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Presidential Documents

Title 3—

The President

Executive Order 13823 of January 30, 2018

Protecting America Through Lawful Detention of Terrorists

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

Section 1. *Findings.* (a) Consistent with long-standing law of war principles and applicable law, the United States may detain certain persons captured in connection with an armed conflict for the duration of the conflict.

(b) Following the terrorist attacks of September 11, 2001, the 2001 Authorization for Use of Military Force (AUMF) and other authorities authorized the United States to detain certain persons who were a part of or substantially supported al-Qa'ida, the Taliban, or associated forces engaged in hostilities against the United States or its coalition partners. Today, the United States remains engaged in an armed conflict with al-Qa'ida, the Taliban, and associated forces, including with the Islamic State of Iraq and Syria.

(c) The detention operations at the U.S. Naval Station Guantánamo Bay are legal, safe, humane, and conducted consistent with United States and international law.

(d) Those operations are continuing given that a number of the remaining individuals at the detention facility are being prosecuted in military commissions, while others must be detained to protect against continuing, significant threats to the security of the United States, as determined by periodic reviews.

(e) Given that some of the current detainee population represent the most difficult and dangerous cases from among those historically detained at the facility, there is significant reason for concern regarding their reengagement in hostilities should they have the opportunity.

Sec. 2. *Status of Detention Facilities at U.S. Naval Station Guantánamo Bay.* (a) Section 3 of Executive Order 13492 of January 22, 2009 (Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities), ordering the closure of detention facilities at U.S. Naval Station Guantánamo Bay, is hereby revoked.

(b) Detention operations at U.S. Naval Station Guantánamo Bay shall continue to be conducted consistent with all applicable United States and international law, including the Detainee Treatment Act of 2005.

(c) In addition, the United States may transport additional detainees to U.S. Naval Station Guantánamo Bay when lawful and necessary to protect the Nation.

(d) Within 90 days of the date of this order, the Secretary of Defense shall, in consultation with the Secretary of State, the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the heads of any other appropriate executive departments and agencies as determined by the Secretary of Defense, recommend policies to the President regarding the disposition of individuals captured in connection with an armed conflict, including policies governing transfer of individuals to U.S. Naval Station Guantánamo Bay.

(e) Unless charged in or subject to a judgment of conviction by a military commission, any detainees transferred to U.S. Naval Station Guantánamo Bay after the date of this order shall be subject to the procedures for periodic review established in Executive Order 13567 of March 7, 2011 (Periodic Review of Individuals Detained at Guantánamo Bay Naval Station

Pursuant to the Authorization for Use of Military Force), to determine whether continued law of war detention is necessary to protect against a significant threat to the security of the United States.

Sec. 3. *Rules of Construction.* (a) Nothing in this order shall prevent the Secretary of Defense from transferring any individual away from the U.S. Naval Station Guantánamo Bay when appropriate, including to effectuate an order affecting the disposition of that individual issued by a court or competent tribunal of the United States having lawful jurisdiction.

(b) Nothing in this order shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful permanent residents of the United States, or any persons who are captured or arrested in the United States.

(c) Nothing in this order shall prevent the Attorney General from, as appropriate, investigating, detaining, and prosecuting a terrorist subject to the criminal laws and jurisdiction of the United States.

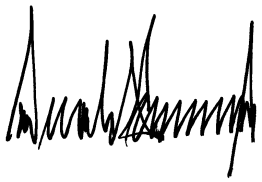
Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
January 30, 2018.

[FR Doc. 2018–02261
Filed 2–1–18; 8:45 am]
Billing code 3295–F8–P

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0342; Airspace Docket No. 17–AGL–6]

Amendment of Class E Airspace; for the Following Ohio Towns; Millersburg, OH and Coshocton, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface at Holmes County Airport, Millersburg, OH; and at Richard Downing Airport, Coshocton, OH due to the decommissioning of Tiverton VHF Omnidirectional Range (VOR) and Distance Measuring Equipment (DME), cancellation of the VOR approaches, and implementation of area navigation (RNAV) procedures have made this action necessary for the safety and management of instrument flight rules (IFR) operations at these airports. Additionally, the geographic coordinates at Richard Downing Airport and Holmes County Airport would be adjusted to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, May 24, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Walter Tweedy, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Holmes County Airport, Millersburg, OH and Richard Downing Airport, Coshocton, OH to support IFR operations at these airports.

