g)(2). This default payment consists of a deficiency payment equal to the difference between the amount of the Auction 83 bidder's winning bid and the amount of the winning bid the next

time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less.

46. Based on the nature of the service and the construction permits being offered, the Bureaus propose for Auction 83 an additional default payment of 20 percent of the relevant bid. The Bureaus seek comment on this proposal.

VII. Tutorial and Additional Information for Auction 83 Applicants

47. The Bureaus intend to provide educational opportunities for applicants to familiarize themselves with the FCC auction application system and the auction bidding system.

VIII. Supplemental Regulatory Flexibility Analysis

48. The Regulatory Flexibility Act of 1980 (RFA) requires that an initial regulatory flexibility analysis be prepared for notice and comment rulemaking proceedings unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities, 5 U.S.C. 605(b). The RFA generally defines the term small entity as having the same meaning as the terms small business, small organization, and small governmental jurisdiction. In addition, the term small business has the same meaning as the term small business concern under the Small Business Act, 5 U.S.C. 601(3). According to the Small Business Act, 15 U.S.C. 632, a small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration.

49. The Auction 83 Comment Public Notice seeks comment on proposed procedures to govern Auction 83, an auction of up to 43 commercial FM translator construction permits, and on proposed procedures for processing pending Auction 83 applications. This process is intended to provide notice of and adequate time for potential applicants to comment on proposed application processing and auction procedures. To promote the efficient and fair administration of the competitive bidding process for all Auction 83 participants, including small businesses, the Bureaus seek comment on the following: (1) Whether certain aspects of the rules governing auction applications, including the prohibitions on major changes and on certain

communications as well as the rules governing bidding-related agreements including the current prohibition on joint bidding arrangements, should be waived to account for regulatory and business changes that have occurred since Auction 83 applications were filed in 2003; (2) Use of a simultaneous multiple-round auction format, consisting of sequential bidding rounds with a simultaneous stopping rule (with Bureau discretion to exercise alternative stopping rules under certain circumstances); (3) A specific minimum opening bid amount for each construction permit available in Auction 83; (4) A specific upfront payment amount for each construction permit; (5) Establishment of a bidder's initial bidding eligibility in bidding units based on that bidder's upfront payment through assignment of a specific number of bidding units for each construction permit; (6) Use of an activity rule that would require bidders to bid actively during the auction rather than waiting until late in the auction before participating; (7) A single stage auction in which a bidder is required to be active on 100 percent of its bidding eligibility in each round of the auction; (8) Provision of three activity rule waivers for each bidder to allow it to preserve bidding eligibility during the course of the auction; (9) Use of minimum acceptable bid amounts and additional acceptable amounts, along with a proposed methodology for calculating such amounts, with the Bureaus retaining discretion to change their methodology if circumstances dictate; (10) A procedure for breaking ties if identical high bid amounts are submitted on a permit in a given round; (11) Bid removal procedures; (12) Whether to permit bid withdrawals; (13) Establishment of an interim bid withdrawal percentage of 20 percent of the withdrawn bid in the event the Bureaus allow bid withdrawals in Auction 83; and (14) Establishment of an additional default payment of 20 percent under 47 CFR 1.2104(g)(2) in the event that a winning bidder defaults or is disqualified after the auction.

50. The specific procedures and minimum opening bids on which comment is sought in this Public Notice will affect all applicants participating in Auction 83. Any revisions to application procedures for pending Auction 83 applications would affect only those entities that are commonly controlled, or that underwent a major change of ownership or control after the short-form application deadline. Auction 83 is a closed auction, and only the 57 separate entities listed in

Attachment A to the Auction 83 Comment Public Notice may become qualified to bid. U.S. Census data for 2012 show that 2,849 radio station firms operated during that year. Because the proposed procedures would affect a maximum of 57 radio station firms, or approximately two percent of the total, some of which are not small entities, the Bureaus found that no substantial number of small entities would be affected by the proposed procedures or minimum opening bid amounts.

Therefore, the Bureaus certify that the proposed procedures and minimum opening bid amounts for Auction 83 will not have a significant economic impact on a substantial number of small entities.

IX. Ex Parte Rules

51. This proceeding has been designated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules. While additional information is provided in

the Auction 83 Comment Public Notice on these reporting requirements, participants in Auction 83 should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau.

[FR Doc. 2018-01918 Filed 1-30-18; 8:45 am]

BILLING CODE 6712-01-P

Notices

Federal Register

Vol. 83, No. 21

Wednesday, January 31, 2018

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 26, 2018.

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

Comments regarding this information collection received by March 2, 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.

Animal and Plant Health Inspection Service

Title: Communicable Diseases in Horses.

OMB Control Number: 0579–0127.
Summary of Collection: Under the authority of the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) regulates the importation and interstate movement of animals and animal products, and conducts various other activities to protect the health of U.S. livestock and poultry. Equine infectious anemia (EIA) is an infectious and potentially fatal viral disease of equines. There is no vaccine or treatment for the disease. It is often difficult to differentiate from other fever-producing diseases, including anthrax, influenza, and equine encephalitis. The regulations in 9 CFR 75.4 govern the interstate movement of equines that have tested positive to an official test for EIA (EIA reactors) and provide for the approval of laboratories, diagnostic facilities, and research facilities. Ensuring the safe movement of these horses requires the use of information collection activities, including an EIA laboratory test form, a certificate or permit for the interstate movement of an EIA reactor, a supplemental investigation form if a horse tests positive for EIA, agreements, request for hearing, and written notification of withdrawal of approval.

Need and Use of the Information: The information collected from forms, APHIS VS 10–11, Equine Infectious Anemia Laboratory Test; VS 10–12, Equine Infectious Anemia Supplemental Investigation; and VS 1–27, Permit for the Movement of Restricted Animals, will be used to prevent the spread of equine infectious anemia. Regulations also require the use an Agreement for Approved Livestock Facilities, Request for Hearing, Written Notification of Approval Withdrawal, Proposal to Conduct Laboratory EIA, Review of Requirements, Agreement to Conduct EIA Testing, Inspections, Memorandum of Recommendation and Justification, Monthly Summary Reporting, and

Request for Approval to Withdrawal. Without the information it would be impossible for APHIS to effectively regulate the interstate movement of horses infected with EIA.

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

Number of Respondents: 235,486.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 118,010.

Title: Importation of Fresh Bananas from the Philippines into Hawaii and U.S. Territories.

OMB Control Number: 0579–0415.

Summary of Collection: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service (APHIS) regulates the importation of certain fruits and vegetables in accordance with the regulations in “Subpart—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–76). In accordance with Section 319.56–58, Bananas from the Philippines may be imported into the United States under certain conditions to prevent the introduction of plant pests into the United States.

Need and Use of the Information: APHIS will collect information using the following activities: Phytosanitary certificates, registrations of production sites, operational workplans, monitoring and oversight of places of production, trapping, recordkeeping, identifying shipping documents, and post-harvest inspection.

Description of Respondents: Business or other for-profit; and Foreign Federal Government.

Number of Respondents: 41.

Frequency of Responses: Reporting: On occasion, Recordkeeping.

Total Burden Hours: 2,062.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–01898 Filed 1–30–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE**Census Bureau****Proposed Information Collection; Comment Request; School District Review Program**

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, submit written comments, on or before April 2, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or through the internet at PRAComments@doc.gov). You may also submit comments, identified by Docket Number USBC–2017–0007 to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information or copies of the information collection instrument(s) and instructions to Robin A. Pennington, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233 (or through the internet at robin.a.pennington@census.gov).

SUPPLEMENTARY INFORMATION:**I. Abstract**

The School District Review Program (SDRP) is one of many voluntary geographic partnership programs at the U.S. Census Bureau. The SDRP collects school district information and boundaries to update the Census

Bureau's geographic database of addresses, streets, and boundaries. The Census Bureau uses its geographic database to tie demographic data from surveys and the decennial census to locations and areas, such as cities, school districts, and counties. To tabulate statistics by localities, the Census Bureau must have accurate addresses and boundaries.

The boundaries collected in SDRP and other geographic programs will create census blocks, which are the building blocks for all Census Bureau geographic boundaries. Census blocks are the smallest unit of census geography used for tabulating data. Blocks nest within every other type of geographic area, including school districts. By combining census blocks, the Census Bureau is able to accurately report the exact number of people in each geographic area, including school districts, according to that area's boundaries. While the geographic programs differ in requirements, time frame, and participants, SDRP and the other geographic programs all follow the same basic process:

1. The Census Bureau invites eligible participants to take part in the program. For SDRP, the Census Bureau invites state Title I coordinators and mapping coordinators.

2. If they elect to join the program, participants receive a copy of the boundaries or addresses that the Census Bureau has on file. The Census Bureau also provides SDRP participants with free customized mapping software to facilitate their work.

3. Participants review the boundaries or addresses in the Census Bureau-provided digital maps and update them if needed. For SDRP, participants reach out to contacts in their state to collect updates.

4. Participants return their updates to the Census Bureau. In the SDRP, this is known as the Annotation Phase.

5. The Census Bureau updates its geographic database with boundary or address updates from participants.

6. In the SDRP Verification Phase, the Census Bureau creates maps from its geographic database and sends them to participants for final review.

7. The Census Bureau uses the newly updated boundaries and addresses to tabulate statistics.

The Census Bureau requests state officials to review and update the school district information the Census Bureau has on file through the SDRP. State officials will provide the Census Bureau with updates as well as corrections to the federal Local Education Agency (LEA) identification numbers, school district boundaries, school names, grade

ranges, and levels for which each school district is financially responsible.

The main purpose of the school district information obtained through this program is to assist in forming the Census Bureau's estimates of the number of families with children, aged 5 through 17, in poverty for each school district for the U.S. Department of Education. These Census Bureau estimates are the basis of the Title I allocation for each school district. The SDRP is of vital importance for each state's allocation under Title I of the Elementary and Secondary Education Act (ESEA) as amended by Every Student Succeeds Act of 2015, Public Law 114–95. The U.S. Department of Education uses these estimates to allocate more than \$14 billion in Title I funding annually.

The National Center for Education Statistics (NCES) sponsors the SDRP. The NCES identifies a Title I coordinator for each state and the District of Columbia, and the Census Bureau works with the Title I coordinator on assigning a mapping coordinator in each state to work with the Census Bureau to implement this work. The mapping coordinator collects updates from local school districts, state education officials, county planners, and state data centers, and ensures that submissions are completed within the SDRP's time frame. The respondents for the SDRP are the Title I coordinators and mapping coordinators from the 50 states and the District of Columbia.

The SDRP encompasses Type 1 and Type 2 school districts as defined by the NCES. Type 1 is a local school district that is not a component of a supervisory union. Type 2 is a local school district component of a supervisory union sharing a superintendent and administrative services with other local school districts.

The SDRP consists of two phases—the Annotation Phase and the Verification Phase. In the Annotation Phase, the Census Bureau provides mapping coordinators with materials containing the most current school district boundaries and information the Census Bureau has on file for their state. Mapping coordinators review the data and submit changes to the school district boundaries or information to the Census Bureau. The Census Bureau reviews and processes the information submitted by mapping coordinators, and the Census Bureau updates all verified changes into the Master Address File/ Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) database. In the Verification Phase, mapping coordinators verify that the Census Bureau accurately and

completely updated the MAF/TIGER database with updates submitted during the Annotation Phase.

II. Method of Collection

Annotation Phase

In the Annotation Phase, mapping coordinators gather school district updates from school district superintendents and other state officials and use Census Bureau-provided materials to review and update school district boundaries, names, codes, and geographic relationships. The Census Bureau provides mapping coordinators with school district listings, spatial data in Esri shapefile format, blank submission logs, and Geographic Update Partnership Software (GUPS). The school district listings consist of school district inventories, school names, levels, grade ranges, and other data about school districts within their

state. If the mapping coordinator has non-spatial updates (e.g., name changes, simple consolidations, simple dissolutions, and others), the mapping coordinator updates the Census Bureau-provided submission log with those changes. If a mapping coordinator needs to perform spatial updates to a school district boundary, the mapping coordinator uses Census Bureau provided GUPS and spatial data to make updates. GUPS, SDRP version, is a Census Bureau-created, user-friendly, free digital mapping tool for mapping coordinators. It contains all the functionality necessary for mapping coordinators to spatially make and validate their school district updates. Once mapping coordinators have reviewed and updated the school district information for their state, the mapping coordinator sends it to the Census Bureau, using Secure Web

Incoming Module (SWIM), a web portal for uploading SDRP submissions. The Census Bureau will update the MAF/TIGER database with the updates sent by the mapping coordinator.

Verification Phase

In the Verification Phase, the Census Bureau sends mapping coordinators newly created listings and digital files, and mapping coordinators use the SDRP verification module in GUPS to review these files and verify that the Census Bureau correctly captured their submitted information. The mapping coordinator can tag the area of issue and send the information to the Census Bureau to make corrections if the Census Bureau did not incorporate their boundary changes or other updates correctly.

Schedule

August 2018	Annotation Phase begins for the 2019 SDRP.
December 2018	Deadline to submit 2019 SDRP Annotation Phase to the Census Bureau.
April 2019	SDRP Verification Phase for 2019 SDRP begins and ends.
August 2019	Annotation Phase begins for the 2020 SDRP.
December 2019	Deadline to submit 2020 SDRP Annotation Phase updates to the Census Bureau. Preliminary poverty estimates, based on the updated school district geographic framework collected in the 2019 SDRP, released.
April 2020	SDRP Verification Phase for 2020 SDRP begins and ends.
August 2020	Annotation Phase begins for the 2021 SDRP.
December 2020	Deadline to submit 2021 SDRP Annotation Phase to the Census Bureau. Preliminary poverty estimates, based on the updated school district geographic framework collected in the 2020 SDRP, released.
April 2021	SDRP Verification Phase for 2021 SDRP begins and ends.
August 2021	Annotation Phase begins for the 2022 SDRP.
December 2021	Deadline to submit 2022 SDRP Annotation Phase updates to the Census Bureau. Preliminary poverty estimates, based on the updated school district geographic framework collected in the 2021 SDRP, released.

III. Data

OMB Control Number: 0607-0987.
Form Number: Not available at this time.
Type of Review: Regular submission.
Affected Public: Government officials for all 50 states and the District of Columbia.
Estimated Number of Respondents:
 Annotation Phase: 51.
 Verification Phase: 51.
Estimated Time per Response:
 Annotation Phase: 30 hours.
 Verification Phase: 10 hours.
Estimated Burden Hours:
 Annotation Phase: 1,530 hours.
 Verification Phase: 510 hours.
Estimated Total Burden Hours: 2,040 hours.
Estimated Total Annual Cost to Public: \$0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records

maintenance services required specifically by the collection.)
Respondent's Obligation: Voluntary.
Census Bureau Legal Authority: Title 13 U.S.C. Section 16, 141, and 193.
NCES Legal Authority: Title I, Part A of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act of 2015, Public Law (Pub. L.) 114-95.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques

or other forms of information technology.
 Summarization of comments submitted in response to this notice will be included in the request for OMB approval of this information collection. Comments will also become a matter of public record.

Sheleen Dumas,
Department Lead PRA Officer, Office of the Chief Information Officer.
 [FR Doc. 2018-01847 Filed 1-30-18; 8:45 am]
BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board****[B-04-2018]****Foreign-Trade Zone 105—Providence, Rhode Island; Application for Reorganization Under Alternative Site Framework**

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Rhode Island Commerce Corporation, grantee of FTZ 105, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or “usage-driven” FTZ sites for operators/users located within a grantee’s “service area” in the context of the FTZ Board’s standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on January 25, 2018.

FTZ 105 was approved by the FTZ Board on September 13, 1984 (Board Order 270, 49 FR 37133, September 21, 1984) and expanded on January 17, 1997 (Board Order 867, 62 FR 4027–4028, January 28, 1997). The current zone includes the following sites: *Site 1* (32 acres)—Port of Providence, 35 Terminal Road, Providence; *Site 2* (880 acres)—Quonset Business Park, 95 Cripe Street, North Kingstown; and, *Site 3* (43 acres)—Airport Business Center, T.F. Green State Airport, 333 Strawberry Field Road, Warwick.

The grantee’s proposed service area under the ASF would be the Counties of Bristol, Kent, Newport, Providence and Washington, Rhode Island, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies’ needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Providence Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone to include all of the existing sites as “magnet” sites. The ASF allows for the possible exemption of one magnet site from the “sunset” time limits that generally apply to sites under the ASF and the applicant proposes that Site 1 be so exempted. No subzones/usage-driven sites are being requested at this time.

In accordance with the FTZ Board’s regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board’s Executive Secretary at the address below. The closing period for their receipt is April 2, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 16, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the “Reading Room” section of the FTZ Board’s website, which is accessible via www.trade.gov/ftz. For further information, contact Kathleen Boyce at Kathleen.Boyce@trade.gov or (202) 482–1346.

Dated: January 26, 2018.

Elizabeth Whiteman,*Acting Executive Secretary.*

[FR Doc. 2018–01880 Filed 1–30–18; 8:45 am]

BILLING CODE 3510–DS–P**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board****[B-05-2018]****Foreign-Trade Zone 179—Madawaska, Maine; Application for Reorganization Under Alternative Site Framework**

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Madawaska Foreign-Trade Zone Corporation, grantee of FTZ 179, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or “usage-driven” FTZ sites for operators/users located within a grantee’s “service area” in the context of the FTZ Board’s standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part

400). It was formally docketed on January 25, 2018.

FTZ 179 was approved by the FTZ Board on May 24, 1991 (Board Order 525, 56 FR 25406, June 4, 1991). The current zone includes the following site: *Site 1* (3 acres)—Evergreen Manufacturing Group, LLC, 706 Main Street, Madawaska.

The grantee’s proposed service area under the ASF would be the towns of Fort Kent, Frenchville, Grand Isle, Madawaska, St. Agatha and Van Buren, Maine, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies’ needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Madawaska Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize the zone under the ASF. The applicant is also requesting that Site 1 be removed from the zone due to changed circumstances. No new sites are being requested at this time. The application would have no impact on FTZ 179’s previous approved authorized subzone.

In accordance with the FTZ Board’s regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board’s Executive Secretary at the address below. The closing period for their receipt is April 2, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 16, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the “Reading Room” section of the FTZ Board’s website, which is accessible via www.trade.gov/ftz. For further information, contact Kathleen Boyce at Kathleen.Boyce@trade.gov or (202) 482–1346.

Dated: January 25, 2018.

Elizabeth Whiteman,*Acting Executive Secretary.*

[FR Doc. 2018–01881 Filed 1–30–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-62-2017]

Foreign-Trade Zone (FTZ) 127—West Columbia, South Carolina; Authorization of Limited Production Activity; BGM America, Inc. Subzone 127A (Sailboats, Cabin Cruiser Powerboats, Outboard Motor Boats) Marion, South Carolina

On September 27, 2017, the Richland-Lexington Airport District, grantee of FTZ 127, submitted a notification of proposed production activity to the FTZ Board on behalf of BGM America, Inc., within Subzone 127A, in Marion, South Carolina.

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 46216, October 4, 2017). On January 25, 2018, the applicant was notified of the FTZ Board's decision that further review of part of the proposed activity is warranted. The FTZ Board authorized the production activity described in the notification on a limited basis, subject to the FTZ Act and the Board's regulations, including Section 400.14, and further subject to a restriction requiring that the following foreign-sourced materials/components be admitted to the subzone in privileged foreign status (PF) (19 CFR 146.41): acrylic vessel covers; plastic and woven fabric blinds; woven nylon strips; rubber thread and cord bungee cords; synthetic fiber braided cord cut to length; cotton netting; twine, cordage and rope safety ladders; twine and cordage rope; nylon woven ribbons; marine vinyl composed of polyvinyl chloride, polyester and cotton (coated with over 70 percent polyvinyl chloride); rubberized textile adhesive tape; textile felt seals & gaskets; synthetic fiber curtains; synthetic fiber textile blinds; synthetic fiber table covers; synthetic fiber textile wheel covers; sails of synthetic fibers; cotton dust cloths; polyester web fabric straps; nonwoven fiberglass mats; woven fiberglass with fibers; fiberglass in bulk; mattresses; and, cotton seat cushions and pillows.

Dated: January 25, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018-01882 Filed 1-30-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-868]

Large Residential Washers From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2016-2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On November 8, 2017, the Department of Commerce (Commerce) published the preliminary results of the administrative review of the antidumping duty order on large residential washers from the Republic of Korea (Korea). We invited interested parties to comment but received no comments or requests for a hearing. Therefore, the final results remain unchanged from the preliminary results and we continue to find that LG Electronics, Inc. (LGE) made sales of subject merchandise at prices below normal value during the period of review (POR).

DATES: Applicable January 31, 2018.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4136.

SUPPLEMENTARY INFORMATION: On November 8, 2017, Commerce published the *Preliminary Results*.¹ The POR is February 1, 2016, through January 31, 2017. We invited interested parties to comment on the *Preliminary Results*. We received no comments or requests for a hearing. Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now March 12, 2018.²

¹ See *Large Residential Washers from the Republic of Korea: Preliminary Results of the Antidumping Duty Administrative Review; 2016-2017*, 82 FR 51813 (November 8, 2017) (*Preliminary Results*), and accompanying "Decision Memorandum for the Preliminary Results of the 2016-2017 Administrative Review of the Antidumping Duty Order on Large Residential Washers from Korea," dated October 31, 2017 (*Preliminary Decision Memorandum*).

² See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the

Commerce conducted this administrative review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Korea. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.³

Changes Since the Preliminary Results

As no parties submitted comments on the margin calculation methodology used in the *Preliminary Results*, the Department made no adjustments to that methodology in the final results of this review.

Final Results of the Review

As a result of this review, the Department determines that the following weighted-average dumping margin exists for entries of subject merchandise that were produced and/or exported by LGE during the POR:

Manufacturer/exporter	Weighted-average margin (percent)
LG Electronics, Inc	0.64

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), Commerce determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

For LGE, which has a weighted-average dumping margin which is not zero or *de minimis* (i.e., less than 0.5 percent), we calculated importer- (or

Federal Government" (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

³ For a full description of the scope of the order, see *Preliminary Decision Memorandum*.

customer-) specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's (or customer's) examined sales to the total sales quantity associated with those sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for LGE will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.80 percent, the all-others rate established in the LTFV investigation.⁴ These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

⁴ See *Large Residential Washers from Mexico and the Republic of Korea: Antidumping Duty Orders*, 78 FR 11148 (February 15, 2013).

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 24, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018-01868 Filed 1-30-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 171213999-7999-02]

Call for Applications for the International Buyer Program Select for Quarter 1 Calendar Year 2019

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice and call for applications.

SUMMARY: The U.S. Department of Commerce (DOC), International Trade Administration (ITA) announces that it will accept applications for the International Buyer Program (IBP) Select for quarter 1 of calendar year 2019 (January 1, 2019, through March 31, 2019). The IBP Select is currently undergoing a program review that may result in new ITA products and services for trade shows. The program review may not be complete in time to provide products and services for shows that occur in the first quarter of calendar year 2019, so the IBP is moving forward with accepting applications for only that time period. The IBP may announce subsequent calls for applications for other quarters of calendar year 2019, depending on how soon ITA finalizes the program review. Should the program review result in new ITA products and services for trade shows, they will be

announced separately in the **Federal Register**.

This announcement sets out the objectives, procedures and application review criteria for IBP Select. Under IBP Select, ITA recruits international buyers to U.S. trade shows to meet with U.S. suppliers exhibiting at those shows. The main difference between IBP and IBP Select is that IBP offers worldwide promotion, whereas IBP Select focuses on promotion and recruitment in up to five international markets. Specifically, through the IBP Select, the DOC selects domestic trade shows that will receive ITA services in the form of targeted promotion and recruitment in up to five foreign markets, as well as export counseling to exhibitors at the trade show. This notice covers selection for IBP Select participation during quarter 1 of calendar year 2019.

DATES: Applications for IBP Select for quarter 1 of calendar year 2019 must be received by March 19, 2018.

ADDRESSES: The application form can be found at www.export.gov/ibp.

Applications may be submitted by any of the following methods: (1) Mail/Hand (including express) Delivery Service: International Buyer Program, Trade Promotion Programs, International Trade Administration, U.S. Department of Commerce, Ronald Reagan Building, 1300 Pennsylvania Ave. NW, Suite 800—Mezzanine Level—Atrium North, Washington, DC 20004 or (2) email: IBP2019@trade.gov. Email applications will be accepted as interim applications, and must be followed by a signed original application that is received by the program no later than five (5) business days after the application deadline. To ensure that applications are received by the deadline, applicants are strongly urged to send applications by express delivery service (e.g., U.S. Postal Service Express Delivery, Federal Express, UPS, etc.).

FOR FURTHER INFORMATION CONTACT: Vidya Desai, Senior Advisor, Trade Promotion Programs, International Trade Administration, U.S. Department of Commerce, 1300 Pennsylvania Ave. NW, Ronald Reagan Building, Suite 800M—Mezzanine Level—Atrium North, Washington, DC 20004; Telephone (202) 482-2311; Email: IBP2019@trade.gov.

SUPPLEMENTARY INFORMATION: The IBP was established in the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, title II, § 2304, codified at 15 U.S.C. 4724) to bring international buyers together with U.S. firms by promoting leading U.S. trade shows in industries with high export potential. The IBP emphasizes cooperation

between the DOC and trade show organizers to benefit U.S. firms exhibiting at selected shows and provides practical, hands-on assistance such as export counseling and market analysis to U.S. companies interested in exporting. Shows selected for the IBP Select will provide a venue for U.S. companies interested in expanding their sales into international markets.

Through the IBP Select, ITA selects U.S. trade shows, with participation by U.S. firms interested in exporting, that ITA determines to be leading international trade shows. DOC provides successful applicants with services in the form of targeted overseas promotion of the show by U.S. Embassies and Consulates; outreach to show participants about exporting; recruitment of potential buyers to attend the shows; and staff assistance in setting up and staffing international trade centers at the shows. Targeted promotion in up to five markets can be executed through the overseas offices of ITA or by U.S. Embassies in countries where ITA does not maintain offices.

ITA is accepting applications for IBP Select from trade show organizers of trade shows taking place between January 1, 2019, and March 31, 2019. Selection of a trade show for IBP Select is valid for one show. A trade show organizer seeking selection for a recurring show must submit a new application for selection for each occurrence of the show. For shows that occur more than once in a calendar year, the trade show organizer must submit a separate application for each show.

There is no fee required to submit an application. For IBP Select in quarter 1 of calendar year 2019, ITA expects to select approximately 3 shows from among the applicants. ITA will select those shows that are determined to most clearly support the statutory mandate in 15 U.S.C. 4721 to promote U.S. exports, especially those of small- and medium-sized enterprises, and that best meet the selection criteria articulated below.

Once selected, applicants will be required to enter into a Memorandum of Agreement (MOA) with the DOC, and submit payment of the \$6,000 participation fee (by check or credit card) within 30 days of written notification of acceptance into IBP Select. The MOA constitutes an agreement between the DOC and the show organizer specifying which responsibilities for international promotion and export assistance services at the trade shows are to be undertaken by the DOC as part of the IBP Select and, in turn, which responsibilities are to be undertaken by the show organizer. Anyone requesting

application information will be sent a sample copy of the MOA along with the application form and a copy of this **Federal Register** Notice. Applicants are encouraged to review the MOA closely, as IBP Select participants are required to comply with all terms, conditions, and obligations in the MOA. Trade show organizer obligations include the construction of an International Trade Center at the trade show, production of an export interest directory, and provision of complimentary hotel accommodations for DOC staff as explained in the MOA. ITA responsibilities include targeted promotion of the trade show and, where feasible, recruitment of international buyers to that show from up to five target markets identified, provision of on-site export assistance to U.S. exhibitors at the show, and the reporting of results to the show organizer.

Selection as an IBP Select show does not constitute a guarantee by DOC of the show's success. IBP Select selection is not an endorsement of the show except as to its international buyer activities. Non-selection of an applicant for IBP Select status should not be viewed as a determination that the show will not be successful in promoting U.S. exports.

Eligibility: U.S. trade shows taking place between January 1, 2019, and March 31, 2019, with 1,350 or fewer exhibitors are eligible to apply, through the show organizer, for IBP Select participation. First-time shows will also be considered.

Exclusions: U.S. trade shows with over 1,350 exhibitors will not be considered for IBP Select. Trade shows that take place April 1, 2019, through December 31, 2019, will not be considered at this time. If the program review described in the **SUMMARY** section above does not result in new ITA programs and services for trade shows that take place April 1, 2019, through December 31, 2019, a separate **Federal Register** Notice will be issued to call for applications for the International Buyer Program Select for other quarters of calendar year 2019.

General Evaluation Criteria: ITA will evaluate applicants for IBP Select using the following criteria:

(a) **Export Potential:** The trade show promotes products and services from U.S. industries that have high export potential, as determined by DOC sources, including industry analysts' assessment of export potential, ITA best prospects lists, and U.S. export analysis.

(b) **Level of International Interest:** The trade show meets the needs of a significant number of overseas markets and corresponds to marketing opportunities as identified by ITA.

Previous international attendance at the show may be used as an indicator.

(c) **Scope of the Show:** The show must offer a broad spectrum of U.S. made products and services for the subject industry. Trade shows with a majority of U.S. firms as exhibitors are given priority.

(d) **U.S. Content of Show Exhibitors:** Trade shows with exhibitors featuring a high percentage of products produced in the United States or products with a high degree of U.S. content will be preferred.

(e) **Stature of the Show:** The trade show is clearly recognized by the industry it covers as a leading show for the promotion of that industry's products and services both domestically and internationally, and as a showplace for the latest technology or services in that industry.

(f) **Level of Exhibitor Interest:** There is significant interest on the part of U.S. exhibitors in receiving international business visitors during the trade show. A significant number of U.S. exhibitors should be new-to-export or seeking to expand their sales into additional export markets.

(g) **Level of Overseas Marketing:** There has been a demonstrated effort by the applicant to market prior shows overseas. In addition, the applicant should describe in detail the international marketing program to be conducted for the show, and explain how efforts should increase individual and group international attendance.

(h) **Level of Cooperation:** The applicant demonstrates a willingness to cooperate with ITA to fulfill the program's goals and adhere to the target dates set out in the MOA and in the show timetables, both of which are available from the program office (see the **FOR FURTHER INFORMATION CONTACT** section above). Past experience in the IBP will be taken into account in evaluating the applications received.

(i) **Delegation Incentives:** Waived or reduced (by at least 50% off lowest price) admission fees are required for international attendees who are participating in IBP Select. Delegation leaders also must be provided complimentary admission to the show. In addition, show organizers should offer a range of incentives to delegations and/or delegation leaders recruited by the DOC overseas posts. Examples of incentives to international visitors and to organized delegations include: Special organized events, such as receptions, meetings with association executives, briefings, and site tours; or complimentary accommodations for delegation leaders.

Review Process: ITA will vet all applications received based on the criteria set out in this notice. Vetting will include soliciting input from ITA industry analysts, as well as domestic and international field offices, focusing primarily on the export potential, level of international interest, and stature of the show. In reviewing applications, ITA will also consider sector and calendar diversity in terms of the need to allocate resources to support selected shows.

Application Requirements: Show organizers submitting applications for quarter 1 of calendar year 2019 IBP Select are required to submit: (1) A narrative statement addressing each question in the application, OMB 0625–0143 (found at www.export.gov/ibp); and (2) a signed statement that “The information submitted in this application is correct and the applicant will abide by the terms set forth in this Call for Applications for the International Buyer Program Select (January 1, 2019, through March 31, 2019);” on or before the deadline noted above. Applications for IBP Select must be received by Wednesday, January 31, 2018. There is no fee required to apply. ITA expects to issue the results of this process in April 2018.

Legal Authority: The statutory program authority for ITA to conduct the IBP is 15 U.S.C. 4724. ITA has the legal authority to enter into MOAs with show organizers under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (MECEA), as amended (22 U.S.C. 2455(f) and 2458(c)). MECEA allows ITA to accept contributions of funds and services from firms for the purposes of furthering its mission.

The Office of Management and Budget (OMB) has approved the information collection requirements of the application to this program (0625–0143) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (OMB Control No. 0625–0143). Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

For further information please contact: Vidya Desai, Senior Advisor,

Trade Promotion Programs (IBP2019@trade.gov).

Frank Spector,

Trade Promotion Programs.

[FR Doc. 2018–01870 Filed 1–30–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration [A–570–905]

Certain Polyester Staple Fiber From the People’s Republic of China: Rescission of 2016–2017 Antidumping Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain polyester staple fiber (PSF) from the People’s Republic of China (China) for the period of review (POR), June 1, 2016, through May 31, 2017.

DATES: Applicable January 31, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–0413.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2017, based on a timely request for review by DAK Americas, LLC (the petitioner), Commerce published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on PSF from China, covering the POR.¹ On October 27, 2017, the petitioner withdrew its request for an administrative review in its entirety.²

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. The petitioner withdrew its request within the 90-day deadline. No other party requested an administrative review of the antidumping duty order. As a result,

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 35749 (August 1, 2017).

² See the petitioner’s October 27, 2017 letter.

we are rescinding the administrative review of PSF from China for the POR.

Assessment

We will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Because Commerce is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 24, 2018.

James Maeder,

Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–01871 Filed 1–30–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE**International Trade Administration**

[Docket No. 171213999-7999-01]

Call for Applications for the International Buyer Program Quarter 1 Calendar Year 2019

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice and call for applications.

SUMMARY: In this notice, the U.S. Department of Commerce (DOC) International Trade Administration (ITA) announces that it will accept applications for the International Buyer Program (IBP) for quarter 1 of calendar year 2019 (January 1, 2019, through March 31, 2019). The IBP is currently undergoing a program review that may result in new ITA products and services for trade shows. The program review may not be complete in time to provide products and services for shows that occur in the first quarter of calendar year 2019, so the IBP is moving forward with accepting applications for only that time period. The IBP may announce subsequent calls for applications for other quarters of calendar year 2019, depending on how soon ITA finalizes the program review. Should the program review result in new ITA products and services for trade shows, they will be announced separately in the **Federal Register**.

This announcement also sets out the objectives, procedures and application review criteria for the IBP. The purpose of the IBP is to bring international buyers together with U.S. firms in industries with high export potential at leading U.S. trade shows. Specifically, through the IBP, the ITA selects domestic trade shows which will receive ITA services in the form of global promotion in foreign markets, recruitment of foreign buyers, and provision of export counseling to exhibitors at the trade show. This notice covers selection for IBP participation during quarter 1 of calendar year 2019.

DATES: Applications for the IBP for quarter 1 of calendar year 2019 must be received by March 19, 2018.

ADDRESSES: The application form can be found at www.export.gov/ibp. Applications may be submitted by any of the following methods: (1) Mail/Hand (including express) Delivery Service: International Buyer Program, Trade Promotion Programs, International Trade Administration, U.S. Department of Commerce, Ronald Reagan Building, 1300 Pennsylvania Ave. NW, Suite

800M—Mezzanine Level—Atrium North, Washington, DC 20004; (2) Facsimile: (202) 482-7800; or (3) email: IBP2019@trade.gov. Facsimile and email applications will be accepted as interim applications, but must be followed by a signed original application that is received by the program no later than five (5) business days after the application deadline. To ensure that applications are received by the deadline, applicants are strongly urged to send applications by express delivery service (e.g., U.S. Postal Service Express Delivery, Federal Express, UPS, etc.).

FOR FURTHER INFORMATION CONTACT: Vidya Desai, Senior Advisor for Trade Events, Trade Promotion Programs, International Trade Administration, U.S. Department of Commerce, 1300 Pennsylvania Ave. NW, Ronald Reagan Building, Suite 800M—Mezzanine Level—Atrium North, Washington, DC 20004; Telephone (202) 482-2311; Facsimile: (202) 482-7800; Email: IBP2019@trade.gov.

SUPPLEMENTARY INFORMATION: The IBP was established in the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, title II, § 2304, codified at 15 U.S.C. 4724) to bring international buyers together with U.S. firms by promoting leading U.S. trade shows in industries with high export potential. The IBP emphasizes cooperation between the DOC and trade show organizers to benefit U.S. firms exhibiting at selected shows and provides practical, hands-on assistance such as export counseling and market analysis to U.S. companies interested in exporting. Shows selected for the IBP will provide a venue for U.S. companies interested in expanding their sales into international markets.

Through the IBP, ITA selects U.S. trade shows, with participation by U.S. firms interested in exporting, that ITA determines to be leading international trade shows, for promotion in overseas markets by U.S. Embassies and Consulates. The DOC is authorized to provide successful applicants with services in the form of overseas promotion of the show; outreach to show participants about exporting; recruitment of potential buyers to attend the events; and staff assistance in setting up international trade centers at the shows. Worldwide promotion is executed through ITA offices at U.S. Embassies and Consulates in more than 70 countries representing the United States' major trading partners, and also in Embassies in countries where ITA does not maintain offices.

ITA is accepting applications from trade show organizers for the IBP for

trade shows taking place between January 1, 2019, and March 31, 2019. Selection of a trade show is valid for one show, *i.e.*, a trade show organizer seeking selection for a recurring show must submit a new application for selection for each occurrence of the show. For shows that occur more than once in a calendar year, the trade show organizer must submit a separate application for each show.

For the IBP in quarter 1 of calendar year 2019, the ITA expects to select approximately 8 shows from among the applicants. The ITA will select those shows that are determined to most clearly meet the statutory mandate in 15 U.S.C. 4721 to promote U.S. exports, especially those of small- and medium-sized enterprises, and the selection criteria articulated below.

There is no fee required to submit an application. If accepted into the program for quarter 1 of calendar year 2019, a participation fee of \$9,800 is required for shows of five days or fewer. For trade shows more than five days in duration, or requiring more than one International Trade Center, a participation fee of \$15,000 is required. For trade shows ten days or more in duration, and/or requiring more than two International Trade Centers, the participation fee will be determined by DOC and stated in the written notification of acceptance calculated on a full cost recovery basis. Successful applicants will be required to enter into a Memorandum of Agreement (MOA) with ITA within 10 days of written notification of acceptance into the program. The participation fee (by check or credit card) is due within 30 days of written notification of acceptance into the program.

The MOA constitutes an agreement between ITA and the show organizer specifying which responsibilities for international promotion and export assistance services at the trade shows are to be undertaken by ITA as part of the IBP and, in turn, which responsibilities are to be undertaken by the show organizer. Anyone requesting application information will be sent a sample copy of the MOA along with the application and a copy of this **Federal Register** Notice. Applicants are encouraged to review the MOA closely as IBP participants are required to comply with all terms, conditions, and obligations in the MOA. Trade show organizer obligations include, but are not limited to, providing waived or reduced admission fees for international attendees who are participating in the IBP, the construction of an International Trade Center at the trade show, production of an export interest

directory, and provision of complimentary hotel accommodations for DOC staff as explained in the MOA. Some of the most important commitments for the trade show organizer are to: Include in the terms and conditions of its exhibitor contracts provisions for the protection of intellectual property rights (IPR); to have procedures in place at the trade show to address IPR infringement which, at a minimum, provide information to help U.S. exhibitors procure legal representation during the trade show; and to agree to assist the DOC to reach and educate U.S. exhibitors on the Strategy Targeting Organized Piracy (STOP!), IPR protection measures available during the show, and the means to protect IPR in overseas markets, as well as in the United States. ITA responsibilities include, but are not limited to, the worldwide promotion of the trade show and, where feasible, recruitment of international buyers to that show, provision of on-site export assistance to U.S. exhibitors at the show, and the reporting of results to the show organizer.

Selection as an IBP partner does not constitute a guarantee by DOC of the show's success. IBP selection is not an endorsement of the show except as to its international buyer activities. Non-selection of an applicant for the IBP should not be viewed as a determination that the show will not be successful in promoting U.S. exports.

Eligibility: All 2019 U.S. trade shows taking place between January 1, 2019, and March 31, 2019, are eligible to apply for IBP participation through the show organizer.

Exclusions: Trade shows that are either first-time or horizontal (non-industry specific) shows generally will not be considered. Trade shows that take place April 1, 2019, through December 31, 2019, will not be considered at this time.

If the program review described in the **SUMMARY** section above does not result in new ITA programs and services for trade shows that take place April 1, 2019, through December 31, 2019, a separate **Federal Register** Notice will be issued to call for applications for the International Buyer Program for other quarters of calendar year 2019.

General Evaluation Criteria: The ITA will evaluate shows for the International Buyer Program using the following criteria:

(a) **Export Potential:** The trade show promotes products and services from U.S. industries that have high export potential, as determined by DOC sources, including industry analysts'

assessment of export potential, ITA best prospects lists and U.S. export statistics.

(b) **Level of International Interest:** The trade show meets the needs of a significant number of overseas markets and corresponds to marketing opportunities as identified by ITA. Previous international attendance at the show may be used as an indicator of such interest.

(c) **Scope of the Show:** The show offers a broad spectrum of U.S. made products and services for the subject industry. Trade shows with a majority of U.S. firms as exhibitors will be given priority.

(d) **U.S. Content of Show Exhibitors:** Trade shows with exhibitors featuring a high percentage of products produced in the United States or products with a high degree of U.S. content will be preferred.

(e) **Stature of the Show:** The trade show is clearly recognized by the industry it covers as a leading show for the promotion of that industry's products and services both domestically and internationally, and as a showplace for the latest technology or services in that industry.

(f) **Level of Exhibitor Interest:** U.S. exhibitors have expressed interest in receiving international business visitors during the trade show. A significant number of U.S. exhibitors should be seeking to begin exporting or to expand their sales into additional export markets.

(g) **Level of Overseas Marketing:** There has been a demonstrated effort by the applicant to market this show and prior related shows. For this criterion, the applicant should describe in detail, among other information, the international marketing program to be conducted for the show, and explain how efforts should increase individual and group international attendance.

(h) **Logistics:** The trade show site, facilities, transportation services, and availability of accommodations at the site of the exhibition (*i.e.* International Trade Center, interpreters) are capable of accommodating large numbers of attendees whose native language will not be English.

(i) **Level of Cooperation:** The applicant demonstrates a willingness to cooperate with the ITA to fulfill the program's goals and adhere to the target dates set out in the MOA and in the show timetables, both of which are available from the program office (see the **FOR FURTHER INFORMATION CONTACT** section above). Past experience in the IBP will be taken into account in evaluating the applications received.

(j) **Delegation Incentives:** The IBP Office will be evaluating the level and/

or range of incentives offered to delegations and/or delegation leaders recruited by U.S. overseas Embassies and Consulates. Examples of incentives to international visitors and to organized delegations include: special organized events, such as receptions, meetings with association executives, briefings, and site tours; and complimentary accommodations for delegation leaders (beyond those required in the MOA).

Review Process: ITA will evaluate all applications received based on the criteria set out in this notice. Vetting will focus primarily on the export potential, level of international interest, and stature of the show. In reviewing applications, ITA will also consider scheduling and sector balance in terms of the need to allocate resources to support selected shows.

Application Requirements: Show organizers submitting applications for quarter 1 of calendar year 2019 IBP are requested to submit: (1) A narrative statement addressing each question in the application, Form OMB 0625-0143 (found at www.export.gov/ibp); (2) a signed statement that "The information submitted in this application is correct and the applicant will abide by the terms set forth in the Call for Applications for the 2019 International Buyer Program (January 1, 2019, through March 31, 2019);" and (3) two copies of the application: one copy of the application printed on company letterhead, and one electronic copy of the application submitted on a CD-RW (preferably in Microsoft Word® format), on or before the deadline noted above. There is no fee required to apply. Applications for the IBP must be received by Wednesday, January 31, 2018. ITA expects to issue the results of its review process in April 2018.

Legal Authority: The statutory program authority for the ITA to conduct the International Buyer Program is 15 U.S.C. 4724. The DOC has the legal authority to enter into MOAs with show organizers under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (MECEA), as amended (22 U.S.C. 2455(f) and 2458(c)). MECEA allows ITA to accept contributions of funds and services from firms for the purposes of furthering its mission.

The Office of Management and Budget (OMB) has approved the information collection requirements of the application to this program (Form OMB 0625-0143) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (OMB Control No. 0625-0143). Notwithstanding any other provision of law, no person is required

to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

For further information please contact: Vidya Desai, Senior Advisor for Trade Events, Trade Promotion Programs (IBP2019@trade.gov).

Frank Spector,

Trade Promotion Programs.

[FR Doc. 2018-01869 Filed 1-30-18; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO-P-2017-0051]

Manual of Patent Examining Procedure, Ninth Edition, Revision of January 2018

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (“USPTO”) issued a revision of the ninth edition of the Manual of Patent Examining Procedure (“MPEP”) in January 2018 to provide updated information on patent examination policy and procedure (“January 2018 revision”). The MPEP is published to provide patent examiners and the public with a reference work on the practices and procedures relative to the prosecution of patent applications before the USPTO. The MPEP contains instructions to examiners, as well as other material in the nature of information and interpretation, and outlines the current procedures which the examiners are required or authorized to follow in appropriate cases in the normal examination of a patent application.