History

The FAA published in the **Federal Register** a notice of proposed rulemaking (82 FR 55063; November 20, 2017) for Docket No. FAA–2017–0342 to modify Class E airspace extending upward from 700 feet above the surface at Holmes County Airport, Millersburg, OH. and Richard Downing Airport, Coshocton, OH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, an edit was made removing the city in the airspace designation for Holmes County Airport to comply with a recent change to FAA Order 7400.2L, Procedures for Handling Airspace Matters.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius (reduced from a 6.7-mile radius) at Holmes County Airport, Millersburg, OH. The segments within 2.7 miles either side of the 085° bearing from the airport extending from the 6.7-mile radius to 10.5 miles east of the airport and within 1.8 miles either side of the 236° bearing from the airport, extending from the 6.7-mile radius to 8 miles southwest of the airport, would be removed. This action also updates the geographic coordinates of Holmes County Airport to coincide with the FAA's aeronautical database.

Additionally, the city is removed from the airport name in the airspace description to comply with a recent change to FAA Order 7400.2L, Procedures for Handling Airspace Matters, dated October 12, 2017.

This action also modifies Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius (increased from a 6.3-mile radius) at Richard Downing Airport, Coshocton, OH, with a segment within 2.0 miles (reduced from 4- miles) either side of the 037° bearing from the airport extending from the 6.5-mile radius to 8.6 miles (reduced from 10- miles) northeast of the airport. This action also updates the geographic coordinates of

Richard Downing Airport to coincide with the FAA's aeronautical database.

This action enhances the safety and management of standard instrument approach procedures for IFR operations at these airports.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL OH E5 Millersburg, OH [Amended]

Holmes County Airport, OH
(Lat. 40°32′12″ N, long. 81°57′21″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Holmes County Airport.

* * * * *

AGL OH E5 Coshocton, OH [Amended]

Richard Downing Airport, OH
(Lat. 40°18′37″ N, long. 81°51′09″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Richard Downing Airport and within 2.0 miles either side of the 037° bearing from the airport extending from the 6.5-mile radius to 8.6 miles northeast of the airport.

Issued in Fort Worth, Texas, on January 26, 2018.

Christopher L. Southerland,

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

[FR Doc. 2018–02017 Filed 2–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[170322303–8069–01]

RIN 0691–AA87

International Services Surveys: BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends regulations of the Department of Commerce's Bureau of Economic Analysis (BEA) to set forth the reporting requirements for the mandatory BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons. This survey applies to the 2017 fiscal reporting year. The benchmark survey covers the universe of transactions in selected services and intellectual property and is BEA's most comprehensive survey of such transactions. For the 2017 benchmark survey, BEA is making changes to the reporting requirements of the survey, the data items collected, and the design of the survey form to satisfy changing data needs and to improve data quality and the effectiveness and efficiency of data collections.

DATES: This final rule is effective March 5, 2018.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch (BE–50), Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; phone (301) 278–9189; or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: On November 15, 2017, BEA published a notice of proposed rulemaking that set forth the revised reporting criteria for the BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons (82 FR 52863). No comments on the proposed rule were received.

This final rule amends 15 CFR part 801 to set forth the reporting requirements for the BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons.

BEA typically conducts the BE–120 survey once every five years under the authority of the International Investment and Trade in Services Surveys Act (22 U.S.C. 3101–3108).

In 2012, BEA established regulatory guidelines for collecting data on international trade in services and direct investment (77 FR 24373; April 24, 2012). This final rule, unlike most annual or quarterly BEA surveys conducted pursuant to the Act, amends those regulations to require a response from persons subject to the reporting requirements of the BE–120, whether or not they are contacted by BEA.

The benchmark survey covers the universe of selected services and intellectual property transactions with foreign persons and is BEA's most detailed survey of such transactions. In nonbenchmark years, the universe estimates covering these transactions are derived from the sample data reported on BEA's BE–125 Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons. The purpose of the benchmark

survey is to obtain universe data, including data from respondents not subject to filing on an ongoing quarterly basis, that will be used, in conjunction with quarterly data collected on the companion BE–125 survey, to produce estimates of selected services components for BEA's international transactions accounts (ITAs), national income and product accounts, and industry accounts. These data are also used to monitor U.S. trade in services, to analyze the impact on the U.S. economy and on foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities.

Description of Changes

This final rule amends the regulations (15 CFR part 801) and the survey form for the BE–120 benchmark survey. These amendments include changes to the reporting requirements for those not subject to reporting on the mandatory schedule(s) of the survey, changes in data items collected, and changes to the design of the survey form.