ADDRESSES: The USPTO prefers that suggestions for improving the form and content of the MPEP be submitted via email to mpepfeedback@uspto.gov or via the IdeaScale® tool available at: <https://uspto-mpep.ideascale.com/a/index>. Written comments may also be submitted by mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, marked to the attention of Editor, Manual of Patent Examining Procedure. The USPTO prefers that any comments or suggestions specifically directed to subject matter eligibility be directed to: 2014_interim_guidance@uspto.gov.

FOR FURTHER INFORMATION CONTACT:

Robert A. Clarke, Editor of the MPEP by telephone (571-272-7735) or by email (Robert.Clarke@uspto.gov) or Linda Therkorn, Patent Examination Policy Advisor by telephone (571-272-7837) or by email (Linda.Therkorn@uspto.gov).

SUPPLEMENTARY INFORMATION: The USPTO issued a revision to the ninth edition of the MPEP in January 2018, which provides USPTO patent examiners, applicants, attorneys, agents, representatives of applicants, and other members of the public with a reference work on the practices and procedures relative to the prosecution of patent applications before the USPTO. The MPEP contains instructions to examiners, as well as other material in the nature of information and interpretation, and outlines the current procedures which the examiners are required or authorized to follow in appropriate cases in the normal examination of a patent application. Although the MPEP does not have the force of law or the force of the rules in Title 37 of the Code of Federal Regulations, it “is well known to those registered to practice in the PTO and reflects the presumptions under which the PTO operates.” *Critikon, Inc. v. Becton Dickinson Vascular Access, Inc.*, 120 F.3d 1253, 1257 (Fed. Cir. 1997).

In the January 2018 revision, sections of chapters 200, 700-1000, 1200, 1400, 1500, 1800, 2000-2300, 2500, and 2700 have been updated. The updated sections have a revision indicator of [R-08.2017], meaning these sections have been updated to reflect USPTO patent practice and relevant case law as of August 31, 2017. In addition, Chapter FPC (the Form Paragraph Book), the Table of Contents, Foreword, Introduction, Subject Matter Index, and all Appendices except Appendix I and Appendix P have been updated. The changes in the January 2018 revision are discussed in the Change Summary for the Ninth Edition, Revision 08.2017. The policies stated in the January 2018 revision supersede any policies stated in prior editions, including revisions, of the MPEP to the extent that there is any conflict.

The January 2018 revision of the ninth edition of the MPEP may be viewed or downloaded free of charge from the USPTO website at <https://www.uspto.gov/web/offices/pac/mpep/> and is available to search online at <http://mpep.uspto.gov>. Archived copies of each of the prior revisions and editions of the MPEP continue to be available for reference. Links to the archived copies are available on the

USPTO website at <https://www.uspto.gov/web/offices/pac/mpep/old/index.htm>.

Dated: January 25, 2018.

Joseph Matal,

Associate Solicitor, performing the functions and duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2018-01866 Filed 1-30-18; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF ENERGY

[FE Docket No. 17-167-LNG]

Galveston Bay LNG, LLC; Application for Long-Term, Multi-Contract Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on December 22, 2017, by Galveston Bay LNG, LLC (Galveston Bay LNG), requesting long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to 785.7 billion cubic feet (Bcf) per year of natural gas. Galveston Bay LNG seeks authorization to export this LNG from its proposed natural gas liquefaction facility to be located in Texas City, Texas (Galveston Bay LNG Project).

Galveston Bay LNG seeks authorization to export this LNG to countries with which trade is not prohibited by U.S. law or policy, including both countries with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) and all other countries (non-FTA countries). Galveston Bay LNG requests the non-FTA authorization for a term of 20 years, to begin on the date of first export following the commencement of operations or seven years from the date of a final order granting export authorization, whichever is first. In addition, Galveston Bay LNG is requesting that it be afforded a three-year make-up period for the purpose of exporting any volume it is unable to export during the original export period, consistent with DOE/FE precedent. Galveston Bay LNG further requests this authorization on its own behalf and as agent for other entities who hold title to

the natural gas at the time of export. Galveston Bay LNG filed the Application under section 3 of the Natural Gas Act (NGA). Additional details can be found in Galveston Bay LNG's Application, posted on the DOE/FE website at <https://energy.gov/fe/downloads/galveston-bay-lng-llc-fe-dkt-no-17-167-lng>.

Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, April 2, 2018.

ADDRESSES:

Electronic Filing by Email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026-4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Beverly Howard or Larine Moore, U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-9387; (202) 586-9478.

Cassandra S. Bernstein, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D-033, 1000 Independence Ave. SW, Washington, DC 20585, (202) 586-9793.

SUPPLEMENTARY INFORMATION:

DOE/FE Evaluation

In the Application, Galveston Bay LNG requests authorization to export LNG from the proposed Galveston Bay LNG Project to both FTA countries and non-FTA countries. This Notice applies only to the portion of the Application requesting authority to export LNG to non-FTA countries pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a). DOE separately will review the portion of the Application requesting authority to export LNG to FTA countries pursuant

to section 3(c) of the NGA, 15 U.S.C. 717b(c).

In reviewing Galveston Bay LNG's request for a non-FTA export authorization, DOE will consider any issues required by law or policy. DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the following two studies examining the cumulative impacts of exporting domestically produced LNG:

- *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets*, conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study);¹ and

- *The Macroeconomic Impact of Increasing U.S. LNG Exports*, conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study).²

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States*, 79 FR 48132 (Aug. 15, 2014);³ and

- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States*, 79 FR 32260 (June 4, 2014).⁴

Parties that may oppose this Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the non-FTA portion of the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

¹ The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: <https://www.eia.gov/analysis/requests/fe/>.

² The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf.

³ The Addendum and related documents are available at: <https://energy.gov/fe/addendum-environmental-review-documents-concerning-exports-natural-gas-united-states>.

⁴ The Life Cycle Greenhouse Gas Report is available at: <http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states>.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, regarding the non-FTA export portion of the Application. Interested persons will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to fergas@hq.doe.gov, with FE Docket No. 17-167-LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 17-167-LNG. **Please Note:** If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final

Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE web address: <http://www.fe.doe.gov/programs/gasregulation/index.html>.

Issued in Washington, DC, on January 26, 2018.

Robert J. Smith,

Deputy Assistant Secretary for Oil and Natural Gas (Acting).

[FR Doc. 2018-01895 Filed 1-30-18; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

[FE Docket No. 18-03-LNG]

Freeport LNG Expansion, L.P., et al.; Application for Blanket Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Countries on a Short-Term Basis

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on January 4, 2018, by Freeport LNG Expansion, L.P., FLNG Liquefaction LLC, FLNG Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC (collectively, FLEX). The Application requests blanket authorization to export domestically produced liquefied natural gas (LNG) in an amount up to the equivalent of 782 billion cubic feet (Bcf) of natural gas on a cumulative basis over a two-year period, commencing on the earlier of the date of first short-term export or September 1, 2018. The LNG would be exported from the Freeport LNG Liquefaction Project (Liquefaction Project), which is currently under construction at the Freeport LNG Terminal on Quintana Island, Texas. FLEX requests authorization to export the LNG to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy,

including both countries with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) and all other countries (non-FTA countries). FLEX seeks to export this LNG both before and after commercial operations at the Liquefaction Project begin. FLEX requests this authorization on its own behalf and as agent for other entities who hold title to the natural gas at the time of export. Additional details can be found in FLEX's Application, posted on the DOE/FE website at: <https://energy.gov/fe/downloads/freeport-lng-expansion-lp-fe-dkt-no-18-03-lng>.

Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, March 2, 2018.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026-4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Kyle W. Moorman or Larine Moore, U.S. Department of Energy (FE-34) Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-7970; (202) 586-9478.

Cassandra Bernstein, U.S. Department of Energy (GC-76) Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-9793.

SUPPLEMENTARY INFORMATION: FLEX requests a short-term blanket authorization to export LNG produced prior to the start of commercial operations at its Liquefaction Project, as well as after commercial operations begin (as market opportunities arise). FLEX commits that the short-term volumes to be exported under the

requested authorization, when added to any volumes exported under FLEX's existing long-term export authorizations, will not exceed the maximum volumes approved under those DOE/FE authorizations in any annual (consecutive 12-month) period.

DOE/FE Evaluation

The portion of the Application seeking authority to export LNG on a short-term basis to non-FTA countries will be reviewed pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a), and DOE will consider any issues required by law or policy. In reviewing this Application, DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the following two studies examining the cumulative impacts of exporting domestically produced LNG:

- *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets*, conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study);¹ and

- *The Macroeconomic Impact of Increasing U.S. LNG Exports*, conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study).²

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States*, 79 FR 48132 (Aug. 15, 2014);³ and

- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States*, 79 FR 32260 (June 4, 2014).⁴

Parties that may oppose this Application should address these issues and documents in their comments and/

¹ The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: <https://www.eia.gov/analysis/requests/fe/>.

² The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf.

³ The Addendum and related documents are available at: <http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states>.

⁴ The Life Cycle Greenhouse Gas Report is available at: <http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states>.

or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. FLEX states that no new construction or changes to the Liquefaction Project facilities will be required for the short-term exports requested in the Application. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Interested persons will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention, or motions for additional procedures.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to fergas@hq.doe.gov, with FE Docket No. 18-03-LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 18-03-LNG. **Please Note:** If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All

electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: <http://www.fe.doe.gov/programs/gasregulation/index.html>.

Issued in Washington, DC, on January 26, 2018.

Robert J. Smith,

Deputy Assistant Secretary for Oil and Natural Gas (Acting), Office of Fossil Energy.

[FR Doc. 2018-01896 Filed 1-30-18; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Notice of Public Meeting of the Supercritical CO₂ Oxy-Combustion Technology Group

AGENCY: National Energy Technology Laboratory, Office of Fossil Energy, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: The National Energy Technology Laboratory (NETL) will host a public meeting via WebEx February 27, 2018, of the Supercritical CO₂ Oxy-combustion Technology Group, to address challenges associated with oxy-combustion systems in directly heated supercritical CO₂ (sCO₂) power cycles.

DATES: The public meeting will be held on February 27, 2018, from 1:00 p.m. to 3:00 p.m. EST.

ADDRESSES: The public meeting will be held via WebEx and hosted by NETL.

FOR FURTHER INFORMATION CONTACT: For further information regarding the public meeting, please contact Seth Lawson or Walter Perry at NETL by telephone at (304) 285-4469, by email at Seth.Lawson@netl.doe.gov, Walter.Perry@netl.doe.gov, or by postal mail addressed to National Energy Technology Laboratory, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507-0880. Please direct all media inquiries to the NETL Public Affairs Officer at (304) 285-0228.

SUPPLEMENTARY INFORMATION:

Instructions and Information on the Public Meeting

The public meeting will be held via WebEx. The public meeting will begin at 1:00 p.m. and end at 3:00 p.m. Meeting details will be available prior to the meeting on the NETL website, <https://www.netl.doe.gov/events/sco2-tech-group>. Interested parties may RSVP, to confirm their participation and receive login instructions, by emailing Seth.Lawson@netl.doe.gov. The objective of the Supercritical CO₂ Oxy-combustion Technology Group is to promote a technical understanding of oxy-combustion for direct-fired sCO₂ power cycles by sharing information or viewpoints from individual participants regarding risk reduction and challenges associated with developing the technology.

Oxy-combustion systems in directly heated supercritical CO₂ (sCO₂) power cycles utilize natural gas or syngas oxy-combustion systems to produce a high temperature sCO₂ working fluid and have the potential to be efficient, cost effective and well-suited for carbon dioxide (CO₂) capture. To realize the benefits of direct fired sCO₂ power cycles, the following challenges must be addressed: Chemical kinetic uncertainties, combustion instability, flowpath design, thermal management, pressure containment, definition/prediction of turbine inlet conditions, ignition, off-design operation, transient capabilities, in-situ flame monitoring, and modeling, among others.

The format of the meeting will facilitate equal opportunity for discussion among all participants; all participants will be welcome to speak. Following a detailed presentation by one volunteer participant regarding lessons learned from his or her area of research, other participants will be provided the opportunity to briefly

share lessons learned from their own research. Meetings are expected to take place every other month with a different volunteer presenting at each meeting. Meeting minutes shall be published for those who are unable to attend.

This meeting is considered “open-to-the-public”; the purpose for this meeting has been examined during the planning stages, and NETL management has made specific determinations that affect attendance. All information presented at this meeting must meet criteria for public sharing or be published and available in the public domain. Participants should not communicate information that is considered official use only, proprietary, sensitive, restricted or protected in any way. Foreign nationals, who may be present, have not been approved for access to DOE information and technologies.

Dated: January 10, 2018.

Heather Quedenfeld,

Associate Director, Coal Technology Development & Integration Center, National Energy Technology Laboratory.

[FR Doc. 2018-01874 Filed 1-30-18; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). All Federal agencies administering programs subject to Davis-Bacon wage provisions are required to submit to the Department of Labor (DOL) a report of all new covered contracts/projects and all compliance and enforcement activities every six months. In order for the DOE to comply with this reporting requirement, it must collect contract and enforcement information from Recovery Act funded Loan and Loan Guarantee Borrowers, DOE direct contractors, and other prime contractors that administer DOE programs subject to Davis-Bacon requirements.

DATES: Comments regarding this collection must be received on or before March 2, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your

intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395-4650.

ADDRESSES: Written comments should be sent to: DOE Desk Officer at Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503.

And to: John M. Sullivan, GC-63, Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585; Fax: (202) 586-0971; or email at: john.m.sullivan@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to John M. Sullivan, GC-63, Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585; Fax: (202) 586-0971; or email at: john.m.sullivan@hq.doe.gov.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910-5165; (2) Information Collection Request Title: Davis-Bacon Semi-Annual Labor Compliance Report; (3) Type of Request: Three-year extension without changes; (4) Purpose: To obtain information from the Department of Energy Management and Operation, Facilities Management Contractors, and recipients of financial assistance whose work is subject to the Davis-Bacon Act; (5) Annual Estimated Number of Respondents: 75; (6) Annual Estimated Number of Total Responses: 150; (7) Annual Estimated Number of Burden Hours: 2 per respondent for total of 300 hours per year; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: \$0.00 annually.

Statutory Authority: 29 CFR part 5, Section 5.7(b).

Issued in Washington, DC, on January 25, 2018.

Jean S. Stucky,

Assistant General Counsel for Contractor Human Resources, Office of the General Counsel.

[FR Doc. 2018-01888 Filed 1-30-18; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11-119-002.

Applicants: Gabelli, Mario J.

Description: Request for Reauthorization and Extension of Blanket Authorizations Under Section 203 of the Federal Power Act and Request for Expedited Consideration of Mario J. Gabelli, et al.

Filed Date: 1/25/18.

Accession Number: 20180125-5100.

Comments Due: 5 p.m. ET 2/15/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11-3376-004; ER11-3377-004; ER11-3378-004.

Applicants: North Hurlburt Wind, LLC, Horseshoe Bend Wind, LLC, South Hurlburt Wind, LLC.

Description: Notice of Non-Material Change in Status of North Hurlburt Wind, LLC, et. al.

Filed Date: 1/24/18.

Accession Number: 20180124-5164.

Comments Due: 5 p.m. ET 2/14/18.

Docket Numbers: ER14-2102-002.

Applicants: Danskammer Energy, LLC.

Description: Notice of Non-Material Change in Status of Danskammer Energy, LLC.

Filed Date: 1/25/18.

Accession Number: 20180125-5088.

Comments Due: 5 p.m. ET 2/15/18.

Docket Numbers: ER15-2680-007.

Applicants: Sandstone Solar LLC.

Description: Compliance filing: Sandstone Solar LLC Notice of Change in Status to be effective 1/26/2018.

Filed Date: 1/25/18.

Accession Number: 20180125-5116.

Comments Due: 5 p.m. ET 2/15/18.

Docket Numbers: ER16-474-006.

Applicants: Central Antelope Dry Ranch C LLC.

Description: Compliance filing: Central Antelope Dry Ranch C LLC Change in Status to be effective 1/26/2018.

Filed Date: 1/25/18.

Accession Number: 20180125-5103.

Comments Due: 5 p.m. ET 2/15/18.

Docket Numbers: ER16-890-006.

Applicants: Summer Solar LLC.

Description: Compliance filing: Summer Solar Notice of Change in Status to be effective 1/26/2018.

Filed Date: 1/25/18.

Accession Number: 20180125-5102.

Comments Due: 5 p.m. ET 2/15/18.

Docket Numbers: ER16-1255-005.

Applicants: Antelope Big Sky Ranch LLC.

Description: Compliance filing: Antelope Big Sky Ranch Change of Status to be effective 1/26/2018.

Filed Date: 1/25/18.

Accession Number: 20180125-5114.

Comments Due: 5 p.m. ET 2/15/18.

Docket Numbers: ER16–1901–005.
Applicants: Elevation Solar C LLC.
Description: Compliance filing: Elevation Solar C LLC Notice of Change in Status to be effective 1/26/2018.
Filed Date: 1/25/18.
Accession Number: 20180125–5099.
Comments Due: 5 p.m. ET 2/15/18.
Docket Numbers: ER16–1973–005.
Applicants: Western Antelope Blue Sky Ranch B LLC.
Description: Compliance filing: Western Antelope Blue Sky Ranch B Change in Status to be effective 1/26/2018.

Filed Date: 1/25/18.
Accession Number: 20180125–5115.
Comments Due: 5 p.m. ET 2/15/18.
Docket Numbers: ER16–2578–005.
Applicants: North Lancaster Ranch LLC.

Description: Compliance filing: North Lancaster Ranch Change in Status to be effective 1/26/2018.

Filed Date: 1/25/18.
Accession Number: 20180125–5110.
Comments Due: 5 p.m. ET 2/15/18.
Docket Numbers: ER18–713–000.
Applicants: CA Flats Solar 150, LLC.
Description: Baseline eTariff Filing: CA Flats Solar 150, LLC MBR Tariff to be effective 3/26/2018.

Filed Date: 1/25/18.
Accession Number: 20180125–5026.
Comments Due: 5 p.m. ET 2/15/18.
Docket Numbers: ER18–714–000.
Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Luz Solar Partners LTD., V LGIA Kramer Junction 5 Project SA No. 207, TOT694 to be effective 2/2/2018.

Filed Date: 1/25/18.
Accession Number: 20180125–5046.
Comments Due: 5 p.m. ET 2/15/18.
Docket Numbers: ER18–715–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA SA No. 4905; Queue No. AC2–196 to be effective 1/18/2018.

Filed Date: 1/25/18.
Accession Number: 20180125–5047.
Comments Due: 5 p.m. ET 2/15/18.

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 25, 2018.
Nathaniel J. Davis, Sr.,
Deputy Secretary.
 [FR Doc. 2018–01843 Filed 1–30–18; 8:45 am]
BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2002–0011; FRL–9973–14–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Laboratory Quality Assurance Evaluation Program for Analysis of *Cryptosporidium* Under the Safe Drinking Water Act (Renewal)

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR)—Laboratory Quality Assurance Evaluation Program for Analysis of *Cryptosporidium* Under the Safe Drinking Water Act, EPA ICR No. 2067.06, OMB Control No. 2040–0246—to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2018. Public comments were previously requested via the **Federal Register** on October 16, 2017, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before March 2, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2002–0011, to (1) EPA online using www.regulations.gov (our preferred method), by email to ow-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200

Pennsylvania Ave., NW, Washington, DC 20460, and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Dan Hautman, Technical Support Center (TSC), Office of Ground Water and Drinking Water, (MC–140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268; telephone number: 513–569–7274; fax number: 513–569–7191; email address: Hautman.dan@epa.gov.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: Under the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), EPA requires public water systems (PWS) to use approved laboratories when conducting *Cryptosporidium* monitoring. The Code of Federal Regulations (CFR) at 40 CFR 141.705(a) provides for approval of *Cryptosporidium* laboratories by “an equivalent” state laboratory certification program (*i.e.*, equivalent to EPA's Laboratory Quality Assurance Evaluation Program). In the preamble to the LT2ESWTR as well as several other notices, EPA has described the criteria for approval of laboratories to analyze *Cryptosporidium* samples under the LT2ESWTR.

Form Numbers: None.

Respondents/affected entities: Interested states and laboratories.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 43 labs and 20 states/territories.

Frequency of response: Annual.

Total estimated burden: 3,741 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$669,490, includes \$332,891 annualized capital or operation & maintenance (O&M) costs.

Changes in Estimates: There is a decrease of 1,731 hours and \$134,284 in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to a reduced number of laboratories (45 to 43), re-evaluation of hours for tasks, and an improved demonstration of capability by the laboratories.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018-01899 Filed 1-30-18; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2017-0474; FRL-9973-13-ORD]

Availability of the Integrated Risk Information System (IRIS) Assessment Plan for Uranium

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a 30-day public comment period associated with release of the draft IRIS Assessment Plan for Uranium. This document communicates information on the scoping needs identified by EPA program and regional offices and the IRIS Program's initial problem formulation activities. Specifically, the assessment plan outlines the objectives for each assessment and the type of evidence considered most pertinent to address the scoping needs. EPA is releasing this draft IRIS Assessment Plan for public comment at least 60 days in advance of a public science webinar planned on March 22, 2018.

DATES: The 30-day public comment period begins January 31, 2018, and ends March 2, 2018. Comments must be received on or before March 2, 2018.

ADDRESSES: The IRIS Assessment Plan for Uranium, will be available via the internet on IRIS' website at https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nbr=259 and in the public docket at <https://www.regulations.gov>, Docket ID: EPA-HQ-ORD-2017-0474.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the ORD Docket at the EPA Headquarters Docket Center; telephone: 202-566-1752; facsimile: 202-566-9744; or email: Docket_ORD@epa.gov.

For technical information on the draft IRIS Assessment Plan for Uranium,

contact Dr. James Avery, NCEA; telephone: 202-564-1494; or email: avery.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background Information on IRIS Assessment Plans

EPA's IRIS Program is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemicals found in the environment. Through the IRIS Program, EPA provides the highest quality science-based human health assessments to support the Agency's regulatory activities and decisions to protect public health. As part of scoping and initial problem formulation activities prior to the development of a draft assessment, the IRIS Program carries out a broad, preliminary literature survey to assist in identifying health effects that have been studied in relation to the chemical or substance of interest, as well as science issues that may need to be considered when evaluating toxicity. This information, in conjunction with scoping needs identified by EPA program and regional offices, is used to inform the development of an IRIS Assessment Plan (IAP).

The IAP communicates the plan for developing each individual chemical assessment to the public and includes summary information on the IRIS Program's scoping and initial problem formulation, objectives and specific aims for the assessment, and a PECO (Populations, Exposures, Comparators, and Outcomes) for the systematic review. The PECO provides the framework for developing literature search strategies and inclusion/exclusion criteria, particularly with respect to evidence stream (*i.e.*, human, animal, mechanistic), exposure measures and outcome measures. The IAP serves to inform the subsequent development of chemical-specific systematic review protocols, which will be made publicly available.

II. Public Webinar

In order to allow for public input, EPA is convening a public webinar to discuss the draft IRIS Assessment Plan for Uranium March 22, 2018. Specific teleconference and webinar information regarding this public meeting will be provided through the IRIS website (<https://www.epa.gov/iris>) and via EPA's Human Health Risk Assessment (HHRA) and IRIS listservs. To register for the HHRA or IRIS listserv, visit the IRIS website (<https://www.epa.gov/iris>) or visit <https://www.epa.gov/iris/forms/>

staying-connected-integrated-risk-information-system#connect.

III. How To Submit Technical Comments to the Docket at <http://www.regulations.gov>

Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2017-0474 for uranium, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- *Email:* Docket_ORD@epa.gov.
- *Fax:* 202-566-9744.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (ORD Docket), Mail Code: 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. The phone number is 202-566-1752.
- *Hand Delivery:* The ORD Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20229.

The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202-566-1744. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by mail or hand delivery, please submit three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to docket number EPA-HQ-ORD-2017-0474 for uranium. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at www.regulations.gov, including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information through www.regulations.gov or email that you consider to be CBI or otherwise protected. The www.regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an

email comment directly to EPA without going through www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at www.epa.gov/epahome/dockets.htm.

Docket: Documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the ORD Docket in the EPA Headquarters Docket Center.

Dated: January 8, 2018.

Tina Bahadori,

Director, National Center for Environmental Assessment.

[FR Doc. 2018-01915 Filed 1-30-18; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2017-0497; FRL-9973-15-ORD]

Availability of the Systematic Review Protocol for the Chloroform Integrated Risk Information System (IRIS) Assessment.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a 30-day public comment period associated with the Systematic Review Protocol for the IRIS Chloroform Assessment. The protocol describes the systematic review procedures and other methodology planned for use in developing the chloroform assessment. EPA is making

this Protocol available to the public via the docket and the IRIS website. These documents were prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development (ORD).

DATES: The 30-day public comment period begins January 31, 2018, and ends March 2, 2018. Comments must be received on or before March 2, 2018. The Systematic Review Protocol for chloroform can also be found on the chemical landing page on the IRIS website (https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nmbr=25).

ADDRESSES: The Systematic Review Protocol for the chloroform IRIS assessment, will be available via the internet on IRIS website at https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nmbr=25 and in the public docket at <http://www.regulations.gov>, Docket ID: EPA-HQ-ORD-2017-0497.

FOR FURTHER INFORMATION CONTACT: For information on the docket, contact the ORD Docket at the EPA Headquarters Docket Center; telephone: 202-566-1752; facsimile: 202-566-9744; or email: Docket_ORD@epa.gov.

For technical information on the protocol, contact Dr. James Avery, NCEA; telephone: 202-564-1494; or email: avery.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background Information on the IRIS Program and Systematic Review Protocols

EPA's IRIS Program is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemicals found in the environment. Through the IRIS Program, EPA provides the highest quality science-based human health assessments to support the Agency's regulatory activities and decisions to protect public health. As part of developing a draft IRIS assessment, EPA presents a methods document, referred to as the protocol, for conducting a chemical-specific systematic review of the available scientific literature. Protocols include strategies for literature searches, criteria for study inclusion or exclusion, considerations for evaluating study methods, information management for extracting data, approaches for synthesis within and across lines of evidence, and methods for derivation of toxicity values.

The protocol serves to inform the subsequent development of the draft assessment and is made available to the public. EPA may update the protocol

based on the evaluation of the literature and any updates will be posted to the docket and on the IRIS website.

II. How To Submit Technical Comments to the Docket at <http://www.regulations.gov>

Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2017-0497 for chloroform, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- Email: Docket_ORD@epa.gov.

- Fax: 202-566-9744.

- Mail: U.S. Environmental

Protection Agency, EPA Docket Center (ORD Docket), Mail Code: 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. The phone number is 202-566-1752.

- **Hand Delivery:** The ORD Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20229.

The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202-566-1744. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by mail or hand delivery, please submit three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to EPA-HQ-ORD-2017-0497 for chloroform. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at <https://www.regulations.gov>, including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information through <https://www.regulations.gov> or email that you consider to be CBI or otherwise protected. The <https://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you

provide it in the body of your comment. If you send an email comment directly to EPA without going through <https://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information

about EPA's public docket visit the EPA Docket Center homepage at <https://www.epa.gov/dockets>.

Docket: Documents in the docket are listed in the <https://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in <https://www.regulations.gov> or hard copy at the ORD Docket in the EPA Headquarters Docket Center.

Dated: January 8, 2018.

Tina Bahadori,
Director, National Center for Environmental Assessment.

[FR Doc. 2018-01914 Filed 1-30-18; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Items From Sunshine Act Meeting

January 25, 2018.

The following item has been deleted from the list of items scheduled for consideration at the Tuesday, January 30, 2018, Open Meeting and previously listed in the Commission's Notice of January 23, 2018.

7	Media	<p>Title: Modernization of Media Regulation Initiative (MB Docket No. 17-105); Amendment of Parts 27, 54, 73, 74, and 76 of the Commission's Rules to Delete Rules Made Obsolete by the Digital Television Transition.</p> <p>Summary: The Commission will consider an Order deleting rules made obsolete by the Digital TV transition.</p>
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Federal Communications Commission.
Marlene H. Dortch,
Secretary.

[FR Doc. 2018-02030 Filed 1-29-18; 4:15 pm]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-XXXX]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of

information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before March 2, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email Nicholas_A_Fraser@omb.eop.gov; and to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <http://www.reginfo.gov/>

[public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain), (2) look for the section of the web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents,

including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060-XXXX.

Title: Application to Participate in Connect America Fund Phase II Auction, FCC Form 183.

Form Number: FCC Form 183.

Type of Review: New collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and

Responses: 500 respondents and 500 responses.

Estimated Time per Response: 7 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 214, 254, and 303(r).

Total Annual Burden: 3,500 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality Although most information collected in FCC Form 183 will be made available for public inspection, the Commission will withhold certain information collected in FCC Form 183 from routine public inspection. Specifically, the Commission will treat certain technical information submitted in FCC Form 183 as confidential and as though the applicant has requested that this information be treated as confidential trade secrets and/or commercial information. In addition, an applicant may use the abbreviated process under 47 CFR 0.459(a)(4) to request confidential treatment of certain financial information contained in its FCC Form 183 application. However, if a request for public inspection for this technical or financial information is made under 47 CFR 0.461, and the applicant has any objections to disclosure, the applicant will be notified and will be required to justify continued confidential treatment of its request. To the extent that a respondent seeks to have other information collected in FCC Form 183 withheld from public inspection, the respondent may request confidential treatment pursuant to 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission will use the information collected to determine whether applicants are eligible to participate in the Connect America Fund Phase II auction (CAF-II auction). On November 18, 2011, the

Commission released the *USF/ICC Transformation Order and Further Notice of Proposed Rulemaking*, WC Docket No. 10-90 et al., FCC 11-161, which comprehensively reformed and modernized the high-cost program within the universal service fund to focus support on networks capable of providing voice and broadband services. The Commission created the Connect America Fund (CAF) and concluded that support in price cap areas would be provided through a combination of “a new forward-looking model of the cost of constructing modern multi-purpose networks” and a competitive bidding process (the CAF-II auction). The Commission also sought comment on proposed rules governing the CAF-II auction, including options regarding basic auction design and the application process.

In the CAF-II auction, service providers will compete to receive support of up to \$1.98 billion to offer voice and broadband service in unserved high-cost areas. To implement reform and conduct the CAF-II auction, the Commission adopted new rules for the CAF-II auction which include new information collections. In the *April 2014 Connect America Order*, WC Docket No. 10-90 et al., FCC 14-54, the Commission adopted certain rules regarding participation in the CAF-II auction, the term of support, and the ETC designation process. In the *Phase II Auction Order*, WC Docket No. 10-90 et al., FCC 16-64, the Commission adopted rules to implement the CAF-II auction, including the adoption of a two-stage application process. Based on the Commission’s experience with auctions and consistent with the record, this two-stage collection of information balances the need to collect information essential to conduct a successful auction with administrative efficiency.

Under this information collection, the Commission will collect information that will be used to determine whether an applicant is legally qualified to participate in an auction for Connect America Fund Phase II support (CAF-II support). To aid in collecting this information, the Commission has created FCC Form 183, which the public will use to provide the necessary information and certifications. Commission staff will review the information collected on FCC Form 183 as part of the pre-auction process, prior to the start of the auction, and determine whether each applicant satisfies the Commission’s requirements to participate in an auction for CAF-II support. Without the information collected on FCC Form 183, the Commission will not be able to

determine if an applicant is legally qualified to participate in the auction and has complied with the various applicable regulatory and statutory auction requirements for such participation. This approach provides an appropriate screen to ensure serious participation without being unduly burdensome.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018-01804 Filed 1-30-18; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission’s website (www.fmc.gov) or by contacting the Office of Agreements at (202)523-5793 or tradeanalysis@fmc.gov.

Agreement No.: 012136-002.

Title: HSDG/ML/MSC Space Charter Agreement.

Parties: Maersk Line A/S, Mediterranean Shipping Company S.A., and Hamburg Sud.

Filing Party: Wayne Rohde; Cozen O’Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The amendment revises Article 5.1 to reflect a change in the amount of space being chartered and to delete obsolete material. It also deletes obsolete material from Article 9.2.

Agreement No.: 012419-001.

Title: Sealand/ELJSA Vessel Sharing Agreement.

Parties: Maersk Line A/S, d/b/a Sealand; and Evergreen Line Joint Service Agreement.

Filing Party: Wayne Rohde; Cozen O’Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The amendment adds Colombia to the scope of the Agreement, revises the space allocations of the parties and reflects the consent of the parties to additional sub-charter arrangements.

Agreement No.: 011730-007.

Title: GWF/Dole Space Charter and Sailing Agreement.

Parties: Dole Ocean Cargo Express Inc.; Great White Fleet Corp.; and Great White Fleet Liner Services, Ltd.

Filing Party: Wade S. Hooker; 211 Central Park W, New York, NY 10024.

Synopsis: The amendment adds Great White Fleet Corp. as a party to the Agreement, with Great White Fleet Corp. and Great White Fleet Liner Services Ltd. being treated as a single party to the Agreement.

Agreement No.: 201234-001.

Title: Agreement by Ocean Common Carriers to Participate on the Exchange Board.

Parties: CMA CGM S.A.; COSCO Shipping Co., Ltd., Hapag-Lloyd AG; and Mitsui O.S.K. Lines, Ltd.

Filing Party: Ashley W. Craig, Esq.; Venable LLP; 600 Massachusetts Ave. NW, Washington, DC 20001.

Synopsis: The amendment adds Maersk Line A/S as a party to the Agreement.

Agreement No.: 201235-001.

Title: Agreement by Ocean Common Carriers to Use Standard Service Contract Terms.

Parties: CMA CGM S.A.; COSCO Shipping Co., Ltd., Hapag-Lloyd AG; and Mitsui O.S.K. Lines, Ltd.

Filing Party: Ashley W. Craig, Esq.; Venable LLP; 600 Massachusetts Ave. NW, Washington, DC 20001.

Synopsis: The amendment adds Maersk Line A/S as a party to the Agreement.

By Order of the Federal Maritime Commission.

Dated: January 26, 2018.

JoAnne O'Bryant,
Program Analyst.

[FR Doc. 2018-01908 Filed 1-30-18; 8:45 am]

BILLING CODE 6731-AA-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 27, 2018.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *BOH Holdings, Inc., Houston, Texas;* to become a bank holding company by acquiring 100 percent of the voting shares of The Dublin National Bank, Dublin, Texas.

Board of Governors of the Federal Reserve System, January 26, 2018.

Ann E. Misback,
Secretary of the Board.

[FR Doc. 2018-01877 Filed 1-30-18; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 20, 2018.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to Comments.applications@stls.frb.org:

1. *SSX2, LLC; the J&W Trust (J. Kimbrough Davis and William G. Smith,*

Jr., co-trustees); the VSM Trust (Drew Mitchell and Douglas Smith, co-trustees); Descendants Separate Trust (Drew Mitchell and Douglas Smith, co-trustees); and the Estate of Robert Hill Smith (Drew Mitchell and Douglas Smith, co-personal representatives) all of Tallahassee, Florida; to become members of the Smith family control group, and thereby acquire shares of Capital City Bank Group, Inc., and its subsidiary, Capital City Bank, both of Tallahassee, Florida.

Board of Governors of the Federal Reserve System, January 26, 2018.

Ann E. Misback,
Secretary of the Board.

[FR Doc. 2018-01876 Filed 1-30-18; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meetings

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of Five AHRQ Subcommittee Meetings.

SUMMARY: The subcommittees listed below are part of AHRQ's Health Services Research Initial Review Group Committee. Grant applications are to be reviewed and discussed at these meetings. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting.

DATES: See below for dates of meetings:

1. *Healthcare Safety and Quality Improvement Research (HSQR)*

Date: February 21-22, 2018 (Open from 7:30 a.m. to 8:00 a.m. on February 21st and closed for remainder of the meeting).

2. *Healthcare Information Technology Research (HITR)*

Date: February 21-23, 2018 (Open from 5:00 p.m. to 5:30 p.m. on February 21st and closed for remainder of the meeting).

3. *Health Care Research and Training (HCRT)*

Date: February 22-23, 2018 (Open from 8:00 a.m. to 8:30 a.m. on February 22nd and closed for remainder of the meeting).

4. *Health System and Value Research (HSVR)*

Date: February 28-March 1, 2018 (Open from 8:00 a.m. to 8:30 a.m. on February 28th and closed for remainder of the meeting).

5. *Healthcare Effectiveness and Outcomes Research (HEOR)*

Date: February 28–March 1, 2018 (Open from 8:30 a.m. to 9:00 a.m. on February 28th and closed for remainder of the meeting).

ADDRESSES: (below specifics where each meeting will be held)

Hilton Rockville & Executive Meeting Center, 1750 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: (to obtain a roster of members, agenda or minutes of the non-confidential portions of the meetings.)

Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research Education and Priority Populations, Agency for Healthcare Research and Quality (AHRQ), 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 427–1554.

SUPPLEMENTARY INFORMATION: These meetings will be closed to the public in accordance with 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), AHRQ announces meetings of the above-listed scientific peer review groups, which are subcommittees of AHRQ's Health Services Research Initial Review Group Committees. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting. The subcommittee meetings will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). 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.

Agenda items for these meetings are subject to change as priorities dictate.

Dated: January 25, 2018.

Gopal Khanna,

Director.

[FR Doc. 2018–01814 Filed 1–30–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC–2017–0072; Docket Number NIOSH–300]

Final National Occupational Research Agenda for Manufacturing

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: NIOSH announces the availability of the final National Occupational Research Agenda for Manufacturing

DATES: The final document was published on January 25, 2018.

ADDRESSES: The document may be obtained at the following link: <https://www.cdc.gov/niosh/nora/sectors/manuf/researchagenda.html>.

FOR FURTHER INFORMATION CONTACT:

Emily Novicki, M.A., M.P.H., (*NORACoordinator@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498–2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: On August 23, 2017, NIOSH published a request for public review in the **Federal Register** [82 FR 40003] of the draft version of the National Occupational Research Agenda for Manufacturing. All comments received were reviewed and addressed where appropriate.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–01906 Filed 1–30–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60–day–18–18KG; Docket No. CDC–2018–0013]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Information Collection for U.S. Tuberculosis Follow-up Worksheet for Newly-Arrived Persons with Overseas Tuberculosis Classifications—CDC is proposing a TB follow-up worksheet to capture domestic TB examination data for persons arriving to the U.S. with overseas TB classifications.

DATES: CDC must receive written comments on or before April 2, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0013 by any of the following methods:

- *Federal eRulemaking Portal:* [Regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to [Regulations.gov](https://www.regulations.gov).

Please note: Submit all comments through the Federal eRulemaking portal ([regulations.gov](https://www.regulations.gov)) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of

information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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.
5. Assess information collection costs.

Proposed Project

Information Collection for U.S. Tuberculosis Follow-up Worksheet for Newly-Arrived Persons with Overseas Tuberculosis Classifications—Existing Information Collection in Use Without an OMB Control Number—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC highly recommends that persons with overseas classification A or B for TB receive U.S. follow-up evaluations to prevent new transmission of TB. This information will assist CDC in fulfilling

its regulatory responsibility to prevent the importation and spread of communicable diseases from foreign countries (42 CFR part 71) and interstate control of communicable diseases in humans (42 CFR part 70).

Section 361 of the Public Health Service (PHS) Act (42 U.S.C. 264) authorizes the Secretary of Health and Human Services to make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable disease from foreign countries into the United States. Under its delegated authority in 42 CFR parts 70 and 71, the Division of Global Migration and Quarantine (DGMQ) works to fulfill this responsibility through numerous activities that include monitoring the arrival of persons with Class A and Class B tuberculosis (TB) conditions and coordinating domestic follow-up examinations to prevent new transmission of TB in the United States.

The Secretary of Health and Human Services also has the legal authority to establish regulations outlining the requirements for the medical examination of aliens before they may be admitted into the United States. This authority is provided under Section 212(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)) and Section 325 of the Public Health Service Act 42 U.S.C. 252. These regulations are codified in 42 CFR part 34, which establish requirements that determine whether aliens can be admitted into the United States, which includes health examinations when aliens attempt to adjust status to lawful permanent residents.

The TB follow-up worksheet is designed to capture U.S. TB examination data for newly arriving persons to the U.S. with overseas classification A and B for TB. The information collected by the TB follow-up worksheet will provide a method of performing several TB prevention

activities, both international and domestic in nature.

The U.S. foreign born population had the highest incidence of TB compared to the U.S. non-foreign born population. CDC strongly recommends incoming persons receive follow-up examinations for TB in the U.S. This data collection will facilitate the methodical collection of TB follow-up outcome data to monitor and track persons with overseas classification A and B for TB and will assist in the national effort to prevent new transmission of TB. To accurately determine rates of TB, recent U.S. arrivals receive domestic follow-up evaluations. U.S. health departments will provide domestic follow-up outcome information to CDC. Without this data, DGMQ will not have a method of tracking and monitoring newly arrived persons with overseas classification A or B for TB. DGMQ will use information reported on the worksheet to ensure that TB programs are effectively tracking new foreign arrivals and coordinating follow-up evaluations with local clinicians. To monitor and evaluate domestic TB program performance, CDC needs to collect data on all elements of TB domestic follow-up up evaluations including CXR, diagnosis, and U.S. treatment outcomes.

The Division of Global Migration and Quarantine (DGMQ) staff along with other federal partners will also use this information to evaluate overseas panel physician performance and overseas prevention activities. To evaluate panel physician performance and overseas TB prevention activities, CDC needs to know the results of domestic chest x-ray (CXR), CXR comparison sputum smear and culture, and TB diagnosis along with domestic reviews of overseas treatment.

There are no costs to respondents except their time to complete the questionnaires. The annualized burden for this data collection is 2,200 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
EDN data entry staff at state and local health departments.	U.S. Tuberculosis Follow-up Worksheet for Newly-Arrived Persons with Overseas Tuberculosis Classifications.	550	48	5/60	2,200
Total .....	.....	.....	.....	.....	2,200

Leroy A. Richardson,

Chief, Information Collection Review Office,
Office of Scientific Integrity, Office of the
Associate Director for Science, Office of the
Director, Centers for Disease Control and
Prevention.

[FR Doc. 2018-01805 Filed 1-30-18; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA-2015-E-2570; FDA-
2015-E-2577]

Determination of Regulatory Review Period for Purposes of Patent Extension; SAPIEN XT TRANSCATHETER 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 SAPIEN XT TRANSCATHETER HEART VALVE and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 2, 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 30, 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 April 2, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of April 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket Nos. FDA-2015-E-2570 and FDA-2015-E-2577 for "Determination of Regulatory Review Period for Purposes of Patent Extension; SAPIEN XT TRANSCATHETER 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 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 SAPIEN XT TRANSCATHETER HEART VALVE. SAPIEN XT TRANSCATHETER HEART VALVE is indicated for relief of aortic stenosis in patients with symptomatic heart disease due to severe native calcific aortic stenosis (aortic valve area ≤ 1.0 cm² or aortic valve area index ≤ 0.6 cm²/m², a mean aortic valve gradient of ≥ 40 mmHg, or a peak aortic-jet velocity of ≥ 4.0 m/s), and with native anatomy appropriate for the 23, 26, or 29 mm valve system, who are judged by a heart team, including a cardiac surgeon, to be at high or greater risk for open surgical therapy (*i.e.*, Society of Thoracic Surgeons operative risk score $\geq 8\%$ or at a $\geq 15\%$ risk of mortality at 30 days). Subsequent to this approval, the USPTO received a patent term restoration application for SAPIEN XT TRANSCATHETER HEART VALVE (U.S. Patent Nos. 7,510,575 and 7,585,321) from Edwards Lifesciences PVT, Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated October 15, 2015, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of SAPIEN XT TRANSCATHETER 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 SAPIEN XT TRANSCATHETER HEART VALVE is 1,370 days. Of this time, 959 days occurred during the testing phase

of the regulatory review period, while 411 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 (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* September 17, 2010. FDA has verified the applicant's claim that the date the investigational device exemption became effective was on September 17, 2010.

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):* May 2, 2013. FDA has verified the applicant's claim that the premarket approval application (PMA) for SAPIEN XT TRANSCATHETER HEART VALVE (PMA P130009) was initially submitted on May 2, 2013.

3. *The date the application was approved:* June 16, 2014. FDA has verified the applicant's claim that PMA P130009 was approved on June 16, 2014.

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 889 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 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 21 CFR 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with 21 CFR 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 26, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-01891 Filed 1-30-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA-2014-E-2339; FDA-2014-E-2338]

Determination of Regulatory Review Period for Purposes of Patent Extension; DUAVEE

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 DUAVEE 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 human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 2, 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 30, 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 April 2, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of April 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2014-E-2339 and FDA-2014-E-2338 for "Determination of Regulatory Review Period for Purposes of Patent Extension; DUAVEE." 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 DUAVEE (conjugated estrogens/bazedoxifene acetate). DUAVEE is indicated for treatment of the following conditions in women with a uterus: (1) Treatment of moderate to severe vasomotor symptoms associated with menopause and (2) prevention of postmenopausal osteoporosis. Subsequent to this approval, the USPTO received patent term restoration applications for DUAVEE (U.S. Patent Nos. 5,998,402 and 6,479,535) from Wyeth LLC, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated November 3, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of DUAVEE 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 DUAVEE is 5,683 days. Of this time, 5,317 days occurred during the testing phase of the regulatory review period, while 366 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 (the FD&C Act) (21 U.S.C. 355(i)) became effective:* March 15, 1998. FDA has verified the Wyeth LLC claim that March 15, 1998, is the date the investigational new drug application (IND) became effective.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* October 3, 2012. FDA has verified the applicant's claim that the new drug application (NDA) for DUAVEE (NDA 022247) was initially submitted on October 3, 2012.