BEA changes the reporting requirements for reporters with transactions in covered services below the threshold for mandatory reporting on the schedule(s) of the survey ($2 million in combined sales or $1 million in combined purchases for fiscal year 2017). *All* reporters, regardless of the amount of their transactions in covered services are required to provide a total dollar amount for their sales and purchases, as applicable, *by transaction type.*

BEA adds and modifies some items on the benchmark survey form. The following items are added to the benchmark survey:

(1) Mandatory questions are added to collect information on contract manufacturing services. Reporters are required to provide a description of the primary manufactured (finished) good and the materials received or provided for further processing. Reporters are required to identify, on mandatory Schedule(s) A and B, as applicable, the foreign country(ies) involved in the transaction(s) and to distribute the amounts reported for each country according to whether the foreign person is the U.S. person's foreign affiliate, part of the U.S. person's foreign parent group, or an unaffiliated foreign person. As a result of respondent feedback obtained through various agency outreach efforts, BEA has decided not to collect the additional proposed aggregate and country-level detail on sales and purchases to foreign persons for: (1) The cost of materials received or provided for use in the manufacturing process, (2) the primary country of origin of the inputs used, (3) the final value of the product returned after the manufacturing service was completed, and (4) the primary country of destination of the finished product.

(2) Mandatory questions are added to collect new information on services transactions that were conducted remotely, *e.g.* where both the supplier and the consumer are in their respective territories when the service is delivered. This information will be collected for both sales of services performed remotely for foreign persons by U.S. persons and for purchases of services performed remotely by foreign persons for U.S. persons. For transactions in selected services, respondents are required to check a box identifying the percentage of their transactions that were conducted remotely, and to identify if this information was sourced from their accounting records or from recall/general knowledge. As a result of respondent feedback obtained through various agency outreach efforts, BEA has deciced not to collect this new information for other modes of delivery of services.

In addition, this final rule makes the following modifications to the survey form:

(1) Mandatory Schedules A and B are expanded to collect additional detail on intellectual property (IP) transactions. A U.S. person who engages in IP transactions with foreign persons is required to distribute their sales (receipts) and/or purchases (payments) according to the type of transaction and the type of IP. The covered transaction types are: (1) Transactions for the rights to use IP, (2) transactions for the rights to reproduce and/or distribute IP, and (3) transactions for the outright sales or purchases of IP. Reporters are required to identify the foreign country(ies) involved in the transaction(s) and to distribute the amounts reported for each country according to whether the foreign person is the U.S. person's foreign affiliate, part of the U.S. person's foreign parent group, or an unaffiliated foreign person.

(2) Research and development services are broken out into two categories: (1) Provision of customized and non-customized R&D services, and (2) other R&D services, including testing.

(3) Engineering, architectural, and surveying services are broken out into three categories: (1) Architectural services; (2) engineering services; (3) surveying, cartography, certification, testing, and technical inspection services. The current category of industrial engineering services has been dropped and captured within engineering services.

(4) Management, consulting, and public relation services are broken out into three categories: (1) Market research services; (2) public opinion polling services; and (3) other management, consulting, and public relations services. Trade exhibition and sales convention services are collected separately.

(5) Database and other information services are broken out into two components: (1) News agency services, and (2) other information services.

(6) Computer services are expanded into three categories: (1) Computer software, including end-user licenses and customization services; (2) cloud computing and data storage services; and (3) other computer services.

(7) Several service categories previously collected under ''Other selected services'' are collected separately. These services include audiovisual services, artistic-related services, health services, heritage and recreational services, other personal services, disbursements for sales promotion and representation, photographic services (including satellite photography), and space transport services.

(8) Mandatory Schedule C only collects related goods details for construction services. Mining services as well as the three new categories that replace engineering, architectural, and surveying services (see (3) above) are collected on Schedule A.

(9) The identification of transaction types and voluntary reporting of additional country and affiliation detail has been streamlined. All reporters, regardless of the amount of their transactions in covered services are required to provide a total dollar amount for their sales and purchases, as applicable, by transaction type. Reporters with transactions below the threshold have the option to voluntarily report information on transactions by country and by affiliation on the standard reporting schedules.

In addition, BEA has redesigned the format and wording of the survey. The new design incorporates improvements made to other BEA surveys as well as enhancements from a recent cognitive review conducted with selected survey respondents. Survey instructions and data item descriptions have been changed to improve clarity and ensure the benchmark survey form is more consistent with other BEA surveys.

Executive Order 12866

This final rule has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13771

This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866. Additionally, this rule is not subject to the requirements of Executive Order 13771 because this rule results in no more than *de minimis* costs.

Executive Order 13132

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

Paperwork Reduction Act

The collection-of-information in this final rule was submitted to the Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520 (PRA). OMB approved the reinstatement of the information collection under OMB control number 0608–0058.

Notwithstanding any other provisions of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection displays a currently valid OMB control number.

The BE–120 survey is expected to result in the filing of reports from approximately 15,500 respondents. Approximately 11,500 respondents will report mandatory data on the survey, and approximately 4,000 will file exemption claims. The respondent burden for this collection-of-information will vary from one respondent to another but is estimated to average (1) 23 hours for the 5,000 respondents that file mandatory or voluntary data by country and affiliation for relevant transaction types on the mandatory schedules; (2) 4 hours for the 6,500 respondents that file mandatory data by transaction type but not by country or affiliation—including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information; and (3) 1 hour for other responses. Thus, the total respondent burden for this survey is estimated at 145,000 hours, or about 9.5 hours (145,000 hours/15,500 respondents) per response, compared to 105,000 hours, or about 7 hours (105,000/15,000) for the previous BE–120 benchmark survey in 2011. The increase in burden hours is due to an increase in the size of the respondent universe as well as changes to the reporting requirements and content of the survey.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the final rule should be sent to both BEA via email at *Christopher.Stein@bea.gov* and to OMB, O.I.R.A., Paperwork Reduction Project 0608–0058, Attention PRA Desk Officer for BEA, Kerrie Leslie, via email at *OIRA_Submission@omb.eop.gov.*

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), that this action will not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No final regulatory flexibility analysis was prepared, as no comments were received regarding the determination that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 801

Economic statistics, Foreign trade, International transactions, Penalties, Reporting and recordkeeping requirements.

Dated January 17, 2018.

Brian C. Moyer,

Director, Bureau of Economic Analysis.

For reasons set forth in the preamble, BEA amends 15 CFR part 801 as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS AND SURVEYS OF DIRECT INVESTMENT

■ 1. The authority citation for 15 CFR part 801 continues to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101–3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp. p. 173); and E.O. 12518 (3 CFR, 1985 Comp. p. 348).

■ 2. Revise § 801.3 to read as follows:

§ 801.3 Reporting requirements.

Except for surveys subject to rulemaking in §§ 801.7, 801.8, 801.9, 801.10, and 801.11, reporting requirements for all other surveys conducted by the Bureau of Economic Analysis shall be as follows:

(a) Notice of specific reporting requirements, including who is required to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be published by the Director of the Bureau of Economic Analysis in the **Federal Register** prior to the implementation of a survey;

(b) In accordance with section 3104(b)(2) of title 22 of the United States Code, persons notified of these surveys and subject to the jurisdiction of the United States shall furnish, under oath, any report containing information which is determined to be necessary to carry out the surveys and studies provided for by the Act; and

(c) Persons not notified in writing of their filing obligation by the Bureau of Economic Analysis are not required to complete the survey.

■ 3. Add § 801.11 to read as follows:

§ 801.11 Rules and regulations for the BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons—2017.

The BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons will be conducted covering fiscal year 2017. All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 and 801.2 and §§ 801.4 through 801.6 are applicable to this survey. Specific additional rules and regulations for the BE–120 survey are given in paragraphs (a) through (e) of this section. More detailed instructions are given on the report form and in instructions accompanying the report form.

(a) *Response required.* A response is required from persons subject to the reporting requirements of the BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons—2017, contained in this section, whether or not they are contacted by BEA. Also, a person, or its agent, that is contacted by BEA about reporting on this survey, either by sending them a report form or by written inquiry, must respond in writing pursuant to this section. This may be accomplished by:

(1) Completing and returning the BE–120 by the due date of the survey; or

(2) If exempt, by completing the determination of reporting status section of the BE–120 survey and returning it to BEA by the due date of the survey.

(b) *Who must report.* A BE–120 report is required of each U.S. person that had sales to foreign persons or purchases from foreign persons in the services and

intellectual property categories covered by the survey during its 2017 fiscal year.

(c) *What must be reported.* (1) A U.S. person that had combined sales to foreign persons that exceeded $2 million or combined purchases from foreign persons that exceeded $1 million in the services and intellectual property categories covered by the survey during its 2017 fiscal year, on an accrual basis, is required to provide data on total sales and/or purchases of each of the covered types of services and intellectual property transactions and must disaggregate the totals by country and by relationship to the foreign transactor (foreign affiliate, foreign parent group, or unaffiliated). The $2 million threshold for sales and the $1 million threshold for purchases should be applied to services and intellectual property transactions with foreign persons by all parts of the consolidated domestic U.S. Reporter. Because the $2 million threshold for sales and $1 million threshold for purchases apply separately to sales and purchases, the mandatory reporting requirement may apply only to sales, only to purchases, or to both. The determination of whether a U.S. company is subject to this reporting requirement may be based on the judgment of knowledgeable persons in a company who can identify reportable transactions on a recall basis, with a reasonable degree of certainty, without conducting a detailed manual records search.

(2) A U.S. person that had combined sales to foreign persons that were $2 million or less or combined purchases from foreign persons that were $1 million or less in the intellectual property or services categories covered by the survey during its 2017 fiscal year, on an accrual basis, is required to provide the total sales and/or purchases for each type of transaction in which they engaged. The $2 million threshold for sales and the $1 million threshold for purchases should be applied to services and intellectual property transactions with foreign persons by all parts of the consolidated domestic U.S. Reporter. Because the $2 million threshold for sales and $1 million threshold for purchases apply separately to sales and purchases, the mandatory reporting requirement may apply only to sales, only to purchases, or to both.