3. *The date the application was approved:* October 3, 2013. FDA has verified the applicant's claim that NDA 022247 was approved on October 3, 2013.

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 5 years 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, 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 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–01894 Filed 1–30–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–1245]

Determination of Regulatory Review Period for Purposes of Patent Extension; LENVIMA

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 LENVIMA 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 human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 2, 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 30, 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 April 2, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of April 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are

solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

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- 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–1245 for “Determination of Regulatory Review Period for Purposes of Patent Extension; LENVIMA.” 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 LENVIMA (lenvatinib mesylate). LENVIMA is indicated for treatment of patients with locally recurrent or metastatic, progressive, radioactive iodine-refractory differentiated thyroid cancer. Subsequent to this approval, the USPTO received a patent term restoration application for LENVIMA (U.S. Patent No. 7,253,286) from EISAI R&D Management Co., Ltd., and the USPTO requested FDA’s assistance in determining this patent’s eligibility for patent term restoration. In a letter dated July 12, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of LENVIMA 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 LENVIMA is 3,580 days. Of this time, 3,396 days occurred during the testing phase of the regulatory review period, while 184 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 (the FD&C Act) (21 U.S.C. 355(i)) became effective:* April 28, 2005. FDA has verified the applicant’s claim that April 28, 2005, is the date the investigational new drug application (IND) became effective.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* August 14, 2014. FDA has verified the applicant’s claim that the new drug application (NDA) for LENVIMA (NDA 206947) was initially submitted on August 14, 2014.

3. *The date the application was approved:* February 13, 2015. FDA has verified the applicant’s claim that NDA 206947 was approved on February 13, 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 application for patent extension, this applicant seeks 1,465 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 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-01920 Filed 1-30-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-E-0640]

Determination of Regulatory Review Period for Purposes of Patent Extension; MOBI-C CERVICAL DISC PROSTHESIS

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 MOBI-C CERVICAL DISC PROSTHESIS 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 April 2, 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 30, 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 April 2, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of April 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

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- 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-2015-E-0640 for "Determination of Regulatory Review Period for Purposes of Patent Extension; MOBI-C CERVICAL DISC PROSTHESIS." 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.

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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 MOBI-C CERVICAL DISC PROSTHESIS. MOBI-C CERVICAL DISC PROSTHESIS is indicated in skeletally mature patients for reconstruction of the disc at one level from C3-C7 following single-level discectomy for intractable radiculopathy (arm pain and/or a neurological deficit) with or without neck pain or

myelopathy due to a single-level abnormality localized to the level of the disc space and at least one of the following conditions confirmed by radiographic imaging (CT, MRI, X-rays): herniated nucleus pulposus, spondylosis (defined by the presence of osteophytes), and/or visible loss of disc height compared to adjacent levels. Subsequent to this approval, the USPTO received a patent term restoration application for MOBI-C CERVICAL DISC PROSTHESIS (U.S. Patent No. 8,627,999) from Beaurain et al., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 5, 2015, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of MOBI-C CERVICAL DISC PROSTHESIS 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 MOBI-C CERVICAL DISC PROSTHESIS is 2,758 days. Of this time, 1,821 days occurred during the testing phase of the regulatory review period, while 937 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:* January 20, 2006. 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 October 14, 2005. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to begin on January 20, 2006, 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):* January 14, 2011. FDA has verified the applicant's claim that the premarket approval application (PMA) for MOBI-C CERVICAL DISC PROSTHESIS (PMA P110002) was initially submitted January 14, 2011.

3. *The date the application was approved:* August 7, 2013. FDA has verified the applicant's claim that PMA P110002 was approved on August 7, 2013.

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 323 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 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-01889 Filed 1-30-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-E-2661]

Determination of Regulatory Review Period for Purposes of Patent Extension; KEYTRUDA

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 KEYTRUDA 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 human biological product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 2, 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 April 2, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of April 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date. 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 30, 2018. See "Petitions" in the **SUPPLEMENTARY INFORMATION** section for more information.

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written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

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- 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-2015-E-2661 for “Determination of Regulatory Review Period for Purposes of Patent Extension; KEYTRUDA.” 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](https://www.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 biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological 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 biological 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 biologic product KEYTRUDA (pembrolizumab). KEYTRUDA is a programmed death receptor-1 (PD-1)-

blocking antibody indicated for the treatment of:

- Patients with unresectable or metastatic melanoma.
- Patients with metastatic non-small cell lung cancer (NSCLC) whose tumors have high PD-ligand 1 (PD-L1) expression (Tumor Proportion Score (TPS) ≥ 50%) as determined by an FDA-approved test, with no epidermal growth factor receptor (EGFR) or anaplastic lymphoma kinase (ALK) genomic tumor aberrations, and no prior systemic chemotherapy treatment for metastatic NSCLC.

- Patients with metastatic NSCLC whose tumors express PD-L1 (TPS ≥ 1%) as determined by an FDA-approved test, with disease progression on or after platinum-containing chemotherapy. Patients with EGFR or ALK genomic tumor aberrations should have disease progression on FDA-approved therapy for these aberrations prior to receiving KEYTRUDA.

- Patients with recurrent or metastatic head and neck squamous cell carcinoma with disease progression on or after platinum-containing chemotherapy. This indication is approved under accelerated approval based on tumor response rate and durability of response. Continued approval for this indication may be contingent upon verification and description of clinical benefit in the confirmatory trials.

- Adult and pediatric patients with refractory classical Hodgkin lymphoma, or who have relapsed after three or more prior lines of therapy. This indication is approved under accelerated approval based on tumor response and durability of response. Continued approval for this indication may be contingent upon verification and description of clinical benefit in the confirmatory trials.

Subsequent to this approval, the USPTO received a patent term restoration application for KEYTRUDA (U.S. Patent No. 8,354,509) from Merck Sharp & Dohme B.V., and the USPTO requested FDA’s assistance in determining this patent’s eligibility for patent term restoration. In a letter dated October 15, 2015, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of KEYTRUDA 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

KEYTRUDA is 1,338 days. Of this time, 1,148 days occurred during the testing phase of the regulatory review period, while 190 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 (21 U.S.C. 355(i)) became effective:* January 7, 2011. The applicant claims January 8, 2011, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was January 7, 2011, which was the first date after FDA receipt of the IND that the investigational studies were allowed to proceed.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* February 27, 2014. FDA has verified the applicant's claim that the biologics license application (BLA) for KEYTRUDA (BLA 125514/0) was initially submitted on February 27, 2014.

3. *The date the application was approved:* September 4, 2014. FDA has verified the applicant's claim that BLA 125514/0 was approved on September 4, 2014.

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 83 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 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–01890 Filed 1–30–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2016–E–1586 and FDA–2017–E–4452]

Determination of Regulatory Review Period for Purposes of Patent Extension; CRESEMBA—New Drug Application 207501

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 CRESEMBA as approved under new drug application (NDA) 207501 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 as approved under NDA 207501.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 2, 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 30, 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 April 2, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time

at the end of April 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket Nos. FDA–2016–E–1586 and FDA–2017–E–4452 for “Determination of Regulatory Review Period for Purposes of Patent Extension; CRESEMBA—NDA 207501.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the dockets 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 CRESEMBA (isavuconazonium sulfate). CRESEMBA is indicated for use in the treatment of invasive aspergillosis and invasive mucormycosis. Subsequent to this approval, the USPTO received patent term restoration applications for CRESEMBA as approved under NDA 207501 (U.S. Patent Nos. 6,812,238 and 7,459,561) from Basilea Pharmaceutica International Ltd., and the USPTO requested FDA’s assistance in determining the patents’ eligibility for patent term restoration. In a letter dated July 28, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of CRESEMBA 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 CRESEMBA is 3,528 days. Of this time, 3,286 days occurred during the testing phase of the regulatory review period, while 242 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 (the FD&C Act) (21*

U.S.C. 355(i)) became effective: July 10, 2005. FDA has verified the applicant’s claim that the date the investigational new drug application became effective was on July 10, 2005.

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 8, 2014. FDA has verified the applicant’s claim that the NDA for CRESEMBA (NDA 207501) was initially submitted on July 8, 2014.

3. *The date the application was approved:* March 6, 2015. FDA has verified the applicant’s claim that NDA 207501 was approved on March 6, 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 based on NDA 207501, this applicant seeks 5 years or 1,264 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 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 26, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-01892 Filed 1-30-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS-0990-new]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before April 2, 2018.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795-7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990-New-60D and project title for reference, to *Sherrette.funn@hhs.gov*, or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy

of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Evaluation of the Assisted Outpatient Treatment Grant Program for Individuals with Serious Mental Illness.

Type of Collection: New.

Abstract: The Office of the Assistant Secretary for Planning and Evaluation (ASPE) at the U.S. Department of Health and Human Services (HHS) is requesting Office of Management and Budget (OMB) approval for data collection activities to support the evaluation of the Substance Abuse and Mental Health Services Administration's (SAMHSA's) Assisted Outpatient Treatment (AOT) Grant Program for Individuals with Serious Mental Illness (SM-16-011). Enacted into law on April 1, 2014, Section 224 of the Protecting Access to Medicare Act (PAMA) (Pub. L. 113-93) mandated a 4-year pilot program of grants to implement AOT programs nationwide. Section 224(e) required a program evaluation to examine the impact of AOT on cost savings and public health outcomes, incarceration, homelessness, and patient and family satisfaction with program participation.

Focusing specifically on six of the 17 sites, the in-depth implementation and outcome evaluation of the SAMHSA

AOT Grant Program for Individuals with Serious Mental Illness is being carried out by RTI International, in partnership with Duke University and Policy Research Associates (PRA). The completed implementation evaluation, conducted from November 2016 to August 2017, gathered information related to the processes and practices of AOT across the six in-depth sites. The information to be collected for the outcome evaluation will allow ASPE and partners SAMHSA and NIMH to assess which elements of AOT programs influence health and social outcomes for people under AOT orders, as well as the use of services, associated costs, and patient and family satisfaction with the AOT process.

Need and Proposed Use of the Information: Section 224(e) of PAMA requires annual reports to Congress that include evaluation of: Cost savings and public health outcomes such as mortality, suicide, substance abuse, hospitalization, and use of services; rates of incarceration by patients; rates of homelessness among patients; and patient and family satisfaction with program participation. The data collected under this submission will help ASPE address the evaluation questions listed above and inform the required reports to Congress.

The total annual burden hours estimated for this information collection request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Forms	Respondents	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total annual burden (hours)
Client Interview Instrument	Program Participant	520	3	1.00	1560.00
	Comparison Subjects	520	3	1.00	1560.00
Family Satisfaction Survey	Program Participant's Family Member	173	1	0.25	43.25
Cost Questionnaire	Program Administrator	6	1	1.25	7.50
	Other Site Representatives	12	1	1.25	15.00
Total .....	.....	1231	9	0.95	3185.75

Terry S. Clark,

Office of the Secretary, Asst Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2018-01849 Filed 1-30-18; 8:45 am]

BILLING CODE 4150-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary

of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities" unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of

the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 10 ⁵/₈%, as fixed by the Secretary of the Treasury, is certified for the quarter ended December 31, 2017. This rate is based on the Interest Rates for Specific Legislation, "National Health Services Corps Scholarship Program (42 U.S.C. 254o(b)(1)(A))" and "National Research Service Award Program (42 U.S.C. 288(c)(4)(B))." This interest rate will be applied to overdue debt until the Department of Health and Human Services publishes a revision.

Dated: January 11, 2018.

David C. Horn,

Director, Office of Financial Policy and Reporting.

[FR Doc. 2018-01878 Filed 1-30-18; 8:45 am]

BILLING CODE 4150-04-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice to Close Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

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 Nursing Research Special Emphasis Panel; NINR Clinical Trial Planning Grant.

Date: February 21, 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, Room 703, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Tamizchelvi Thyagarajan, Ph.D., Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892, (301) 594-0343, Tamizchelvi.thyagarajan@nih.gov.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Fellowship Training Grant.

Date: February 27, 2018.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, Room 703, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Tamizchelvi Thyagarajan, Ph.D., Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892, (301) 594-0343, Tamizchelvi.thyagarajan@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: January 25, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01829 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Hypertension and Microcirculation Study Section, February 08, 2018, 08:00 a.m. to February 09, 2018, 06:00 p.m., Hilton Garden Inn Orlando East UCF, 1959 N. Alafaya Trail, Orlando, FL 32822 which was published in the **Federal Register** on January 05, 2018, 83 FR PG 683.

The meeting will be held on February 8, 2018 at 08:00 a.m. and end 06:00 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: January 25, 2018.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01819 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Deafness and Other Communication Disorders Advisory Council, January 26, 2018, 08:30 a.m. to January 26, 2018, 02:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Conference Room 6, Bethesda, MD

20892 which was published in the **Federal Register** on December 15, 2017, 82.

The meeting will be held as a teleconference due to the government shutdown and only essential business will be discussed. The time of the meeting is 10 a.m. to 12:30 p.m. The meeting is closed to the public.

Dated: January 25, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01824 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the NHLBI Mentored Clinical and Basic Science Review Committee.

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: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Clinical and Basic Science Review Committee.

Date: March 1-2, 2018.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National, Airport, 1480 Crystal Drive, Arlington, VA 22202.

Contact Person: Keith A. Mintzer, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892-7924, 301-827-7949, mintzerk@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 26, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01929 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Chemo/Dietary Prevention Study Section.

Date: February 22, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Drury Inn & Suites San Antonio Riverwalk, 201 N St. Mary's Street, San Antonio, TX 78205.

Contact Person: Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301-594-7945, kotliars@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22-23, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road, NW, Washington, DC 20008.

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review (CSR), National Institutes of Health (NIH), 6701 Rockledge Dr, Room 4203, Bethesda, MD 20817, (301) 435-3566, alok.mulky@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanisms of Cancer Therapeutics 2.

Date: February 26-27, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301)435-3504, tothct@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Arthritis, Connective Tissue and Skin Study Section.

Date: February 27-28, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Alexey Belkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, Bethesda, MD 20817, 301-435-1786, alexey.belkin@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Learning, Memory, Language, Communication and Related, Neurosciences.

Date: February 27, 2018.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Hotel, 2620 Jones St, San Francisco, CA 94133.

Contact Person: Susan Gillmor, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-1730, susan.gillmor@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16-245: Neural Regulation of Cancer.

Date: February 27, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, 301-451-4467, howardz@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: February 27-28, 2018.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Raj K. Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301-435-1047, kkrishna@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Integrative Neuroscience.

Date: February 27, 2018.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ying-Yee Kong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5185, Bethesda, MD 20892, ying-ye.kong@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Nephrology.

Date: February 27, 2018.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jonathan K. Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2190, MSC 7850, Bethesda, MD 20892, (301) 594-1245, ivinsj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-16-380: Fundamental Mechanism of Affective and Decisional Process in Cancer Control.

Date: February 27, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael John McQuestion, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, Bethesda, MD 20892, 301-480-1276, mike.mcquestion@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 25, 2018.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01820 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S.

Government and are available for licensing in the U.S.

FOR FURTHER INFORMATION CONTACT:

Licensing information and copies of the patent applications listed below may be obtained by emailing the indicated licensing contact at the National Heart, Lung, and Blood, Office of Technology Transfer and Development Office of Technology Transfer, 31 Center Drive Room 4A29, MSC2479, Bethesda, MD 20892-2479; telephone: 301-402-5579. A signed Confidential Disclosure Agreement may be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: This notice is in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing. A description of the technology follows.

Chimeric Antibodies Against Hepatitis B e-Antigen

Description of Technology: The invention relates to recombinant chimeric rabbit/human monoclonal antibody fragments (Fabs) against hepatitis B Virus e-antigen (HBeAg), notably Fab me6. Viral hepatitis is the seventh leading cause of death worldwide. Hepatitis B core antigen (HBcAg) forms an icosahedral structure containing the viral genome. Both the HBcAg and the HBeAg of interest here are expressed by two different start codons of the viral C gene. Unlike the related HBcAg which activates type 1 T helper (Th1) cells leading to immune attack, the HBeAg activates Th2 cells which promote immune tolerance. The long-term persistence of HBeAg is associated with the development of hepatocellular carcinoma. Conversely, HBeAg seroconversion (from HBeAg carrier to anti-HBeAg carrier) is a marker for successful therapy of chronically infected patients. The presently phage display engineered antibody Fab me6 shows higher sensitivity and selectivity against HBeAg compared to three commercial diagnostics kits tested; additionally, it also inhibits capsid assembly which is essential for viral replication; furthermore, it can also be fully humanized and has potential for anti-hepatitis B virus therapeutic interventions.

Potential Commercial Applications:

- Hepatitis B therapy.
- Hepatocellular carcinoma prophylaxis.

Development Stage:

- In vitro data available.

Inventors: Paul Winfield, Norman Watts, Alasdair Steven (all of NIAMS).

Intellectual Property: HHS Reference No. E-192-2017/0-US-01.

- U.S. Provisional Patent Application 62/534,603 filed July 19, 2017.

Licensing Contact: Michael Shmilovich, Esq., CLP; 301-435-5019; shmilovm@nih.gov.

Collaborative Research Opportunity: The National Institute of Environmental Health Sciences seeks statements of capability or interest from parties interested in collaborative research to further develop and evaluate, please contact Cecilia Pazman, Ph.D., Technology Development Specialist, Office of Technology Transfer, National Heart, Lung, and Blood Institute, Phone: (301) 594-4273; pazmance@nhlbi.nih.gov.

Dated: January 25, 2018.

Michael Shmilovich,

Senior Licensing and Patenting Manager, National Heart, Lung, and Blood Institute, Office of Technology Transfer and Development.

[FR Doc. 2018-01928 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Skeletal Biology Development and Disease Study Section, February 8, 2018, 8:00 a.m. to February 9, 2018, 3:00 p.m., Westin Baltimore Washington Airport, 1100 Old Elkridge Landing Road, Linthicum Heights, MD, 21090 which was published in the **Federal Register** on January 5, 2018, 83 FR PG 683. The meeting will be held on February 7, 2018 at 3:00 p.m. and end February 8, 2018 at 9:00 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: January 25, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01821 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NHLBI Mentored Transition to Independence Review Committee.

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: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Transition to Independence Review Committee.

Date: March 8-9, 2018.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301-435-0287, Pintuccig@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 26, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01930 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Aging, January 23, 2018, 3:00 p.m. to January 24, 2018, 2:00 p.m., National Institutes of Health, Building

31, C Wing 6th Floor Conference Room 10, 9000 Rockville Pike, Bethesda, MD, 20892 which was published in the **Federal Register** on December 11, 2017, 82 FR 58212.

Because of the strong possibility that the government would be shut down during the scheduled council date, rescheduling would have been very difficult due to the very tight timing of initiatives whose concepts were expected to be approved at January council. NIA had arranged for Notices of their availability to be published by early February for April 17 deadline (for FY 2018 award). The institute made the decision to hold an abbreviated council via teleconference on Friday January 19th, prior to the midnight deadline to keep the government open. They were counseled to post this information on their IC website. The meeting is closed to the public.

Dated: January 25, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01823 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Psychosocial Risk and Disease Prevention Study Section, January 22, 2018, 08:00 a.m. to January 23, 2018, 06:00 p.m., Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015 which was published in the **Federal Register** on December 21, 2017, V-82 Pg. 60614.

The meeting will be held on February 27, 2018, 8:00 a.m. to February 28, 2018, 6:00 p.m. at Hyatt Regency Bethesda, One Metro Center, Bethesda, MD 20814. The meeting is closed to the public.

Dated: January 26, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01926 Filed 1-30-18; 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; To review COBRE Phase II.

Date: March 9, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree by Hilton Bethesda, 8120 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.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of ESI MIRA Applications.

Date: March 15-16, 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: Saraswathy Seetharam, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301-594-2763, seetharams@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 25, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01825 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, January 23, 2018, 08:00 a.m. to January 23, 2018, 03:00 p.m., Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015 which was published in the **Federal Register** on December 26, 2017, V-82 Pg. 61017.

The meeting will be held on February 28, 2018, 8:00 a.m.-12:00 p.m. at Hyatt Regency Bethesda, One Metro Center, Bethesda, MD 20814. The meeting is closed to the public.

Dated: January 26, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01927 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice to Close 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 Nursing Research Initial Review Group.

Date: February 15-16, 2018.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Weiqun Li, MD, Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Suite 710, Bethesda, MD 20892, (301) 594-5966, wli@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS).

Dated: January 25, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01828 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel; Multi-Site Clinical Trials.

Date: February 5, 2018.

Time: 10:30 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: Tamizchelvi Thyagarajan, Ph.D., Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892, (301) 594-0343, tamizchelvi.thyagarajan@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: January 25, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01827 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel; Multi-Site Clinical Trials.

Date: February 5, 2018.

Time: 10:30 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: Tamizchelvi Thyagarajan, Ph.D., Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892, (301) 594-0343, tamizchelvi.thyagarajan@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: January 26, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01857 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 Neurological Disorder and Stroke Neurological Sciences and Disorders A.

Date: February 26-27, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bourbon Orleans Hotel, 717 Orleans Street, New Orleans, LA 70116.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529, (301) 402-0288, natalia.strunnikova@nih.gov.

Name of Committee: Neurological Sciences Training Initial Review Group; NST-2 Subcommittee.

Date: March 12-13, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Elizabeth A. Webber, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529, (301) 496-1917, webber@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 25, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-01826 Filed 1-30-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Revision From OMB of One Current Public Collection of Information: TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0041, abstracted below that we will submit to OMB for a revision in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of ratings and written comments about the quality of training instruction from TSA students who successfully complete TSA instructor-led classroom training, including civilian Canine Training Center (CTC) students who graduate from the Explosives Detection Canine Handler Course, Passenger Screening Canine Handler Course, Bridge Course, Canine Technical Operations Course, or the Office of Security Operations Canine (OSO) Management Course.

DATES: Send your comments by April 2, 2018.

ADDRESSES: Comments may be emailed to TSAPRA@dhs.gov or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <http://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

OMB Control Number 1652–0041; TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training. TSA's CTC delivers the Explosives Detection Canine Handler Course, Passenger Screening Canine Handler Course, Bridge Course, Canine Technical Operations Course, and the OSO Management Course to TSA, state and local civilian personnel. State and local civilian personnel (primarily, law enforcement agencies that are responsible for the security at airports throughout the United States) participate under agency-specific cooperative agreements with TSA's National Explosives Detection Canine Team Program. This information collection captures ratings and written comments from students about the quality of the referenced training. The CTC collects the evaluation data to determine the extent to which students were satisfied with their learning experience and provides it to representatives at both TSA headquarters and at CTC (*e.g.*, to the Supervisory Air Marshal in Charge, Assistant Supervisory Air Marshal in Charge, and CTC instructional staff and supervisors) to improve the course curriculum and course of instruction.

TSA is revising the information collection because the agency is changing the questions and layout of the evaluation to standardize all Level 1 course evaluations across TSA.¹

¹ A training evaluation process developed by Dr. Donald Kirkpatrick, past president of the American Society for Training and Development (ASTD), for

Standardization allows comparison of courses to a single, TSA-average score, as well as comparison of other courses' average scores. In addition, TSA is removing from the form all personally identifiable information (PII) as well as course code and location, as these elements are not necessary to the collection. Finally, TSA is also revising the name of the collection from "TSA OTWE Canine Training and Evaluation Branch End of Course Level 1 Evaluation" to "TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training."

The estimated burden is approximately 30 minutes (0.5 hours) per participant, 39.5 hours per calendar year (average 79 students per calendar year) to read, answer, and submit the questions. The annual respondents and burden hours have decreased from the prior ICR submission estimates due to the focus being civilian/non-TSA personnel. The number of students decreased from 180 to 79. The annual burden hours have decreased accordingly. In addition, TSA reduced its hour burden estimates from 60 minutes to 30 minutes based on actual usage data.

Dated: January 26, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–01867 Filed 1–30–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0010]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Nonimmigrant Petition Based on Blanket L Petition

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information or new collection of

determining the effectiveness of training and consisting of four levels: Reaction, learning, behavior, and results. See, Kirkpatrick, James D. & Wendy Kayser, "Kirkpatrick's Four Levels of Training Evaluation." Alexandria: ATD Press, 2016. Print. <https://www.kirkpatrickpartners.com>.

information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until April 2, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0010 in the body of the letter, the agency name and Docket ID USCIS-2006-0050. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2006-0050;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529-2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommnes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529-2140, telephone number 202-272-8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments:

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at <http://www.regulations.gov> and enter USCIS-2006-0050 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider

limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Nonimmigrant Petition Based on Blanket L Petition.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-129S; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. Employers seeking to classify employees outside the United States as executives, managers, or specialized knowledge professionals, as nonimmigrant intra-company transferees pursuant to a previously approved blanket petition under sections 214(c)(2) and 101(a)(15)(L) of the Act, may file this form. USCIS uses the information provided through this form to assess whether the employee meets the requirements for L-1 classification under blanket L petition approval. Submitting this information to USCIS is voluntary. USCIS may provide the information provided through this

form to other Federal, State, local, and foreign government agencies and authorized organizations, and may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-129S is 75,000 and the estimated hour burden per response is 3 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 225,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$36,750,000.

Dated: January 26, 2018.

Samantha Deshommnes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018-01917 Filed 1-30-18; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0001]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until April 2, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0001 in the body of the letter, the agency name and Docket ID USCIS-2006-0028. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2006-0028;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529-2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommès, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529-2140, telephone number 202-272-8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2006-0028 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Alien Fiance(e).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-129F; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individual or households. Form I-129F must be filed with USCIS by a citizen of the United States in order to petition for an alien fiance'(e), spouse, or his/her children.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-129F is 52,135 and the estimated hour burden per response is 3.25 hours; biometrics processing 52,135 total respondents with a burden of 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 230,437 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$8,941,030.

Dated: January 26, 2018.

Samantha Deshommès,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2018-01910 Filed 1-30-18; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0091]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Replacement Naturalization/Citizenship Document

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until April 2, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0091 in the body of the letter, the agency name and Docket ID USCIS-2006-0052. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2006-0052;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529-2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division,

Samantha Deshombres, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529-2140, telephone number 202-272-8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2006-0052 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Replacement Naturalization/Citizenship Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N-565; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. The form is provided by U.S. Citizenship and Immigration Services (USCIS) to determine the applicant's eligibility for a replacement document. An applicant may file for a replacement if he or she was issued one of the documents described above and it was lost, mutilated, or destroyed; if the document is incorrect due to a typographical or clerical error by USCIS; if the applicant's name was changed by a marriage or by court order after the document was issued and the applicant now seeks a document in the new name; or if the applicant is seeking a change of the gender listed on their document after obtaining a court order, a U.S. Government-issued document, or a letter from a licensed health care professional recognizing that the applicant's gender is different from that listed on their current document. The only document that can be replaced on the basis of a change to the applicant's date of birth, as evidenced by a court order or a U.S. Government-issued document is the Certificate of Citizenship. If the applicant is a naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign country, he or she may apply for a special certificate for that purpose.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N-565 is 27,690 and the estimated hour burden per response is 1.33 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 36,828 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual

cost burden associated with this collection of information is \$3,392,025.

Dated: January 26, 2018.

Samantha Deshombres,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018-01909 Filed 1-30-18; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0123]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Provisional Unlawful Presence Waiver of Inadmissibility

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until April 2, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0123 in the body of the letter, the agency name and Docket ID USCIS-2012-0003. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2012-0003;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529-2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy,

Regulatory Coordination Division, Samantha Deshommies, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529-2140, telephone number 202-272-8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at <http://www.regulations.gov> and enter USCIS-2012-0003 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection; Reinstatement.

(2) *Title of the Form/Collection:* Application for Provisional Unlawful Presence Waiver of Inadmissibility.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-601A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households: Individuals who are immediate relatives of U.S. citizens and who are applying from within the United States for a waiver of inadmissibility under INA section 212(a)(9)(B)(v) prior to obtaining an immigrant visa abroad.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I-601A is 63,000 and the estimated hour burden per response is 1 hour and 30 minutes; biometrics processing 63,000 total respondents with a burden of 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 241,920 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$3,413,812.

Dated: January 26, 2018.

Samantha Deshommies,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018-01919 Filed 1-30-18; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7006-N-01]

60-Day Notice of Proposed Information Collection: Evaluation of Public Housing Program Activities

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* April 2, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202-402-4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Evaluation of Public Housing Program Activities.

OMB Approval Number: Pending OMB Approval.
 Type of Request: New Collection.
 Form Number: Not applicable (online questionnaire).

Description of the need for the information and proposed use: In December of 2016, HUD finalized a rule requiring each and every public housing agency (PHA) to implement a Smoke-Free policy by July 30, 2018 (effective date). The Smoke-Free public housing rule is codified under 24 CFR parts 965.651, 965.653, 965.655, and 966.4. PHAs are required to have amended all resident leases by the effective date, at which point the policy must be enforced in full. Smoking of “lit tobacco

products” such as cigarettes and hookahs is banned indoors and in outdoor areas within 25 feet of buildings. PHAs have the option of modifying the policy to expand the scope to e-cigarettes and/or additional areas on the property (e.g., playgrounds). PHAs may also opt to provide designated smoking areas (DSAs) outside the 25-foot boundary to provide shelter for smokers who reside in their public housing units. Residents who smoke are not required to quit, but if they wish to do so, then cessation services may be provided to them. HUD may issue other policies in the future that pertain to health or otherwise affect public housing agency operations. The

survey will gather data on policies and programs pertaining to public housing operations. The information will be collected via online survey such as Qualtrics or SurveyMonkey, and will consist of approximately 40 questions, including Likert-type survey items and free response boxes. The submissions will be accessed by the Office of Public and Indian Housing (PIH) in to evaluate the overall implementation effectiveness and identify areas that are experiencing difficulty in their implementation of policies. PIH may develop additional resources and/or target local resources that may be able to assist in their efforts.

Respondents (i.e. affected public): PHA leadership and staff.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Completing online questionnaire	870	1	1	.50	435	\$30.47	\$13,254.45
Total	870	1	1	.50	435	30.47	13,254.45

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

- (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;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: January 12, 2018.

Merrie Nichols-Dixon,
 Director, Office of Policy, Programs and Legislative Initiatives.
 [FR Doc. 2018-01812 Filed 1-30-18; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7001-N-03]

30-Day Notice of Proposed Information Collection: Section 184 and 184-A Loan Guarantee Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: Comments Due Date: March 2, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA.Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette.Pollard@hud.gov, or telephone 202-402-3400. This is not a toll-free number. Person with hearing or speech

impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The Federal Register notice that solicited public comment on the information collection for a period of 60 days was published on October 11, 2017 at 82 FR 47238.

A. Overview of Information Collection

Title of Information Collection: Section 184 and 184-A Loan Guarantee Program.

OMB Approved Number: 2577-0200.

Type of Request: Revision of Currently Approved Collection.

Form Number: HUD-XXXX, HUD-50110-A, HUD-50111-A, HUD-50112-A, HUD-50118-A, HUD-50119-A, HUD-50124-A, HUD-50125-A, HUD-50127-A, HUD-50128-A, HUD-50131-A, HUD-50132, HUD-50132-A, HUD 50143-A, HUD-50148, HUD-50149, HUD-50149-A, HUD-53039, HUD-53039-A.

Description of the need for the information and proposed use: The information collected is used to determine a borrower’s credit worthiness and ability to pay for a home loan as well as to ensure that lenders comply with the program requirements.

The United States Department of Housing and Urban Development's (HUD) Office of Native American Programs (ONAP) is developing a system called the Loan Origination System (ONAP-LOS) to support the Section 184 Indian Home Loan Guarantee Program. The ONAP-LOS system will deliver automated processes for case registration, reservation of funds, issuance of loan guarantee certificates, and lender registration and re-certification. This system will capture and maintain data across the following major information categories: lenders, borrowers, properties, and loan. The enhanced enterprise solution will provide participating lender partners with clarity and transparency around the ONAP enforcement efforts and it will expand access to credit for eligible borrowers. The initial release of the

ONAP-LOS will deliver the following high-level capabilities:

- Authentication of External Lenders
- Case Registration—Intake of Case Registration Data & Case Number Issuance
- Generation of Case Registration Acknowledgement

ONAP designed the new system to reduce the number of forms needed and the time to prepare the forms while ensuring the highest level of security and privacy protections. ONAP-LOS is available to all lenders with direct guarantee approval, upon completion of scheduled training.

ONAP operates the Section 184-A program for eligible native Hawaiians. The program is designed to offer home ownership, property rehabilitation, and new construction opportunities for eligible native Hawaiian individuals and families wanting to own a home on

Hawaiian home lands. The Hawaiian Homelands Homeownership Act of 2000 added a new Section 184A to the Housing and Community Development Act of 1992 which authorized the Native Hawaiian Housing Loan Guarantee Program. The regulations for Section 184-A are found at 24 CFR part 1007. This Paperwork Reduction Act package includes all forms required for the Section 184-A program.

Respondents (i.e. affected public): 21,985.

Estimated Number of Respondents: 21,985.

Estimated Number of Responses: 21,985.

Frequency of Response: 1.

Average Hours per Response: 3.4 hours.

Total Estimated Annual Burden and Cost:

Form No.	Form name	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD-XXXX	ONAP-Loan Origination System	5,000	1	5,000	0.5	2,500	\$18	\$45,000
HUD-50110-A	184A Warranty of Completion of Construction.	3	1	3	0.15	0.45	18	8
HUD-50111-A	184A Addendum to Uniform Residential Loan Application.	63	1	63	0.5	31.5	18	567
HUD-50112-A	184A Construction Loan Rider	3	1	3	0.15	0.45	18	8
HUD-50118-A	184A Mortgagee's Assurance of Completion.	3	1	3	0.15	0.45	18	8
HUD-50119-A	184A Post Endorsement Submission Checklist.	63	1	63	0.15	9.45	18	170
HUD-50124-A	184A Homebuyer Notice Form	63	1	63	0.15	9.45	18	170
HUD-50125-A	184A Applicant Acknowledgement	3	1	3	0.15	0.45	18	8
HUD-50127-A	184A Endorsement Submission Checklist—Acquisition and Single Close New Const/Rehab.	63	1	63	0.5	31.5	18	567
HUD-50128-A	184A Endorsement Submission Checklist—Refinance.	63	1	63	0.3	18.9	18	340
HUD-50131	Request for Section 184 Case Number	5,500	1	5,500	0.1	550	18	9,900
HUD-50132	Mortgage Credit Analysis Worksheet	5,000	1	5,000	0.5	2,500	18	45,000
HUD-50132-A	Hawaiian Mortgage Credit Analysis Worksheet.	65	1	65	0.5	32.5	18	585
HUD-50143-A	Section 184—A Loan Guarantee Firm Commitment Form.	65	1	65	0.15	9.75	18	176
HUD-50148	Checklist for Proposed Transactions Less Than 1 Year Old.	500	1	500	0.15	75	18	1,350
HUD-50149	Rider For Section 184 Tribal Trust	500	1	500	0.5	250	18	4,500
HUD-50149-A	Hawaiian Rider For Section 184—A Tribal Trust.	63	1	63	0.5	31.5	18	567
HUD-53039	184 Loan Guarantee Certificate	4,900	1	4,900	0	0	18	0
HUD-53039-A	184A Loan Guarantee Certificate	65	1	65	0	0	18	0
Total .....	.....	21,985	.....	21,985	.....	6,051	.....	108,924

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 16, 2018.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2018-01813 Filed 1-30-18; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7001-N-02]

30-day Notice of Proposed Information Collection: Application for Healthy Homes and Lead Hazard Control Grant Programs and Quality Assurance Plans**AGENCY:** Office of the Chief Information Officer, HUD.**ACTION:** Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* March 2, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA_Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette.Pollard@hud.gov, or telephone 202-402-3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 13, 2017 at 82 FR 43037.

A. Overview of Information Collection

Title of Information Collection: Application for Healthy Homes and Lead Hazard Control Grant Programs and Quality Assurance Plans.

OMB Approved Number: 2539-0015.

Type of Request: Revision.

Form Number: SF 424, SF 424, HUD-424CBW, HUD-27061, HUD-2880,

HUD-2991, HUD-96008, HUD-96011, SF-LLL, HUD-96012, HUD-96013, HUD-96014, HUD-96015.

Description of the need for the information and proposed use: Applications for lead-based paint hazard control, lead hazard reduction demonstration, healthy homes productions, healthy homes technical studies, and lead technical studies grants, and quality assurance plans for those technical studies grants.

Respondents: Cities, States and municipalities, universities, private companies.

Estimated Number of Respondents: 250.

Estimated Number of Responses: 250.

Frequency of Response: Annual.

Average Hours per Response: 60.

Total Estimated Burdens: 15,000 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 16, 2018.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2018-01808 Filed 1-30-18; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR**Geological Survey**

[GX17EE000101000; OMB Control Number 1028-0110]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; International Organization for Standardization (ISO) Geospatial Metadata Editors Registry**AGENCY:** U.S. Geological Survey, Interior.**ACTION:** Notice of information collection.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the USGS is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 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.G.S., Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to gs-info_collections@usgs.gov. Please reference 'Information Collection 1028-0110, ISO Geospatial Metadata Editors Registry' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Lorna Schmid, Federal Geographic Data Committee Office of the Secretariat, USGS, Mail Stop 509, 12201 Sunrise Valley Dr., Reston, VA 20192 (mail); 703-648-6834 (phone); or lorna@usgs.gov (email). You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: We, the U.S.G.S., in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on

November 21, 2017 (82 FR 55391). 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 U.S.G.S.; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the U.S.G.S. enhance the quality, utility, and clarity of the information to be collected; and (5) how might the U.S.G.S. 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: As National Spatial Data Infrastructure (NSDI) stakeholders move forward with the implementation of the International Organization for Standardization's (ISO) 191** series of geospatial metadata standards, there is increasing demand for information about applications/editors that can be used to create ISO compliant metadata records. The USGS, through the Federal Geographic Data Committee (FGDC) Office of the Secretariat (www.fgdc.gov), proposes development of an online registration system for developers of ISO Geospatial Metadata Editors to voluntarily describe their metadata tools. Developers will be asked to include information such as features of the editor, its functionality, supported standards, and point of contact information through a login-based, online form. The FGDC Metadata Working Group (MWG) (<https://www.fgdc.gov/organization/working-groups-subcommittees/mwg/index.html>), whose membership represents Federal, State, Local and Tribal governments and the Private Sector, has requested the development of the registry as a useful tool to learn about available ISO Geospatial Metadata Editors. Because the information about the editors may be of interest or utility to others implementing ISO geospatial metadata standards, the FGDC will make the information collected

available on the Web in the form of a simple registry-type database. FGDC MWG members as well as non FGDC MWG members including geospatial metadata implementers from private sector, academia, all forms of government, and the general public, will have read-only access to the editor information published in the registry.

Title: ISO Geospatial Metadata Editors Registry.

OMB Control Number: 1028–0110.

Form Number: Not applicable.

Type of Request: Renewal of existing information collection.

Affected Public: Federal, State, Local and Tribal governments, Private Sector, and others involved in the development of ISO geospatial metadata.

Respondent's Obligation: None. Participation is voluntary.

Frequency of Collection: Following its initial collection from editor developers, the information will be reviewed at least annually. As part of the annual review, all editor developers listed in the registry will be contacted and requested to update their information, if needed, via the login-based online form. Additionally, all NSDI stakeholders will be reminded via Web posting at the FGDC website (www.fgdc.gov) and community-of-practice networking that new editors may be added to the registry.

Estimated Total Number of Annual Responses: Approximately 5.

Estimated Time per Response: We estimate that it will take one hour per person to document a single editor for inclusion in the registry. In future years, review of editor information to ensure currency or identification of new editors is expected to require *de minimis* effort.

Estimated Annual Burden Hours: 5 hours.

Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden: There are no "non-hour cost" burdens associated with this IC.

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 authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Kenneth M. Shaffer,

Deputy Director, Federal Geographic Data, Committee Office of the Secretariat, U.S. Geological Survey.

[FR Doc. 2018–01856 Filed 1–30–18; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX14EB00A181100; OMB Control Number 1028–0101]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; The William T. Pecora Award; Application and Nomination Process

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the U.S. Geological Survey (U.S.G.S.) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 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.G.S., Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to gs-info_collections@usgs.gov. Please reference OMB Control Number 1028–[####] in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, Thomas Holm, USGS, EROS Center, 47914 252nd Street, Sioux Falls, SD 57198 (mail), by telephone (605)–594–6127, or holm@usgs.gov (email). You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: We, the U.S.G.S., in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 22, 2017, 82 FR 55626. 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 U.S.G.S.; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the U.S.G.S. enhance the quality, utility, and clarity of the information to be collected; and (5) how might the U.S.G.S. 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: The William T. Pecora Award is presented annually to individuals or teams using satellite or aerial remote sensing that make outstanding contributions toward understanding the Earth (land, oceans and air), educating the next generation of scientists, informing decision makers or supporting natural or human-induced disaster response. The award is sponsored jointly by the Department of the Interior (DOI) and the National Aeronautics and Space Administration (NASA).

The award was established in 1974 to honor the memory of Dr. William T. Pecora, former Director of the USGS and Under Secretary, Department of the Interior. Dr. Pecora was a motivating force behind the establishment of a program for civil remote sensing of the Earth from space. His early vision and support helped establish what we know today as the Landsat satellite program. The purpose of the award is to recognize individuals or groups working in the field of remote sensing of the earth. National and international nominations are accepted from the public and private sector individuals, teams, organizations, and professional societies.

Nomination packages include three sections: (A) Cover Sheet, (B) Summary Statement, and (C) Supplemental Materials. The cover sheet includes professional contact information. The Summary Statement is limited to two pages and describes the nominee's

achievements in the scientific and technical remote sensing community, contributions leading to successful practical applications of remote sensing, and/or major breakthroughs in remote sensing science or technology. Nominations may include up to 10 pages of supplemental information such as resume, publications list, and/or letters of endorsement.

Title of Collection: Pecora Award; Application and Nomination Process.

OMB Control Number: 1028–0101.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Public individuals.

Total Estimated Number of Annual Respondents: 12.

Total Estimated Number of Annual Responses: 12.

Estimated Completion Time per Response: 8 hours.

Total Estimated Number of Annual Burden Hours: 100 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Non-hour Burden Cost: There are no non-hour costs burdens.

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.*).

Frank Kelly,

Director, Earth Resources Observation and Science Center, U.S. Geological Survey.

[FR Doc. 2018–01844 Filed 1–30–18; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX17EG40DW73200; OMB Control Number 1028–0111]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; The National Map Corps (TNMCorps)—Volunteered Geographic Information Project

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 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 USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to gs-info_collections@usgs.gov. Please reference OMB Control Number 1028–0111 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Erin Korris, by email at ekorris@usgs.gov, or by telephone at 303–202–4503. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: We, the USGS, in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 21, 2017, 82 FR 55390. 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 USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS 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 may 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: The National Map Corps (TNMCorps) is the name of the U.S. Geological Survey (USGS) National Geospatial Program (NGP) project that encourages citizen participation in volunteer map data collection activities. TNMCorps uses crowdsourcing—new technologies and internet services to georeference structure points and share this information with others on map-based internet platforms—to produce volunteered geographic information (VGI). People participating in the crowd sourcing will be considered part of the TNMCorps.

Title of Collection: The National Map Corps (TNMCorps) —Volunteered Geographic Information Project.

OMB Control Number: 1028–0111.

Form Number: NA.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: General Public.

Total Estimated Number of Annual Respondents: 1,000.

Total Estimated Number of Annual Responses: 101,000.

Estimated Completion Time per Response: 12 minutes.

Total Estimated Number of Annual Burden Hours: 21,000.

Respondent's Obligation: Voluntary.

Frequency of Collection: on occasion.

Total Estimated Annual Non-hour Burden Cost: There are no “non-hour cost” burdens associated with this IC.

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.*).

Kari Craun,

Director, National Geospatial Technical Operations Center.

[FR Doc. 2018–01855 Filed 1–30–18; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK930000.L1310000.FF0000.241; OMB Control Number 1004–0201]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Oil Shale Management

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 an information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 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 Jean Sonneman, U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Washington, DC 20240; or by email to jesonnem@blm.gov. Please reference OMB Control Number 1004–0201 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mary Linda Ponticelli by email at mpontice@blm.gov, or by telephone at 202–912–7115. 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 collection of information was published on November 13, 2017 (82 FR 52317). 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 control number applies to the exploration, development, and utilization of oil shale resources on the BLM-managed public lands. Currently, the only oil shale leases issued by the BLM are for research, development, and demonstration (R, D and D) leases. However, the BLM regulations provide a framework for commercial oil shale leasing and additionally include provisions for conversion of R, D and D leases to commercial leases.