(i) Voluntary reporting: If, during fiscal year 2017, combined sales were $2 million or less, on an accrual basis, the U.S. person may, in addition to providing the required total for each type of transaction, report sales at a country and affiliation level of detail on the applicable mandatory schedule(s). Provision of this additional detail is voluntary. The estimates may be judgmental, that is, based on recall, without conducting a detailed records search.

(ii) If, during fiscal year 2017, combined purchases were $1 million or less, on an accrual basis, the U.S. person may, in addition to providing the required total for each type of transaction, report purchases at a country and affiliation level of detail on the applicable mandatory schedule(s). Provision of this additional detail is voluntary. The estimates may be judgmental, that is, based on recall, without conducting a detailed records search.

(3) Exemption claims: Any U.S. person that receives the BE–120 survey form from BEA, but is not subject to the reporting requirements, must file an exemption claim by completing the determination of reporting status section of the BE–120 survey and returning it to BEA by the due date of the survey. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act by eliminating unnecessary follow-up contact.

(d) *Covered types of services.* Services transactions covered by this survey consist of sales and purchases related to certain intellectual property rights (see paragraphs (d)(1) through (18) of this section for a list of intellectual property-related transactions covered by this survey) and sales and purchases of selected services (see paragraphs (d)(19) through (59) of this section for a list of services covered by this survey). The transactions (sales or purchases) between U.S. companies and foreign persons covered by the BE–120 survey are:

(1) Rights related to the use of a patent, process, or trade secret to produce and/or distribute a product or service;

(2) Outright sales of proprietary rights related to patents, processes, and trade secrets;

(3) Rights to use books, music, etc., including end-user rights related to digital content;

(4) Rights to reproduce and/or distribute books, music, etc.;

(5) Outright sales of proprietary rights related to books, music, etc.;

(6) Rights to use trademarks;

(7) Outright sales of proprietary rights related to trademarks;

(8) Rights to use recorded performances and events, including end-user rights related to digital content;

(9) Rights to reproduce and/or distribute recorded performances and events;

(10) Outright sales of proprietary rights related to recorded performances and events;

(11) Rights to broadcast and record live performances and events;

(12) Rights to reproduce and/or distribute general use computer software;

(13) Outright sales of proprietary rights related to general use computer software;

(14) Fees associated with business format franchising;

(15) Outright sales of proprietary rights related to business format franchising;

(16) Rights to use other intellectual property;

(17) Rights to reproduce and/or distribute other intellectual property;

(18) Outright sales of proprietary rights related to other intellectual property;

(19) Accounting, auditing, and bookkeeping services;

(20) Advertising services;

(21) Auxiliary insurance services;

(22) Computer software, including end-user licenses and customization services;

(23) Cloud computing and data storage services;

(24) Other computer services;

(25) Construction services;

(26) News agency services (excludes production costs related to news broadcasters);

(27) Other information services;

(28) Education services;

(29) Architectural services;

(30) Engineering services;

(31) Surveying, cartography, certification, testing and technical inspection services;

(32) Financial services;

(33) Maintenance services;

(34) Installation, alteration, and training services;

(35) Legal services;

(36) Market research services;

(37) Public opinion polling services;

(38) Other management, consulting, and public relations services;

(39) Merchanting services (net receipts);

(40) Mining services;

(41) Operational leasing;

(42) Trade-related services, other than merchanting services;

(43) Artistic-related services;

(44) Premiums paid on primary insurance;

(45) Losses recovered on primary insurance;

(46) Provision of customized and non-customized research and development services;

(47) Other research and development services;

(48) Telecommunications services;

(49) Health services;

(50) Heritage and recreational services;

(51) Audiovisual and production services;

(52) Contract manufacturing services;

(53) Disbursements for sales promotion and representation;

(54) Photographic services (including satellite photography services);

(55) Space transport services;

(56) Trade exhibition and sales convention services;

(57) Agricultural services;

(58) Waste treatment and depollution services; and

(59) Other selected services n.i.e. (not included elsewhere).

(e) *Types of transactions excluded from the scope of this survey.* (1) Sales and purchases of goods. Trade in goods involves products that have a physical form, and includes payments or receipts for electricity.

(2) Sales and purchases of financial instruments, including stocks, bonds, financial derivatives, loans, mutual fund shares, and negotiable CDs. (However, securities brokerage is a service).

(3) Income on financial instruments (interest, dividends, capital gain distributions, etc).

(4) Compensation paid to, or received by, employees.

(5) Penalties and fines and gifts or grants in the form of goods and cash (sometimes called ''transfers'').

(f) *Due date.* A fully completed and certified BE–120 report, or qualifying exemption claim with the determination of reporting status section completed, is due to be filed with BEA not later than June 29, 2018 (or by July 30, 2018 for respondents that use BEA's eFile system).

[FR Doc. 2018–02065 Filed 2–1–18; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 117, 147, and 165

[USCG–2018–0048]

2017 Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas

AGENCY: Coast Guard, DHS.

ACTION: Notification of expired temporary rules issued.

SUMMARY: This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, special local regulations, drawbridge operation regulations and regulated navigation areas, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective, primarily between April 2017 to June 2017, unless otherwise indicated, and were terminated before they could be published in the **Federal Register**.

ADDRESSES: Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this document contact Yeoman First Class David Hager, Office of Regulations and Administrative Law, telephone (202) 372–3862.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events. *Drawbridge operation regulations* authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. *Regulated Navigation Areas* are water areas within a defined boundary for which regulations for vessels navigating within the area have been established by the regional Coast Guard District Commander.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

The following unpublished rules were placed in effect temporarily during the period between April 2017 to June 2017 unless otherwise indicated. To view copies of these rules, visit *www.regulations.gov* and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective date
USCG–2016–0085	Security Zones	Montgomery County, MD	3/25/2017
USCG–2016–0086	Security Zones	Montgomery County, MD	3/26/2017
USCG–2017–0128	Special Local Regulations	Tuscaloosa, AL	4/1/2017
USCG–2016–0087	Security Zones	Montgomery County, MD	4/1/2017

Docket No.	Type	Location	Effective date
USCG–2017–0271	Safety Zones	Apra Outer Harbor, GU	4/7/2017
USCG–2017–0288	Safety Zones	Catskill, NY	4/7/2017
USCG–2017–0235	Safety Zones	Savannah, GA	4/8/2017
USCG–2017–0205	Safety Zones	Onslow County, NC	4/10/2017
USCG–2017–0013	Safety Zones	Pittsburgh, PA	4/17/2017
USCG–2017–0017	Safety Zones	Daytona Beach, FL	4/21/2017
USGC–2017–0247	Safety Zones	Panama City, FL	4/21/2017
USCG–2017–0214	Safety Zones	Piti, GU	4/21/2017
USCG–2017–0168	Special Local Regulations	Corsica River, MD	4/22/2017
USGC–2017–0031	Safety Zones	Myrtle Beach, SC	4/23/2017
USCG–2017–0337	Security Zones	Oahu, HI	4/23/2017
USCG–2017–0296	Safety Zones	Tennessee River	4/24/2017
USCG–2017–0361	Safety Zones	U.S. Virgin Island	4/29/2017
USCG–2017–0381	Safety Zones	St. Louis, MO	5/2/2017
USCG–2017–0295	Safety Zones	Upper Mississippi River	5/4/2017
USCG–2017–0380	Security Zones	Manhattan, NY	5/4/2017
USCG–2017–0380	Security Zones	Manhattan, NY	5/4/2017
USCG–2017–0138	Safety Zones	Fort Lauderdale, FL	5/4/2017
USCG–2017–0249	Safety Zones	Mobile, Al	5/5/2017
USCG–2017–0090	Security Zones	Pittsburgh, PA	5/5/2017
USCG–2017–0280	Security Zones	Montgomery County, MD	5/14/2017
USGC–2017–0431	Safety Zones	St. Thomas, U.S. Virgin Islands	5/15/2017
USCG–2017–0432	Safety Zones	St. Thomas, U.S. Virgin Islands	5/16/2017
USCG–2017–0413	Security Zones	New London, CT	5/17/2017
USCG–2017–0123	Safety Zones	Charleston, SC	5/18/2017
USCG–2017–0352	Safety Zones	Apra Outer Harbor, GU	5/18/2017
USCG–2017–0206	Special Local Regulations	Urbanna, VA	5/20/2017
USCG–2017–0477	Safety Zones	Vicksburg, MS	5/23/2017
USCG–2017–0479	Safety Zones	Vidalia, LA	5/24/2017
USGC–2017–0489	Safety Zones	St. Louis, MO	5/26/2017
USCG–2016–0345	Safety Zones	Chicago, IL	5/27/2017
USCG–2017–0343	Special Local Regulations	Nashville, TN	5/27/2017
USCG–2017–0459	Security Zones	Montgomery County, Maryland	5/28/2017
USCG–2017–0382	Safety Zones	Merizo, GU	5/28/2017
USCG–2017–0404	Safety Zones	Port Lake Michigan	5/28/2017
USCG–2017–0376	Safety Zones	San Diego COTP	5/28/2017
USCG–2012–0309	Safety Zones	Chicago, IL	6/1/2017
USCG–2017–0193	Safety Zones	Beaumont, TX	6/1/2017
USCG–2017–0192	Safety Zones	Hackberry, LA	6/2/2017
USCG–2017–0391	Safety Zones	Bellaire, OH	6/3/2017
USCG–2017–0358	Safety Zones	Lakeside, MO	6/3/2017
USCG–2017–0457	Safety Zones	East River, NY	6/4/2017
USCG–2017–0518	Security Zones	Cincimnnati, OH	6/7/2017
USCG–2017–0265	Special Local Regulations	Parker, AZ	6/10/2017
USCG–2017–0265	Special Local Regulations	Parker, AZ	6/10/2017
USCG–2017–0199	Safety Zones	Vermilion, OH	6/16/2017
USCG–2017–0487	Special Local Regulations	Cumberland River, TN	6/17/2017
USCG–2017–0559	Safety Zones	Houghton, MI	6/17/2017
USCG–2017–0405	Special Local Regulations	St. Petersburg, FL	6/17/2017
USCG–2017–0567	Security Zones	Puget Sound	6/20/2017
USCG–2017–0511	Safety Zones	Chicago, IL	6/20/2017
USCG–2017–0519	Safety Zones	Biloxi, MS	6/24/2017
USCG–2017–0574	Safety Zones	DE and NJ	6/25/2017
USCG–2017–0623	Security Zones	Cleveland, OH	6/28/2017
USCG–2012–1036	Safety Zones	Port Long Island	6/29/2017
USCG–2017–0615	Safety Zones	Traverse City, Michigan	6/29/2017
USCG–2017–0465	Safety Zones	Jacksonville, FL	6/30/2017
USCG–2015–0371	Safety Zones	Tanapag Harbor, Saipan	8/4/2015
USCG–2016–0977	Security Zones	Cleveland, OH	10/21/2016
USCG–2016–0085	Security Zones	Montgomery County, MD	3/25/2017
USCG–2016–0086	Security Zones	Montgomery County, MD	3/26/2017
USCG–2017–0264	Security Zones	San Diego Bay, CA	3/28/2017
USCG–2017–0128	Special Local Regulations	Tuscaloosa, AL	4/1/2017
USCG–2016–0087	Security Zones	Montgomery County, MD	4/1/2017
USCG–2017–0271	Safety Zones	Apra Outer Harbor, GU	4/7/2017
USCG–2017–0288	Safety Zones	Catskill, NY	4/7/2017
USCG–2017–0235	Safety Zones	Savannah, GA	4/8/2017
USCG–2017–0205	Safety Zones	Onslow County, NC	4/10/2017
USCG–2017–0013	Safety Zones	Pittsburgh, PA	4/17/2017
USCG–2017–0017	Safety Zones	Daytona Beach, FL	4/21/2017
USGC–2017–0247	Safety Zones	Panama City, FL	4/21/2017
USCG–2017–0214	Safety Zones	Piti, GU	4/21/2017
USCG–2017–0168	Special Local Regulations	Corsica River, MD	4/22/2017