Title of Collection: Oil Shale Management (43 CFR parts 3900, 3910, 3920 and 3930).

OMB Control Number: 1004–0201.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Applicants for oil shale leases, oil shale lessees and oil shale operators.

Total Estimated Number of Annual Respondents: 24.

Total Estimated Number of Annual Responses: 24.

Estimated Completion Time per Response: Varies from the number of minutes/hours per response.

Total Estimated Number of Annual Burden Hours: 1,795.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non Hour Burden Cost: \$526,632.

Type of response	Number of responses	Hours per response	Total time (Column B × Column C)
A.	B.	C.	D.
Application for Waiver, Suspension, or Reduction of Rental or Payment In Lieu of Production; Application for Reduction in Royalty; or Application for Waiver of Royalty, 43 CFR 3903.54(b)	1	1	1
Bonding Requirements, 43 CFR Subpart 3904	1	1	1
Application for an Exploration License, 43 CFR 3910.31(a) through (e)	1	24	24
Notice Seeking Participation in an Exploration License, 43 CFR 3910.31(f)	1	1	1
Data Obtained Under an Exploration License, 43 CFR 3910.44	1	8	8
Response to Call for Expression of Leasing Interest, 43 CFR 3921.30	1	4	4
Application for a Lease—Individuals, 43 CFR 3902.23, 3922.20, and 3922.30	1	308	308
Application for a Lease—Associations, 43 CFR 3902.24, 3922.20, and 3922.30	1	308	308
Application for a Lease—Corporations, 43 CFR 3902.25, 3922.20, and 3922.30	1	308	308
Sealed Bid, 43 CFR 3924.10	1	8	8
Application to Convert Research, Development, and Demonstration Lease to Commercial Lease, 43 CFR 3926.10(c)	1	308	308
Drill and Geophysical Logs, 43 CFR 3930.11(b)	1	19	19
New Geologic Information, 43 CFR 3930.20(b)	1	19	19
Plan of Development, 43 CFR 3931.11	1	308	308
Application for Suspension of Lease Operations and Production, 43 CFR 3931.30	1	24	24
Exploration Plan, 43 CFR 3931.41	1	24	24
Modification of Approved Exploration Plan or Plan of Development, 43 CFR 3931.50	1	24	24
Production Maps and Production Reports, 43 CFR 3931.70	1	16	16
Records of Core or Test Hole Samples and Cuttings, 43 CFR 3931.80	1	16	16
Application for Modification of Lease Size, 43 CFR 3932.10, 3930.20, and 3932.30	1	12	12
Request for Approval of Assignment of Record Title or Sublease or Notice of Overriding Royalty Interest Assignment, 43 CFR Subpart 3933	2	10	20
Relinquishment of Lease or Exploration License, 43 CFR 3934.10	1	18	18
Production and Sale Records, 43 CFR 3935.10	1	16	16
Totals	24		1,795

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.*).

Chandra Little,

Acting Information Collection Clearance Officer.

[FR Doc. 2018–01897 Filed 1–30–18; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04073000, XXXR4081X3, RX.05940913.7000000]

Public Meeting of the Glen Canyon Dam Adaptive Management Work Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the Bureau of Reclamation (Reclamation) is publishing this notice to announce that a Federal Advisory Committee meeting of the Glen Canyon

Dam Adaptive Management Work Group (AMWG) will take place.

DATES: The meeting will be held on Wednesday, February 14, 2018, from 9:30 a.m. to approximately 5:00 p.m., and Thursday, February 15, 2018, from 8:30 a.m. to approximately 3:00 p.m.

ADDRESSES: The meeting will be held at the Crowne Plaza Phoenix Airport Hotel, 4300 East Washington Street, Phoenix, Arizona 85034.

FOR FURTHER INFORMATION CONTACT: Katrina Grantz, Bureau of Reclamation, telephone (801) 524–3635; email at kgrantz@usbr.gov; facsimile (801) 524–3807.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The Glen Canyon Dam Adaptive Management Program (GCDAMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMWG makes

recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam, consistent with the Grand Canyon Protection Act. The AMWG meets two to three times a year.

Agenda: The AMWG will meet to receive updates on: (1) Current basin hydrology and water year 2018 operations; (2) non-native fish issues; (3) joint tribal liaison report; and (4) science results from Grand Canyon Monitoring and Research Center staff. The AMWG will also discuss other administrative and resource issues pertaining to the GCDAMP. To view a copy of the agenda and documents related to the above meeting, please visit Reclamation’s website at <https://www.usbr.gov/uc/rm/amp/amwg/mtgs/18feb14>.

Meeting Accessibility/Special Accommodations: The meeting is open to the public and seating is on a first-come basis. Members of the public wishing to attend the meeting or wanting to receive call-in information or a link to the live stream webcast should contact Katrina Grantz, Bureau of Reclamation, Upper Colorado Regional Office, by email at kgrantz@usbr.gov, or by telephone at (801) 524–3635, to register no later than five (5) business days prior to the meeting. Individuals

requiring special accommodations to access the public meeting should contact Ms. Grantz at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Public Disclosure of Comments: Time will be allowed at the meeting for any individual or organization wishing to make formal oral comments. To allow for full consideration of information by the AMWG members, written notice must be provided to Katrina Grantz, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 8100, Salt Lake City, Utah 84138; email at kgrantz@usbr.gov; or facsimile (801) 524-3807, at least five (5) business days prior to the meeting. Any written comments received will be provided to the AMWG members.

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.

Dated: December 18, 2017.

Katrina Grantz,

Chief, Adaptive Management Work Group, Environmental Resources Division, Upper Colorado Regional Office.

[FR Doc. 2018-01922 Filed 1-30-18; 8:45 am]

BILLING CODE 4332-90-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000
189S180110; S2D2S SS08011000
SX064A000 18XS501520; OMB Control
Number 1029-0129]

Agency Information Collection Activities; Reclamation Awards—Call for Nominations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection for OSMRE's call for nominations for its Excellence in Surface Coal Mining Reclamation

Awards and Abandoned Mine Land Reclamation Awards.

DATES: Interested persons are invited to submit comments on or before April 2, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to: The Office of Surface Mining Reclamation and Enforcement, Information Collection Clearance Officer, Attn: John Trelease, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240. Comments may also be submitted electronically to jtrelease@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at jtrelease@osmre.gov, or by telephone at (202) 208-2783.

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.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the OSMRE; (2) is the estimate of burden accurate; (3) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might the OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the

following information collection activity:

Title of Collection: Reclamation Awards—Call for Nominations.

OMB Control Number: 1029-0129.

Abstract: This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (OSMRE) for renewed approval to collect information for our annual call for nominations for our Excellence in Surface Coal Mining Reclamation Awards and Abandoned Mine Land Reclamation Awards. Since 1986, the Office of Surface Mining has presented awards to coal mine operators who completed exemplary active reclamation. A parallel award program for abandoned mine land reclamation began in 1992. The objective was to give public recognition to those responsible for the nation's most outstanding achievement in environmentally sound surface mining and land reclamation and to encourage the exchange and transfer of successful reclamation technology. This collection request seeks a three-year term of approval.

Form Numbers: N/A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Industry and state/tribal nominees for reclamation awards and state/tribal judges.

Total Annual Responses: 14 active mine respondents, 11 state and tribal abandoned mine land program respondents, and 26 state and tribal judges.

Total Annual Burden Hours: 1,646.

Total Annual Non-Wage Burden: \$2,500.

The authority for this action are the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201, *et seq.*) and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Dated: January 26, 2018.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018-01886 Filed 1-30-18; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement**

[S1D1 SS08011000 SX064A000 189S180110; S2D2 SS08011000 SX064A000 18X501520]

Notice of a Public Meeting on the Western Energy Company's Rosebud Mine Area F Draft Environmental Impact Statement**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Department of the Interior.**ACTION:** Notice of public meeting.**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing the date, time, and location of the public meeting to be held on the Draft Environmental Impact Statement (EIS) for the Western Energy Company's Rosebud Mine Area F (Project) in southeastern Montana.**DATES:** OSMRE and co-lead agency, Montana Department of Environmental Quality (DEQ), will hold a public meeting on the Draft EIS on February 13, 2018, between 3:00 p.m. and 7:00 p.m. at the Colstrip High School Auditorium at 5000 Pine Butte Drive, Colstrip, MT 59323.**FOR FURTHER INFORMATION CONTACT:**Logan Sholar, OSMRE Project Coordinator; Telephone: 303-293-5036; Address: 1999 Broadway Street, Suite 3320, Denver, Colorado 80202-3050; email: lsholar@osmre.gov.**ADDRESSES:** See the **DATES** section of this notice for the address at which OSMRE will hold the public meeting on the Draft EIS.**SUPPLEMENTARY INFORMATION:** OSMRE published its notice of availability for the Draft EIS and the Project in the **Federal Register** on January 3, 2018 (83 FR 393), and the U.S. Environmental Protection Agency posted their notice of availability on January 5, 2018 (83 FR 678). If the DEQ approves the permit and a Federal mining plan for the Project is approved as proposed, at the current rate of production, the operational life of the Rosebud Mine would be extended by 8 years. Mining operations in the project area, which would commence after all permits and approvals have been secured and a reclamation and performance bond has been posted, would last 19 years. Western Energy estimates that 70.8 million tons of recoverable coal reserves exist in the project area and would be removed during the 19-year operations period.

The primary purpose of the meeting is to obtain input on the Project and Draft

EIS. Therefore, we encourage you to limit your testimony to the merits of the Project and Draft EIS.

The public meeting will be conducted in an open-house style format and will include informational displays and areas where attendees may record and submit written comments. At 5:00 p.m., DEQ and OSMRE staff will explain the EIS public involvement process and provide a brief description of the proposed project. Following this introduction, attendees will have the opportunity to provide oral testimony until 6:15 p.m. Oral testimony will be limited to three minutes per person. A transcriber will record the oral comments for the project record. Interpreters will be available upon request.

If you are a disabled individual who needs reasonable accommodations to attend the public meeting, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least one week before the meeting.

Dated: January 10, 2018.

David Berry,*Regional Director, Western Region.*

[FR Doc. 2018-01883 Filed 1-30-18; 8:45 am]

BILLING CODE 4310-05-P**INTERNATIONAL TRADE COMMISSION****[Investigation No. 337-TA-1087]****Certain Batteries and Electrochemical Devices Containing Composite Separators, Components Thereof, and Products Containing Same Commission Determination Not To Review an Initial Determination (Order No. 7) Granting a Motion To Amend the Complaint and Notice of Investigation****AGENCY:** U.S. International Trade Commission.**ACTION:** Notice.**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined not to review a January 8, 2018, initial determination (Order No. 7) (the "ID") granting an unopposed motion to amend the complaint and notice of investigation.**FOR FURTHER INFORMATION CONTACT:** Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3427. 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 theOffice 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 (<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 at 202-205-1810.**SUPPLEMENTARY INFORMATION:** On November 28, 2017, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by LG Chem, Ltd. of South Korea; LG Chem Michigan Inc. of Holland Michigan; LG Chem Power Inc. of Troy, Michigan; and Toray Industries, Inc. of Japan. (collectively, "LG"). 82 FR 56265, 56265-66 (Nov. 28, 2017). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,662,517; 7,638,241; and 7,709,152. The complaint named as respondents Amperex Technology Limited of Hong Kong; DJI Technology Co., Ltd.; DJI Technology, Inc. of Burbank, CA; Guangdong OPPO Mobile, Telecommunications Corp., Ltd. of China; and OPPO Digital, Inc. of Menlo Park, CA. The Office of Unfair Import Investigations is not a party in this investigation.

On January 3, 2018, LG filed an unopposed motion seeking leave to amend the complaint and notice of investigation in this matter to correct the name of respondent DJI Technology Co., Ltd. to SZ DJI Technology Co., Ltd. On January 8, 2018, the administrative law judge issued Order No. 7, the ID, which grants the motion, finding that the motion complies with Commission Rule 210.14(b). No party filed a petition seeking review of the ID.

The Commission has determined not to review the ID.

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 26, 2018.

Lisa R. Barton,*Secretary to the Commission.*

[FR Doc. 2018-01873 Filed 1-30-18; 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—Advanced Media Workflow Association, Inc.

Notice is hereby given that, on December 26, 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”), Advanced Media Workflow Association, 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, Institut Für Rundfunktechnik GmbH, Munich, Germany; and ITV, London, United Kingdom, have been added as parties to this venture.

Also, Cinegy GmbH, Munich, Germany; John Fleming (individual member), Asco Vale, Australia; and Mark Franken (individual member), Winston Hills, Australia, have withdrawn as parties 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 Advanced Media Workflow Association, Inc. intends to file additional written notifications disclosing all changes in membership.

On March 28, 2000, Advanced Media Workflow Association, 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 June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on September 18, 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. 2018–01837 Filed 1–30–18; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Fire Protection Association

Notice is hereby given that, on December 22, 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”), National Fire Protection Association (“NFPA”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. 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, NFPA has provided an updated and current list of its standards development activities, related technical committee and conformity assessment activities. Information concerning NFPA regulations, technical committees, current standards, standards development and conformity assessment activities are publicly available at nfpa.org.

On September 20, 2004, NFPA 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 October 21, 2004 (69 FR 61869).

The last notification was filed with the Department on September 28, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 31, 2017 (82 FR 50444).

Patricia A. Brink,
Director of Civil Enforcement, Antitrust Division.
[FR Doc. 2018–01836 Filed 1–30–18; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under The Clean Water Act and Oil Pollution Act

On January 25, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States, State of Washington through the Washington Department of Ecology, Suquamish Tribe, and Tulalip Tribes v. Jeld-Wen, Inc., Kimberly Clark*

Corp., and Weyerhaeuser NR Company, Civil Action No. 2:18-cv-00113.

The proposed Consent Decree resolves claims alleged against the Defendants for natural resource damages caused by discharges of hazardous substances and oil to the Port Gardner Bay Area in Everett, Washington. The settlement requires each Defendant to pay its allocated share of the total damages estimated for the Port Gardner Bay Area and the assessment costs incurred by the Natural Resource Trustees. The Consent Decree requires natural resource damages payments totaling \$3,946,633 and reimbursement of assessment costs totaling \$344,253. The Defendants will receive covenants not to sue under the Clean Water Act; the Oil Pollution Act; the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”); and the State of Washington Model Toxics Control Act for natural resource damages caused by discharges of hazardous substances and oil from their respective facilities, identified in Appendix B to the Decree, to the Port Gardner Bay Area.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, State of Washington through the Washington Department of Ecology, Suquamish Tribe, and Tulalip Tribes v. Jeld-Wen, Inc., Kimberly Clark Corp., and Weyerhaeuser NR Company*, D.J. Ref. No. 90–11–3–10859. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$8.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018-01841 Filed 1-30-18; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of the Extended Benefit (EB) Program for the Virgin Islands

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces a change in benefit payment status under the EB program for the Virgin Islands.

The following change has occurred since the publication of the last notice regarding the Virgin Islands' EB status:

- The Virgin Islands' 13-week insured unemployment rate (IUR) for the week ending December 02, 2017 was 5.68 percent which exceeds 120 percent of the corresponding rate in the prior year. This caused Virgin Islands to be triggered "on" to an EB period that began December 17, 2017. The State will remain in an EB period for a minimum of 13 weeks.

The trigger notice covering state eligibility for the EB program can be found at: http://oui.doleta.gov/unemploy/claims_arch.asp.

Information for Claimants

The duration of benefits payable in the EB program, and the terms and

conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13 (c) (1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S-4524, Attn: Anatoli Sznoluch, 200 Constitution Avenue NW, Washington, DC 20210, telephone number (202) 693-3176 (this is not a toll-free number) or by email: Sznoluch.Anatoli@dol.gov.

Rosemary Lahasky,
Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. 2018-01835 Filed 1-30-18; 8:45 am]

BILLING CODE 4510-FW-P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice To Ensure State Workforce Agencies Are Aware of the Revised Schedule of Remuneration for the Unemployment Compensation for Ex-Servicemembers Program That Reflects the Military Pay Increase Effective January 1, 2018

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: Each year, the Department of Defense issues a Schedule of Remuneration that may be used by states, as needed, for UCX purposes. States must use the schedule to determine Federal military wages for UCX "first claims" only when the Federal Claims Control Center (FCCC) responds to a request for information indicating that there is no Copy 5 of the Certificate of Release or Discharge from Active Duty (DD Form 214) for an individual under the social security number provided. A response from the FCCC that indicates "no DD214 on file" will prompt the state to start the affidavit process and to use the attached schedule to calculate the Federal military wages for an unemployment insurance or UCX monetary determination.

The schedule applies to UCX "first claims" filed beginning with the first day of the first week that begins on or after January 1, 2018, pursuant to the UCX program regulations (see 20 CFR 614.12(c)). States must continue to use the 2017 schedule (or other appropriate schedule) for UCX "first claims" filed before the effective date of the revised schedule.

Rosemary Lahasky,
Deputy Assistant Secretary for Employment and Training, Labor.

Attachment

2018 FEDERAL SCHEDULE OF REMUNERATION

[20 CFR 614.12(d)]

Pay Grade	Monthly rate	Weekly (7/30th)	Daily (1/30th)
1. Commissioned Officers:			
0-10	20,033.28	\$4,674.46	\$667.78
0-9	20,003.77	4,667.53	666.79
0-8	18,850.15	4,398.38	628.34
0-7	16,878.93	3,938.41	562.63
0-6	14,902.41	3,477.25	496.75
0-5	12,596.59	2,939.23	419.89
0-4	10,760.30	2,510.76	358.68
0-3	8,588.86	2,004.10	286.30
0-2	6,921.15	1,614.90	230.70
0-1	5,387.32	1,257.06	179.58
2. Commissioned Officers With Over 4 Years Active Duty As An Enlisted Member or Warrant Officer:			
0-3E	9,951.83	2,322.11	331.73
0-2E	8,182.72	1,909.32	272.76

2018 FEDERAL SCHEDULE OF REMUNERATION—Continued
[20 CFR 614.12(d)]

Pay Grade	Monthly rate	Weekly (7/30th)	Daily (1/30th)
0-1E	7,087.94	1,653.82	236.26
3. Warrant Officer:			
W-5	11,727.76	2,736.51	390.93
W-4	10,204.40	2,381.05	340.15
W-3	8,790.03	2,051.00	293.00
W-2	7,590.03	1,771.00	253.00
W-1	6,559.87	1,530.62	218.66
4. Enlisted Personnel:			
E-9	9,695.12	2,262.19	323.17
E-8	8,029.70	1,873.62	267.66
E-7	7,165.65	1,671.95	238.85
E-6	6,315.07	1,473.50	210.50
E-5	5,356.17	1,249.78	178.54
E-4	4,426.94	1,032.92	147.56
E-3	4,007.04	934.99	133.57
E-2	3,893.40	908.46	129.78
E-1	3,476.11	811.09	115.87

The Federal Schedule includes columns reflecting derived weekly and daily rates. This revised Federal Schedule of Remuneration is effective for UCX "first claims" filed beginning with the first day of the first week which begins on or after January 1, 2018, pursuant to 20 CFR 614.12(c).

[FR Doc. 2018-01911 Filed 1-30-18; 8:45 am]
BILLING CODE 4510-FW-P

NATIONAL CREDIT UNION ADMINISTRATION

Modernizing Data Collection for Supervision of Credit Unions

AGENCY: National Credit Union Administration.
ACTION: Notice; Request for Information (RFI).

SUMMARY: At the May 19, 2016, meeting of the NCUA Board, the agency discussed plans for modernizing NCUA's collection of data from federally insured credit unions. Key goals of the modernization effort include reducing the reporting burden on credit unions, improving offsite supervision capability, and updating the organization of the forms and related instructions.

In June 2016, the NCUA issued a Request for Information in the **Federal Register** seeking public input on the regulatory data collected through the Call Report and Profile, resulting in 684 individual comments. In September 2016, the Call Report Modernization Working Group solicited feedback from agency staff and state supervisory authorities, resulting in 492 comments. The working group also hosted phone calls with state supervisory authorities and credit unions representing each of the five asset peer groups during October 2016. These calls gave stakeholders an additional opportunity to have a dialogue on recommendations for the Call Report and Profile. The

working group reviewed all stakeholder comments and posted summaries of the comments on the NCUA's Call Report Modernization web page.

The working group also conducted additional technical research, such as on generally accepted accounting principles relevant to the Call Report. The working group's comprehensive analysis resulted in this proposal to reorganize the schedules in the Call Report and Profile, retire obsolete account codes, and relocate some account codes to other collections. The proposed streamlining for the Call Report results in a net reduction of roughly 40 percent of account codes. The proposed changes to the Profile result in approximately a 20 percent net reduction.

The proposed updates to the 5300 Call Report and 4501A Profile forms, instructions, and related background material are available for review and comment, online at <https://www.ncua.gov/About/Pages/open-government/call-report-modernization.aspx>. Target participants include credit unions, credit union leagues, trade associations, regulators, and industry-related persons.

DATES: Comments must be received on or before April 2, 2018.

ADDRESSES: Comments may be submitted using *one* of the methods below (Please do not send comments through multiple methods). Include "[Your name and company name (if any)]—Call Report/Profile Content Modernization" in all correspondence.

- **Mail:** Please direct written comments related to Call Report/Profile Content Modernization to Mary Thor,

National Credit Union Administration, Office of Examination and Insurance, 1775 Duke Street, Alexandria, VA 22314.

- **Email:** Address to CallReportMod@ncua.gov. Any of the following formats is acceptable: HTML, ASCII, Word, RTF, TXT or PDF.

NCUA will post all material received by the deadline on the agency website (www.ncua.gov) without alteration or redaction, so commenters should not include information they do not want to become public (such as personal or confidential business information). Spam or marketing materials will be discarded without publication. All comments should be specific to this notice on the proposed Call Report and Profile forms and instructions.

FOR FURTHER INFORMATION CONTACT: Mary Thor, National Credit Union Administration, Office of Examination and Insurance, 1775 Duke Street, Alexandria, VA 22314, telephone (703) 518-6586, and email mthor@ncua.gov. Media inquiries should be directed to NCUA's Office of Public and Congressional Affairs at (703) 518-6330 or pacamail@ncua.gov.

SUPPLEMENTARY INFORMATION: The National Credit Union Administration's (NCUA) regulation and supervision of federally insured credit unions is designed to protect the safety and soundness of credit unions and enforce applicable laws and regulations. As the financial services industry and credit union landscape evolve, the NCUA must regularly review and update our data collection and other supervisory processes. While the NCUA is proposing to reduce the amount of data collected

through the 5300 Call Report, credit unions will need to maintain supporting documentation for the information typically requested during examination and supervision contacts. The NCUA uses the Call Report and Profile to collect financial and nonfinancial information from federally insured credit unions. The resulting data are integral to risk supervision at institution and industry levels, which is central to safeguarding the integrity of the National Credit Union Share Insurance Fund.

After extensive outreach, the working group developed a prototype of streamlined Call Report and Profile forms. The current Call Report has 1,523¹ account codes (the September 2017 post-MBL/Commercial loan changes). The prototype retires 1,017 account codes. Most of the account codes proposed to be retired are no longer needed, but some would be collected through another means, such as the exam process.

The prototype Call Report adds 413 new account codes to accommodate necessary changes such as for ASC Topic 326, Financial Instruments Current Expected Credit Losses and for the risk-based capital rule currently scheduled to go into effect in January 2019.²

After these additions, the final number of total account codes on the prototype Call Report is 919—a net reduction of approximately 40 percent.³ The schedules have been reorganized so they are separated by programs and significantly smaller. The reorganization of the schedules would also facilitate an adaptive user interface the NCUA plans to provide for CU Online as part of the Enterprise Solutions Modernization. The prototype also includes improved instructions. The Profile underwent a

¹ Of the 1,523 account codes, 1,179 account codes are for data input. The remaining accounts are calculated or prepopulated.

² The NCUA is considering delaying the effective date of this rule, as well as modifying or eliminating the rule. This schedule would revert to the current risk-based net worth requirement collection if the risk-based capital rule is delayed or eliminated, and would otherwise be modified based on any changes to the capital rules the Board might adopt. The risk-based schedule was designed as a stand-alone schedule so it could be removed or modified without impacting any other schedules of the Call Report.

³ Of the 919 account codes, 753 account codes are for data input and the remaining account codes are calculated or prepopulated. However, the proposed new form provides for credit unions to report information based on ASC 326 (CECL) if they have chosen to adopt it early. Otherwise, credit unions would continue to report based on current account standards. CECL is an either or selection in the new form; thus the total account codes and the fillable account codes for a credit union adopting CECL is 891 and 733 respectively, and 871 and 716 respectively if they have not early adopted CECL.

similar review and redesign, eliminating outdated data elements and attributes resulting in a reduction of approximately 150 data elements and attributes. All of these changes incorporate the stakeholder feedback received.

Request for Comment

The NCUA is seeking comments on all proposed changes to the Call Report form 5300, the Profile form 4501A, and their accompanying instructions. The proposed forms and instructions are available on the NCUA's Call Report Modernization web page. When reviewing the comment documents, please consider the following questions.

1. Are there account codes that are proposed to be retired that are still pertinent? If so, please provide the account code(s) and the reason for maintaining it.
2. Are there additional account codes that should be retired or consolidated? If so, please provide the account code(s) and the reason for retiring it.
3. Are relocated account codes grouped logically? If not, please propose a location you feel is more logically suited.
4. Should any of the schedules be expanded to assist in analysis based on new rules or accounting changes? If so, please provide details of data the NCUA should also collect.
5. Are the instructions adequate in both content and design? If not, please cite specific sections that require improvement or correction.
6. How much lead time do credit unions need to work with vendors to make changes to their systems in order to support such changes to the Call Report?
7. Are there any other operational issues the NCUA should be aware of prior to implementing the proposed changes?

8. From your perspective, do you think this is a reduction in your reporting burden? Please explain. Information received will not be used for statistical purposes. Responses containing references to studies, research, or data not widely available to the public should include copies of referenced materials. A description of the commenter's organization and its interest in the Call Report and Profile will help the NCUA use the input provided.

Next Steps: The NCUA will review all comments and make necessary changes before implementing the future Call Report and Profile forms. When the NCUA is ready to implement the future Call Report and Profile forms, the OMB Paperwork Reduction Act process will

be used to formally announce planned changes.

By the National Credit Union Administration, this 25th day of January 2018.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018-01879 Filed 1-30-18; 8:45 am]

BILLING CODE 7535-01-P

NATIONAL LABOR RELATIONS BOARD

Amendment of Statement of Organization and Functions; Restructuring of National Labor Relations Board's Field Organization

AGENCY: National Labor Relations Board.

ACTION: Notice of administrative change in status of the Anchorage, Alaska Resident Office (Region 19) of the National Labor Relations Board, which has been closed and the area will be served by agents working from other locations.

SUMMARY: The National Labor Relations Board has closed its Anchorage, Alaska Resident Office because it has determined that closing the office and serving the area with resident agents working in the area, will result in significant savings while continuing to effectively serve the area currently served by this office.

DATES: *Applicable Date:* The change with respect to the Anchorage, Alaska office was announced by press release on December 11, 2017 and was effective December 29, 2017.

FOR FURTHER INFORMATION CONTACT: Roxanne Rothschild, Deputy Executive Secretary, 1015 Half Street SE, Room 5011, Washington, DC 20570. Telephone: (202) 273-1940.

SUPPLEMENTARY INFORMATION: The National Labor Relations Board has closed its Anchorage Resident Office and now services the area through full-time Resident Agents. This change was prompted by an examination of the staffing, caseloads, and rental and operating costs for the Anchorage office. This revision is nonsubstantive or merely procedural in nature. The Board expects no adverse impact on the quality of casehandling as a result of the office closure.

Region 19, which handles cases arising in Alaska, is headed by a Regional Director, who works in the Seattle, Washington Regional office and has full authority for the processing of both unfair labor practice and representation cases in that area.

Currently, the other employees in this Region work in Seattle, Washington and Portland, Oregon. The Seattle and Portland offices will continue to be open. The geographical area covered by the Region will not be changed.

The most recent list of Regional and Subregional Offices was published at 65 FR 53228–53229 on August 29, 2000, as amended at 78 FR 44602–44603 on Wednesday, July 24, 2012.

Concurrent with this Notice, the NLRB is revising its Statement of Organization and Functions to delete reference to the Anchorage office as a place where persons can obtain service in Region 19. The revision to the Board's Statement of Organization and Functions is attached.

Since July 20, 2017, the NLRB has solicited and received feedback on the proposed closure of the Anchorage, Alaska office. The decision to close this office and restructure the Agency's operations in the manner set forth here was informed by comments from stakeholders. Because this is a general notice that is related to the organization of the NLRB, it is not a regulation or rule subject to Executive Order 12866.

Pursuant to the change set forth here, the National Labor Relations Board has amended its Statement of Organization and Functions as follows:

Part 201—Description of Organization

Subpart B—Description of Field Organization

(A) “Areas Served by Regional and Subregional Offices” is amended in following manner:

(1) Region 19 is amended to read as follows:

Region 19. Seattle, Washington. Services Alaska and all counties in Washington except Clark; in Idaho, services Adams, Benewah, Bonner, Boundary, Clark, Clearwater, Custer, Fremont, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, and Valley Counties; and in Montana, services Beaverhead, Broadwater, Cascade, Deer Lodge, Flathead, Gallatin, Glacia, Granite, Jefferson, Lake, Lewis, and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Pondera, Powell, Ravatti, Sanders, Silver Bow, Teton, and Toole Counties.

Subregion 36. Portland, Oregon. Services Oregon and Clark County in Washington.

Persons may also obtain service from a Resident Agent located in Anchorage, Alaska.

By Direction of the Board.

Dated: January 26, 2018.

Roxanne Rothschild,

Deputy Executive Secretary.

[FR Doc. 2018–01921 Filed 1–30–18; 8:45 am]

BILLING CODE 7545–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0110]

An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 3 to Regulatory Guide (RG) 1.174, “An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis.” This proposed guide, Revision 3, has been revised to incorporate additional information related to the evaluation of defense-in-depth since Revision 2 of RG 1.174 was issued in 2011. The proposed revision includes additional guidance on defense-in-depth to assure the defense-in-depth philosophy is interpreted and implemented consistently.

DATES: Revision 3 to RG 1.174 is available on January 31, 2018.

ADDRESSES: Please refer to Docket ID NRC–2012–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2012–0110. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by

email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. Revision 3 to RG 1.174 and the regulatory analysis may be found in ADAMS under Accession Nos. ML17317A256 and ML16358A156 respectively.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT:

Anders Gilbertson, telephone: 301–415–1541, email: Anders.Gilbertson@nrc.gov, and Harriet Karagiannis, telephone: 301–415–2493, email: Harriet.Karagiannis@nrc.gov. Both are staff of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a revision to an existing guide in the NRC's “Regulatory Guide” series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses. Revision 3 of RG 1.174 describes an approach that is acceptable to the staff of the NRC when developing risk-informed applications for a licensing basis change that considers engineering issues and applies risk insights.

Revision 3 of RG 1.174 was issued with a temporary identification of Draft Regulatory Guide, DG–1285. This revision (Revision 3) presents up-to-date defense-in-depth guidance using precise language to assure the defense-in-depth philosophy is interpreted and implemented consistently. Revision 3 contains significant changes including expansion of the guidance on the meaning of, and the process for assessing, the defense-in-depth considerations.

In addition, this revision adopts the term “PRA Acceptability,” including related phrasing variants, in place of terms such as “PRA quality,” “PRA technical adequacy,” and “technical

adequacy” to describe the appropriateness of the PRA used to support risk-informed licensing submittals. Other changes in this revision include expanding the discussions on uncertainties, including aggregation of risk results, consistent with NUREG–1855, “Guidance on the Treatment of Uncertainties Associated with PRAs in Risk-Informed Decisionmaking” (ADAMS Accession No. ML17062A466), updating the risk acceptance guideline figures, and incorporating discussions related to application of this guide to new reactors.

Regarding the guidance in Section C.6.3 of the guide on the licensee submittal documentation, the NRC has accepted via a letter issued on May 3, 2017 (See ADAMS Accession No. ML17079A427), an industry process entitled “Close-out of Facts and Observations (F&Os)” (See ADAMS Accession No. ML17086A431) that allows a licensee to formally close F&Os that were generated during a peer review process. If a licensee meets the conditions of acceptance as described in the NRC’s letter, a licensee does not need to submit the closed F&Os in any future applications. It should be noted that the NRC position in the May 3rd letter is expected to be incorporated into the next revision of RG 1.200, “An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities.”

II. Additional Information

The NRC published a notice of the availability of DG–1285 in the **Federal Register** on April 7, 2017 (82 FR 17042), for a 45-day public comment period. The public comment period closed on May 22, 2017. Public comments on DG–1285 and the staff responses to the public comments are available under ADAMS under Accession No. ML17261A618.

III. Congressional Review Act

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

IV. Backfitting and Issue Finality

RG 1.174 describes an approach that the NRC staff considers acceptable when developing risk-informed applications for a licensing basis change that considers engineering issues and applies risk insights. Issuance of this RG does not constitute backfitting as defined in section 50.109 of title 10 of

the Code of Federal Regulations (10 CFR) (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the “Implementation” section of this RG, the NRC has no current intention to impose this guidance on holders of current operating licenses or combined licenses.

This RG may be applied to applications for amendments to operating licenses or combined licenses docketed by the NRC as of the date of issuance, as well as future applications submitted after the issuance of this regulatory guide. Such action would not constitute backfitting as defined in the Backfit Rule or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

Dated at Rockville, Maryland, this 25th day of January 2018.

For the Nuclear Regulatory Commission.

Edward O’Donnell,

Acting Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–01901 Filed 1–30–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting—Revised

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting February 8–10, 2018, 11545 Rockville Pike, Rockville, Maryland 20852.

**Thursday, February 8, 2018,
Conference Room T–2B1, 11545
Rockville Pike, Rockville, Maryland
20852**

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: NuScale Design Certification Application Request for Exemption from General Design Criterion 27 (Open/Closed)—The Committee will hear briefings by and discussion with representatives of the NRC staff and NuScale regarding the subject exemption application. [**Note:** A

portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

10:45 a.m.–12:15 p.m.: Biennial Review and Evaluation of the NRC Safety Research Program (Open)—The Committee will hear discussion regarding the NRC Safety Research Program.

1:15 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Friday, February 9, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:00 a.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

**Saturday, February 10, 2018,
Conference Room T–2B1, 11545
Rockville Pike, Rockville, Maryland
20852**

8:30 a.m.–12:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312). In accordance with those procedures, oral or written views may be presented by members of the public, including

representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301-415-5844, email: Quynh.Nguyen@nrc.gov), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92-463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at pdr.resource@nrc.gov, or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/ACRS/>.

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301-415-6702), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video

teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 25th day of January 2018.

For the Nuclear Regulatory Commission.

Russell E. Chazell,

Advisory Committee Management Officer.

[FR Doc. 2018-01815 Filed 1-30-18; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2017-0173]

Information Collection: Domestic Licensing of Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Domestic Licensing of Production and Utilization Facilities."

DATES: Submit comments by March 2, 2018.

ADDRESSES: Submit comments directly to the OMB reviewer at: Brandon DeBruhl, Desk Officer, Office of Information and Regulatory Affairs (3150-0011), NEOB-10202, Office of Management and Budget, Washington, DC 20503; telephone: 202-395-7315, email: oirq_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: INFOCOLLECTS.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2017-0173 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0173.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-

available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The seven supporting statements associated with the part 50 information collections and the burden table are available in ADAMS under Accession Nos. ML17312B076, ML17312B077, ML17312B078, ML17312B079, ML17312B080, ML17312B081, ML17312B075, and ML18025A825, respectively.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: INFOCOLLECTS.Resource@nrc.gov.

B. Submitting Comments

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to

OMB for review entitled, 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 18, 2017, (82 FR 48539).

1. *The title of the information collection:* 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities."

2. *OMB approval number:* 3150-0011.

3. *Type of submission:* Extension.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* As necessary in order for the NRC to meet its responsibilities to conduct a detailed review of applications for licenses and amendments thereto to construct and operate nuclear power plants, preliminary or final design approvals, design certifications, research and test facilities, reprocessing plants and other utilization and production facilities, licensed pursuant to the Atomic Energy Act of 1954, as amended (the Act) and to monitor their activities. Reports are submitted daily, monthly, quarterly, annually, semi-annually, and on occasion.

6. *Who will be required or asked to respond:* Licensees and applicants for nuclear power plants and research and test facilities.

7. *The estimated number of annual responses:* 43,623 (43,473 reporting responses + 149 recordkeepers + 1 third-party disclosure response).

8. *The estimated number of annual respondents:* 149.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 3.7M hours (1.1M hours reporting + 2.6M hours recordkeeping + 100 hours third-party disclosure).

10. *Abstract:* Part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities," specifies technical information and data to be provided to the NRC or maintained by applicants and licensees so that the NRC may take determinations necessary to protect the health and safety of the public, in accordance with the Atomic Energy Act of 1954, as amended. The reporting and recordkeeping requirements contained in 10 CFR part 50 are mandatory for the affected licensees and applicants.

Dated at Rockville, Maryland, this 25th day of January 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018-01875 Filed 1-30-18; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Future Plant Designs; Notice of Meeting

The ACRS Subcommittee on Future Plant Designs will hold a meeting on February 7, 2018 at 11545 Rockville Pike, Room T-2B1, Rockville, Maryland 20852.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, February 7, 2018—8:30 a.m. Until 12:00 p.m.

The Subcommittee will review Final Regulatory Guide 1.232, "Guidance for Developing Principal Design Criteria for Non-Light-Water Reactors." The Subcommittee will hear presentations by and hold discussions with NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Derek Widmayer (Telephone 391-221-1448 or Email Derek.Widmayer@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were

published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 301-415-6702) to be escorted to the meeting room.

Dated: January 25, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018-01839 Filed 1-30-18; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-32995; File No. 812-14874]

BNP Paribas USA, Inc., et al.; Notice of Application and Temporary Order

January 26, 2018.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 ("Act").

SUMMARY OF APPLICATION: Applicants have received a temporary order ("Temporary Order") exempting them from section 9(a) of the Act, with respect to a guilty plea entered on January 25, 2018 ("Guilty Plea"), by BNP Paribas USA, Inc. (the "Pleading Entity") in the United States District Court for the Southern District of New York (the "District Court") in connection with a plea agreement ("Plea Agreement") between the Pleading Entity and the United States Department of Justice ("DOJ"), until the Commission takes final action on an application for a permanent order (the "Permanent

Order,” and with the Temporary Order, the “Orders”). Applicants also have applied for a Permanent Order.

APPLICANTS: BNP Paribas USA, Inc., BNP Paribas Asset Management USA, Inc. (“BNPP AM USA”), Bishop Street Capital Management Corp. (“BSCM”), and BNP Paribas Asset Management UK Limited (“BNPP AM UK”) (each, an “Applicant” and collectively, “Applicants”).

FILING DATE: The application was filed on January 25, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission’s Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 20, 2018 and should be accompanied by proof of service on Applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: BNP Paribas USA, Inc., 787 Seventh Avenue, New York, NY 10019; BNPP AM USA: 200 Park Avenue, 11th Floor, New York, NY 10166; BSCM: First Hawaiian Center, 999 Bishop Street, Suite 2806, Honolulu, HI 96813; BNPP AM UK: 5 Aldermanbury Square, London EC2V 7BP, United Kingdom.

FOR FURTHER INFORMATION CONTACT: Jessica Shin, Attorney-Adviser, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: The following is a temporary order and a summary of the application. The complete application may be obtained via the Commission’s website by searching for the file number, or an applicant using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551–8090.

Applicants’ Representations

1. The Pleading Entity is a corporation organized under the laws of Delaware and wholly owned subsidiary of BNP

Paribas S.A. (“BNPP”).¹ The Pleading Entity serves as BNPP’s U.S. intermediate holding company.

2. BNPP AM USA, a corporation formed under the laws of New York, is registered as an investment adviser under the Investment Advisers Act of 1940 (the “Advisers Act”) and is an indirect wholly owned subsidiary of BNPP and of the Pleading Entity. BNPP AM USA serves as sub-adviser to the investment companies registered under the Act or series of such companies listed in Part 1 of Appendix A to the application (each a “Fund” and, collectively, “Funds”). Until late April 2017, BNPP AM USA was named “Fischer Francis Trees & Watts, Inc.”

3. BSCM, a corporation formed under the laws of Hawaii in 1999, is registered as an investment adviser under the Advisers Act. BSCM is an indirect wholly owned subsidiary of First Hawaiian, Inc., which is an approximately 62% owned indirect subsidiary of BNPP. BSCM serves as investment adviser to each Fund listed in Part 2 of Appendix A to the application.

4. BNPP AM UK, a corporation formed under the laws of the United Kingdom, is registered as an investment adviser under the Advisers Act. BNPP AM UK is an indirect wholly owned subsidiary of BNPP. BNPP AM UK does not currently advise any Fund, but expects to be sub-adviser to the newly-organized Fund listed in Part 1B of Appendix A to the application.

5. While no existing company of which the Pleading Entity is an “affiliated person” within the meaning of section 2(a)(3) of the Act (“Affiliated Person”), other than BNPP AM USA, BSCM and BNPP AM UK (together, the “Fund Servicing Applicants”), currently serves as an investment adviser or depositor of any Fund, employees’ securities company (“ESC”) or investment company that has elected to be treated as a business development company under the Act (“BDC”), or principal underwriter (as defined in section 2(a)(29) of the Act) for any open-end management investment company registered under the Act (“Open-End Fund”), unit investment trust registered under the Act (“UIT”), or face-amount certificate company registered under the Act (“FACC”), Applicants request that any relief granted by the Commission pursuant to the application also apply to any current or future Affiliated person of the Pleading Entity other than BNPP

¹ BNPP, the parent of the Pleading Entity, does not and will not serve as an investment adviser, depositor or principal underwriter to any registered investment company as it is not a Covered Person (as defined below).

(together with the Fund Servicing Applicants, the “Covered Persons”) with respect to any activity contemplated by section 9(a) of the Act.²

6. On January 25, 2018, the United States Department of Justice (the “Department of Justice”) filed a one-count criminal information (the “Information”) in the District Court. The Information charges that from as early as September 2011 until at least July 2013, the Pleading Entity, through a single Central and Eastern European, Middle Eastern and African Emerging Markets currencies (“CEEMEA” currencies) trader employed by BNP Paribas Securities Corp. (“Sec Corp”), participated in a conspiracy to suppress and eliminate competition in CEEMEA currencies by various methods (the “Conduct”), as further described in the application, in violation of the Sherman Antitrust Act (Title 15, United States Code, section 1).

7. Pursuant to the Plea Agreement, the Pleading Entity entered the Guilty Plea on January 25, 2018 in the District Court to the charge set out in the Information. According to the Plea Agreement, the Pleading Entity, among other things, agreed to a fine of \$90 million. The Applicants expect that the District Court will enter a judgment against the Pleading Entity (the “Judgment”) that will require remedies that are materially the same as set forth in the Plea Agreement. The individual referenced in the Information as responsible for the Conduct is no longer employed by BNPP or any of its affiliates.

8. BNPP and its affiliates have entered into settlement agreements with other U.S. regulatory or enforcement agencies related to the Conduct. The Board of Governors of the Federal Reserve System (“FRB”) entered a cease and desist order (the “FRB Order”) on July 17, 2017 against BNPP, the Pleading Entity and Sec Corp concerning unsafe and unsound banking practices relating to BNPP’s foreign exchange (“FX”) business. The New York State Department of Financial Services (“DFS”) entered into a consent order (the “DFS Order”) on May 24, 2017 with BNPP and its New York branch (the “DFS Order Parties”) to settle DFS’ investigations into alleged violations of the New York laws and regulations arising out of conduct in the DFS Order Parties’ FX business during the period between 2007 and 2013.

² Covered Persons may, if the Order is granted, in the future act in any of the capacities contemplated by Section 9(a) of the Act subject to the applicable terms and conditions of the Orders.

Applicants' Legal Analysis

1. Section 9(a)(1) of the Act provides, in pertinent part, that a person may not serve or act as an investment adviser or depositor of any registered investment company or as principal underwriter for any registered open-end investment company, UIT, or FACC, if such person within ten years has been convicted of any felony or misdemeanor, including those arising out of such person's conduct as a bank. Section 2(a)(10) of the Act defines the term "convicted" to include a plea of guilty. Section 9(a)(3) of the Act extends the prohibitions of section 9(a)(1) to a company, any affiliated person of which has been disqualified under the provisions of section 9(a)(1). Section 2(a)(3) of the Act defines "affiliated person" to include, among others, any person directly or indirectly controlling, controlled by, or under common control with, the other person. The Pleading Entity is an Affiliated Person of each of the other Applicants within the meaning of section 2(a)(3) of the Act. Therefore, the Applicants state that the Plea Agreement would result in a disqualification of the Applicants for ten years under section 9(a)(3) were they to act in any of the capacities listed in section 9(a), by effect of a conviction described in section 9(a)(1).

2. Section 9(c) of the Act provides that, upon application, the Commission shall by order grant an exemption from the disqualification provisions of section 9(a) of the Act, either unconditionally or on an appropriate temporary or other conditional basis, to any person if that person establishes that: (a) The prohibitions of section 9(a), as applied to the person, are unduly or disproportionately severe or (b) the conduct of the person has been such as not to make it against the public interest or the protection of investors to grant the exemption. Applicants have filed an application pursuant to section 9(c) seeking a Temporary Order and a Permanent Order exempting the Fund Servicing Applicants and other Covered Persons from the disqualification provisions of section 9(a) of the Act. The Covered Persons may, if the Orders are granted, in the future act in any of the capacities contemplated by section 9(a) of the Act subject to the applicable terms and conditions of the Orders.

3. Applicants believe they meet the standards for exemption specified in section 9(c). Applicants assert that (i) the scope of the misconduct was limited and did not involve any of the Fund Servicing Applicants acting as an "investment adviser" (as defined in section 2(a)(20) of the Act) to Funds

(such activities, "Fund Service Activities"), or any Fund with respect to which the Applicants engage in Fund Service Activities, (ii) application of the statutory bar would impose significant hardships on the Funds and their shareholders, (iii) the prohibitions of section 9(a), if applied to the BNPP and other Covered Persons, would be unduly or disproportionately severe and (iv) the Conduct did not constitute conduct that would make it against the public interest or protection of investors to grant the exemption from section 9(a).

4. Applicants represent that the Conduct did not involve any of Applicants acting in the capacity as an investment adviser or depositor of any Fund, ESC or BDC or as principal underwriter for any Open-End Fund, UIT or FACC. Applicants represent that the Conduct similarly did not involve any Fund with respect to which the Applicants engage in Fund Service Activities.³ Instead, the Applicants state that the Conduct occurred as a result of the actions of a single employee. The employee is no longer employed and will not be employed in the future, by BNPP, the Applicants or any of the other Covered Persons. Applicants assert that, in light of the limited scope of the Conduct, it would be unduly and disproportionately severe to impose a section 9(a) disqualification on the Applicants. Applicants assert that the conduct of the Applicants has not been such to make it against the public interest or the protection of investors to grant the exemption from section 9(a).

5. Applicants assert that neither the protection of investors nor the public interest would be served by permitting the section 9(a) disqualifications to apply to the Fund Servicing Applicants because those disqualifications would deprive the Fund of the advisory or sub-advisory services that shareholders expected the Funds would receive when they decided to invest in the Funds. Applicants also assert that the prohibitions of section 9(a) could operate to the financial detriment of the Funds and their shareholders, which would be an unduly and disproportionately severe consequence given that the Conduct did not involve any of the Fund Service Activities.

6. Applicants further represent that the inability of the Fund Servicing Applicants to continue providing investment advisory services to Funds would result in the Funds and their shareholders facing potential hardship, as described in the application.

³ The Pleading Entity does not engage, has not engaged, and will not engage in in any of the capacities contemplated by Section 9(a) of the Act.

Applicants assert that if the Fund Servicing Applicants were barred under section 9(a) from providing investment advisory services to the Funds and were unable to obtain the requested exemption, the effect on their businesses and employees would be severe. Applicants state that the Fund Servicing Applicants have committed substantial capital and other resources to establishing expertise in advising and sub-advising Funds with a view to continuing and expanding this business, which Applicants consider strategically important. Applicants further state that prohibiting the Fund Servicing Applicants from engaging in Fund Service Activities would not only adversely affect their business, but would also adversely affect their employees who are involved in these activities. In addition, Applicants assert that if the Fund Servicing Applicants or Covered Persons are unable to expand their businesses in the future because of the imposition of the section 9(a) disqualification, it could also have an adverse impact on their businesses.

7. Applicants represent that: (1) None of the current or former directors, officers or employees of Applicants had any involvement in the Conduct; (2) no current or former employee of the Pleading Entity or of any other Covered Person who previously has been or who subsequently may be identified by the Pleading Entity or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct will be an officer, director, or employee of any Covered Person; (3) the identified employee has had no, and will not have any future, involvement in the Covered Persons' activities in any capacity described in section 9(a) of the Act; and (4) because the personnel of Applicants did not have any involvement in the Conduct, shareholders of the Fund were not affected any differently than if the Fund had received services from any other non-affiliated investment adviser.

8. Applicants have agreed that none of BNPP, the Applicants or any of the other Covered Persons will employ the former employee of an affiliate of the Pleading Entity or any other person who subsequently may be identified by the Pleading Entity or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct in any capacity without first making a further application to the Commission pursuant to section 9(c).

9. Applicants have also agreed that BNPP and each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure compliance with the

terms and conditions of the Orders granted under section 9(c).

10. In addition, BNPP and each Applicant and Covered Person will comply in all material respects with the material terms and conditions of the Plea Agreement and with the materials terms of the FRB Order, the DFS Order and any other orders issued by regulatory or enforcement agencies addressing the Conduct. Applicants further state that BNPP and its affiliates have undertaken certain remedial measures, as described in greater detail in the application. These include certain remedial measures as required by the Plea Agreement, the FRB Order, and the DFS Order, including improvements to the oversight, internal controls and compliance program, compliance risk management program, and internal audit program for FX trading. Applicants state that BNPP and its affiliates have taken a number of steps to enhance its internal controls, policies and procedures relating to its FX activities. Specifically, Applicants represent BNPP has devised and implemented new global detailed FX-specific policies and procedures and a comprehensive program to change the culture of the business with the aim that each individual within the business understands their responsibility for proper conduct and compliance. Applicants also represent that BNPP has globally rolled out culture and conduct workshops and training on BNPP's Foreign Exchange Local Markets remediation program. Additionally, Applicants represent that supervisors have been given increased tools to directly oversee their staff and identify conduct issues more effectively, permanent cross-bank chat rooms have been prohibited, and reverse trades are monitored through software designed to detect transactions (proprietary and customer) that were not exposed to the risk of the market and did not result in a change of beneficial ownership.

11. As a result of the foregoing, the Applicants submit that granting the exemption as requested in the application is consistent with the public interest and the protection of investors.

12. To provide further assurance that the exemptive relief being requested herein would be consistent with the public interest and the protection of the investors, the Applicants agree that they will, as soon as reasonably practical, distribute to the boards of directors or trustees of the Funds ("Board") written materials describing the circumstances that led to the Plea Agreement, as well as any effects on the Funds and the application. The written materials will include an offer to discuss the materials

at an in-person meeting with the Board, including the directors who are not "interested persons" of the Funds as defined in section 2(a)(19) of the Act and their "independent legal counsel" as defined in rule 0-1(a)(6) under the Act, if any. The Applicants undertake to provide the Boards with all information concerning the Plea Agreement and the application as necessary for those Funds to fulfill their disclosure and other obligations under the U.S. federal securities laws and will provide them a copy of the Judgment as entered by the District Court.

13. Applicants state that certain of the Applicants and their affiliates have previously received an order under section 9(c) of the Act, as the result of conduct that triggered section 9(a), as described in greater detail in the application.

Applicants' Conditions

Applicants agree that any order granted by the Commission pursuant to the application will be subject to the following conditions:

1. Any temporary exemption granted pursuant to the application will be without prejudice to, and will not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative proceedings involving or against, Covered Persons, including, without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the application or the revocation or removal of any temporary exemptions granted under the Act in connection with the application.

2. None of BNPP, the Applicants or any of the other Covered Persons will employ the former employee of an affiliate of the Pleading Entity or any other person who subsequently may be identified by the Pleading Entity or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct in any capacity without first making a further application to the Commission pursuant to section 9(c).

3. BNPP and each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure that it will comply with the terms and conditions of the Orders within 60 days of the date of the Permanent Order or, with respect to condition four, such later date or dates as may be contemplated by the FRB Order, the DFS Order or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

4. BNPP and each Applicant and Covered Person will comply in all material respects with the material terms and conditions of the Plea Agreement and with the material terms of the FRB Order, the DFS Order and any other orders issued by regulatory or enforcement agencies addressing the Conduct.

5. Applicants will provide written notification to the Chief Counsel of the Commission's Division of Investment Management with a copy to the Chief Counsel of the Commission's Division of Enforcement of a material violation of the terms and conditions of any of the Orders within 30 days of discovery of the material violation.

Temporary Order

The Commission has considered the matter and finds that Applicants have made the necessary showing to justify granting a temporary exemption.

Accordingly,

It is hereby ordered, pursuant to section 9(c) of the Act, that the Applicants and any other Covered Persons are granted a temporary exemption from the provisions of section 9(a), effective as the date of the Guilty Plea, solely with respect to the Guilty Plea entered into pursuant to the Plea Agreement, subject to the representations and conditions in the application, until the Commission takes final action on their application for a permanent order.

By the Commission.

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2018-01905 Filed 1-30-18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82585; File No. SR-OCC-2017-020]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Concerning Enhanced and New Tools for Recovery Scenarios

January 25, 2018.

On December 18, 2017, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR-OCC-2017-020 ("Proposed Rule Change") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and

¹ 15 U.S.C. 78s(b)(1).

Rule 19b-4 thereunder,² concerning enhanced and new tools for recovery scenarios.³ The Proposed Rule Change was published for comment in the **Federal Register** on December 26, 2017.⁴ To date, the Commission has received one comment letter to the Proposed Rule Change.⁵

Section 19(b)(2) of the Act⁶ provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this Proposed Rule Change is February 9, 2018. The Commission is extending this 45-day time period.

In order to provide the Commission with sufficient time to consider the Proposed Rule Change, the Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change.

² 17 CFR 240.19b-4.

³ On December 8, 2017, OCC also filed this proposal as an advance notice SR-OCC-2017-809 (“Advance Notice”) with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5465(e)(1)) and Rule 19b-4(n)(1)(i) of the Act (17 CFR 240.19b-4(n)(1)(i)). Notice of filing of the Advance Notice was published for comment in the **Federal Register** on January 23, 2018. Securities Exchange Act Release No. 34-82513 (Jan. 17, 2018), 83 FR 3244 (Jan. 23, 2018) (SR-OCC-2017-809).

On January 22, 2018, the Commission sent OCC a request for additional information, which tolls the Commission’s 60-day review period for the Advance Notice. See Memorandum from Office of Clearance and Settlement, Division of Trading and Markets, dated January 23, 2018, available at <https://www.sec.gov/comments/sr-occ-2017-809/occ2017809.htm>. The new review period will be 60 days from the date the Commission receives the information requested. See Section 806(e)(1). The proposal in the Proposed Rule Change and the Advance Notice shall not take effect until all regulatory actions required with respect to the proposal are completed.

⁴ Securities Exchange Act Release No. 34-82531 (Dec. 19, 2017), 82 FR 61107 (Dec. 26, 2017) (SR-OCC-2017-020).

⁵ See Letter from Jacqueline H. Mesa, Senior Vice President of Global Policy, FIA, dated Jan. 16, 2018, available at <https://www.sec.gov/comments/sr-occ-2017-020/occ2017020.htm>. Since the proposal contained in the Proposed Rule Change was also filed as an Advance Notice, the Commission is considering all public comments received on the proposal regardless of whether the comments are submitted to the Proposed Rule Change or the Advance Notice.

⁶ 15 U.S.C. 78s(b)(2).

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁷ designates March 26, 2018 as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR-OCC-2017-020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-01816 Filed 1-30-18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82586; File No. SR-OCC-2017-021]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Concerning Updates to and Formalization of OCC’s Recovery and Orderly Wind-Down Plan

January 25, 2018.

On December 8, 2017, The Options Clearing Corporation (“OCC”) filed with the Securities and Exchange Commission (“Commission”) proposed rule change SR-OCC-2017-021 (“Proposed Rule Change”) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² concerning updates to and formalization of OCC’s recovery and orderly wind-down plan.³

⁷ *Id.*

⁸ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ On December 8, 2017, OCC also filed this proposal as an advance notice SR-OCC-2017-810 (“Advance Notice”) with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5465(e)(1)) and Rule 19b-4(n)(1)(i) of the Act (17 CFR 240.19b-4(n)(1)(i)). Notice of filing of the Advance Notice was published for comment in the **Federal Register** on January 23, 2018. Securities Exchange Act Release No. 34-82514 (Jan. 17, 2018), 83 FR 3224 (Jan. 23, 2018) (SR-OCC-2017-810).

On January 22, 2018, the Commission sent OCC a request for additional information, which tolls the Commission’s 60-day review period for the Advance Notice. See Memorandum from Office of Clearance and Settlement, Division of Trading and Markets, dated January 23, 2018, available at <https://www.sec.gov/comments/sr-occ-2017-810/occ2017810.htm>. The new review period will be 60 days from the date the Commission receives the information requested. See Section 806(e)(1). The proposal in the Proposed Rule Change and the Advance Notice shall not take effect until all regulatory actions required with respect to the proposal are completed.

The Proposed Rule Change was published for comment in the **Federal Register** on December 26, 2017.⁴ To date, the Commission has not received any comment letters to the Proposed Rule Change.

Section 19(b)(2) of the Act⁵ provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this Proposed Rule Change is February 9, 2018. The Commission is extending this 45-day time period.

In order to provide the Commission with sufficient time to consider the Proposed Rule Change, the Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁶ designates March 26, 2018 as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR-OCC-2017-021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011-01-P

⁴ Securities Exchange Act Release No. 34-82532 (Dec. 19, 2017), 82 FR 61072 (Dec. 26, 2017) (SR-OCC-2017-021).

⁵ 15 U.S.C. 78s(b)(2).

⁶ *Id.*

⁷ 17 CFR 200.30-3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82587; File No. SR–NYSEArca–2018–05]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Guggenheim Ultra Short Duration ETF and the Guggenheim Total Return Bond ETF

January 25, 2018.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that on January 16, 2018, NYSE Arca, Inc. (“Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reflect changes to certain representations made in the respective proposed rule changes previously filed with the Commission pursuant to Rule 19b–4 relating to the Guggenheim Ultra Short Duration ETF and the Guggenheim Total Return Bond ETF (each a “Fund” and, collectively, the “Funds”). Shares of the Funds are currently listed and traded on the Exchange under NYSE Arca Rule 8.600–E. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved the listing and trading on the Exchange of shares (“Shares”) of the Funds, under NYSE Arca Rule 8.600–E (formerly NYSE Arca Equities Rule 8.600), which governs the listing and trading of Managed Fund Shares.⁴ The Funds’ Shares are currently listed and traded on the Exchange under NYSE Arca Rule 8.600–E.⁵

⁴ A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (“1940 Act”) organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

⁵ The Commission previously approved the listing and trading of the Shares of the Guggenheim Ultra Short Duration ETF (formerly, Guggenheim Enhanced Short Duration ETF and, prior to that, Guggenheim Enhanced Ultra-Short Bond ETF). See Securities Exchange Act Release Nos. 64550 (May 26, 2011), 76 FR 32005 (June 2, 2011) (SR–NYSEArca–2011–11) (Order Granting Approval of Proposed Rule Change Relating to the Listing and Trading of the Guggenheim Enhanced Core Bond ETF and Guggenheim Enhanced Ultra-Short Bond ETF) (“First Short Duration Order”); 64224 (April 7, 2011), 76 FR 20401 (April 12, 2011) (SR–NYSEArca–2011–11) (Notice of Proposed Rule Change Relating to the Listing and Trading of the Guggenheim Enhanced Core Bond ETF and Guggenheim Enhanced Ultra-Short Bond ETF) (“First Short Duration Notice,” and, together with the First Short Duration Order, “First Short Duration Releases”); 74814 (April 27, 2015), 80 FR 24986 (May 1, 2015) (SR–NYSEArca–2014–107) (Notice of Filing of Amendment Nos. 2 and 3 and Order Granting Accelerated Approval of a Proposed Rule Change to Reflect Changes to the Means of Achieving the Investment Objective Applicable to the Guggenheim Enhanced Short Duration ETF) (“Second Short Duration Order”); 73512 (November 3, 2014), 79 FR 66442 (November 7, 2014) (SR–NYSEArca–2014–107) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to Reflect Changes to the Means of Achieving the Investment Objective Applicable to the Guggenheim Enhanced Short Duration ETF) (“Second Short Duration Notice” and, together with the Second Short Duration Order and the First Short Duration Releases, the “Short Duration Releases”). The Commission previously approved the listing and trading of the Shares of the Guggenheim Total Return Bond ETF in Securities Exchange Act Release No. 76719 (December 21, 2015), 80 FR 80859 (December 28, 2015) (SR–NYSEArca–2015–73) (Notice of Filing of Amendment Nos. 3, 4, 5, and 6 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 3, 4, 5 and 6, to List and Trade of Shares of the Guggenheim Total Return Bond ETF under NYSE Arca Equities Rule 8.600) (“Total Return Order”). See also Securities Exchange Act Release No. 75930 (September 16,

The Shares of the Guggenheim Ultra Short Duration ETF are offered by Claymore Exchange-Traded Fund Trust and Shares of the Guggenheim Total Return Bond ETF are offered by Claymore Exchange-Traded Fund Trust 2 (together with the Claymore Exchange-Traded Fund Trust, the “Claymore Trusts”). PowerShares Actively Managed Exchange-Traded Fund Trust has filed a combined prospectus and proxy statement (the “Proxy Statement”) with the Commission on Form N–14 describing a “Plan of Reorganization” pursuant to which, following approval of the Funds’ shareholders, all or substantially all of the assets and substantially all of the liabilities of each Fund would be transferred to a corresponding, newly-formed fund of the PowerShares Actively Managed Exchange-Traded Fund Trust, described below. According to the Proxy Statement, the investment objective of each Fund will be the same following implementation of the Plan of Reorganization (“Reorganization”).⁶ Following shareholder approval and closing of the Reorganization, investors will receive an identical number of shares of beneficial interest of the corresponding PowerShares fund in an amount equal in value to the net asset value of the Shares of the Funds of the Claymore Trusts immediately prior to the Reorganization (and cash with respect to any fractional shares held, if any).

In this proposed rule change, the Exchange proposes to reflect changes to certain representations made in the respective proposed rule changes previously filed with the Commission pursuant to Rule 19b–4 relating to the Funds, as described above,⁷ which changes would be implemented as a result of the Plan of Reorganization.⁸

2015), 80 FR 57251 (September 22, 2015) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Relating to Listing and Trading Shares of the Guggenheim Total Return Bond ETF under NYSE Arca Equities Rule 8.600) (“Total Return Notice” and, together with the Total Return Order and Amendment Nos. 1, 3, 4, 5 and 6 to the Total Return Notice, the “Total Return Releases”).

⁶ See registration statement on Form N–14 under the Securities Act of 1933 (15 U.S.C. 77a) (“1933 Act”), dated November 21, 2017 (File No. 333–221699).

⁷ See note 5, *supra*.

⁸ The Guggenheim Ultra Short Duration ETF’s investment adviser, Guggenheim Funds Investment Advisors, LLC, and the Guggenheim Total Return Bond ETF’s investment adviser, Guggenheim Partners Investment Management, LLC, represent that each will manage each respective Fund in the manner described in the applicable proposed rule change(s) for such Fund as referenced in note 5, *supra*, and the changes described herein will not be implemented until this proposed rule change is operative.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

Guggenheim Ultra Short Duration ETF⁹

The First Short Duration Notice stated the name of the Fund as Guggenheim Enhanced Ultra-Short Bond ETF, which name was later changed to Guggenheim Enhanced Short Duration ETF and then to Guggenheim Ultra Short Duration ETF. Following the Reorganization, the name of the Fund will be PowerShares Ultra Short Duration Portfolio.

The Second Short Duration Notice stated that the Fund's trust is Claymore Exchange-Traded Fund Trust and the Fund's investment adviser is Guggenheim Funds Investment Advisors, LLC. Following the Reorganization, the Fund's trust will be PowerShares Actively Managed Exchange-Traded Fund Trust, and the Fund's investment adviser and sub-adviser will be Invesco PowerShares Capital Management LLC and Invesco Advisers, Inc., respectively.¹⁰

⁹ On October 20, 2017 the PowerShares Actively Managed Exchange-Traded Fund Trust filed with the Commission a pre-effective amendment to its registration statement on Form N-1A under the 1933 Act and under the 1940 Act relating to the Funds [sic] (File Nos. 333-147622 and 811-22148) relating to the PowerShares Ultra Short Duration Portfolio and the PowerShares Total Return Bond Portfolio. The October 20, 2017 filing is intended to create a new entity to serve as the vehicle into which the Funds will be reorganized through the Plan of Reorganization contained in the Proxy Statement. In addition, the Commission has issued an order granting certain exemptive relief to the PowerShares Actively Managed Exchange-Traded Fund Trust under the 1940 Act. See Investment Company Act Release No. 28171 (February 27, 2008) (File No. 812-13386), as amended by Investment Company Release No. 28467 (October 27, 2008) (File No. 812-13491).

¹⁰ Invesco PowerShares Capital Management LLC and Invesco Advisers, Inc. each is not registered as a broker-dealer but is affiliated with a broker-dealer. Each such entity has implemented and will maintain a fire wall with respect to its affiliated broker-dealer regarding access to information concerning the composition and/or changes to a Fund's portfolio. In the event (a) Invesco PowerShares Capital Management LLC or Invesco Advisers, Inc. becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate regarding access to information concerning the composition and/or changes to a Fund's portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. In addition, personnel who make decisions on a Fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding a Fund's portfolio.

An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the "Advisers Act"). As a result, with respect to PowerShares Ultra Short Duration Portfolio and PowerShares Total Return Bond Portfolio, Invesco PowerShares Capital Management LLC and Invesco Advisers, Inc., as adviser and sub-adviser, respectively, and their related personnel, are subject to the provisions of

The First Short Duration Notice stated that the Fund's distributor is Claymore Securities, Inc. Following the Reorganization, the Fund's distributor will be Invesco Distributors, Inc.

The First Short Duration Notice stated the Fund is considered non-diversified under the 1940 Act;¹¹ the Trust changed this representation in an amendment to the Trust's registration statement to state that the Fund is considered a diversified fund.¹² Following the Reorganization, the Fund's registration statement will state that the Fund will be considered non-diversified under the 1940 Act.

Guggenheim Total Return Bond ETF

The Total Return Releases stated the name of the Fund as Guggenheim Total Return Bond ETF. Following the Reorganization, the Fund's name will be PowerShares Total Return Bond Portfolio.

The Total Return Releases stated that the Fund's trust is Claymore Exchange-Traded Fund Trust 2, and the Fund's investment adviser is Guggenheim Partners Investment Management, LLC. Following the Reorganization, the Fund's trust will be PowerShares Actively Managed Exchange-Traded Fund Trust, and the Fund's investment adviser will be Invesco PowerShares Capital Management LLC. The Total Return Releases did not specify that the Fund will have a sub-adviser. Following

Rule 204A-1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A-1 under the Advisers Act. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

¹¹ The diversification standard is set forth in Section 5(b)(1) of the 1940 Act (15 U.S.C. 80e). The Commission has previously approved listing and trading of issues of Managed Fund Shares that are classified as non-diversified investment companies under the 1940 Act. See, e.g., Securities Exchange Act Release No. 74338 (February 20, 2015), 80 FR 10556 (February 26, 2015) (SR-NYSEArca-2014-143) (order approving proposed rule change relating to the listing and trading of shares of the SPDR DoubleLine Total Return Tactical ETF under NYSE Arca Equities Rule 8.600).

¹² See footnote 15 to the Second Short Duration Order.

the Reorganization, the Fund will have a sub-adviser, namely, Invesco Advisers, Inc.¹³ The First [sic] Total Return Notice stated that the Fund's distributor is Guggenheim Funds Distributors, LLC. Following the Reorganization, the Fund's distributor will be Invesco Distributors, Inc.

The investment objective of each Fund will remain unchanged. Except for the changes noted above, all other representations made in the Short Duration Releases and the Total Return Releases, respectively, remain unchanged.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)¹⁴ that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, and is designed to promote just and equitable principles of trade and to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, and is designed to promote just and equitable principles of trade and to protect investors and the public interest. PowerShares Actively Managed Exchange-Traded Fund Trust has filed the Proxy Statement describing the Reorganization pursuant to which, following approval of the Funds' shareholders, all assets of each Fund would be transferred to a corresponding fund of the PowerShares Actively Managed Exchange-Traded Fund Trust. This filing proposes to reflect organizational and administrative changes that would be implemented as a result of the Reorganization, including changes to the Funds' names, the trust entity issuing shares of the Funds, the adviser and sub-adviser to the Funds and the distributor for the Funds. In addition, following the Reorganization, the PowerShares Ultra Short Duration Portfolio's registration statement will state that it will be considered non-diversified under the 1940 Act. As noted above, Invesco PowerShares Capital Management LLC and Invesco Advisers, Inc. each is not registered as a broker-dealer but is affiliated with a broker-dealer. Each such entity has implemented and will maintain a fire wall with respect to its affiliated broker-dealer regarding access to information concerning the composition and/or

¹³ See note 10, *supra*.

¹⁴ 15 U.S.C. 78f(b)(5).

changes to a Fund's portfolio. In the event (a) Invesco PowerShares Capital Management LLC or Invesco Advisers, Inc. becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. According to the Proxy Statement, the investment objective of each Fund will be the same following implementation of the Reorganization. Except for the changes noted in this proposed rule change, all other representations made in the Short Duration Releases and the Total Return Releases, respectively, remain unchanged. The Exchange believes these changes will not adversely impact investors or Exchange trading.

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 the proposed rule change will enhance competition and benefit of [sic] investors and the marketplace by permitting continued listing and trading of Shares of the Funds following implementation of the changes described above that would follow the Reorganization, which changes are non-substantive and would not impact the respective investment objective of each Fund.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to

Section 19(b)(3)(A) of the Act¹⁵ and Rule 19b-4(f)(6) thereunder.¹⁶

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that the proposal would allow the Exchange to reflect organizational and administrative changes to the Funds that would be implemented as a result of the Reorganization, including changes to the Funds' names, the trust entity issuing shares of the Funds, the adviser and sub-adviser to the Funds, and the distributor for the Funds. In addition, following the Reorganization, the PowerShares Ultra Short Duration Portfolio's registration statement will state that it will be considered non-diversified under the 1940 Act. The Commission further notes that the Exchange represents that the investment objective of each Fund will remain the same, and, except for the changes noted in this proposed rule change, all other representations made in the Short Duration Releases and the Total Return Releases remain unchanged. The Commission believes that the proposal raises no new or novel regulatory issues and waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 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 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.

¹⁷ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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-2018-05 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-2018-05. 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-2018-05 and should be submitted on or before February 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-01818 Filed 1-30-18; 8:45 am]

BILLING CODE 8011-01-P

¹⁸ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION**[Investment Company Act Release No. 32994]****Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940**

January 26, 2018.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of January 2018. A copy of each application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 21, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

FOR FURTHER INFORMATION CONTACT: Jill Ehrlich, Senior Counsel, at (202) 551-6819 or Chief Counsel's Office at (202) 551-6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549-8010.

Ashmore Emerging Markets Income Fund [File No. 811-22775]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on October 20, 2017, and amended on January 10, 2018.

Applicant's Address: 61 Aldwych, London, WC2B 4AE, England.

MSAM Completion Portfolio [File No. 811-22596]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 1, 2016, applicant made a liquidating distribution to its shareholders, based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on October 27, 2017, and amended on January 9, 2018.

Applicant's Address: Two International Place, Boston, Massachusetts 02110.

Currency Income Advantage Portfolio [File No. 811-22855]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 29, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on October 27, 2017, and amended on January 9, 2018.

Applicant's Address: Two International Place, Boston, Massachusetts 02110.

CMBS Portfolio [File No. 811-22741]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 29, 2016, applicant made a liquidating distribution to its shareholders, based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on October 27, 2017, and amended on January 9, 2018.

Applicant's Address: Two International Place, Boston, Massachusetts 02110.

Montage Managers Trust [File No. 811-23023]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Managed Portfolio Series and, on March 21, 2017, made a final distribution to its shareholders based on net asset value. Expenses of \$105,889.59 incurred in connection with the reorganization were paid by the majority owner of the applicant's adviser.

Filing Date: The application was filed on November 14, 2017.

Applicant's Address: 5700 W 112th Street, Suite 500, Overland Park, Kansas 66211.

Nuveen Quality Municipal 2018 Term Fund [File No. 811-22892]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on November 15, 2017, and amended on December 13, 2017.

Applicant's Address: 333 West Wacker Drive, Chicago, Illinois 60606.

Nuveen Technology Opportunities Fund [File No. 811-23009]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on November 15, 2017, and amended on December 13, 2017.

Applicant's Address: 333 West Wacker Drive, Chicago, Illinois 60606.

EnTrustPermal Hedge Strategies Fund I [File No. 811-22628]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On November 28, 2017 and November 30, 2017, applicant made liquidating distributions to its shareholders, based on net asset value. Expenses of \$40,981 incurred in connection with the liquidation were paid by the applicant's adviser or an affiliate thereof.

Filing Date: The application was filed on December 1, 2017, and amended on January 4, 2018.

Applicant's Address: 620 Eighth Avenue, New York, New York 10018.

EnTrustPermal Hedge Strategies Fund II [File No. 811-22836]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On November 28, 2017 and November 30, 2017, applicant made liquidating distributions to its shareholders, based on net asset value. Expenses of \$41,120 incurred in connection with the liquidation were paid by the applicant's adviser or an affiliate thereof.

Filing Date: The application was filed on December 1, 2017, and amended on January 4, 2018.

Applicant's Address: 620 Eighth Avenue, New York, New York 10018.

EnTrustPermal Hedge Strategies Portfolio [File No. 811-22850]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On November 28, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$32,052 incurred in connection with the liquidation were paid by the applicant's adviser or an affiliate thereof.

Filing Date: The application was filed on December 1, 2017, and amended on January 4, 2018.

Applicant's Address: 620 Eighth Avenue, New York, New York 10018.

Salient Alternative Strategies I Fund [File No. 811-22389]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 1, 2015, July 29, 2015, January 27, 2016, June 24, 2016, and December 18, 2017, applicant made liquidating distributions to its shareholders, based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on December 19, 2017.

Applicant's Address: 4265 San Felipe Street, 8th Floor, Houston, Texas 77027.

Salient Alternative Strategies Master Fund [File No. 811-22387]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On March 31, 2015, July 29, 2015, January 27, 2016, June 24, 2016, and November 30, 2017, applicant made liquidating distributions to its shareholders, based on net asset value. Expenses of \$4,185 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on December 19, 2017.

Applicant's Address: 4265 San Felipe Street, 8th Floor, Houston, Texas 77027.

Marketocracy Funds [File No. 811-09445]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 15, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$1,595 incurred in connection with the liquidation were paid by the applicant's adviser.

Filing Date: The application was filed on December 21, 2017.

Applicant's Address: 26888 Almaden Court, Los Altos, California 94022.

NorthStar Corporate Income Fund [File No. 811-23081]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 26, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$22,000 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on December 26, 2017, and amended on January 18, 2018.

Applicant's Address: 590 Madison Avenue, 34th Floor, New York, New York 10022.

NorthStar Corporate Income Fund-T [File No. 811-23116]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 26, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$22,000 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on December 26, 2017, and amended on January 18, 2018.

Applicant's Address: 590 Madison Avenue, 34th Floor, New York, New York 10022.

NorthStar Corporate Income Master Fund [File No. 811-23118]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 26, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$22,000 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on December 26, 2017, and amended on January 18, 2018.

Applicant's Address: 590 Madison Avenue, 34th Floor, New York, New York 10022.

Prospect Marketplace Lending Corporation [File No. 811-23204]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on January 4, 2018, and amended on January 11, 2018.

Applicant's Address: 10 East 40th Street, 42d Floor, New York, New York 10016.

Cushing MLP Infrastructure Fund I [File No. 811-22727]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Cushing Mutual Funds Trust and, on December 15, 2017, made a final distribution to its shareholders based on net asset value. Expenses of \$235,871 incurred in connection with the reorganization were paid by the applicant's adviser.

Filing Date: The application was filed on January 5, 2018.

Applicant's Address: 8117 Preston Road, Suite 440, Dallas, Texas 75225.

Cushing MLP Infrastructure Master Fund [File No. 811-23069]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 15, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$40,000 incurred in connection with the liquidation were paid by the applicant's adviser.

Filing Date: The application was filed on January 5, 2018.

Applicant's Address: 8117 Preston Road, Suite 440, Dallas, Texas 75225.

TSC UITs [File No. 811-22719]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On December 5, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on January 10, 2018.

Applicant's Address: 10 High Street, Suite 701, Boston, Massachusetts 02210.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2018-01904 Filed 1-30-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32993; 812-14858]

EquBot LLC and ETF Series Solutions

January 26, 2018.

AGENCY: Securities and Exchange Commission (“Commission”).

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c-1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(f) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies (“Funds”) to issue shares redeemable in large aggregations only (“Creation Units”); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (“NAV”); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (“Funds of Funds”) to acquire shares of the Funds; and (f) certain Funds (“Feeder Funds”) to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: EquBot LLC (the “Initial Adviser”), a Delaware limited liability company that, prior to relying on the relief requested, will be registered as an investment adviser under the Investment Advisers Act of 1940, ETF Series Solutions (the “Trust”), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series.

FILING DATES: The application was filed on December 22, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the

Commission’s Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 20, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090; Applicants: W. John McGuire, Esq., Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004-2541 and Michael D. Barolsky, Esq., U.S. Bancorp Fund Services, LLC, 615 E. Michigan Street, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: Deepak Pai, Senior Counsel, at (202) 551-6876, or Robert H. Shapiro, Branch Chief, at (202) 551-6821 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission’s website by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds (“ETFs”).¹ Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an “Authorized Participant”

¹ Applicants request that the order apply to the new series of the Trust as well as to additional series of the Trust and any other open-end management investment company or series thereof that currently exist or that may be created in the future (each, included in the term “Fund”), each of which will operate as an actively-managed ETF. Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each such entity and any successor thereto is included in the term “Adviser”) and (b) comply with the terms and conditions of the application. For purposes of the requested Order, the term “successor” is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions (“Portfolio Instruments”). Each Fund will disclose on its website the identities and quantities of the Portfolio Instruments that will form the basis for the Fund’s calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units only and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (“Deposit Instruments”), and shareholders redeeming their shares will receive specified instruments (“Redemption Instruments”). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund’s portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c-1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund’s prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage

opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Instruments and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are affiliated persons, or second-tier affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Instruments currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.²

² The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a

The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund ("Master Fund") beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(f) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018-01903 Filed 1-30-18; 8:45 am]

BILLING CODE 8011-01-P

Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32992; 812-14762]

FS Series Trust and FS Fund Advisor, LLC; Release No. 32992/January 25, 2018

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 15(a) of the Act and rule 18f-2 under the Act, as well as from certain disclosure requirements in rule 20a-1 under the Act, Item 19(a)(3) of Form N-1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6-07(2)(a), (b), and (c) of Regulation S-X ("Disclosure Requirements"). The requested exemption would permit an investment adviser to hire and replace certain sub-advisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the sub-advisers.

APPLICANTS: FS Series Trust (the "Trust"), a Delaware statutory trust registered under the Act as an open-end management investment company, and FS Fund Advisor, LLC (the "Advisor"), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (together with the Trust, the "Applicants").

FILING DATES: The application was filed on April 12, 2017 and amended on September 22, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 19, 2018, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. Applicants: 201 Rouse Boulevard, Philadelphia, PA 19112.

FOR FURTHER INFORMATION CONTACT: James Maclean, Senior Counsel, at (202) 551-7794, or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551-6768 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

Summary of the Application

1. The Advisor will serve as the investment adviser to the Subadvised Series pursuant to an investment advisory agreement with the Trust (each, an "Investment Management Agreement" and, collectively, the "Investment Management Agreements").¹ The Advisor will provide the Subadvised Series with continuous and comprehensive investment management services, subject to the supervision of, and policies established by, the Trust's board of trustees (the "Board"). The Investment Management Agreement permits the Advisor, subject to the approval of the Board, to delegate to one or more Sub-Advisors the responsibility to provide the day-to-day portfolio investment management of each Subadvised Series, subject to the supervision and direction of the Advisor.² The primary responsibility for

¹ Applicants request relief with respect to any future series and any other existing or future registered open-end management company or series thereof that intends to rely on the requested order and that: (a) is advised by the Advisor, or any person controlling, controlled by or under common control with the Advisor or its successors; (b) uses the multi-manager structure described in the application; and (c) complies with the terms and conditions of the application (each, a "Subadvised Series"). For purposes of the requested order, "successor" is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

² A "Sub-Advisor" for a Series is (1) an indirect or direct "wholly-owned subsidiary" (as such term is defined in the Act) of the Advisor for that Series, or (2) a sister company of the Advisor for that Series that is an indirect or direct "wholly-owned subsidiary" (as such term is defined in the Act) of the same company that, indirectly or directly, wholly owns the Advisor (each of (1) and (2) a "Wholly-Owned Sub-Advisor"), or (3) an investment sub-adviser for that Series that is not an "affiliated person" (as such term is defined in Section 2(a)(3) of the Act) of the Series or the Advisor, except to the extent that an affiliation

managing the Subadvised Series will remain vested in the Advisor. The Advisor will hire, evaluate, allocate assets to and oversee the Sub-Advisors, including determining whether a Sub-Advisor should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Advisor, subject to Board approval, to hire a Non-Affiliated Sub-Advisor or a Wholly-Owned Sub-Advisor, pursuant to Sub-Advisory Agreements and materially amend Sub-Advisory Agreements with Non-Affiliated Sub-Advisors and Wholly-Owned Sub-Advisors without obtaining the shareholder approval required under section 15(a) of the Act and rule 18f-2 under the Act.³ Applicants also seek an exemption from the Disclosure Requirements to permit a Subadvised Series to disclose (as both a dollar amount and a percentage of the Subadvised Series' net assets): (a) The aggregate fees paid to the Advisor and any Wholly-Owned Sub-Advisors; (b) the aggregate fees paid to Non-Affiliated Sub-Advisors; and (c) the fee paid to each Affiliated Sub-Advisor.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Subadvised Series' shareholders and notification about sub-advisory changes and enhanced Board oversight to protect the interests of the Subadvised Series' shareholders.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the application, the Investment Management Agreements will remain subject to shareholder approval while the role of the Sub-

arises solely because the Sub-Advisor serves as a sub-adviser to one or more Series (each a "Non-Affiliated Sub-Advisor").

³ The requested relief will not extend to any sub-adviser, other than a Wholly-Owned Sub-Advisor, who is an affiliated person, as defined in section 2(a)(3) of the Act, of the Subadvised Series or of its Advisor, other than by reason of serving as a sub-adviser to one or more of the Subadvised Series or to any existing or future registered open-end management company or series thereof advised by an Advisor ("Affiliated Sub-Advisor").

Advisors is substantially equivalent to that of individual portfolio managers, so that requiring shareholder approval of Sub-advisory Agreements would impose unnecessary delays and expenses on the Subadvised Series. Applicants believe that the requested relief from the Disclosure Requirements meets this standard because it will improve the Advisor's ability to negotiate fees paid to the Sub-Advisors that are more advantageous for the Subadvised Series.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-01834 Filed 1-30-18; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice: 10291]

Notice of Determinations: Culturally Significant Objects Imported for Exhibition Determinations: "Danh Vo: Take My Breath Away" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition "Danh Vo: Take My Breath Away," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Solomon R. Guggenheim Museum, New York, New York, from on or about February 9, 2018, until on or about May 9, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257-1 of December 11,

2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018-01845 Filed 1-30-18; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice: 10295]

Notice of Determinations: Culturally Significant Objects Imported for Exhibition Determinations: "Cézanne Portraits" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition "Cézanne Portraits," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, District of Columbia, from on or about March 25, 2018, until on or about July 1, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT:

Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257-1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018-01846 Filed 1-30-18; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 10290]

Bureau of International Security and Nonproliferation; Imposition of Missile Proliferation Sanctions on Two North Korean Entities

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that North Korean entities have engaged in activities that require the imposition of measures pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

DATES: *Applicable Date:* January 31, 2018.

FOR FURTHER INFORMATION CONTACT: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State (202-647-4930). On import ban issues, Susan Demske, Assistant Director for Regulatory Affairs, Department of the Treasury (202-622-4855). On U.S. Government procurement ban issues, Eric Moore, Office of the Procurement Executive, Department of State (703-875-4079).

SUPPLEMENTARY INFORMATION: Pursuant to Section 73(a)(1) of the Arms Export Control Act [22 U.S.C. 2797b(a)(1)]; Section 11B(b)(1) of the Export Administration Act of 1979 [50 U.S.C. app. 2410b(b)(1)], as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the "Export Administration Act of 1979"); and Executive Order 12851 of June 11, 1993, the U.S. Government determined on January 4, 2018 that the following foreign persons have engaged in missile technology proliferation activities that require the imposition of the sanctions described in Sections 73(a)(2)(B) and (C) of the Arms Export Control Act [22 U.S.C. 2797b(a)(2)(B) and (C)] and Sections 11B(b)(1)(B)(ii) and (iii) of the Export Administration Act of 1979 [50 U.S.C. app. 2410b(b)(1)(B)(ii) and (iii)] on these entities:

Chilsong Trading Corporation (North Korea) and its sub-units and successors. Korea Kuryonggang Trading Corporation (North Korea) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on these entities for two years:

(A) Denial of all new individual licenses for the transfer to the sanctioned entities of all items on the U.S. Munitions List and all items the export of which is controlled under the Export Administration Act;

(B) Denial of all U.S. Government contracts with the sanctioned entities; and

(C) Prohibition on the importation into the U.S. of all products produced by the sanctioned entities.

With respect to items controlled pursuant to the Export Administration Act of 1979, the above export sanction only applies to exports made pursuant to individual export licenses.

Additionally, because North Korea is a country with a non-market economy that is not a former member of the Warsaw Pact (as referenced in the definition of "person" in section 74(8)(B) of the Arms Export Control Act), the following sanctions shall be applied for two years to all activities of the North Korean government relating to the development or production of missile equipment or technology and all activities of the North Korean government affecting the development or production of electronics, space systems or equipment, and military aircraft:

(A) Denial of all new individual licenses for the transfer to the government activities described above of all items on the U.S. Munitions List;

(B) Denial of all U.S. Government contracts with the government activities described above; and

(C) Prohibition on the importation into the U.S. of all products produced by the government activities described above.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

C.S. Eliot Kang,

Acting Assistant Secretary of State for International Security and Nonproliferation.

[FR Doc. 2018-01852 Filed 1-30-18; 8:45 am]

BILLING CODE 4710-27-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-1998-4334; FMCSA-1999-5578; FMCSA-2000-8398; FMCSA-2001-9561; FMCSA-2003-14504; FMCSA-2003-14504; FMCSA-2003-15268; FMCSA-2005-20560; FMCSA-2005-21254; FMCSA-2007-27333; FMCSA-2007-27515; FMCSA-2007-27897; FMCSA-2007-28695; FMCSA-2008-0121; FMCSA-2009-0154; FMCSA-2011-0092; FMCSA-2011-0124; FMCSA-2011-0140; FMCSA-2011-0141; FMCSA-2013-0027; FMCSA-2013-0028; FMCSA-2013-0029; FMCSA-2013-0030; FMCSA-2014-0007; FMCSA-2014-0300; FMCSA-2014-0304; FMCSA-2015-0048; FMCSA-2015-0052; FMCSA-2015-0053; FMCSA-2015-0055]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 86 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before March 2, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-1998-4334; FMCSA-1999-5578; FMCSA-2000-8398; FMCSA-2001-9561; FMCSA-2003-14504; FMCSA-2003-14504; FMCSA-2003-15268; FMCSA-2005-20560; FMCSA-2005-21254; FMCSA-2007-27333; FMCSA-2007-27515; FMCSA-2007-27897; FMCSA-2007-28695; FMCSA-2008-0121; FMCSA-2009-0154; FMCSA-

2011-0092; FMCSA-2011-0124; FMCSA-2011-0140; FMCSA-2011-0141; FMCSA-2013-0027; FMCSA-2013-0028; FMCSA-2013-0029; FMCSA-2013-0030; FMCSA-2014-0007; FMCSA-2014-0300; FMCSA-2014-0304; FMCSA-2015-0048; FMCSA-2015-0052; FMCSA-2015-0053; FMCSA-2015-0055 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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>.