Docket No.	Type	Location	Effective date
USGC–2017–0031	Safety Zones	Myrtle Beach, SC	4/23/2017
USCG–2017–0337	Security Zones	Oahu, HI	4/23/2017
USCG–2017–0296	Safety Zones	Tennessee River	4/24/2017
USCG–2017–0361	Safety Zones	U.S. Virgin Island	4/29/2017
USCG–2017–0381	Safety Zones	St. Louis, MO	5/2/2017
USCG–2017–0295	Safety Zones	Upper Mississippi River	5/4/2017
USCG–2017–0380	Security Zones	Manhattan, NY	5/4/2017
USCG–2017–0380	Security Zones	Manhattan, NY	5/4/2017
USCG–2017–0138	Safety Zones	Fort Lauderdale, FL	5/4/2017
USCG–2017–0249	Safety Zones	Mobile, Al	5/5/2017
USCG–2017–0090	Security Zones	Pittsburgh, PA	5/5/2017
USCG–2017–0293	Safety Zones	Port Lake Michigan	5/13/2017
USCG–2017–0280	Security Zones	Montgomery County, MD	5/14/2017
USGC–2017–0431	Safety Zones	St. Thomas, U.S. Virgin Islands	5/15/2017
USCG–2017–0432	Safety Zones	St. Thomas, U.S. Virgin Islands	5/16/2017
USCG–2017–0413	Security Zones	New London, CT	5/17/2017
USCG–2017–0123	Safety Zones	Charleston, SC	5/18/2017
USCG–2017–0123	Safety Zones	Charleston, SC	5/18/2017
USCG–2017–0352	Safety Zones	Apra Outer Harbor, GU	5/18/2017
USCG–2017–0206	Special Local Regulations	Urbanna, VA	5/20/2017
USCG–2017–0477	Safety Zones	Vicksburg, MS	5/23/2017
USCG–2017–0479	Safety Zones	Vidalia, LA	5/24/2017
USGC–2017–0489	Safety Zones	St. Louis, MO	5/26/2017
USCG–2016–0345	Safety Zones	Chicago, IL	5/27/2017
USCG–2017–0343	Special Local Regulations	Nashville, TN	5/27/2017
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USCG–2017–0376	Safety Zones	San Diego COTP	5/28/2017
USCG–2012–0309	Safety Zones	Chicago, IL	6/1/2017
USCG–2017–0193	Safety Zones	Beaumont, TX	6/1/2017
USCG–2017–0192	Safety Zones	Hackberry, LA	6/2/2017
USCG–2017–0391	Safety Zones	Bellaire, OH	6/3/2017
USCG–2017–0358	Safety Zones	Lakeside, MO	6/3/2017
USCG–2017–0457	Safety Zones	East River, NY	6/4/2017
USCG–2017–0518	Security Zones	Cincimnnati, OH	6/7/2017
USCG–2017–0265	Special Local Regulations	Parker, AZ	6/10/2017
USCG–2017–0265	Special Local Regulations	Parker, AZ	6/10/2017
USCG–2017–0199	Safety Zones	Vermilion, OH	6/16/2017
USCG–2017–0487	Special Local Regulations	Cumberland River, TN	6/17/2017
USCG–2017–0559	Safety Zones	Houghton, MI	6/17/2017
USCG–2017–0405	Special Local Regulations	St. Petersburg, FL	6/17/2017
USCG–2017–0567	Security Zones	Puget Sound	6/20/2017
USCG–2017–0511	Safety Zones	Chicago, IL	6/20/2017
USCG–2017–0519	Safety Zones	Biloxi, MS	6/24/2017
USCG–2017–0574	Safety Zones	DE and NJ	6/25/2017
USCG–2017–0623	Security Zones	Cleveland, OH	6/28/2017
USCG–2012–1036	Safety Zones	Port Long Island	6/29/2017
USCG–2017–0615	Safety Zones	Traverse City, Michigan	6/29/2017
USCG–2017–0465	Safety Zones	Jacksonville, FL	6/30/2017