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds “such exemption would likely achieve a level of safety that is

equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 86 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 86 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (63 FR 66226; 64 FR 16517; 64 FR 27027; 64 FR 51568; 65 FR 78256; 66 FR 16311; 66 FR 30502; 66 FR 41654; 66 FR 41656; 66 FR 48504; 68 FR 13360; 68 FR 19598; 68 FR 33570; 68 FR 37197; 68 FR 44837; 68 FR 48989; 68 FR 54775; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 30999; 70 FR 41811; 70 FR 42615; 70 FR 46567; 70 FR 53412; 72 FR 12666;

72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 39879; 72 FR 40362; 72 FR 46261; 72 FR 52419; 72 FR 54972; 72 FR 62896; 74 FR 19270; 74 FR 20523; 74 FR 23472; 74 FR 26461; 74 FR 26464; 74 FR 34394; 74 FR 34395; 74 FR 34630; 74 FR 37295; 74 FR 41971; 74 FR 43221; 74 FR 43223; 74 FR 48343; 76 FR 25762; 76 FR 25766; 76 FR 32017; 76 FR 34135; 76 FR 34136; 76 FR 37168; 76 FR 37169; 76 FR 37885; 76 FR 40445; 76 FR 44652; 76 FR 50318; 76 FR 53708; 76 FR 53710; 76 FR 53710; 76 FR 54530; 76 FR 55463; 76 FR 55469; 78 FR 24798; 78 FR 26106; 78 FR 27281; 78 FR 32708; 78 FR 34140; 78 FR 34143; 78 FR 37270; 78 FR 41188; 78 FR 41975; 78 FR 46407; 78 FR 51269; 78 FR 52602; 78 FR 56986; 78 FR 56993; 78 FR 78477; 79 FR 4531; 79 FR 38659; 79 FR 53514; 80 FR 2473; 80 FR 14223; 80 FR 18693; 80 FR 26139; 80 FR 26320; 80 FR 29154; 80 FR 31640; 80 FR 33007; 80 FR 33009; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 37718; 80 FR 40122; 80 FR 44185; 80 FR 44188; 80 FR 48402; 80 FR 48404; 80 FR 48409; 80 FR 48411; 80 FR 49302; 80 FR 50915; 80 FR 50917; 80 FR 53383; 80 FR 62161; 80 FR 62163). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of September 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 78256; 66 FR 16311; 66 FR 30502; 66 FR 41654; 68 FR 13360; 68 FR 44837; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 72 FR 12666; 72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 40362; 74 FR 19270; 74 FR 23472; 74 FR 26461; 74 FR 26464; 74 FR 34395; 74 FR 34630; 76 FR 25762; 76 FR 25766; 76 FR 32017; 76 FR 34135; 76 FR 37168; 76 FR 37169; 76 FR 37885; 76 FR 44652; 76 FR 50318; 78 FR 24798; 78 FR 26106; 78 FR 27281; 78 FR 32708; 78 FR 34140;

78 FR 34143; 78 FR 37270; 78 FR 41188; 78 FR 41975; 78 FR 46407; 78 FR 51269; 78 FR 52602; 78 FR 56986; 78 FR 56993; 79 FR 4531; 79 FR 38659; 79 FR 53514; 80 FR 2473; 80 FR 14223; 80 FR 18693; 80 FR 26139; 80 FR 26320; 80 FR 29154; 80 FR 31640; 80 FR 33007; 80 FR 33009; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 37718; 80 FR 40122; 80 FR 44185; 80 FR 44188; 80 FR 48404; 80 FR 48409; 80 FR 50917; 80 FR 62161; 80 FR 62163);

Robert D. Arkwright (MS)
 Roger Bell (IL)
 Phillip J. Boes (MN)
 Dale E. Bunke (ID)
 Daniel G. Cohen (VT)
 Jeffrey W. Cotner (OR)
 Jeffrey S. Daniel (VA)
 John J. Davis (SC)
 Roy H. Degner (IA)
 David S. Devine (ID)
 John C. Dimassa (WA)
 Mark J. Dufresne (NH)
 Donnie H. Eagle (WV)
 Dennis C. Edler (PA)
 Steven G. Garrett (CA)
 Eric M. Grayson (KY)
 William K. Gullett (KY)
 David A. Hayes (GA)
 John T. Johnson (NM)
 Jay D. Labrum (UT)
 Spencer E. Leonard (OH)
 Brian P. Millard (SC)
 Gonzalo Pena (FL)
 Richard E. Perry (CA)
 Timothy J. Slone (KY)
 Hoyt V. Smith (SC)
 Dennis W. Stubrich (PA)
 Lee T. Taylor (FL)
 Michael J. Thane (OH)
 Jon C. Thompson (TX)
 James L. Tinsley, Jr. (VA)
 George F. Treece (IL)
 Harlon C. VanBlaricom (MN)
 Jeff L. Wheeler (IA)
 Zachary J. Workman (ID)

The drivers were included in the following docket numbers: FMCSA–2000–8398; FMCSA–2001–9561; FMCSA–2005–20560; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2009–0121; FMCSA–2011–0092; FMCSA–2011–0140; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2014–0007; FMCSA–2014–0300; FMCSA–2014–0304; FMCSA–2015–0048; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055. Their exemptions are applicable as of September 6, 2017, and will expire on September 6, 2019.

As of September 7, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision

requirements (76 FR 34136; 76 FR 37169; 76 FR 50318; 76 FR 55463; 78 FR 78477; 80 FR 50915):

Charles E. Carter (MI)
 James A. Ellis (NY)
 Dale L. Giardine (PA)
 Peter M. Shirk (PA)

The drivers were included in docket numbers: FMCSA–2011–0124; FMCSA–2011–0140. Their exemptions are applicable as of September 7, 2017, and will expire on September 7, 2019.

As of September 13, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (76 FR 34136; 76 FR 37169; 76 FR 50318; 76 FR 55463; 78 FR 78477; 80 FR 50915):

John A. Bridges (GA)
 Brian W. Curtis (IL)
 Tomie L. Estes (MO)
 Ray C. Johnson (AR)
 James J. Mitchell (NC)
 Andrew M. Nurnberg (GA)
 Joshua R. Perkins (ID)
 Craig R. Saari (MN)
 Jerry L. Schroder (IL)
 Larry D. Steiner (MN)

The drivers were included in docket numbers: FMCSA–2011–0124; FMCSA–2011–0140. Their exemptions are applicable as of September 13, 2017, and will expire on September 13, 2019.

As of September 16, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 41975; 78 FR 52602; 78 FR 56986; 80 FR 48411):

Carl Block (NY)
 Christopher Brim (TN)
 John Camp (GA)
 Ralph Carr (PA)
 Phyllis Dodson (IN)
 Juan M. Guerrero (TX)
 Berl C. Jennings (VA)
 Udum Khamsoxsavath (WA)
 Vincent Marsee, Sr. (NC)
 Jerome Paintner (ND)
 David Snellings (MD)

The drivers were included in docket numbers: FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030. Their exemptions are applicable as of September 16, 2017, and will expire on September 16, 2019.

As of September 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 41975; 78 FR 52602; 78 FR 56986; 80 FR 48411):

Michael K. Adams (OH)
 Eleazar R. Balli (TX)
 Darrell W. Bayless (TX)
 Lloyd D. Burgess (OH)
 Clifford D. Carpenter (MO)
 Cecil A. Evey (ID)
 Kamal A. Gaddah (OH)
 Eric M. Kousgaard (NE)
 James F. McMahon, Jr. (NH)
 Samuel A. Miller (IN)
 Larry T. Rogers (IL)
 Marcial Soto-Rivas (OR)
 Boyd D. Stamey (NC)
 David C. Sybesma (ID)
 Matthew K. Tucker (MN)

The drivers were included in docket numbers: FMCSA–2003–14504; FMCSA–2005–20560; FMCSA–2009–0154; FMCSA–2011–0124. Their exemptions are applicable as of September 22, 2017, and will expire on September 22, 2019.

As of September 23, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (64 FR 27027; 64 FR 51568; 66 FR 48504; 68 FR 19598; 68 FR 33570; 68 FR 37197; 68 FR 48989; 68 FR 54775; 70 FR 30999; 70 FR 42615; 70 FR 46567; 70 FR 53412; 72 FR 39879; 72 FR 52419; 72 FR 62896; 74 FR 43221; 76 FR 53708; 78 FR 78477; 80 FR 53383):

Linda L. Billings (NV)
 Weldon R. Evans (OH)
 Orasio Garcia (TX)
 Leslie W. Good (OR)
 James P. Guth (PA)
 Gregory K. Lilly (WV)
 Kenneth A. Reddick (PA)
 Leonard Rice, Jr. (GA)
 James T. Sullivan (KY)

The drivers were included in docket numbers: FMCSA–1999–5578; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–21254; FMCSA–2007–27897. Their exemptions are applicable as of September 23, 2017, and will expire on September 23, 2019.

As of September 27, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (72 FR 46261; 72 FR 54972; 74 FR 43223; 76 FR 40445; 76 FR 53710; 76 FR 55469; 78 FR 78477):

Joe M. Flores (NM)
 Kenneth D. Perkins (NC)

The drivers were included in docket numbers: FMCSA–1999–5578; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–21254; FMCSA–2007–27897. Their exemptions are applicable as of September 27, 2017, and will expire on September 27, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 86 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: January 25, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–01938 Filed 1–30–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2017–0252]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt two individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on December 28, 2017. The exemptions expire on December 28, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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>.

II. Background

On November 27, 2017, FMCSA published a notice announcing receipt of applications from two individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public 82 FR 56108. The public comment period ended on December 27, 2017, and zero comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received zero comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the

Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the November 27, 2017 **Federal Register** notice 82 FR 56108 and will not be repeated in this notice.

These two applicants have been seizure-free over a range of 11 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the

two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the two exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above: David W. Pamperin (WI); Sury L. Seijas (CT).

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: January 19, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-01933 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0407]

Agency Information Collection Activities; Approval of a New Information Collection Request: National Consumer Complaint Database

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

¹ See http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. This new collection of information is for the National Consumer Complaint Database (NCCDB), which is an online interface allowing consumers, drivers and others to file complaints against unsafe and unscrupulous motor carriers and/or their employees. The NCCDB also allows complaints to be filed about shippers, receivers and transportation intermediaries. Complaints cover a wide range of issues, including but not limited to safety, driver harassment, coercion, movement of household goods (HHG), financial responsibility instruments for brokers and freight forwarders, and Americans with Disabilities Act (ADA) complaints.

DATES: Please send your comments by March 2, 2018. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2016–0407. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to oir_submission@omb.eop.gov, or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: James Dubose, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: (215) 656–7259; Email: james.dubose@dot.gov. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Federal Register Notice and Summary of Public Comment Received

On November 29, 2016, FMCSA published a notice in the **Federal**

Register announcing a new Information Collection Request (ICR) pertaining to the National Consumer Complaint Database (NCCDB). 81 FR 86068 (November 29 Notice). FMCSA sought public comment on the ICR, including (1) input on whether the proposed collection is necessary to support the agency’s mission, (2) comments on the accuracy of the agency’s burden estimates, (3) suggestions for improving the quality, utility and clarity of the collected information and (4) ideas on how the agency can minimize the collection burden without sacrificing the usefulness of the collected information.

On January 30, 2017, the Owner Operator Independent Drivers Association, Inc. filed a comment (OOIDA Comments) in response to the November 29 Notice.¹ In its comments, OOIDA acknowledged that “the ICR is necessary for the Agency to perform its mission. . . .” OOIDA Comments, at 1. However, OOIDA indicated that FMCSA “must enhance the quality of the collected information, and thereby improve the effectiveness of the NCCDB, by addressing (1) the overall administration of the program, (2) the name of the program, and (3) the inefficiencies of the online portal.” *Id.* Moreover, OOIDA raised concerns about the agency’s response to complaints, follow-up with drivers after the filing of complaints and consistency and efficiency in complaint handling. *Id.* at 1–2. Finally, while OOIDA understood that estimates associated with coercion complaints could not be included in this ICR, it indicated that it “is aware of coercion complaints submitted to the NCCDB and recommends the Agency work quickly to include such data in future renewals for the NCCDB.” *Id.* at 9.

More specifically, OOIDA’s comment consists of the following sections: (A) Coercion complaint example, (B) Confirmation and tracking must be provided, (C) NCCDB Name, (D) The inefficiencies of the online portal and (E) Other Concerns. *Id.* at 2–9. FMCSA will address each section of OOIDA’s comments and provide its response.

A. Coercion Complaint Example

OOIDA provided an example of a coercion² complaint which was entered

¹ Comments of the Owner Operator Independent Drivers Association, Inc.; In Response to an Agency Information Collection Request; National Consumer Complaint Database. No other comments have been filed in the docket.

² The Coercion rule prohibits motor carriers, shippers, receivers, or transportation intermediaries or their respective agents, officers or representatives from threatening drivers with loss of work or other

into the NCCDB by a member of their association. *Id.* at 2–3. In its comments, OOIDA raised concerns with FMCSA’s processing of the complaint. It indicated that “the Agency lacks the proper mechanisms to accurately track the status of a complaint, and second, that the Agency lacks appropriate measures to ensure that a vacant position does not lead to the improper management of a filed complaint.” *Id.* at 3. FMCSA agrees with OOIDA that complaints need to be tracked and that complaints must be properly handled despite any staffing issues. In this particular situation, FMCSA determined that the tracking issues resulted from the complainant’s initial filing of the complaint. To address the initial concern from OOIDA, FMCSA manually updated the NCCDB to include the coercion complaint. Ultimately, an FMCSA field office addressed the complaint.

B. Confirmation and Tracking Must Be Provided

In its comments, OOIDA indicates that “[o]ften times, driver do not receive a tracking number and are unaware of the status of their grievances.” *Id.* at 3. OOIDA argues that “[t]he Agency should provide a confirmation that the complaint has been accepted as well as a specific tracking number or other case identifier to assist with follow-up.” *Id.* at 4.

FMCSA has resolved OOIDA’s concerns. Once a complaint is submitted, the system will assign and display the Complaint Identification Number and provide an option to print the complaint.

C. NCCDB Name

OOIDA indicates that the term “National Consumer Complaint Database” is causing confusion about the types of complaints that can be filed. OOIDA argues that the title does not support the Agency’s safety mandate. *Id.* at 4–5. OOIDA submits that FMCSA can improve its outreach to drivers about the NCCDB to make “sure they are aware that the NCCDB is a beneficial tool that can promote safety and eliminate bad actors from the industry. OOIDA would look forward to working with and helping the Agency achieve this objective.” *Id.* at 5.

FMCSA is open to considering a name change for the complaint database. Given that many stakeholders file

adverse employment actions or taking action to punish drivers for refusing to operate a commercial motor vehicle in violation of certain provisions of the Federal Motor Carrier Safety Regulations, Hazardous Materials Regulations, and Federal Motor Carrier Commercial Regulations. 80 FR 74695 (Nov. 30, 2015).

complaints, such a name would need to cover complaints from all stakeholders. FMCSA looks forward to working with OOIDA on outreach to drivers about the NCCDB.

D. The Inefficiencies of the Online Portal

OOIDA provides recommendations for modifications to the NCCDB online portal. According to OOIDA, “[t]hese changes would improve the portal’s efficiency and the overall experience for the user.” *Id.* at 5.

Sequence of Information

OOIDA states a typical OOIDA member would select the category of “Driver” to file a complaint on the NCCDB home page. OOIDA also states the home page does not clarify the heading of “Truck Complaint” or its category for “Truck Safety.” OOIDA states a driver could follow the prompts and spend considerable time typing an incident description to discover they did not select the correct category. This could result in a driver giving up on the complaint filing process. *Id.* at 5–6.

FMCSA acknowledges OOIDA’s concern and will work to improve future releases of the NCCDB system to address the issue.

Knowledge of DOT Number

OOIDA states that it is problematic for a driver to know the USDOT number of a motor carrier when attempting to file a complaint. It states that if the individual does not know the USDOT number of the entity he/she is filing against, the next step may be to enter the Company Information. OOIDA explains that upon completing the relevant information, the logical step would be to click the “NEXT” button. However, it states the required action is to click “Add Company” and suggests this sequence implies that a driver enter another company. OOIDA recommends changing this language to “Select this Company” or “Use This Company Information” as the next logical step. OOIDA further suggests that the heading “Complaint on Carrier(s)” be changed to “Company You Have Entered” or some similar language. *Id.* at 6.

FMCSA acknowledges the proposed amendments to the language and agrees with the recommendations. FMCSA will work with OOIDA on its suggestions and make the changes referenced above in a future release of the NCCDB.

Lack of Consistent Language

OOIDA states the language in the NCCDB is inconsistent in the complaint filing process. At one step, the term “Company Information” is used;

however, in the next step, the term “Complaint on Carrier(s)” is used. *Id.* at 6. According to OOIDA, since complaints could also involve brokers, the term “Company Information” is the most appropriate choice. *Id.* at 6–7.

FMCSA looks forward to working with OOIDA on its suggestions and will incorporate this recommendation in a future release of the website.

Selecting the Company

OOIDA points out a number of issues associated with a complainant searching the NCCDB by USDOT number. In particular, OOIDA points out that redundant information appears after a complainant clicks on the “Select” option after the search result appears. OOIDA recommends that the heading “You Have Selected” followed by the company name and associated information be substituted for the redundant information. *Id.* At 7.

FMCSA accepts this recommendation and will incorporate in a future release of the NCCDB. The Agency is also committed to working with OOIDA on other concerns it raises in this portion of its comments.

Acceptable Media Files

While OOIDA notes that the NCCDB permits “a variety of file types to be uploaded, it is missing critical file types such as MP4 video.” *Id.* at 7. Moreover, OOIDA raises a concern that FMCSA’s 10-megabyte file size limit is too low. According to OOIDA, “[u]sing common smart phones, OOIDA staff found that a video would exceed 10 megabytes after only 6 seconds of footage.” *Id.* at 8.

FMCSA has updated its capabilities to accommodate up to 20-megabyte file sizes and video formats that are compatible with NCCDB software.

Back Button Warning

OOIDA notes that a “Back Button Warning” should be displayed when individuals file complaints in the NCCDB. Presently, when the back button is used, it returns the filer to the home page and the individual must reenter their complaint. *Id.*

FMCSA accepts OOIDA’s suggestion to include a “Back Button Warning” and will include this change in a future release of the NCCDB.

Conditional Logic is Needed

OOIDA indicates that when a complaint is being entered, the NCCDB should not allow the complainant to continue in the online process if any fields remain blank. A process such as this would have notified their member to complete the online process for a successful submission of the complaint.

Id. FMCSA acknowledges OOIDA’s comments and implemented updates to the NCCDB that corrects this issue.

Ample Time

OOIDA states that one of the NCCDB’s stronger points is the ample time allowed before a user is automatically logged out of a session when there is a pause in data input. *Id.* at 8.

FMCSA will continue to maintain the current login time for entering complaints.

E. Other Concerns

OOIDA expresses concern that the ICR states, “[t]here is no complaint history for the recently added coercion and harassment complaint categories, or for complaints regarding financial responsibility instruments for brokers and/or freight forwarders.” *Id.* at 9. In response to the Agency’s statement in the November 29 Notice that “[t]his data will be collected and included in future renewals for the NCCDB,” 81 FR at 86069, OOIDA indicates that it “recommends the Agency work quickly to include such data in future renewals for the NCCDB.”

FMCSA did not have data to provide in the November 29 Notice. The coercion, harassment, and the financial responsibility categories were, at that time, only recently added. However, in Fiscal Year 2016, complainants filed complaints in the NCCDB as follows: 362 financial responsibility; 96 harassment; and 224 coercion. This 2016 data is included in the cost calculation.

Background

The FMCSA maintains online information and resources to assist drivers, others in the motor carrier industry and members of the public in filing safety complaints regarding HHG carriers, hazardous materials (HM) carriers, property carriers, cargo tank facilities, and passenger carriers. There is also information pertaining to the filing of complaints regarding brokers, freight forwarders, and financial responsibility. Finally, there is information regarding consumer complaints, particularly regarding HHG transportation and ADA compliance. This online interface is known as the NCCDB. When effectively applied, the NCCDB can contribute to safer motor carrier operations on our nation’s highways and improved consumer protection.

The NCCDB grew out of a telephone hotline known as the Safety Violation Hotline Service. Congress mandated this hotline in Section 4017 of the “Transportation Equity Act of the 21st

Century,” Public Law 105–178, 112 Stat. 107, June 9, 1998. The Motor Carrier Safety Improvement Act of 1999, Public Law 106–159, 113 Stat. 1748, December 9, 1999, created the FMCSA and section 213 of the Act expanded the Safety Violation Hotline Service to include a 24-hour operation. On August 10, 2005, Congress enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA–LU), Public Law 109–59, 119 Stat. 1144. Section 4214 of SAFETEA–LU requires DOT to create a system to record and log aggregate complaint information regarding violations of the Federal Motor Carrier Safety Regulations.

The NCCDB fulfills the requirements of these mandates. Complaints will be accepted through the NCCDB in connection with other statutory mandates, including, but not limited to, protection of drivers against harassment and coercion under sections 32301(b) and 32911, respectively, of the Moving Ahead for Progress in the 21st Century Act, Public Law 112–141, 126 Stat. 405. The NCCDB will also accept complaints from interested parties regarding third party intermediaries (brokers and freight forwarders) and their associated financial responsibility instruments.

Title: National Consumer Complaint Database OMB Control Number: 2126–NEW.

Type of Request: New information collection.

Respondents: Consumers, Drivers, and Others, Participants in the Motor Carrier Industry.

Estimated Number of Respondents: 12,165 respondents [8,030 Moving Complaint respondents + 3,449 Truck Complaint respondents + 685 Bus Complaint respondents].

Estimated Time per Response: 15 Minutes.

Expiration Date: N/A. This is a new information collection.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 3,041 hours [8,030 Moving Complaint respondents × 15 minutes = 2,008 hours; 3,449 Truck Complaint respondents × 15 minutes = 863 hours; 685 Bus Complaint respondents × 15 minutes = 171 hours].

Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the

burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: January 23, 2018.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–01941 Filed 1–30–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0176]

Parts and Accessories Necessary for Safe Operation; Daimler Trucks North America LLC Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant Daimler Trucks North America LLC’s (DTNA) application for a limited 5-year exemption allowing motor carriers operating commercial motor vehicles (CMVs) manufactured by the company to use an Attention Assist and Lane Departure Warning system camera mounted lower in the windshield than is currently permitted. The Agency has determined that lower placement of the Attention Assist and Lane Departure Warning system camera would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would achieve a level of safety equivalent to or greater than the level of safety provided by the regulation.

DATES: This exemption is effective February 1, 2018 and ending January 31, 2023.

FOR FURTHER INFORMATION CONTACT: Mr. Jose R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to www.regulations.gov at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey

Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The online Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) [Pub. L. 105–178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

DTNA’s Application for Exemption

DTNA applied for an exemption from 49 CFR 393.60(e)(1) to allow an Attention Assist and Lane Departure Warning system camera to be mounted lower in the windshield than is currently permitted by the Agency’s regulations in order to utilize a mounting location that allows optimal functionality of the system camera. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1)(i) of the FMCSRs prohibits the obstruction of the driver’s field of view by devices mounted on the

interior of the windshield. Antennas and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield, and outside the driver's sight lines to the road and highway signs and signals. However, § 393.60(e)(1)(i) does not apply to vehicle safety technologies, as defined in § 393.5, that include "a fleet-related incident management system, performance or behavior management system, speed management system, forward collision warning or mitigations system, active cruise control system, and transponder." Section 393.60(e)(1)(ii) requires devices with safety technologies to be mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers; or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and (3) outside the driver's sight lines to the road and highway signs and signals.

DTNA states that the exemption, in addition to providing attention assist and lane departure warning functions, would allow DTNA to enable additional safety features in the future that will provide further safety benefits such as traffic sign recognition, active lane keeping, video capture, and intelligent headlight control. DTNA states that the Attention Assist and Lane Departure Warning system camera will become a critical enabler for future technology such as autonomous vehicles. The camera housing is approximately 102 mm (4.01 inches) wide by 177 mm (6.97 inches) tall, and will be mounted in the approximate center and near the top of the windshield with the bottom edge of the camera system approximately 8.5 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's (and passenger's) normal sight lines to the road ahead, highway signs and signals, and all mirrors. This location will allow for the optimal functionality of the advanced safety systems supported by the camera. DTNA states that mounting the camera in this location does not significantly obstruct the Federal Motor Vehicle Safety Standard No. 104, "*Windshield wiping and washing systems*," specified zones A, B, or C for passenger cars of 1730 or more mm overall width.¹

DTNA has installed prototype camera housings in fifteen DTNA conventional type vehicles and assessed the impact of the camera on driver and passenger visibility on over 50 CDL drivers and over 900,000 miles. This includes over-the-road mileage accumulation through

a mixture of mountain, freeway, highway, and city routes. DTNA states that all drivers and passengers agreed that there was no noticeable obstruction to the normal sight lines to the road ahead, highway signs, signals, or any mirrors.

Without the proposed exemption, DTNA states that the customer will be unable to use Attention Assist and Lane Departure Warning system cameras on DTNA commercial motor vehicles due to concerns that (1) its "customers may be in violation of the current regulation," and (2) "the camera will not perform adequately to provide the safety benefit intended by the systems."

The exemption would apply to all CMV operators driving DTNA vehicles with the Attention Assist and Lane Departure Warning systems camera installed. DTNA believes that mounting the Attention Assist and Lane Departure Warning system camera within 7 inches below the upper edge of the windshield will allow for optimal functionality of the advance safety systems while providing visibility of the road ahead, highway signs, signals, and all mirrors.

Comments

FMCSA published a notice of the application in the **Federal Register** on June 26, 2017, and asked for public comment (82 FR 28930). No comments were received.

FMCSA Decision

The FMCSA has evaluated the DTNA exemption application. The Attention Assist and Lane Departure Warning system camera is approximately 7 inches tall, and is mounted near the top of the center of the windshield with the bottom of the camera system located approximately 8.5 inches below the top of the area swept by the windshield wipers. The camera system needs to be mounted in this location to properly perform its functions of monitoring the driver and the roadway for lane markings. The size of the camera system precludes mounting it (1) higher in the windshield, and (2) within 4 inches from the top of the area swept by the windshield wipers to comply with § 393.60(e)(1)(ii)(A).

The Agency believes that granting the temporary exemption to allow the placement of the Attention Assist and Lane Departure Warning system camera lower than currently permitted by the Agency's regulations will provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the Attention Assist and Lane Departure

Warning system camera would obstruct drivers' views of the roadway, highway signs and surrounding traffic; (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver, and any impairment of available sight lines would be minimal; and (3) the mounting location 8.5 inches below the top of the area swept by the windshield wipers and out of the driver's normal sightline will be reasonable and enforceable at roadside. In addition, the Agency believes that the use of Attention Assist and Lane Departure Warning system cameras by fleets is likely to improve the overall level of safety to the motoring public.

This action is consistent with previous Agency action permitting the placement of similarly-sized devices on CMVs outside the driver's sight lines to the road and highway signs and signals. FMCSA is not aware of any evidence that the installation of other vehicle safety technologies mounted on the interior of the windshield has resulted in any degradation in safety.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning January 31, 2018 and ending January 31, 2023. During the temporary exemption period, motor carriers will be allowed to operate CMVs manufactured by DTNA equipped with the Attention Assist and Lane Departure Warning system camera mounted in the approximate center of the windshield such that the bottom edge of the camera is not more than 8.5 inches below the top of the area swept by the windshield wipers and outside the driver's sight lines to all mirrors, highway signs, signals, and view of the road ahead. The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating DTNA CMVs equipped with the Attention Assist and Lane Departure Warning system camera are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being

¹ FMVSS No. 104 does not specify minimum swept areas for trucks and buses.

compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Issued on: January 25, 2018.

Cathy F. Gautreaux,

Deputy Administrator.

[FR Doc. 2018-01943 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-FMCSA-2017-0326]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillators

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from seven individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against operation of a commercial motor vehicle (CMV) by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive heart failure. If granted, the exemptions would enable these individuals with implantable cardioverter defibrillators (ICDs) to operate CMVs in interstate commerce.

DATES: Comments must be received on or before March 2, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-FMCSA-2017-0326 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the

online instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov>, at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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 records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from

the FMCSRs for a five-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The seven individuals listed in this notice have requested an exemption from 49 CFR 391.41(b)(4). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard found in 49 CFR 391.41(b)(4) states that a person is physically qualified to drive a CMV if that person has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section D. *Cardiovascular: § 391.41(b)(4)*, paragraph 4.] The advisory criteria states that ICDs are disqualifying due to risk of syncope.

II. Qualifications of Applicants

Frank D’Ercole

Mr. D’Ercole is a 77 year old CDL holder in New Jersey. An October 30, 2017 letter from his cardiologist states that his ICD was implanted in June 2017 and that since that time he he has had no event on his AICD implant. His exercise test in May 2017 showed good exercise capacity.

Myles Goodwin

Mr. Goodwin is a 54 year old driver in New Hampshire. A May 2017 letter from his cardiologist states that his ICD was implanted in February 2015 and at the time of the letter had not deployed.

¹ See http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-FappA.pdf>.

As of February 2017, his cardiac issues were well controlled.

Cody Hairr

Mr. Hairr is a 23 year old driver in North Carolina. Medical documentation from his cardiologist dated September 2017 and a cardiologist letter without a date indicates that his ICD was implanted in 2013 and has not discharged since it was implanted. The letter states that he has no dizziness, lightheadedness, palpitations, chest pain, undue shortness of breath, exercise intolerance or syncope since ICD placement. His cardiologist states that from a cardiac standpoint, we have not limited [him] from any activities or concerns related to syncope.

Dennis R. Pickett

Mr. Pickett is a 78 year old Class A CDL holder in Indiana. An April 2017 letter from his cardiologist indicates that his permanent pacemaker was upgraded to a biventricular automatic implantable cardioverter defibrillator in February 2017 and has not deployed since that time. His cardiologist states that Mr. Pickett has not reported any syncopal episodes and that he plans to follow up visits for him every three months.

William E. Richardson, Jr.

Mr. Richardson is a 55 year old driver in Michigan. A December 20, 2017 letter from his cardiologist states that Mr. Richardson underwent ICD implant in August 2017 and that he has no history of ICD being deployed. At his last visit in November 2017 he had had almost complete resolution of symptoms and showed no arrhythmias since implant.

Terry Stephens

Mr. Stephens is a 54 year old Class A CDL holder in Virginia. An August 2017 letter from his cardiologist states that his biventricular ICD was implanted in April 2015. The cardiologist's letter also states that Mr. Stephens does not have symptoms related to his underlying condition, has not had any episodes of loss of consciousness, has an ejection fraction of 45 per cent on echocardiogram, and is NYHA class I symptomatically.

Jeffrey A. Weiner

Mr. Weiner is a 56 year old driver in Minnesota. A May 2017 letter from his cardiologist states that his ICD was implanted in July 2014, has not deployed since it was implanted, and is now asymptomatic. The letter states that his current underlying heart condition is well compensated.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2017-0326 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2017-0326 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: January 25, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-01937 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-2014-0382; FMCSA-2015-0115; FMCSA-2015-0119]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on December 16, 2017. The exemptions expire on December 16, 2019. Comments must be received on or before March 2, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket Nos. FMCSA-2014-0382; FMCSA-2015-0115; FMCSA-2015-0119 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington,

DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- Fax: 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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>.

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining

whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The six individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the six applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The six drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver’s License (CDL) holders, the Commercial Driver’s License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver’s Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver’s ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of December 16, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals

have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Robert J. Forney (WI)
Curtis A. Hartman (MD)
Wendell F. Headley, Jr. (MO)
Michael W. Ketchum (MI)
Marion F. Legg, Jr. (MD)
Chance J. O’Mary (AK)

The drivers were included in docket numbers FMCSA-2014-0382; FMCSA-2015-0115; FMCSA-2015-0119. Their exemptions are applicable as of December 16, 2017, and will expire on December 16, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file, or keep a copy of his/her driver’s qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the six exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: January 24, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-01934 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA 2015-0118]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for three individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on October 22, 2017. The exemptions expire on October 22, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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>.

II. Background

On November 27, 2017, FMCSA published a notice announcing its decision to renew exemptions for three individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (82 FR 56106). The public comment period ended on December 27, 2017 and zero comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received zero comments in this preceding.

IV. Conclusion

Based upon its evaluation of the three renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41 (b)(8): Joshua Abel, (MD); Jeremy H. Fryburg, (PA); and Anthony E. Martens, (SD).

The drivers were included in docket number FMCSA-2015-0118. Their exemptions are applicable as of October

22, 2017, and will expire on October 22, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: January 25, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-01935 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0002]

Hours of Service of Drivers: Electronic Logging Devices; Application for Exemption; Old Dominion and Other Motor Carriers Experiencing Problems Integrating PeopleNet ELD System Updates Into Their Fleet Management Systems

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Old Dominion Freight Line Inc. (Old Dominion) has requested an exemption from the electronic logging device (ELD) requirements. Old Dominion request this exemption to allow the company to install ELD devices running on automatic on-board recording device (AOBRD) software in commercial motor vehicles (CMVs) added to the company's fleet for up to one year from the December 18, 2017, ELD mandate compliance date. If granted, this modified ELD phase-in period will allow Old Dominion's AOBRD/ELD provider, PeopleNet, to complete the development of the software necessary to integrate ELD data with the company's fleet management and safety systems to fully meet the ELD mandate. FMCSA considers the request to be on behalf of all motor carriers in similar situations concerning the integration of PeopleNet's ELD software into fleet management systems.

DATES: Comments must be received on or before March 2, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2018–0002 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment.

Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: 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 www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2018–0002), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to www.regulations.gov and put the docket number, “FMCSA–2018–0002” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and,

if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Old Dominion, USDOT 90849, reports that it is an interstate motor carrier based in North Carolina with 228 Service Centers located throughout the country. Its operations cover the entire continental United States. The company is one of the largest less-than-truckload carriers in the country, operating a fleet of more than 8,500 power units and employing more than 10,100 CMV drivers.

Old Dominion began equipping its vehicles with PeopleNet AOBDRs in 2010, and by 2011 the entire fleet was equipped with devices which meet the requirements of 49 CFR 395.15. Data from the AOBDRs feed directly into the company’s fleet management and safety systems, enabling its dispatchers to know precisely where each of its drivers is at any given time and how many hours he/she has available under the Federal hours-of-service rules. This functionality is not required by the AOBDR rules under 49 CFR 395.15 or the ELD requirements under Subpart B of 49 CFR art 395.

Currently, the PeopleNet AOBDR software allows carriers to configure certain specifications. If the settings were not adjustable, the PeopleNet AOBDR would be similar to, but not identical to the FMCSA’s ELD technical specifications. Old Dominion has configured its settings in the PeopleNet AOBDRs it uses. However, certain AOBDR software changes must be made by PeopleNet, including:

- Disabling the “skip feature;”
- Limiting the auto-duty status change threshold to 5 miles; and
- Limiting geo-fencing of yard time to 0.5 miles.

When these changes are fully implemented, the PeopleNet system used by Old Dominion would meet the ELD requirements according to Old Dominion.

IV. Request for Exemption

Old Dominion is requesting a one-year exemption to permit the company to install and use ELD hours-of-service recording devices (*i.e.*, hardware) running PeopleNet’s AOBDR software that meets the requirements of 49 CFR 395.15, rather than ELD software that meets the requirements of subpart B to

part 395, for any truck added to its fleet on or after December 18, 2017, until the company's full transition to ELDs can be accomplished. Old Dominion explained that the exemption would provide the company time to work with its AOB RD/ELD provider, PeopleNet, to complete the development of the software necessary to integrate ELD data with Old Dominion's fleet management and safety systems. The integration of the hours-of-service data with the fleet management and safety systems would enable the company to achieve a high level of safety oversight of its drivers.

FMCSA considers the request to be on behalf of all motor carriers in similar situations concerning the integration of PeopleNet's ELD software into fleet management systems.

Old Dominion explained that all of the PeopleNet AOB RD and ELD hardware currently installed in Old Dominion's vehicles, and the systems that will be installed in the near future, would satisfy the ELD mandate after the company implements the transition to PeopleNet's December 15, 2017, release. However, the new PeopleNet release does not include the necessary means to integrate into Old Dominion's fleet management and safety software.

A copy of Old Dominion's application for exemption is available for review in the docket for this notice.

Issued on: January 23, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-01939 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-2010-0203; FMCSA-2011-0389; FMCSA-2012-0050; FMCSA-2012-0294; FMCSA-2012-0094; FMCSA-2014-0382; FMCSA-2015-0116; FMCSA-2015-0117]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 10 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely

to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 13, 2017. The exemptions expire on August 13, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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>.

II. Background

On November 27, 2017, FMCSA published a notice announcing its decision to renew exemptions for 10 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (82 FR 56110). The public comment period ended on December 27, 2017 and zero comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or

greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received zero comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 10 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8):

Eric J. Barnwell (MI)
John W. Boerth (WI)
Don C. Darbyshire (IA)
Todd A. Davis (WI)
Daniel Dellaserra (CA)
Charles T. Gray (OK)
Eric A. Hilmer (WI)
David Kietzman (WI)
Dennis Klamm (MN)
Brian J. Wiggins (ID)

The drivers were included in docket numbers FMCSA-2010-0203; FMCSA-2011-0389; FMCSA-2012-0050; FMCSA-2012-0294; FMCSA-2012-0094; FMCSA-2014-0382; FMCSA-2015-0116; FMCSA-2015-0117. Their exemptions are applicable as of August 13, 2017, and will expire on August 13, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: January 23, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-01932 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2018-0010]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel S/V LOBO; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 2, 2018.

ADDRESSES: Comments should refer to docket number MARAD-2018-0010. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel S/V LOBO is:

—*Intended Commercial Use of Vessel:*

“Day sails, sunset sails, snorkeling and term charters”

—*Geographic Region:* “Massachusetts, Florida, Puerto Rico”

The complete application is given in DOT docket MARAD-2018-0010 at

<http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Maritime Administrator.

Dated: January 26, 2018.

T. Mitchell Hudson, Jr.,

Secretary Maritime Administration.

[FR Doc. 2018-01863 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2018-0007]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MOMENT; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 2, 2018.

ADDRESSES: Comments should refer to docket number MARAD-2018-0007. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MOMENT is:

—*Intended Commercial use of Vessel:*

“Sailing Charters for up to six guests”

—*Geographic Region:* “Massachusetts, Maine, Rhode Island, Connecticut, New York, South Carolina, Florida”

The complete application is given in DOT docket MARAD-2018-0007 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver

criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121

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By Order of the Maritime Administrator.
Dated: January 26, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018-01860 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2018-0012]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel DOWN UNDER; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 2, 2018.

ADDRESSES: Comments should refer to docket number MARAD-2018-0012. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West

Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel DOWN UNDER is: —*Intended Commercial Use of Vessel:* “Sunset Cruises” —*Geographic Region:* “Massachusetts and Rhode Island”

The complete application is given in DOT docket MARAD-2018-0012 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves,

all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Maritime Administrator.

Dated: January 26, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018-01858 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement; Changes to the Open Season Enrollment Period

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) announces that it is changing the open season enrollment procedures for U.S.-flag vessel operators wishing to enroll their vessels in the Voluntary Intermodal Sealift Agreement (VISA) program. Specifically, MARAD will no longer announce an annual open season for enrollment. MARAD invites interested U.S.-flag vessel operators that are not currently in the program to apply at any time throughout the year. The open enrollment change will be in line with new requirements in the Department of Defense (DOD) VISA contingency contract.

Any U.S.-flag vessel operator organized under the laws of a state of the United States or the District of Columbia, and who is able and willing to commit militarily useful sealift assets and assume the related consequential risks of commercial disruption, may be eligible to participate in the VISA program.

The mission of VISA is to provide commercial sealift and intermodal shipping services and systems, including access to vessels, vessel space, intermodal systems and equipment, terminal facilities, and related management services, to the DOD, as necessary, to meet national defense contingency requirements or national emergencies. Carriers enrolled in the VISA program provide DOD with assured access to such services during contingencies. In return for their VISA commitment, DOD gives VISA

participants priority for peacetime cargos.

DATES: VISA program applications may be submitted at any time.

ADDRESSES: Submit applications and questions related to this notice to William G. McDonald, Director, Office of Sealift Support, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone (202) 366-0688; Fax (202) 366-5904.

FOR FURTHER INFORMATION CONTACT: William G. McDonald, Director, Office of Sealift Support, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone (202) 366-0688; Fax (202) 366-5904, electronic mail to william.g.mcdonald@dot.gov or visit <http://www.marad.dot.gov>.

SUPPLEMENTARY INFORMATION: The VISA program was established pursuant to Sec. 708 of the Defense Production Act of 1950, as amended (DPA) (50 U.S.C. 4558). The VISA program was created to provide for voluntary agreements for emergency preparedness programs. Pursuant to the DPA, voluntary agreements for preparedness programs, including the VISA program expire five (5) years after the date they became effective.

The VISA program is open to U.S.-flag vessel operators of oceangoing militarily useful vessels, to include tugs and barges. An operator is defined as an owner or bareboat charterer of a vessel. Tug enrollment alone does not satisfy VISA eligibility. Barge enrollment alone does not satisfy VISA eligibility. Operators include vessel owners and bareboat charter operators if satisfactory signed agreements are in place committing the assets of the owner to VISA. Voyage and space charterers are not considered U.S.-flag vessel operators for purposes of VISA eligibility.

VISA Program

The VISA program provides for the staged, time-phased availability of participants' shipping services/systems through pre-negotiated contracts between the Government and participants. Such arrangements are jointly planned with the MARAD, U.S. Transportation Command (USTRANSCOM), and participants in peacetime to allow effective and best valued use of commercial sealift capacity, provide DOD assured contingency access, and to minimize commercial disruption.

There are three time-phased stages in the event of VISA activation. VISA

Stages I and II provide for pre-negotiated contracts between DOD and participants to provide sealift capacity to meet all projected DOD contingency requirements. These contracts are executed in accordance with approved DOD contracting methodologies. VISA Stage III provides for additional capacity to DOD when Stages I and II commitments or volunteered capacity are insufficient to meet contingency requirements, and adequate shipping services from non-participants are not available through established DOD contracting practices or U.S. Government treaty agreements.

Change to Enrollment Process

Historically, the VISA program's annual open season enrollment period was tied to DOD's peacetime cargo contracting cycle which was based on the Government's fiscal year (October 1 through September 30) and VISA participants' capacity commitments were locked in for an annual period. Currently, DOD's new contract requirements have been revised and state that if any change in a VISA participant's U.S.-flag fleet is necessary during the period of their contract, a minimum 30-day notice must be provided to USTRANSCOM identifying the change. Therefore, MARAD is no longer required to announce an annual open season because DOD modifies VISA participants' capacity commitments and contingency contracts throughout the year. This new process adds efficiency and eliminates redundancy.

Advantages of Peacetime Participation

In return for their VISA commitment, DOD awards peacetime cargo contracts to VISA participants on a priority basis. Award of DOD cargoes to meet DOD peacetime and contingency requirements is made on the basis of the following priorities: U.S.-flag vessel capacity operated by VISA participants and U.S.-flag Vessel Sharing Agreement (VSA) capacity held by VISA participants; U.S.-flag vessel capacity operated by non-participants; combination U.S.-flag/foreign-flag vessel capacity operated by VISA participants, and combination U.S.-flag/foreign-flag VSA capacity held by VISA participants; combination U.S.-flag/foreign-flag vessel capacity operated by non-participants; U.S.-owned or operated foreign-flag vessel capacity and VSA capacity held by VISA participants; U.S.-owned or operated foreign-flag vessel capacity and VSA capacity held by non-participants; and foreign-owned or operated foreign-flag vessel capacity of non-participants.

Participation

Applicants must provide satisfactory evidence that the vessels being committed to the VISA program are operational and are intended to be operated by the applicant in the carriage of commercial or government preference cargoes. Operator is defined as an ocean common carrier or contract carrier that owns, controls or manages vessels by which ocean transportation is provided. While vessel brokers, freight forwarders, and agents play an important role as a conduit to locate and secure appropriate vessels for the carriage of DOD cargo, they are not eligible to participate in the VISA program due to lack of requisite vessel ownership or operation.

Commitment

Any U.S.-flag vessel operator desiring to receive priority consideration for DOD peacetime contracts must enroll 100% of their entire U.S.-flag militarily useful capacity and associated services to the VISA program and commit no less than 50 percent of its total U.S.-flag capacity in Stage III of the VISA program. Participants operating vessels in international trade may receive top tier consideration in the award of DOD peacetime contracts by committing the minimum percentages of capacity to all three stages of VISA or bottom tier consideration by committing the minimum percentage of capacity to only Stage III of VISA. USTRANSCOM and MARAD will coordinate to ensure that the amount of sealift assets committed to Stages I and II will not have an adverse national economic impact. To minimize domestic commercial disruption, participants operating vessels exclusively in the domestic Jones Act trades are not required to commit the capacity of those U.S. domestic trading vessels to VISA Stages I and II. Overall VISA commitment requirements are based on annual enrollment.

In order to protect a U.S.-flag vessel operator's market share during contingency activation, VISA allows participants to join with other vessel operators in Carrier Coordination Agreements (CCAs) to satisfy commercial or DOD requirements. VISA provides a defense against antitrust laws in accordance with the DPA. CCAs must be submitted to MARAD for coordination with the Department of Justice for approval, before they can be utilized.

Vessel Position Reporting

If VISA applicants have the capability to track their vessels, they must include the tracking system used in their VISA

application. Such applicants are required to provide MARAD access to their vessel tracking systems upon approval of their VISA application. If VISA applicants do not have a tracking system, they must indicate this in their VISA application. The VISA program requires enrolled ships to comply with 46 CFR pt. 307, Establishment of Mandatory Position Reporting System for Vessels.

Compensation

In addition to receiving priority in the award of DOD peacetime cargo, a participant will receive compensation during contingency activation for that capacity activated under Stage I, II and III. The amount of compensation will depend on the Stage at which capacity is activated. During enrollment, each participant must select one of several compensation methodologies. The compensation methodology selection will be completed with USTRANSCOM resulting in prices in contingency contracts between DOD and the participant.

Security Clearances

All VISA applicants accepted for VISA participation, but which do not have a Facility Security Clearance (FCL), will be required to pursue the clearance process with the Defense Security Service (DSS). If the accepted applicant does not have a clearance, MARAD will initiate the clearance process with DSS. Participants must have a FCL and individual security clearances, at a minimum of SECRET level, for key personnel in order for them to participate in the VISA Joint Planning Advisory Group (JPAG) meetings and to meet VISA contingency contract obligations. One of the objectives of the JPAG is to provide the USTRANSCOM, MARAD, and VISA participants a planning forum to analyze DOD contingency sealift/intermodal service and resource requirements against industry commitments. JPAG meetings are often SECRET classified sessions. Eligibility for VISA participation will be terminated if an applicant is rejected for a facility clearance or if it fails to progress in a timely manner in the clearance process.

Application for VISA Program Participation

New applicants may apply to participate by obtaining a VISA application package (Form MA-1020 (OMB Approval No. 2133-0532)) from the Director, Office of Sealift Support. Form MA-1020 includes instructions for completing and submitting the application, blank VISA Application

forms and a request for information regarding the operations and U.S. citizenship of the applicant company. A copy of the VISA document as published in the **Federal Register** on October 29, 2014, will also be provided with the package. This information is needed in order to assist MARAD in making a determination of the applicant's eligibility. An applicant company must provide an affidavit that demonstrates that the company is qualified to document a vessel under 46 U.S.C. 12103, and that it owns, or bareboat charters and controls, oceangoing, militarily useful vessel(s) for purposes of committing assets to the VISA program.

Applicants must provide the following: U.S. citizenship documentation; copy of their Articles of Incorporation and bylaws; copies of loadline documents from a recognized classification society to validate oceangoing vessel capability; U.S. Coast Guard Certificates of Documentation for all vessels in their fleet; copy of bareboat charters, if applicable, valid through the period of enrollment, which state that the owner will not interfere with the charterer's obligation to commit chartered vessel(s) to the VISA program for the duration of the charter; and copy of time charters, valid through the period of enrollment, for tug services to barge operators, if sufficient tug service is not owned or bareboat chartered by the VISA applicant. Barge operators must provide evidence to MARAD that tug service of sufficient horsepower will be available for all barges enrolled in the VISA program.

Once MARAD has reviewed the application and determined VISA eligibility, MARAD will sign the VISA application document which completes the eligibility phase of the VISA enrollment process. Approved VISA participants will be responsible for ensuring that information submitted with their application remains up to date beyond the approval process. If charter agreements are due to expire, participants must provide MARAD with charters that extend the charter duration for another 12 months or longer.

After VISA eligibility is approved by MARAD, approved applicants are required to execute a VISA Contingency Contract with USTRANSCOM. The USTRANSCOM VISA Contingency Contract will specify the following: Participant's Stage III commitment, and appropriate Stage I and/or II commitments for the period of performance; Drytime Contingency terms and conditions; and Liner Contingency terms and conditions, if applicable. If any change is expected in

the Contractor's U.S. flag fleet during the period of the applicable VISA Contingency Contract, a minimum 30-day notice shall be provided to MARAD and USTRANSCOM identifying the change and to alter the VISA Capacity Commitment indicated on Attachment 1 of the VISA Contingency Contract.

Execution of the USTRANSCOM VISA Contingency Contract completes the enrollment process and establishes the approved applicant as a VISA Participant. The Maritime Administration reserves the right to revalidate all eligibility requirements without notice. USTRANSCOM reserves the right to revalidate eligibility for VISA priority for DOD business at any time without notice.

Authority: 49 CFR 1.92, 1.93.

* * * * *

By Order of the Maritime Administrator.

Dated: January 26, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018-01851 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2018-0013]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SNOCKERED; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 2, 2018.

ADDRESSES: Comments should refer to docket number MARAD-2018-0013. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for

inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SNOCKERED is:

—*Intended Commercial Use of Vessel:* “Private Vessel Charters, Passengers Only”

—*Geographic Region:* “Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, West Coast of Florida, California, Oregon, Washington, and Alaska (excluding waters in Southeastern Alaska)”

The complete application is given in DOT docket MARAD-2018-0013 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether

or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * * * *

By Order of the Maritime Administrator.

Dated: January 26, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018-01862 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2018-0008]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LIBERTINE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 2, 2018.

ADDRESSES: Comments should refer to docket number MARAD-2018-0008. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey

Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LIBERTINE is:

—*Intended Commercial Use of Vessel:* “Coastal Uninspected Passenger Vessel with 6 or fewer passengers engaged in sail boat cruising with a USA Captain”

—*Geographic Region:* “Maine, New Hampshire, Massachusetts, Rhode Island”

The complete application is given in DOT docket MARAD-2018-0008 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

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By Order of the Maritime Administrator.

Dated: January 26, 2018.
T. Mitchell Hudson, Jr.,
 Secretary, Maritime Administration.
 [FR Doc. 2018-01859 Filed 1-30-18; 8:45 am]
 BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2018-0011]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PUNAWELEWELE KAI; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 2, 2018.

ADDRESSES: Comments should refer to docket number MARAD-2018-0011. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PUNAWELEWELE KAI is:

—*Intended Commercial use of Vessel:* “Vessel will be used as a day charter boat as well as overnight stays. Based out of Kewalo basin on Oahu, our main charters will be sunset trips. We

would like to offer private trips as well catering to the needs of the guests whether it be dinner cruising, whale watching, snorkeling, or just sailing.”

—*Geographic Region:* “Hawaii”

The complete application is given in DOT docket MARAD-2018-0011 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

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By Order of the Maritime Administrator.

Dated: January 26, 2018.

T. Mitchell Hudson, Jr.,
 Secretary, Maritime Administration.
 [FR Doc. 2018-01861 Filed 1-30-18; 8:45 am]
 BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2018-0008]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel WINSOME RIDE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 2, 2018.

ADDRESSES: Comments should refer to docket number MARAD-2018-0008. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel WINSOME RIDE is:

—*Intended Commercial Use of Vessel:* “Half day and full day sailboat rides for hire”

—*Geographic Region:* “Maryland, Virginia, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, North Carolina, South Carolina, Georgia, Florida”

The complete application is given in DOT docket MARAD-2018-0008 at <http://www.regulations.gov>. Interested parties may comment on the effect this

action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

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By Order of the Maritime Administrator.
Dated: January 26, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018-01864 Filed 1-30-18; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of six individuals that have been placed on OFAC's Specially Designated

Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel. 202-622-4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (www.treasury.gov/ofac).

Notice of OFAC Actions

On January 25, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals:

1. POPALZAI, Hafiz Mohammed, Chaman, Balochistan, Pakistan; DOB 1967 to 1969; nationality Afghanistan; Gender Male (individual) [SDGT] (Linked To: TALIBAN; Linked To: ISHAKZAI, Gul Agha).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224) for acting for or on behalf of the TALIBAN, an entity determined to be subject to E.O. 13224.

Also designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224) for acting for or on behalf of GUL AGHA ISHAKZAI, an individual determined to be subject to E.O. 13224.

2. MUHAMMAD, Faqir (a.k.a. MOHAMMAD, Faqir; a.k.a. MUHAMMAD, Faqeer; a.k.a. ZEYAR, Faqir Mohammad), Bannu, Pakistan; Lahore, Pakistan; DOB 1968; POB North

Waziristan Agency, Pakistan; alt. POB Federally Administered Tribal Areas, Pakistan; alt. POB Khowst Province, Afghanistan; nationality Pakistan; Gender Male (individual) [SDGT] (Linked To: HAQQANI NETWORK).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224) for acting for or on behalf of the HAQQANI NETWORK, an entity determined to be subject to E.O. 13224.

3. HAMIDI, Gula Khan (a.k.a. HAMEEDI, Gula Khan; a.k.a. HAMIDI, Gul Muhammad), Afghanistan; Istanbul, Turkey; DOB 1976; POB Afghanistan; nationality Afghanistan; Gender Male; Passport OR944957 (Afghanistan); Identification Number 99652828346; alt. Identification Number A387489 (individual) [SDGT] (Linked To: HAQQANI NETWORK).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the HAQQANI NETWORK, an entity determined to be subject to E.O. 13224.

4. SANI, Abdul Samad (a.k.a. SANI, Mullah Samad; a.k.a. SANI, Samad; a.k.a. "Haji Nika"; a.k.a. "Haji Nika Ishaqzai"; a.k.a. "Haji Salani"), Quetta, Pakistan; DOB 1960 to 1962; POB Band-e-Temor, Maiwand District, Kandahar Province, Afghanistan; nationality Afghanistan; alt. nationality Pakistan; Gender Male (individual) [SDGT] (Linked To: TALIBAN).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224) for acting for or on behalf of the TALIBAN, an entity determined to be subject to E.O. 13224.

5. INAYATULLAH (a.k.a. ENAYATULLAH, Maulawi; a.k.a. FATEHULLAH, Mullah; a.k.a. "Ghowya"), Pakistan; DOB 1972; POB Chahar Darah District, Kunduz Province, Afghanistan; Gender Male; Maulawi (individual) [SDGT] (Linked To: TALIBAN).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or

Support Terrorism” (E.O. 13224) for acting for or on behalf of the TALIBAN, an entity determined to be subject to E.O. 13224.

6. ABDUL BASEER, Abdul Qadeer Basir (a.k.a. AHMAT, Abdul Qadir; a.k.a. BASIR, Abdul Qadir; a.k.a. HAQQANI, Abdul Qadir; a.k.a. QADIR, Abdul; a.k.a. “Nasibullah”), Peshawar, Pakistan; DOB 1964; POB Nangarhar Province, Afghanistan; nationality Afghanistan; Gender Male; Passport D000974 (Afghanistan) (individual) [SDGT] (Linked To: TALIBAN).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, “Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism” (E.O. 13224) for acting for or on behalf of the TALIBAN, an entity determined to be subject to E.O. 13224.

Dated: January 25, 2018.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2018-01842 Filed 1-30-18; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 2, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.gov and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Jennifer Quintana by emailing PRA@treasury.gov, calling (202) 622-0489, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: TD 9673—Longevity Annuity Contracts.

OMB Control Number: 1545-2234.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 1098-Q implement the reporting requirements under previously approved Treasury Decision (TD) 9673. Any person who issues a contract purchased or held under any plan, annuity, or account described in IRC section 401(a), 433(b) or 408 (other than a Roth IRA) or eligible governmental plan under section 457(b) must file Form 1098-Q. TD 9673 contains previously approved final regulations relating to the use of longevity annuity contracts in tax qualified defined contribution plans under section 401(a) of the Internal Revenue Code (Code), section 403(b) plans, individual retirement annuities and accounts (IRAs) under section 408, and eligible governmental plans under section 457(b). These regulations will provide the public with guidance necessary to comply with the required minimum distribution rules under section 401(a)(9) applicable to an IRA or a plan that holds a longevity annuity contract. The regulations will affect individuals for whom a longevity annuity contract is purchased under these plans and IRAs (and their beneficiaries), sponsors and administrators of these plans, trustees and custodians of these plans and IRAs, and insurance companies that issue longevity annuity contracts under these plans and IRAs.

Form: 1098-Q.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 28,529.

Title: REG-132455-11—Reporting of Minimum Essential Coverage (TD 9660—final).

OMB Control Number: 1545-2252.

Type of Review: This document contains regulations relating to an information reporting requirement enacted by the Patient Protection and Affordable Care Act, Public Law 111-148, and Health Care and Education Reconciliation Act, Public Law 111-152. These regulations are necessary to

impose the reporting requirement under section 1502 of the Affordable Care Act (section 6055 of the Internal Revenue Code) on health insurance issuers, employer-sponsored self-insured plans and government-sponsored programs that provide minimum essential coverage.

Forms: 1094-B, 1095-B.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden

Hours: 2,088,333.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: January 26, 2018.

Jennifer P. Quintana,

Treasury PRA Clearance Officer.

[FR Doc. 2018-01887 Filed 1-30-18; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0760]

Agency Information Collection: Certification of United States Paralympics Training Status

AGENCY: The Office of National Veterans Sports Programs and Special Events, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of National Veterans Sports Programs and Special Events (NVSPSE), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to ascertain the status of disabled Veterans that are participating in the Paralympic Allowance Program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 2, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Joshua McCoy, NVSPSE (002C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Joshua.mccoy2@va.gov. Please refer to “OMB Control No. 2900-0760” in any correspondence.

During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT:

Joshua McCoy at (202) 461-0456 or Fax (202) 495-5228.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VA's functions, including whether the information will have practical utility; (2) the accuracy of VA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104-13; 44 U.S.C. 3501-3521.

Title: Certification of United States Paralympics Training Status.

OMB Control Number: 2900-0760.

Type of Review: Revision of a currently approved collection.

Abstract: Section 703 of the Veterans' Benefits Improvement Act of 2008, Public Law 110-389, authorizes the Department of Veterans Affairs (VA) to administer a monthly assistance allowance to a veteran with a service-connected or non service-connected disability if the veteran is competing for a slot on or selected for the United States Paralympics team or is residing at a United States Paralympics training center.

Affected Public: Individuals and Households.

Estimated Annual Burden: 30 hours.

Estimated Average Burden Per Respondent: 25 minutes.

Frequency of Response: Annual

Estimated Number of Respondents: 100.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018-01830 Filed 1-30-18; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0717]

Agency Information Collection: VA Child Care Subsidy

AGENCY: Human Resources Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Human Resources Management (HRM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each revised collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to determine VA employees' eligibility to participate in VA's child care subsidy program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 2, 2018.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at www.Regulations.gov or to Jean Hayes, Human Resources and Administration (05), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email: jean.hayes@va.gov. Please refer to "OMB Control No. 2900-0717" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Jean Hayes at (202) 461-7863.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, HRM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of HRM's functions, including whether the information will have practical utility; (2) the accuracy of HRM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104-13; 44 U.S.C. 3501-3521.

Titles:

- a. Child Care Subsidy Application Form, VA Form 0730a.
- b. Child Care Provider Information (For the Child Care Subsidy Program), VA Form 0730b.

OMB Control Number: 2900-0717.

Type of Review: Revision of a currently approved collection.

Abstract:

a. VA employees complete VA Form 0730a to request participation in VA's child care subsidy program. VA will use the data collected to determine the percentage of monthly cost to be subsidized for child care.

b. VA Form 0730b is completed by the child care provider. The data will be used to determine whether the child care provider is licensed and/or regulated by the state to perform child care.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 0730a—667 hours.

b. VA Form 0730b—333 hours.

Estimated Average Burden per Respondent:

a. VA Form 0730a—20 minutes.

b. VA Form 0730b—10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VA Form 0730a—2,000.

b. VA Form 0730b—2,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018-01832 Filed 1-30-18; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0013]

Agency Information Collection Activity Under OMB Review: Application for United States Flag for Burial Purposes

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, 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 March 2, 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 send through electronic mail to oir_submission@omb.eop.gov. Please refer to “OMB Control No. 2900–0013” 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. 2900–0013” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 2301(f)(1).

Title: Application for United States Flag for Burial Purposes (VA Form 27–2008).

OMB Control Number: 2900–0013.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 27–2008 is used for family members and/or next-of-kin to apply for a burial flag.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 195 on October 11, 2017, page 47325.

Affected Public: Individuals or Households.

Estimated Annual Burden: 162,500.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time per family of deceased Veteran.

Estimated Number of Respondents: 650,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–01831 Filed 1–30–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0661]

Agency Information Collection Activity: Grants to States for Construction & Acquisition of State Home Facilities

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. **DATES:** Written comments and recommendations on the proposed collection of information should be received on or before April 2, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Brian.McCarthy4@va.gov. Please refer to “OMB Control No. 2900–0661” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA’s functions, including whether the information will have practical utility; (2) the accuracy of VHA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the

collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 8133(a), 8135(a).

Title: Forms for Grants to States for Construction and Acquisition of State Home Facilities, VA Forms 10–0388–1, 10–0388–2, 10–0388–3, 10–0388–4, 10–0388–5, 10–0388–6, 10–0388–7, 10–0388–8, 10–0388–9, 10–0388–10, 10–0388–12, 10–0388–13.

OMB Control Number: 2900–0661.

Type of Review: Extension of a currently approved collection.

Abstract: State governments complete VA Forms 10–0388–1, 10–0388–2, 10–0388–3, 10–0388–4, 10–0388–5, 10–0388–6, 10–0388–7, 10–0388–8, 10–0388–9, 10–0388–10, 10–0388–12, and 10–0388–13, to apply for State Home Construction Grant Program and to certify compliance with VA requirements. VA uses this information, along with other documents submitted by States to determine the feasibility of the projects for VA participation, to determine eligibility for a grant award.

Affected Public: State, Local, or Tribal Governments.

Estimated Annual Burden: 1,200 hours.

Estimated Average Burden per Respondent: 24 hours.

Frequency of Response: On occasion.

Estimated Annual Responses: 50.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–01872 Filed 1–30–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Research Advisory Committee on Gulf War Veterans’ Illnesses

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Veterans Health Administration (VHA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Research Advisory Committee on Gulf War Veterans’ Illnesses (hereinafter referred to as “the Committee”). The Committee was established to provide advice to the Secretary of Veterans Affairs (Secretary) on the proposed research studies, plans,

and strategies related to understanding and treating the health consequences of military service in the Southwest Asia theatre of operations during the 1990–1991 Gulf War. In accordance with the statute and the Committee’s current charter, the majority of the membership shall consist of non-Federal employees, appointed by the Secretary from the general public, serving as Special Government employees. The Committee provides, not later than December 1 of each year, an annual report summarizing its activities for the preceding year. The Secretary appoints Committee members for a period of two to three years. A term of service for any member may not exceed three years, but the Secretary may reappoint a member for an additional term of service. Self-nominations and nominations of non-Veterans will be accepted. Any letters of nomination from organizations or other individuals should accompany the package when it is submitted.

In accordance with recently revised guidance regarding the ban on lobbyists serving as members of advisory boards and commissions, Federally-registered lobbyists are prohibited from serving on Federal advisory committees in an individual capacity. Additional information regarding this issue can be found at: www.federalregister.gov/articles/2014/08/13/2014-19140/revised-guidance-on-appointment-of-lobbyists-to-federal-advisory-committees-boards-and-commissions.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m., Eastern Standard Time, on March 1, 2018.

ADDRESSES: All nominations should be mailed to Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW (10P9), Washington, DC 20420, emailed to victor.kalasinsky@va.gov, or faxed to (202) 495–6155.

FOR FURTHER INFORMATION CONTACT: Dr. Victor Kalasinsky, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW (10P), Washington, DC 20420, telephone (202) 443–5600. (This is not a toll free number.) A copy of the Committee’s charter and list of the current membership can be obtained by contacting Dr. Kalasinsky or by accessing the website: <http://www.va.gov/rac-gwvi/>.

SUPPLEMENTARY INFORMATION: VHA is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 16 members. The members of the Committee are appointed by the

Secretary from the general public, including but not limited to:

- (1) Gulf War Veterans;
- (2) Representatives of such Veterans;
- (3) Members of the medical and scientific communities representing disciplines such as, but not limited to, epidemiology, immunology, environmental health, neurology, and toxicology.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications. We ask that nominations include information of this type so that VA can ensure a balanced Committee membership.

The Committee meets at least once and up to three times annually. In accordance with Federal Travel Regulation, Committee members will receive travel expenses and a per diem allowance for any travel made in connection with duties as members of the Committee.

Nomination Package Requirements: Nominations must be typed (12 point font) and include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.*, specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating that he/she is a U.S. citizen and is willing to serve as a member of the Committee; (2) the nominee’s contact information, including name, mailing address, telephone numbers, and email address; and (3) the nominee’s resume or curriculum vitae that is no more than four pages in length. The cover letter must summarize: The nominee’s interest in serving on the committee and contributions she/he can make to the work of the committee; any relevant Veterans service activities she/he is currently engaged in; the military branch affiliations and timeframe of military service (if applicable). To promote a balanced membership, please provide information about the nominee’s personal and professional qualifications and background that would give her/him a diverse perspective on Gulf War Veterans’ matters. Finally, please include in the cover letter a statement confirming that she/he is not a Federally-registered lobbyist. The resume should show professional work experience, and Veterans service involvement, especially service that involves Gulf War Veterans’ issues.

VA makes every effort to ensure that the membership of its advisory committees is fairly balanced in terms of points of view represented and the committee’s function. Appointments to

this Committee shall be made without discrimination based on a person’s race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or genetic information. Nominations must state that the nominee appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: January 25, 2018.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–01811 Filed 1–30–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: Evaluation of Patient and Provider Satisfaction With Mental Health-Clinical Pharmacy Specialists in Outpatient Mental Health Clinics at the Madison VA

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including this new collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 2, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Brian.McCarthy4@va.gov. Please refer to “OMB Control No. 2900–NEW” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must

obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C., Part I, Chapter 5, Section 527.

Title: Evaluation of Patient and Provider Satisfaction with Mental Health-Clinical Pharmacy Specialists in Outpatient Mental Health Clinics at the Madison VA.

OMB Control Number: 2900-NEW.

Type of Review: New collection.

Abstract: The information collected in this survey will be utilized by the Mental Health Clinical Pharmacy Specialists (MH-CPS) in the Madison VA Mental Health Clinic to assess patient satisfaction with care provided by MH-CPS. Results will be used to identify areas for improvement.

Affected Public: Individuals and households.

Estimated Annual Burden:

Patient Satisfaction with Mental Health-Clinical Pharmacy Specialists at the Madison VA—8 hours.

Provider Satisfaction with Mental Health-Clinical Pharmacy Specialists at the Madison VA—2 hours.

Estimated Average Burden per Respondent:

Patient Satisfaction with Mental Health-Clinical Pharmacy Specialists at the Madison VA—5 minutes.

Provider Satisfaction with Mental Health-Clinical Pharmacy Specialists at the Madison VA—5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents:

Patient Satisfaction with Mental Health-Clinical Pharmacy Specialists at the Madison VA—100.

Provider Satisfaction with Mental Health-Clinical Pharmacy Specialists at the Madison VA—20.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018-01848 Filed 1-30-18; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0669]

Proposed Information Collection: Claim for Credit of Annual Leave

AGENCY: Human Resources Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Human Resources Management (HRM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to process current and former employee's claims for restored annual leave charged on a nonworkday while on military active duty.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 2, 2018.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at www.Regulations.gov or to Jean Hayes, Human Resources and Administration (05), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email: jean.hayes@va.gov. Please refer to "OMB Control No. 2900-0669" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Jean Hayes at (202) 461-7863.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must

obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, HRM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of HRM's functions, including whether the information will have practical utility; (2) the accuracy of HRM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104-13; 44 U.S.C. 3501-3521.

Title: Claim for Credit of Annual Leave, VA Form 0862.

Type of Review: Extension of a currently approved collection.

OMB Control Number: 2900-0669.

Abstract: Current and former employee's who were charged annual leave on a nonworkday while on active military duty complete VA Form 0862 to request restoration of annual leave. Those employees who separated or retired from VA will receive a lump sum payment for any reaccredited annual leave. The claimant must provide documentation supporting the period that he or she were on active military duty during the time for which they were charged annual leave on a nonworkday.

Affected Public: Individuals or households and Federal Government.

Estimated Annual Burden: 3,375 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 13,501.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018-01833 Filed 1-30-18; 8:45 am]

BILLING CODE 8320-01-P



FEDERAL REGISTER

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Part II

Department of Agriculture

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations; Nursery Crop Insurance Provisions;
Final Rule

DEPARTMENT OF AGRICULTURE**Federal Crop Insurance Corporation****7 CFR Part 457**

[Docket No. FCIC-17-0006]

RIN 0563-AC60

**Common Crop Insurance Regulations;
Nursery Crop Insurance Provisions****AGENCY:** Federal Crop Insurance Corporation, USDA.**ACTION:** Final rule with request for comments.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Common Crop Insurance Regulations, Nursery Crop Insurance Provisions. The intended effect of this action is to clarify existing policy provisions, increase risk management choices allowed by the policy provisions, and expand availability to more producers. The changes will be effective for the 2019 and succeeding crop years.

DATES: This final rule is effective January 31, 2018. However, FCIC will accept written comments on this final rule until close of business April 2, 2018. FCIC may consider the comments received and may conduct additional rulemaking based on the comments.

ADDRESSES: FCIC prefers interested persons submit their comments electronically through the Federal eRulemaking Portal. Interested persons may submit comments, identified by Docket ID No. FCIC-17-0006, by any of the following methods:

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

- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133-6205.

FCIC will post all comments received, including those received by mail, without change to <http://www.regulations.gov>, including any personal information provided. Once these comments are posted to this website, the public can access all comments at its convenience from this website. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see <http://www.regulations.gov>. If interested persons are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, FCIC requests that the

document attachment be in a text-based format. If interested persons want to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of the submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the Risk Management Agency (RMA) Web Content Team at (816) 823-4694 or by email at rmaweb.content@rma.usda.gov.

PRIVACY ACT: Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or signing the comment, if submitted on behalf of an entity, such as an association, business, labor union, etc.). Interested persons may review the complete User Notice and Privacy Notice for Regulations.gov at <http://www.regulations.gov/#/privacyNotice>.

FOR FURTHER INFORMATION CONTACT: Tim Hoffmann, Product Management, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, PO Box 419205, Kansas City, MO 64141-6205, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:**Background**

FCIC amends the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.162 Nursery Crop Insurance Provisions to be effective for the 2019 and succeeding crop years.

The changes to 7 CFR 457.162 Nursery Crop Insurance Provisions are as follows:

1. FCIC is removing the paragraph immediately preceding section 1, which refers to the order of priority if a conflict exists among the policy provisions. This same provision is contained in the Basic Provisions. Therefore, the appearance here is duplicative and should be removed from the Nursery Crop Insurance Provisions (Crop Provisions).

2. Section 1—FCIC is deleting the definition of “Act.” The definition of “Act” is contained in the Basic Provisions. Therefore, it is duplicative and should be removed from the Crop Provisions.

FCIC is revising the definition of “amount of insurance” to incorporate language that is currently contained in section 3(e) that reduces the amount of insurance if any claims have previously been paid for the crop year. The language is more appropriately placed in the definition.

FCIC is revising the definition of “basic unit value.” The term is used repeatedly throughout the Crop Provisions, usually with a phrase such as “including any revision” or “including the Peak Inventory Endorsement if elected.” To simplify the provisions, this information is incorporated into the definition of “basic unit value.”

FCIC is adding a definition of “catalog,” which is contained in the Special Provisions. In addition, the phrases “wholesale nursery catalog or price list,” “nursery catalog or price list,” and “catalog or price list,” are used interchangeably throughout the Crop Provisions. To simplify the provisions, the term “catalog” now replaces these phrases throughout.

FCIC is revising the definition of “container grown” to improve readability and to clarify that “container grown” is a nursery practice. FCIC is also revising the definition to change the term “pot” to “standard nursery container.” The term “pot” is the name of a specific standard nursery container size and the term must change to “standard nursery container” in this definition so that all standard nursery containers are included in this definition.

FCIC is adding a definition of “Crop Inventory Valuation Report (CIVR)” as a result of the inclusion of this term in newly-designated paragraph (c)(ii) in section 6.

FCIC is revising the definition of “crop year deductible” to simplify it. The definition uses the phrase “sum of all plant inventory values for each basic unit,” which means the same thing as “basic unit value.” Therefore, the phrase is replaced with the phrase “basic unit value” to make it easier to read and understand. The definition also states any loss under the Rehabilitation Endorsement is not considered a loss. This phrase is not needed with the revised definition of “crop year deductible” since payments under the Rehabilitation Endorsement do not affect the deductible.

FCIC is deleting the definition of “deductible percentage.” The term “deductible” is defined in the Basic Provisions. Therefore, having the definition in the Crop Provisions is duplicative and unnecessary.

FCIC is deleting the definitions of “Eligible Plant List” and “Plant Price Schedule” and replacing them with the definition of “Eligible Plant List and Plant Price Schedule (EPLPPS).” The definitions of “Eligible Plant List” and the definition of “Plant Price Schedule” refer to the same document. Combining the two definitions will prevent

confusion and eliminate redundancy. Language is also added to the new definition to clarify the EPLPPS is a part of the actuarial documents. FCIC is also replacing the term “Eligible Plant List” with “EPLPPS” where it appears throughout the provisions.

FCIC is revising the definition of “fabric grow bag” to clarify fabric grow bags may be used for growing any type of field grown nursery plant, rather than restricting it to woody plants only. It is a common growing practice for fabric grow bags to be used for growing plants other than woody plants.

FCIC is deleting the definition of “FCIC.” Its meaning is provided in the preamble to the Basic Provisions. Therefore, having the definition in the Crop Provisions is unnecessary.

FCIC is revising the definition of “field grown” to clarify that field grown is a nursery practice. FCIC is also removing the phrase “without the use of an artificial root containment device” because the definition goes on to specify plants grown in in-ground fabric grow bags, plants balled and burlapped, or plants in containers that allow the plants to root into the ground are considered field grown. Plants grown in in-ground fabric grow bags, plants balled and burlapped, and plants in containers are all grown using artificial root containment devices. Therefore, the phrase is being removed to prevent confusion and redundancy.

FCIC is replacing the term “field market value A” and “field market value B” with “field market value A (FMVA)” and “field market value B (FMVB),” respectively. FCIC is also revising the definitions of those terms to be concise and easy to read.

FCIC is revising the definition of “good nursery practices.” The definition currently states, “In lieu of the definition of good farming practices in section 1 of the Basic Provisions. . .” The definition of good farming practices contained in the Basic Provisions allows published information to be considered when making good farming practice determinations. The phrase “In lieu of” replaces the definition contained in the Basic Provisions when in fact the definitions should be read together because published information regarding good farming practices applies to nursery producers. Therefore, “in lieu of” is changed to “in addition to” to make it clear that published information can be considered when making good farming practice determinations for nursery producers.

FCIC is revising the definition of “liners” to incorporate language currently contained in the Special

Provisions that specifies the acceptable, insurable dimensions of liners.

FCIC is revising the definition of “loss.” The term is used in the Crop Provisions and is usually preceded with the phrase “as adjusted by any previous under-report factor.” A Special Provisions statement uses the term “loss” preceded by the phrase “as adjusted by any previous under-report factor or over-report factor.” That Special Provisions statement, along with other Special Provisions statements related to the over-report factor, is incorporated into the Crop Provisions. The definition of “loss” is revised to include the phrase “as adjusted by any previous under-report factor or over-report factor” in order to eliminate the need to repeat that phrase throughout the Crop Provisions.

FCIC is adding the definition of “lowest price,” which is currently contained in the Special Provisions. The phrase “the price for each plant and size listed on your [Plant Inventory Value Report (PIVR)] will be the lower of the [EPLPPS] price or the lowest wholesale price in your nursery catalog or price list” is used repeatedly throughout the Crop Provisions. To simplify the provisions, the Crop Provisions will substitute this phrase with the term “lowest price.”

FCIC is revising the definition of “marketable” to provide clarity. The definition uses the word “it” but does not clarify what “it” means. The definition also uses the term “market” but does not indicate if the term refers to usual or customary market channels employed by the nursery operation or a secondary market where lesser values prevail. Therefore, the definition is being revised to clarify “a plant that can be sold in a customary or secondary market for a non-zero value.”

FCIC is revising the definition of “nursery” to change the percentage from 50 percent to 40 percent. FCIC has received comments that the 50 percent requirement is arbitrary and that FCIC may be omitting market share by imposing that restriction. Since the nature of prices is such that retail prices are higher than wholesale prices, the retail share of total sales is weighted more heavily. In addition, the industry has evolved since this limit was implemented with more nurseries engaging in both wholesale and retail sales. By lowering the requirement from 50 to 40 percent of sales, FCIC is allowing more nurseries to be eligible for insurance while still recognizing the intent of the program is to provide coverage to nurseries with a large share of their production dedicated to wholesale sales. FCIC is also revising

the definition to clarify what “gross income” means. The current definition states a nursery is “a business enterprise that grows the nursery plants and derives at least 50 percent of its gross income from the wholesale marketing of such plants.” The revised language clarifies “gross income” by adding the phrase “derived from plant sales” to clarify only income from plant sales, is included when determining if the nursery qualifies for insurance under this definition. Income from sales of other products is not included. For example, assume the nursery derives 60 percent of its income from landscape sales, 25 percent from wholesale plant sales, and 15 percent from retail plant sales. This nursery would be eligible for insurance according to the revised definition because 62.5 percent (25 percent wholesale plant sales/ 25 percent wholesale plant sales + 15 retail plant sales) = $25/40 = 62.5$ percent wholesale plant sales) of the gross income derived from plant sales is from the wholesale marketing of plants.

FCIC is revising the definition of “occurrence deductible” to incorporate the revised definition of “occurrence deductible” contained in the Special Provisions. The revised “occurrence deductible” definition addresses the over-report factor and its application in the calculation of the occurrence deductible.

FCIC is adding the definition of “over-report factor,” which has been in the Special Provisions since 2011. The “over-report factor” ensures indemnities are not overpaid when the reported basic unit values reported on the PIVR are greater than the inventory value immediately preceding the loss (FMVA). The current provisions already include an under-report factor to address situations where the reported basic unit values are less than FMVA. The over-report factor addresses the contrasting situation.

FCIC is revising the definition of “practice” to specify the insurable practices are listed in the actuarial documents to be consistent with other Crop Provisions. Although this change would allow practices to be added or removed through the actuarial documents, FCIC currently does not intend on adding any new practices or removing any existing practices.

FCIC is adding a definition of “restock.” Restock is not a defined term, but is used several times in the Crop Provisions. It is defined in the Peak Inventory Endorsement. Since the term is used in both documents, the definition should be moved to the Crop Provisions.

FCIC is revising the definition of “sales closing date” to add the phrase “of these Crop Provisions” at the end.

FCIC is revising the definition of “standard nursery containers.” A variation of this definition is contained in the Special Provisions, and is incorporated into the Crop Provisions. The definition specifies the minimum insurable dimension for “standard nursery containers.”

FCIC is revising the definition of “survival factor” to improve readability.

FCIC is revising the definition of “under-report factor” to remove the phrase “as adjusted by any previous under-report factor,” since this phrase is to be included in the definition of “loss” and is not necessary in this definition. FCIC is also removing the last sentence which refers to Rehabilitation Endorsement payments. The sentence is not necessary in the definition of “under-report factor.”

3. Section 2—FCIC is revising paragraph (a) by subdividing the paragraph into two subparagraphs and adding provisions to allow basic units by non-contiguous land for the field grown practice only. Policyholders will be required to keep records separate for each unit if they elect basic units by non-contiguous land. This change gives the policyholders who insure their field grown practice the choice of selecting basic units either by plant type or by non-contiguous land. Policyholders may have several nursery locations throughout a county. FCIC has received requests to allow policyholders to insure each location as a separate unit because different locations have inherently different risks. Therefore, under the current policy language, one location may suffer damage while other locations may not. In the event of a loss, all locations within the unit must be assessed for damage, creating extra burden on the policyholder and insurance provider. Further, the loss in one location may be offset by production in other locations, making it difficult for policyholders to be compensated for the damage suffered at a single location. Allowing separate basic units by non-contiguous land for the field grown practice will decrease the burden on policyholders and insurance providers while also allowing policyholders greater flexibility to make appropriate risk management decisions for their nursery locations throughout a county. Basic units by non-contiguous land will not be available to the container grown practice, unless allowed by Special Provisions, in order to prevent fraud, waste and abuse. Containers are highly portable and may be moved from one location to another

based on the operations’ needs. With or without intentions or motives, container grown operations could increase the chances of an indemnity when they move inventory from one location (basic unit) to another.

FCIC is revising redesignated paragraph (a)(1) to remove the phrase “designated in section 2(b).” This phrase refers to the list of insurable plant types that are currently listed in paragraph (b). However, FCIC is removing the list of insurable plant types from paragraph (b), so this phrase is no longer applicable.

FCIC is revising paragraph (b) to remove the list of insurable plant types. Insurable types for other crops are listed in the actuarial documents. For nursery, the insurable plant types are listed in the Crop Provisions and in the actuarial documents. It is not necessary to list them in both documents so FCIC is removing the list from the Crop Provisions.

4. Section 3—FCIC is revising paragraph (a) to remove the reference to the misreporting provisions in the Basic Provisions. The misreporting provisions have been removed from the Basic Provisions so the reference in the Crop Provisions is no longer valid.

FCIC is revising paragraph (c)(1)(iv)(A) by removing the reference to the Peak Inventory Endorsement and replacing it with the Peak Inventory Value Report since the policyholder submits a Peak Inventory Value Report rather than a Peak Inventory Endorsement.

FCIC is revising paragraph (c)(1)(iv)(B) by clarifying that a coverage level must be selected if the new plant is not categorized under a plant type reported on the initial PIVR or Peak Inventory Value Report, if applicable. Previously the provision did not reference the Peak Inventory Value Report. The provisions in paragraph (c)(1)(iv)(A) refer to the Peak Inventory Value Report, so the addition of the Peak Inventory Value Report in paragraph (c)(1)(iv)(B) makes the provisions in the two paragraphs consistent.

FCIC is also revising paragraph (d) to remove the references to the 2006 crop year. The references are no longer needed. By removing the references to the 2006 crop year, paragraph (d)(2)(i) is removed. As a result, paragraphs (d)(2)(ii) and (iii) are redesignated as paragraphs (d)(2)(i) and (ii), respectively.

FCIC is removing the provisions in paragraph (e). These provisions are now included in the revised definition of “amount of insurance,” and therefore, are no longer necessary. FCIC is redesignating paragraph (f) as (e).

5. Section 6—FCIC is revising paragraph (b) to clarify that a separate PIVR must be submitted for each insured practice. The word “separate” is added to provide clarification. FCIC is also revising paragraph (b) to state a separate PIVR is required for each non-contiguous land unit within each insured practice if the policyholder selects basic units by non-contiguous land.

FCIC is revising paragraph (b)(1) to include a provision that addresses the date by when policyholders will be notified if their applications are rejected because the required documents are unacceptable. The current provisions only state the policyholders will be notified, but are silent on when they will be notified.

FCIC is revising paragraph (b)(2) to clarify insurance attaches on the 31st day after all required documents are received. The current provisions state insurance attaches 30 days after the documents are received. The Nursery Underwriting Guide clarifies what is meant by 30 days: The 30-day waiting period does not include the date the required documentation is submitted or the date insurance attaches but the provision is more appropriate in the Crop Provisions. Now the provisions are clear that insurance would not attach until 30 full days have elapsed after the documents were received. FCIC is including the same clarification in the Crop Provisions.

FCIC is revising paragraph (c)(1) to include basic units by non-contiguous land to be consistent with the other changes to the policy allowing such units.

FCIC is revising paragraph (c)(2) to divide the paragraph into subparagraphs to make the paragraph easier to read. Newly-designated paragraph (c)(2)(i) is revised by adding the phrase “or a CIVR.” The current provisions state the policyholder may be required to provide a detailed plant inventory listing that includes the name, the number, and the size of each plant. Adding the phrase mentioned above gives the insurance provider an option of requesting a detailed plant inventory listing or the CIVR, which is a plant inventory list created using the Nursery Inventory Software. FCIC is also moving the last sentence of paragraph (c)(2) to newly designated paragraph (c)(2)(ii) because it is more appropriately placed there than at the end of newly-designated paragraph (c)(2)(iii).

Newly-designated paragraph (c)(2)(iii) contains the provisions currently in paragraph (c)(2) regarding the policyholders’ ability to obtain and maintain nursery stock. FCIC is revising

newly-designated paragraph (c)(2)(iii) to replace the term “nursery stock” with the term “nursery plants.” The term “stock plants” is a defined term, excluded from insurance in section 8. The term “nursery plants” is more appropriate as this section refers to insurable plants.

FCIC is revising paragraph (c)(3) to improve readability and adding new paragraphs (c)(3)(ii) and (c)(4) to incorporate provisions currently contained in the Special Provisions. These provisions refer to the consequences for failing to provide adequate documentation depending on whether the documentation is requested before or after insurance attaches.

FCIC is moving paragraph (f) to a newly-designated paragraph (c)(5). Paragraph (c) contains PIVR reporting requirements for policyholders. The current paragraph (f) contains PIVR reporting requirements for policyholders who elect catastrophic risk protection coverage. Since both paragraphs contain PIVR reporting requirements, moving paragraph (f) into paragraph (c) will add clarity by aligning related content. The information contained in paragraph (f) is more appropriate under paragraph (c), which contains reporting requirements for all policyholders. FCIC is also omitting some of the provisions from paragraph (f) because the provisions are identical to the provisions contained in paragraph (c)(3), which applies to catastrophic risk protection coverage and additional coverage. This reduces redundancy and improves readability.

FCIC is revising paragraph (d) to include the phrase “if applicable” following the phrase “Peak Inventory Value Report.” This change is being made because the provision is only applicable to a Peak Inventory Value Report if the Peak Endorsement is elected.

FCIC is revising the introductory text in paragraph (e) to replace the phrase “inventory value by basic unit” with the phrase “basic unit value.” The two phrases are synonymous, but “basic unit value” is defined in section 1 so the phrase “basic unit value” is more appropriate.

FCIC is revising paragraph (e)(1). The provisions require the price for each plant and size listed on the PIVR must meet certain criteria. However, the price for each plant and size is not listed on the PIVR; instead, the basic unit value is listed on the PIVR. Therefore, the provisions are revised to state the basic unit value listed on the PIVR must meet certain criteria. FCIC is also revising paragraph (e)(1) to clarify that the

inventory value for liners must also be multiplied by the survival factor.

FCIC replaced the reference to the Plant Price Schedule with the reference to the EPLPPS in paragraph (e)(2).

With the removal of paragraph (f), as mentioned above, paragraphs (g) through (k) have been redesignated as (f) through (j).

FCIC is revising redesignated paragraph (f)(1) to state a revised PIVR must meet the same requirements as the original PIVR. Currently, redesignated paragraph (f)(1) limits the requirements for a revised PIVR to those requirements for a PIVR listed in paragraph (c). However, the requirements for a PIVR listed in paragraph (e) also apply to a revised PIVR.

FCIC is revising redesignated paragraph (f)(2) to state why an inspection will be conducted when a revised PIVR is submitted. Currently, the provisions only state that an inspection will be performed. The revised provisions state an inspection will be performed to determine if adequate and acceptable facilities exist to accommodate the requested increased inventory value.

FCIC is revising redesignated paragraph (f)(2) to state an inspection will be performed if a Peak Inventory Endorsement is purchased and the inventory reported on the Peak Inventory Value Report is increased 50 percent or more from the previous total of all basic unit values. Currently, an inspection will be performed whenever the total of all basic unit values included on the PIVR increases by 50 percent or more due to a revised PIVR. However, the policyholder can purchase a Peak Inventory Endorsement to increase the amount of insurance by 200 percent with no mandatory inspection requirement. Adding language regarding Peak Inventory Endorsements to this section aligns the inspection requirements for revised PIVRs and Peak Inventory Value Reports.

FCIC is revising redesignated paragraph (f)(3). The current provisions state the insurance provider has the discretion to perform an inspection when the total of all basic unit values on a revised PIVR is increased less than 50 percent. This paragraph is revised to include language regarding Peak Inventory Endorsements. This revision aligns the inspection requirements for revised PIVRs and Peak Inventory Value Reports. The provisions are also revised to make the wording in this paragraph and in redesignated paragraph (f)(2) consistent.

FCIC is revising redesignated paragraph (f)(5). Current provisions state any increase in reported basic unit

values will be rejected if a loss occurs before the increased value takes effect. The provisions are revised to include the following parenthetical: “(rejection can occur at any time we discover such loss occurred)” because in some cases the loss will not be discovered until after the increased value takes effect and this will clarify that the increase can be rejected at any time it is determined that a loss occurred before the increased value took effect. This language is consistent with language in section 3 regarding rejecting any request for changes in coverage level if a loss occurs prior to the date insurance is scheduled to attach for the new coverage level.

FCIC is adding a new paragraph (f)(7). Provisions in redesignated section 3(e) state the amount of insurance may be increased in accordance with redesignated section 6(f) if the nursery is restocked. Redesignated section 6(f) contains provisions that allow the inventory value, which is a key component of the amount of insurance, to be increased twice during the crop year by submitting a revised PIVR, but is not clear if increasing the amount of insurance due to restocking the nursery is counted as one of the two allowable revisions. New paragraph (f)(7) clarifies if the policyholder suffers an insured loss on a basic unit and restocks the nursery, then the policyholder is allowed to increase the reported inventory value for the basic unit one additional time.

FCIC is revising redesignated paragraph (g)(2). The provisions state damaged plants will be removed from the PIVR if they are not accepted. However, plants are not listed on the PIVR, instead the insurable value of plants in each basic unit is listed on the PIVR. Therefore, FCIC is revising the provisions to state the insurable value of the damaged plants will be removed from the basic unit value reported on the PIVR.

FCIC is revising redesignated paragraph (i) by removing <http://www.rma.usda.gov/> and replacing it with the phrase “RMA’s website.” The hyperlink to RMA’s website is provided in the Basic Provisions so it is not necessary to include it in the Crop Provisions. This is consistent with same reference in the definition of “Eligible Plant List and Plant Price Schedule (EPLPPS)” in the Crop Provisions.

FCIC is revising redesignated paragraph (i)(4) to include the phrase “(except printed discount schedules)” to be consistent with the new definition of “catalog” in section 1.

FCIC is revising redesignated paragraph (i)(5) by replacing the term

“scientific” with “botanical.” While both terms are correct, “botanical” is more appropriate because its meaning infers a name that is assigned to plants.

6. Section 7—FCIC is revising paragraph (a) to include provisions specifying that the premium is multiplied by .55 when the catastrophic risk protection coverage is elected. Currently, the provisions only address how premium is calculated for additional coverage. This provision is added to prevent confusion.

FCIC is revising paragraph (c). This paragraph states premium will be charged for the entire month “if your premium is prorated.” This clause is not necessary since the remainder of this provision adequately describes the calculation of premium for a partial month.

FCIC is revising paragraphs (d)(1) and (2) to replace the date of “April 1” with the phrase “the premium billing date listed in the actuarial documents.” Because the premium billing date is listed in the actuarial documents, it is not necessary to list it in the Crop Provisions. FCIC is also revising paragraph (d)(2) by adding the phrase “or submission of your PIVR or catalog” to the end of the paragraph to maintain consistency between the beginning of the paragraph and the end of the paragraph.

7. Section 8—FCIC is revising the introductory text to clarify the insured crop will be all insurable nursery plants and plant types within each insured practice. FCIC is also removing the phrase, “contained on the Eligible Price List, in which you have a share.” Although Eligible Price List should be Eligible Plant List, the term is not needed since paragraph (a) contains the requirement that plants be shown on the Eligible Plant List. The phrase, “in which you have a share,” is revised and moved to a new paragraph (a) to be consistent with the format of other Crop Provisions. Paragraphs (a) through (j) are redesignated as paragraphs (b) through (k).

FCIC is revising redesignated paragraph (i) to state plants grown to be sold with the root system removed are not insurable. The current provision states plants grown for sale as Christmas trees are not insurable. The intent of this provision is to exclude plants severed from their root systems and then sold. There are plants listed on the EPLPPS grown for sale as Christmas trees with the root system attached. One example is the Norfolk Island Pine, which is grown and sold in a container with the root system attached. Currently, those plants are not insurable because they are “grown for sale as Christmas trees.”

Therefore, the provision is reworded to clarify all plants that are grown and sold with the root system attached are insurable.

8. Section 9—FCIC is removing all references to the 2006 crop year. The references are no longer needed. Paragraph (a)(1)(i) has been deleted as a result. Paragraphs (a)(1)(ii) and (iii) have been redesignated as paragraphs (a)(1)(i) and (ii), respectively.

FCIC is revising redesignated paragraph (a)(1)(i) by stating the insurance provider will notify the policyholder in writing if the application is rejected because the PIVR or catalog is not acceptable. The current provisions only state the insurance provider will notify the policyholder in writing if the inventory is not acceptable. Section 6(b)(1) states policyholders will be notified in writing before the end of the 30-day waiting period because the inspection determines the policyholders do not meet the insurability requirements or the PIVR, catalog, or supporting documentation (if requested by us) is not acceptable. Similar language to this already exists in redesignated paragraph (a)(1)(i) but that language is revised to be consistent with the wording of the language in section 6(b)(1). Consistency between the two sections reduces confusion.

FCIC is also revising redesignated paragraph (a)(1)(i). This paragraph states coverage begins on June 1 if the policyholder applies for coverage on or before May 1. Following this provision is a phrase that says, “30 days after your crop insurance agent receives an application signed by you.” The phrase reiterates that coverage attaches on June 1, which is 30 days after May 1, and is not needed.

FCIC is revising redesignated paragraph (a)(1)(ii). This paragraph currently states coverage will not begin until the next crop year if the policyholder applies for coverage after May 1. To minimize confusion, FCIC is revising this paragraph to state coverage will not begin until the 31st day, which occurs on or after the beginning of the next crop year, after all such documents have been received.

FCIC is adding a new paragraph (b)(5) to state insurance ends when the crop has been abandoned. Section 11 of the Basic Provisions currently contains information regarding abandonment of the crop but section 9 of the Crop Provisions states that section 11 of the Basic Provisions does not apply. Therefore, information regarding abandonment of the crop is included in the Crop Provisions.

9. Section 10—FCIC is revising paragraph (c)(3) to incorporate the lead-in sentence from paragraph (c)(3)(i). The lead-in sentence says, “you have installed adequate cold protection equipment or facilities.” This lead-in sentence is not contained in paragraph (c)(3)(ii), but should be. Therefore, for consistency and simplification, the lead-in sentence from paragraph (c)(3)(i) is added to paragraph (c)(3), and removed from paragraph (c)(3)(i), so that it applies to both subparagraphs.

FCIC is revising paragraph (c)(3)(ii) by adding the phrase “or facilities” after the phrase “required cold protection equipment.” This change is made to be consistent with the language in paragraph (c)(3).

FCIC is revising paragraph (c)(6) to be consistent with the change to the definition of “good nursery practices.” The phrase “In lieu of section 12(b) of the Basic Provisions” in paragraph (c)(6) is removed because good nursery practices as defined in the Crop Provisions will be in addition to good farming practices as defined in the Basic Provisions.

10. Section 11—FCIC is revising paragraph (b). Current provisions state, “Failure to obtain our written consent as required by section 11(a)(1) will result in the denial of your claim.” The provisions do not clearly state on what portion of the policy the claim will be denied. The revised provision clarifies the intent of the provisions, which is to deny the claim on an individual basic unit basis. The provisions are also revised so that they are written in plain language.

11. Section 12—FCIC is incorporating provisions throughout section 12 currently contained in the Special Provisions regarding the over-report factor, including revising paragraph (a), revising paragraph (d), and adding a new paragraph (h).

FCIC is revising paragraph (f)(1) to change the lead-in clause from “For other than catastrophic risk protection coverage” to “For additional coverage.” This change improves readability and provides consistency with the terminology used throughout the Crop Provisions.

FCIC is adding a new paragraph (i) to address record-keeping for policyholders who elect basic units by non-contiguous land. In section 2(a), FCIC added provisions to allow for basic units by non-contiguous land, which included the requirement for policyholders to keep records separate by unit. If policyholders elect basic units by non-contiguous land, and a loss occurs on only one unit, then policyholders need to have records

applicable to that unit in order for the insurance company to properly work the loss.

12. Section 14—FCIC is adding a new paragraph (a) and redesignating paragraphs (a) through (c) as (b) through (d), respectively. The newly added paragraph (a) is added to clarify that written agreements are only allowed for plants not listed on the EPLPPS.

FCIC is revising newly designated paragraphs (b) and (d) by changing the term “cancellation date” to “sales closing date.” Current provisions state written agreements must be requested with the application for the initial crop year or no later than the cancellation date for subsequent crop years. The provisions are changed so that the deadline is the sales closing date, rather than the cancellation date. If, according to the current provisions, a policyholder submits a request prior to the cancellation date (for example, May 15th), the policyholder would have a lapse in coverage from June 1st (the start date of the crop year) until June 15th because of the 30-day waiting period. By changing the deadline to the sales closing date (May 1st), the policyholder does not risk having a lapse in coverage because coverage will automatically attach on June 1st, if the written agreement is approved. Also in redesignated paragraph (b), FCIC revised the reference “section 14(c)” to state “section 14(d)” in order to accommodate the redesignation of paragraph (c) as (d).

13. Section 15—FCIC is revising the Single Unit Example and the Peak Inventory Endorsement Example to improve readability. FCIC is also adding a Single Unit Example regarding the over-report factor, which is currently contained in the Special Provisions.

Effective Date

This regulation modifies program eligibility criteria along with several elements of the Nursery Crop Provisions. The intended effect of this action is to clarify and simplify policy provisions, allow basic units by non-contiguous land for the field grown practice, and reduce the 50 percent wholesale sales requirement to 40 percent. This regulation is related to a crop insurance policy, which is a contract between an approved insurance provider and the insured. In order to make the rule effective for the upcoming crop year, RMA is publishing it as a final rule. To accomplish this, RMA is employing the contracts exemption at 5 U.S.C. 553(a)(2), which grants agencies the opportunity publish rules related contracts without the prior notice and public comment period typically

required in rulemaking. If RMA elected not to use the contracts exemption, farmers would be denied the added flexibility this rule provides to the crop insurance program for a full crop year. Moreover, while RMA is using the contracts exemption to make the changes effective for the upcoming crop year, the agency remains committed to public participation in rulemaking and will accept written comments on this final rule. RMA will consider all comments that are received and may conduct additional rulemaking based on the comments.

Executive Orders 12866, 13563, and 13771

Executive Order 12866, “Regulatory Planning and Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review,” 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 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, “Regulatory Planning and Review,” and therefore, OMB has not reviewed this rule. The rule is not subject to Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs.”

Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, subchapter I), the collections of information in this rule have been approved by OMB under control number 0563–0053.

E-Government Act Compliance

FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector.

This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

The Federal Crop Insurance Corporation has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a Tribe requests consultation, the Federal Crop Insurance Corporation will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required

to submit a notice of loss and production information to determine the indemnity amount for an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act (FCIA) authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have a significant impact on a substantial number of small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See 2 CFR part 415, subpart C.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

List of Subjects in 7 CFR Part 457

Crop insurance, Reporting and recordkeeping requirements.

Final Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457 as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l) and 1506(o).

■ 2. Amend § 457.162 as follows:

■ a. In the introductory text by removing “2006” and adding “2019” in its place;

■ b. By removing the undesignated paragraph immediately preceding section 1;

■ c. In section 1:

■ i. By removing the definitions of “Act”;

■ ii. By revising the definitions of “Amount of insurance” and “Basic unit value”;

■ iii. By adding in alphabetical order the definition of “Catalog”;

■ iv. By revising the definition of “Container grown”;

■ v. By adding in alphabetical order the definition of “Crop Inventory Valuation Report”;

■ vi. By revising the definition of “Crop year deductible”;

■ vii. By removing the definitions of “Deductible percentage” and “Eligible Plant List”;

■ viii. By adding in alphabetical order the definition of “Eligible Plant List and Plant Price Schedule (EPLPPS)”;

■ ix. In the definition of “Fabric grow bag” by removing the word “woody”;

■ x. By removing the definition of “FCIC”;

■ xi. By revising the definition of “Field grown”;

■ xii. By removing the definitions of “Field market value A” and “Field market value B”;

■ xiii. By adding in alphabetical order the definitions of “Field market value A (FMVA),” “Field market value B (FMVB)”;

■ xiv. In the definition of “Good nursery practices” by removing the phrase “lieu of” and adding the phrase “addition to” in its place;

■ xv. In the definition of “Irrigated practice” by removing the phrase “Eligible Plant List” and adding “EPLPPS” in its place;

■ xvi. By revising the definitions of “Liners” and “Loss”;

■ xvii. By adding in alphabetical order the definition of “Lowest price”;

■ xviii. By revising the definitions of “Marketable,” “Nursery,” and “Occurrence deductible”;

■ xix. By adding in alphabetical order the definition of “Over-report factor”;

■ xx. By removing the definition of “Plant Price Schedule”;

■ xxi. By revising the definition of “Practice”;

■ xxii. By adding in alphabetical order the definition of “Restock”;

■ xxiii. In the definition of “Sales closing date” by adding the phrase “of these Crop Provisions” immediately after the phrase “sections 3(d) and 9(a)”;

■ xxiv. By revising the definitions of “Standard nursery containers,” “Survival factor,” and “Under-report factor”;

■ d. Revise section 2;

■ e. In section 3:

■ i. In paragraph (a) by removing the phrase “, including the misreporting provisions,”;

■ ii. By revising paragraphs (c)(1)(iv)(A) and (B) and (d)(2);

■ iii. By removing paragraph (e) and redesignating paragraph (f) as (e); and

■ iv. In newly redesignated paragraph (e) by removing the phrase “section 6(g)” and adding “section 6(f)” in its place;

■ f. In section 6:

■ i. By revising paragraphs (b) and (c);

■ ii. In paragraph (d) by adding the phrase “, if applicable,” immediately following the phrase “Peak Inventory Value Report”;

■ iii. By revising paragraphs (e) introductory text and (e)(1) and (2);

■ iv. By removing paragraph (f) and redesignating paragraphs (g) through (k) as (f) through (j), respectively;

■ v. By revising newly redesignated paragraphs (f) and (g)(2) and (3);

■ vi. In newly redesignated paragraph (i) by removing the phrase “Eligible Plant List at <http://www.rma.usda.gov/>”

and adding “EPLPPS on RMA’s website” in its place; and

■ vii. By revising newly redesignated paragraphs (j) introductory text and (j)(4) and (5);

■ g. In section 7:

■ i. By revising paragraph (a);

■ ii. In paragraph (b)(1)(ii) by removing the phrase “wholesale catalog or price list” and adding the word “catalog” in its place;

■ iii. In paragraph (c) by removing the phrase “If your premium is prorated, premium” and adding the word “Premium” in its place; and

■ iv. By revising paragraph (d);

■ h. In section 8:

■ i. By revising the introductory text;

■ ii. By redesignating paragraphs (a) through (k) as (b) through (l), respectively, and adding a new paragraph (a);

■ iii. In newly redesignated paragraph (b) by removing the phrase “Eligible

- Plant List” in the two places it appears and adding “EPLPPS” in its place;
- iv. In newly redesignated paragraph (f) by removing the word “You” and adding the word “you” in its place;
 - v. By revising newly redesignated paragraph (i); and
 - vi. In newly redesignated paragraph (k) by removing the word “Harvest” and adding the word “harvest” in its place;
 - i. Revise section 9;
 - j. In section 10:
 - i. By revising paragraph (c)(3); and
 - ii. In paragraph (c)(6) by removing the phrase “In lieu of section 12(b) of the Basic Provisions, failure” and adding the word “Failure” in its place;
 - k. In section 11 by revising paragraph (b);
 - l. Revise section 12;
 - m. In section 14:
 - i. By redesignating paragraphs (a) through (c) as (b) through (d), respectively, and adding a new paragraph (a);
 - ii. In newly redesignated paragraph (b) by removing the word “cancellation” and adding the words “sales closing” in its place and removing the phrase “section 14(c)” adding the phrase “section 14(d)” in its place; and
 - iii. In newly redesignated paragraph (d) introductory text by removing the word “cancellation” and adding the words “sales closing” in its place; and
 - n. Revise section 15.

The revisions and additions reads as follows:

§ 457.162 Nursery crop insurance provisions.

* * * * *

1. Definitions

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Amount of insurance. For the purposes of calculating premium, the result of multiplying the basic unit value by your selected coverage level and by your share. For the purpose of determining the amount of any indemnity, the result of multiplying the basic unit value by your selected coverage level and by your share minus any previous indemnities during the crop year paid under these Crop Provisions.

Basic unit value. The full inventory value of all insurable plants in a basic unit declared on your original or revised PIVR and a Peak Inventory Value Report, if applicable.

Catalog. Any document, including but not limited to printed discount schedules, issued by your nursery and used to advise actual and/or potential buyers of the amount you are charging for purchases of each plant included in the inventory.

(1) Such documents may be issued by season, by plant type, or other basis consistent with your business practices.

(2) The documents can be in any form, but must meet the minimum standards contained in section 6(j), except that the printed discount schedules do not have to be provided to customers.

Container grown. A nursery production practice in which plants are grown in standard nursery containers: above the ground; placed in the ground; or when placed in another standard nursery container in the ground (*i.e.*, pot-in-pot).

Crop Inventory Valuation Report (CIVR). A plant inventory list created on the Nursery Inventory Software for assisting in establishing the insurable nursery plant inventory value.

* * * * *

Crop year deductible. The basic unit value multiplied by the deductible minus the amount of any previously-incurred deductible if you have reported each loss to us in accordance with section 11(a)(2). The crop year deductible will be increased for any increases in the inventory value on the PIVR or through the purchase of a Peak Inventory Endorsement, if in effect at the time of loss.

Eligible Plant List and Plant Price Schedule (EPLPPS). A component of the actuarial documents that is published by FCIC on RMA’s website and is also available on compact disk from your crop insurance agent. The EPLPPS contains the following information:

- (1) The botanical and common names of insurable plants;
- (2) The cold protection requirements for container grown material and the areas in which they apply;
- (3) The hardiness zone in which field grown material is insurable;
- (4) The designated hardiness zones available for each county;
- (5) The plant type, storage key, and hardiness zone classification for each plant on the list; and
- (6) A schedule of insurable plant prices that establishes the highest value accepted for insurance purposes unless otherwise allowed by the policy or an endorsement to the policy.

* * * * *

Field grown. A nursery production practice in which plants are grown in the ground. Plants grown in in-ground fabric grow bags, plants that are balled and burlapped, or plants grown in containers that allow the plants to root (excluding fibrous roots) into the ground (for example, a container without a bottom) are also considered field grown.

Field market value A (FMVA). Our determination of the value of all

insurable plants in the basic unit immediately prior to the occurrence of a loss event. This value will be determined in accordance with the requirements of section 6 of these Crop Provisions. For liners, the total value of undamaged liners is multiplied by the survival factor to determine the value of undamaged insurable plants.

Field market value B (FMVB). Our determination of the value of all damaged and undamaged insurable plants in the basic unit following the occurrence of a loss event. This value will be determined in accordance with the requirements of section 6 of these Crop Provisions with an adjustment for the amount of damage we determine the plants have sustained.

* * * * *

Liners. Plants produced in standard nursery containers that have a minimum dimension greater than or equal to 5/8 inch and a maximum dimension of less than 3 inches at the widest point of the container or cell interior, have an established root system, and meet all other conditions specified in the Special Provisions.

Loss. FMVA minus FMVB, as adjusted by any under-report factor or over-report factor. Payments made under the Rehabilitation Endorsement are not considered to be a loss.

Lowest price. The lesser of the minimum price stated in your catalog or the price contained in the EPLPPS for a plant and its size. The minimum price in your catalog is the lowest price at which you will sell that plant and size to any buyer, including all incremental volume discounts or any other discounting factor.

Marketable. A plant that can be sold in a customary or secondary market for a non-zero value.

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Nursery. A business enterprise that grows the nursery plants. At least 40 percent of its gross income derived from plant sales must be from the wholesale marketing of such plants.

Occurrence deductible. This deductible allows a smaller deductible than the crop year deductible to be used when FMVA is more or less than the reported basic unit value. The occurrence deductible is the lesser of:

- (1) The deductible multiplied by FMVA and:
 - (i) In under-report situations, multiplied by the under-report factor; or
 - (ii) In over-report situations, multiplied by the sum of 1.000 plus the over-report factor; or
 - (2) The crop year deductible.
- Over-report factor.* The factor that adjusts your indemnity for over-

reporting of inventory values. This factor is used to determine indemnities when the basic unit value minus the total of all previous losses is more than 110 percent of FMVA for the same basic unit plus the insured value of plants listed on the verifiable sales records. The over-report factor is calculated by:

(1) The basic unit value reported on the PIVR, including any Peak Inventory Value Report during the coverage term of a Peak Inventory Endorsement, if applicable, minus the total of all previous losses;

(2) FMVA plus the insured value of plants listed on the verifiable sales records, minus 1.100; and

(3) Dividing the result of paragraph (1) of this definition by the result of paragraph (2) of this definition.

(4) If the result is greater than 0.000, then the over-report factor applies.

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Practice. A cultural method of producing plants identified in the actuarial documents.

Restock. Replacement of lost or damaged plants that increases the value of the insurable inventory to an amount greater than the remaining amount of insurance.

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Standard nursery containers. Rigid containers that have a minimum dimension greater than or equal to 5/8 inch, unless otherwise provided by the Special Provisions, at the widest point of the container interior, above-ground fabric grow bags, and other types of containers specified in the Special Provisions that are appropriate in size and provide adequate drainage for the plant. In-ground fabric grow bags, balled and burlapped, and trays (flats) without individual cells are not considered standard nursery containers.

* * * * *

Survival factor. A value specified in the Special Provisions that denotes the expected percentage of liners that normally survive the period from insurance attachment to market.

Under-report factor. The factor that adjusts your indemnity for under-reporting of inventory values. The factor is always used in determining indemnities. For each basic unit, the under-report factor is the lesser of:

(1) 1.000; or

(2) The basic unit value, including a Peak Inventory Value Report during the coverage term of a Peak Inventory Endorsement, if applicable, minus the total of all previous losses; and dividing that result by FMVA.

* * * * *

2. Unit Division

(a) If you elect additional coverage for a practice, a basic unit, as defined in section 1 of the Basic Provisions, may be divided into additional basic units by:

(1) Each insurable plant type for which a premium rate is provided by the actuarial documents; or

(2) For the field grown practice only, non-contiguous land. Basic units by non-contiguous land for the container grown practice may be allowed if provided for in the Special Provisions.

(b) Only the plant types listed in the actuarial documents are insurable.

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities

* * * * *

(c) * * *

(1) * * *

(iv) * * *

(A) A new plant is added under a revised PIVR or Peak Inventory Value Report, if applicable; and

(B) The new plant is not categorized under a plant type reported on the initial PIVR or Peak Inventory Value Report, if applicable.

* * * * *

(d) * * *

(2) For carryover policies:

(i) Changes must be requested on or before the sales closing date; and

(ii) Unless we reject the proposed increase because a loss occurs within 30 days of the date the request is made (rejection can occur at any time we discover such loss has occurred), requested changes will take effect on the date of the start of the crop year.

* * * * *

6. PIVR

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(b) You must submit a separate PIVR for each insured practice, as applicable, and two copies of your most recent catalog to us with your application and on or before the sales closing date for each crop year following the year of application. If you elected basic units by non-contiguous land, you must also submit a separate PIVR for each non-contiguous land unit within the insured practice, and keep all records separate by unit.

(1) You will be notified in writing on or before the end of the 30-day waiting period if an application for insurance is rejected because the inspection determines you do not meet the insurability requirements or the PIVR, catalog, or supporting documentation (if requested by us) is not acceptable.

(2) If you fail to provide a PIVR or catalog on or before the sales closing

date for any crop year, insurance will not attach until the 31st day after all such documents have been received by your crop insurance agent and we will not be liable for any losses that occur before insurance has attached.

(c) The PIVR must include, by basic unit, all growing locations, basic unit value, coverage level selected, as applicable, and your share.

(1) If you do not elect additional basic units by plant type, or additional basic units by non-contiguous land, or if you elect catastrophic risk protection coverage, the inventory values for each plant type in the basic unit must be separately reported on the PIVR and totaled to determine the basic unit value.

(2) At our option, you will be required to provide documentation in support of your PIVR, including, but not limited to the following:

(i) A detailed plant inventory listing that includes the name, the number, and the size of each plant, or a CIVR;

(ii) Acceptable records of sales and purchases of plants for the three previous crop years in the amount of detail we require. Acceptable records must contain the name and telephone number of the purchaser or seller, as applicable, names of the plants, the number of each plant sold or purchased, and the sales price for each plant; and

(iii) Your ability to properly obtain and maintain nursery plants.

(3) If you fail to provide the requested documentation:

(i) Before insurance attaches, your insurance will be denied for the crop year for any basic units for which you did not provide such documentation. This provision does not apply to:

(A) Plant varieties you have not previously grown; or

(B) New nurseries where an inspection has determined you have the ability to properly obtain and maintain the nursery plants.

(ii) After insurance attaches, you will still owe premium, but you will not receive an indemnity for any basic units for which you did not provide such documentation. This provision does not apply to:

(A) Plant varieties you have not previously grown; or

(B) New nurseries where an inspection has determined you have the ability to properly obtain and maintain the nursery plants.

(4) If you provide inadequate documentation (i.e., documentation that does not support the amount for which you reported) after insurance attaches for each basic unit, your insurance will not be denied for the crop year. However, your failure to provide

adequate documentation may result in a reduction in your indemnity for each basic unit where inadequate documentation was provided.

(5) For policies insured at the catastrophic risk protection level, you must report, on the PIVR for each practice insured, your greatest plant sales in any of the previous three years and the actual inventory value on the date insurance attaches. For each applicable practice, the total of your basic unit values cannot exceed 110 percent of the higher of your:

- (i) Greatest amount of plant sales in any of the previous three years; or
- (ii) Actual inventory value on the date insurance attaches.

* * * * *

(e) Your PIVR must reflect your insurable basic unit value.

(1) The basic unit value you report on your PIVR must be based on the lowest price for each plant size included in the inventory. The inventory value of insured liners must be multiplied by the survival factor.

(2) In no instance will we be liable for plant values greater than those contained in the EPLPPS.

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(f) You may increase your reported inventory value for each basic unit no more than twice during the crop year by submitting a revised PIVR prior to 30 days before the end of such crop year.

(1) Any requested increase must be made in writing and meet all the requirements of the original PIVR.

(2) We will perform an inspection of the nursery to determine if adequate and acceptable facilities exist to accommodate the requested increased inventory value when the total of all the basic unit values contained on the revised PIVR or Peak Inventory Value Report, if applicable, is increased 50 percent or more from the previous total of all the basic unit values on the PIVR, and the increase is not due to restocking subsequent to an insured loss.

(3) At our discretion, we may inspect the nursery to determine if adequate and acceptable facilities exist to accommodate the requested increased inventory value if an increase of less than 50 percent is reported on the revised PIVR or Peak Inventory Value Report, if applicable.

(4) Your revised PIVR will be considered accepted by us and insurance will attach on any proposed increase in inventory value 30 days after your written request is received unless we reject the proposed increase in your plant inventory value in writing.

(5) We will reject any requested increase if a loss occurs within 30 days

of the date the request is made (rejection can occur at any time we discover such loss has occurred).

(6) You cannot revise your PIVR to decrease the plant inventory value after the start of the insurance period specified in section 9.

(7) Notwithstanding section 6(f), if you have suffered an insured loss on a basic unit and have restocked the nursery, then you are allowed to increase your reported inventory value for the basic unit one additional time by submitting a revised PIVR.

(g) * * *

(2) The insurable value of such plants will be removed from the applicable basic unit value reported on the PIVR if they are not accepted;

(3) The procedure for calculating the insurable value of damaged plants that are accepted for coverage is contained in the Special Provisions.

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(j) At a minimum, your catalog must meet the following standards:

* * * * *

(4) Be provided to customers (except printed discount schedules) and used in the sale of your plants; and

(5) List each plant's name (botanical or common), plant or container size, and wholesale price.

7. Premium

(a) In lieu of section 7(c) of the Basic Provisions, we will determine your premium by multiplying the amount of insurance by the appropriate premium rate, any premium adjustment factor, and the monthly proration factor contained in the actuarial documents. If you elect catastrophic risk protection coverage, this calculation must also be multiplied by fifty-five percent.

* * * * *

(d) In lieu of section 7(a) of the Basic Provisions:

(1) If you apply for insurance before the premium billing date listed in the actuarial documents, the annual premium is earned and payable at the time coverage begins. You will be billed for the premium and administrative fee not earlier than the premium billing date listed in the actuarial documents.

(2) If you apply for insurance, or submit your PIVR or catalog, on or after the premium billing date listed in the actuarial documents, the premium for the partial crop year will be due and must be paid at the time of application or submission of your PIVR or catalog.

(3) Failure to pay the premium at the time of application or when you submit your PIVR or catalog will result in no insurance and no indemnity being owed for the crop year.

8. Insured Crop and Plants

In lieu of the provisions of sections 8 and 9 of the Basic Provisions, the insured crop will be all nursery plants in each practice you elect to insure, and:

(a) For which you have a share;

* * * * *

(i) Are grown and sold with the root system attached;

* * * * *

9. Insurance Period

(a) In lieu of section 11 of the Basic Provisions:

(1) For the year of application, if you apply for coverage:

(i) On or before May 1st of the crop year, coverage begins June 1st, unless we notify you in writing that your application is rejected because your PIVR, catalog, or supporting documentation (if requested by us) is not acceptable;

(ii) After May 1st, coverage will not begin until the 31st day after we receive all acceptable documents; and

(2) For continuous policies, the insurance period begins on each June 1st.

(b) Insurance ends at the earliest of:

(1) The date of final adjustment of a loss when the total indemnities due equal the amount of insurance;

(2) Removal of bare root nursery plant material from the field;

(3) Removal of all other insured plant material from the nursery;

(4) May 31st; or

(5) Abandonment of the crop on the basic unit.

10. Causes of Loss

* * * * *

(c) * * *

(3) Cold temperatures, if cold protection is required in the EPLPPS, unless you have installed adequate cold protection equipment or facilities and:

(i) There is a failure or breakdown of the cold protection equipment or facilities resulting from an insurable cause of loss specified in section 10(a) (the insured plants must be damaged by cold temperatures and the damage must occur within 72 hours of the failure of such equipment or facilities unless we establish that repair or replacement was not possible between the time of failure or breakdown and the time the damaging temperatures occurred); or

(ii) The lowest temperature or its duration exceeded the ability of the required cold protection equipment or facilities to keep the insured plants from sustaining cold damage;

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11. Duties in the Event of Damage or Loss

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(b) If you fail to obtain our written consent as required by section 11(a)(1), your claim will be denied on each basic unit for which written consent was not obtained.

12. Settlement of Claim

We will determine indemnities for any unit as follows:

(a) Determine the under-report factor or over-report factor, as applicable, for the basic unit;

(b) Determine the occurrence deductible;

(c) Subtract FMVB from FMVA;

(d) Multiply the result of 12(c) by the under-report factor or one minus the over-report factor (1.000 – over-report factor), as applicable;

(e) Subtract the occurrence deductible from the result in section 12(d); and

(f) If the result of section 12(e) is greater than zero, and subject to the limit stated in section 12(g):

(1) For additional coverage, your indemnity equals the result of section 12(e) multiplied by your share.

(2) For catastrophic risk protection coverage, your indemnity equals the result of section 12(e) multiplied by fifty-five percent and by your share.

(g) The total of all indemnities for the crop year will not exceed the amount of insurance, including any peak amount of insurance during the coverage term of the Peak Inventory Endorsement, if this endorsement is elected.

(h) In order to prevent your indemnity from being reduced when you have over-reported your basic unit value, the following must apply: FMVA plus the insured value of the plants listed on the verifiable sales records must support, within 10 percent, the basic unit value reported on the PIVR, revised PIVR, and Peak Inventory Value Report, if applicable, minus the total of all applicable losses. Otherwise, any indemnity for that basic unit will be reduced by an over-report factor.

(i) If you elected basic units by non-contiguous land, in accordance with section 3(a)(ii), and you do not keep your records separate by unit, we will combine all basic units for which records were not kept separate.

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14. Written Agreements

(a) Written agreements may only be requested for plants not listed on the EPLPPS.

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15. Examples

Single Unit Example for an Under-Report Situation

Assume you have a 100 percent share and the basic unit value reported by you is \$100,000. Your coverage level is 75 percent. Your amount of insurance is \$75,000 (\$100,000 × .75). At the time of loss, we determine that the value of your inventory immediately before the loss (FMVA) is \$125,000, and the value after the loss (FMVB) is \$80,000. Your indemnity would be calculated as follows:

Step (1): $\$100,000 \div \$125,000 = .80$ is the under-report factor;

Step (2): The occurrence deductible is the lesser of: a) $.25 \times \$125,000 \times .80 = \$25,000$; or b) $\$100,000 \times (1.00 - .75) = \$25,000$;

Step (3): $\$125,000 - \$80,000 = \$45,000$ loss;

Step (4): $\$45,000 \times .80 = \$36,000$ loss after the under-report factor is applied;

Step (5): $\$36,000 - \$25,000 = \$11,000$ loss after the occurrence deductible; and

Step (6): $\$11,000 \times 1.000$ share = \$11,000 indemnity payment.

Single Unit Example for an Over-Report Situation

Assume you have a 100 percent share and the basic unit value reported by you is \$125,000. Your coverage level is 75 percent. Your amount of insurance is \$93,750 (\$125,000 × .75). At the time of loss, we determine that the value of your inventory immediately before the loss (FMVA) is \$100,000, and the value after the loss (FMVB) is \$50,000. You provide verifiable sales records containing an insured value of plants equaling \$10,000. Your indemnity would be calculated as follows:

Step (1): $(\$125,000 \div (\$100,000 + \$10,000)) - 1.100 = .04$ is the over-report factor;

Step (2): The occurrence deductible is the lesser of: a) $.25 \times \$100,000 \times (1.000 + .04) = \$26,000$; or b) $.25 \times \$125,000 = \$31,250$;

Step (3): $\$100,000 - \$50,000 = \$50,000$ loss;

Step (4): $\$50,000 \times (1.000 - .04) = \$48,000$ loss after the over-report factor is applied;

Step (5): $\$48,000 - \$26,000 = \$22,000$ loss after the occurrence deductible; and

Step (6): $\$22,000 \times 1.000$ share = \$22,000 indemnity payment.

Peak Inventory Value Report Example

Assume you have a second loss on the same basic unit as the first example. Your amount of insurance has been reduced by subtracting your previous indemnity payment of \$11,000 from your amount of insurance (\$75,000 – \$11,000 = \$64,000). Your crop year deductible has been reduced to zero by the previous loss (\$25,000 – \$36,000, but not less than zero). You purchase a Peak Inventory Endorsement and report \$60,000 in inventory. Your peak amount of insurance is your reported inventory times your coverage level ($\$60,000 \times .75 = \$45,000$). The combined amount of insurance for the coverage term of the peak endorsement is $\$64,000 + \$45,000 = \$109,000$. Your crop year deductible is increased by \$15,000 ($\$60,000 \times .25$). At the time of loss, we determine that the value of your inventory immediately before the loss (FMVA) is \$124,000, and the value after the loss (FMVB) is \$58,000. Your indemnity would be calculated as follows:

Step (1): $(\$160,000 - \$36,000) / \$124,000 = 1.00$ is the under-report factor;

Step (2): The occurrence deductible is the lesser of: a) $.25 \times \$60,000 \times 1.00 = \$15,000$; or b) $\$60,000 \times .25 = \$15,000$;

Step (3): $\$124,000 - \$58,000 = \$66,000$ loss;

Step (4): $\$66,000 \times 1.00 = \$66,000$ loss after the under-report factor is applied;

Step (5): $\$66,000 - \$15,000 = \$51,000$ loss after the occurrence deductible; and

Step (6): $\$51,000 \times 1.000$ share = \$51,000 indemnity payment.

Your peak amount of insurance is reduced to zero. Your amount of insurance is reduced by the amount the indemnity exceeds the peak amount of insurance. $\$64,000 - (\$51,000 - \$45,000) = \$64,000 - \$6,000 = \$58,000$.

Signed in Washington, DC, on January 26, 2018.

Heather Manzano,

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FEDERAL REGISTER PAGES AND DATE, JANUARY

1-208.....	2	2525-2732.....	18
209-462.....	3	2733-2884.....	19
463-588.....	4	2885-3058.....	22
589-704.....	5	3059-3260.....	23
705-970.....	8	3261-3400.....	24
971-1172.....	9	3401-3562.....	25
1173-1288.....	10	3563-3936.....	26
1289-1510.....	11	3937-4130.....	29
1511-2028.....	12	4131-4412.....	30
2029-2328.....	16	4413-4574.....	31
2329-2526.....	17		

CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

9688.....	587
9689.....	2883
9690.....	3057
9691.....	3531
9692.....	3539
9693.....	3541
9694.....	3553

Executive Orders:

13799 (Revoked by EO 13820).....	969
13820.....	969
13821.....	1507
13822.....	1513

Administrative Orders:

Memorandums:	
Memorandum of January 8, 2018.....	1511
Memorandum of January 9, 2018.....	3935
Notices:	
Notice of January 17, 2018.....	2731
Presidential Determinations:	
No. 2018-03 of January 23, 2018.....	3533
No. 2018-04 of January 23, 2018.....	3535

5 CFR

890.....	3059
1201.....	1173
2634.....	2329
2636.....	2329

6 CFR

46.....	2885
---------	------

7 CFR

1c.....	2885
319.....	4131
457.....	4546
922.....	4413
927.....	589
959.....	592
1210.....	4414

Proposed Rules:

Subtitle A.....	474
Subtitle B.....	474
205.....	2373, 2498
929.....	72
930.....	77
1220.....	2747
1260.....	2747

9 CFR

Proposed Rules:	
Ch. I.....	474
Ch. II.....	474
Ch. III.....	474

10 CFR

2.....	1515
13.....	1515
50.....	2331, 2525
72.....	3261
205.....	1174
207.....	1289
218.....	1289
429.....	1289
431.....	1289
490.....	1289
501.....	1289
601.....	1289
745.....	2885
820.....	1289
824.....	1289
851.....	1289
1013.....	1289
1017.....	1289
1050.....	1289
Proposed Rules:	
170.....	3407
171.....	3407
429.....	2566
430.....	2566

11 CFR

Proposed Rules:	
102.....	3996
104.....	3996
109.....	3996

12 CFR

19.....	1517
109.....	1517
217.....	705
263.....	1182
308.....	1519
622.....	1293
747.....	2029
1083.....	1525
1411.....	3563

Proposed Rules:

213.....	286
709.....	4450

13 CFR

Proposed Rules:	
125.....	4005

14 CFR

25.....	463, 2032, 2035, 2038, 2526, 2529, 2532, 3062
39.....	209, 594, 596, 1527, 1529, 1532, 1535, 2039, 2042, 2354, 2358, 2361, 2364, 2366, 2733, 2894, 2896, 2899, 3064, 3263, 3564, 3566, 3937, 3939, 3941, 4136
71.....	1184, 1185, 1537, 2535, 2737, 3067

95.....971	120.....598	21.....2885	381.....2739
97.....3569, 3570, 3572, 3575	123.....598	500.....7	Proposed Rules:
121.....1186, 4420	129.....598	501.....7	1.....2759
135.....1188	179.....598	503.....7	42.....2759
1230.....2885	211.....598	530.....7	38 CFR
1264.....2045	507.....598	570.....7	16.....2885
1271.....2045	573.....19	578.....7	17.....974
Proposed Rules:	600.....3586	579.....7	Proposed Rules:
39.....80, 83, 1198, 1311, 1313,	801.....2057	801.....7	1.....2762
1579, 2088, 2090, 2373,	803.....2057	825.....7	17.....2396, 4452
2375, 2378, 3283, 3287,	806.....2057	1601.....2536	74.....1203
3628, 3630, 4167	810.....2057	1902.....7	39 CFR
71.....1201, 1582, 1584, 2574,	814.....2057	1903.....7	111.....980
2747, 3100	820.....2057	2560.....7	113.....1189
73.....1316, 1319	821.....2057	2575.....7	266.....3085
15 CFR	822.....2057	2590.....7	Proposed Rules:
6.....706	830.....2057	4022.....1553	111.....995
27.....2885	864.....20, 232	4071.....1555	3050.....1320
744.....3577	870.....4139	4302.....1555	40 CFR
774.....709	878.....22, 4141	Proposed Rules:	19.....1190
16 CFR	892.....600	101.....4011	26.....2885
1.....2902	1301.....3071	102.....4011	52.....33, 983, 984, 1194, 1195,
303.....3068	1308.....469, 4411	2510.....614	1302, 3965, 3982
1028.....2885	Proposed Rules:	30 CFR	63.....1559, 3986
1308.....3583	1.....3442, 3443, 3445, 3447	100.....7	81.....1098
Proposed Rules:	7.....2758	250.....2538	122.....712
Ch. II.....2382	10.....2388	553.....2540	123.....712
460.....2934	15.....2952	917.....3948	174.....3601
17 CFR	101.....2393	1218.....3075	180.....33, 3603, 3605, 3610,
3.....1538	112.....3447	1241.....2907	3615
9.....1538, 1548	117.....3447, 3449	Proposed Rules:	260.....420
211.....1295	201.....2092	901.....2953, 4011	262.....420
230.....2046	507.....3447	32 CFR	263.....420
232.....2369	600.....3631	205.....1556	264.....420
249.....4138	800.....2388	219.....2885	265.....420
275.....1296	801.....2092	269.....3077	271.....420
Proposed Rules:	1100.....2092	33 CFR	282.....985
200.....291	1308.....4406	83.....3273	300.....2549, 4430, 4431
18 CFR	22 CFR	100.....237, 3599	Proposed Rules:
11.....1	22.....4423, 4425	117.....237, 2060, 2738, 2909,	51.....3636
40.....3268	35.....234	3401, 3959, 3960, 3961,	52.....636, 764, 997, 1001, 1003,
250.....1550	51.....4143	4143, 4428	1212, 1602, 2097, 2955,
381.....468	103.....234	147.....237	3101, 4015
385.....1550	127.....234, 2738	165.....237, 2910, 3401, 3963	60.....3636
Proposed Rules:	138.....234	Proposed Rules:	62.....768, 3656
40.....3433	225.....2885	100.....1597, 3450, 4169	63.....160, 3636
401.....1586	23 CFR	165.....1599, 2394, 4013, 4171	81.....636, 651
440.....1586	1300.....3466	34 CFR	180.....3658
1304.....2382	24 CFR	36.....2062	257.....2100
20 CFR	60.....3589	97.....2885	282.....1003
404.....711	Proposed Rules:	350.....1556	300.....2576
416.....711	3280.....3635	356.....1556	41 CFR
431.....2885	3282.....3635	359.....1556	50-201.....7
655.....7	3285.....3635	364.....1556	105-70.....1303
702.....7	25 CFR	365.....1556	300-3.....602
725.....7	514.....2903	366.....1556	300-70.....602
726.....7	517.....3591	668.....2062	301-10.....602
1011.....3585	547.....2738	36 CFR	301-70.....602
21 CFR	575.....2059	2.....2065	App. C to Chap.
1.....598	26 CFR	14.....2069	301.....602
11.....598	301.....24	223.....4144	302-1.....602
16.....598, 2057	27 CFR	242.....3079	302-4.....602
73.....4423	16.....1552	1194.....2912	304-2.....602
106.....598	28 CFR	Proposed Rules:	42 CFR
110.....598	85.....3944	220.....302	2.....239
111.....598	29 CFR	37 CFR	414.....4431
112.....598	5.....7	2.....1559	416.....4431
114.....598		201.....2070, 2542, 4144	419.....4431
117.....598		202.....2070, 2371, 2542, 4144	424.....4147
			Proposed Rules:
			493.....1004

43 CFR	47 CFR	54 .....303, 2104, 2412	49 CFR
10 .....4151	0 .....732, 2554	64 .....770	11 .....2885
3160 .....3992	1 .....37, 2554	73 .....774, 3661, 4455	367 .....605
	2 .....37	74 .....3661	395 .....2744
44 CFR	10 .....1565	76 .....2119	1022 .....992
Ch. I .....472	11 .....2557	80 .....3661	Proposed Rules:
64 .....252, 3622, 3624	15 .....37, 3274	90 .....3661	395 .....1220, 1222, 2765
	25 .....37	95 .....3661	571 .....2607, 3667
	30 .....37	101 .....3661	
45 CFR	36 .....4153	48 CFR	50 CFR
46 .....2885	51 .....2554	Ch. I .....3396, 3399	17 .....257, 2085, 3086
690 .....2885	54 .....254, 2075	22 .....3396	100 .....3079
1149 .....2071	61 .....2554	25 .....3396	216 .....3625
1158 .....2071	63 .....2563	52 .....3396	223 .....2916, 4153
1230 .....2073	64 .....1566	202 .....4431	622 .....65, 1305, 2931, 3403,
1302 .....2743	73 .....733	212 .....4431	3404
1611 .....3085	90 .....1577	215 .....4431	648 .....3405, 4165
2554 .....2073	96 .....992	234 .....4431	660 .....757
Proposed Rules:	101 .....37	239 .....4431	665 .....3099
88 .....3880	Proposed Rules:	252 .....4431, 4447	679 .....284, 2564, 2932, 3281,
	1 .....1215, 3661, 4455	515 .....3275	3282, 3626
	2 .....85	538 .....3275	Proposed Rules:
46 CFR	22 .....3661	552 .....3275	17 .....330, 475, 490, 1223
506 .....1304	24 .....3661	Proposed Rules:	300 .....2412, 3108, 4175
Proposed Rules:	25 .....85	812 .....1321	622 .....3670
401 .....2581	27 .....3661	813 .....1321	648 .....780
404 .....2581	30 .....85, 3661	852 .....1321	660 .....1009, 3291

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at <http://www.archives.gov/federal-register/laws>.

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H.R. 984/P.L. 115-121

Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017 (Jan. 29, 2018; 132 Stat. 40)

H.R. 4641/P.L. 115-122

To authorize the President to award the Medal of Honor to John L. Canley for acts of valor during the Vietnam War while a member of the Marine Corps. (Jan. 29, 2018; 132 Stat. 63)

Last List January 25, 2018

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