Dated: January 30, 2018.

Katia Kroutil,

Office Chief, Office of Regulations and Administrative Law.

[FR Doc. 2018–02095 Filed 2–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 117, 147, and 165

[USCG–2018–0047]

2017 Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas

AGENCY: Coast Guard, DHS.

ACTION: Notification of expired temporary rules issued.

SUMMARY: This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, special local regulations, drawbridge operation regulations and regulated navigation areas, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective, primarily between January 2017 to March 2017, unless otherwise indicated, and were terminated before they could be published in the **Federal Register**.

ADDRESSES: Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this document contact Yeoman First Class David Hager, Office of Regulations and Administrative Law, telephone (202) 372–3862.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events. *Drawbridge operation regulations* authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. *Regulated Navigation Areas* are water areas within a defined boundary for which regulations for vessels navigating within the area have been established by the regional Coast Guard District Commander.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

The following unpublished rules were placed in effect temporarily during the period between January 2017 to March 2017unless otherwise indicated. To view copies of these rules, visit *www.regulations.gov* and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective date
USCG–2016–0491	Safety Zones	Bay Swim, IX	6/18/2016
USCG–2016–0316	Security Zones	Tampa, FL	6/26/2016
USCG–2016–0569	Safety Zones	Lorain, OH	6/26/2016
USCG–2016–0615	Safety Zones	Dunkirk, NY	7/2/2016
USCG–2016–0480	Safety Zones	LaPointe, WI	7/4/2016
USCG–2016–0622	Safety Zones	Port Buffalo Zone	7/4/2016
USCG–2016–0566	Safety Zones	Port Buffalo Zone	7/4/2016
USCG–2016–0511	Safety Zones	Augusta, GA	7/14/2016
USCG–2016–0515	Safety Zones	Lorain, OH	7/25/2016
USCG–2016–0827	Safety Zones	Menasha, WI	9/10/2016
USCG–2016–0942	Security Zones	Cleveland, OH	10/13/2016
USCG–2016–0919	Safety Zones	Harsens Island, MI	10/22/2016
USCG–2016–0271	Safety Zones	Jacksonville Beach, FL	11/2/2016
USCG–2016–1007	Drawbridges	Chesapeake, VA	12/3/2016
USCG–2016–0741	Notices	Charleston, SC	12/10/2016
USCG–2016–0923	Safety Zones	Baton Rouge, LA	12/31/2016
USCG–2017–0049	Drawbridges	Isleton, CA	1/7/2017
USCG–2017–0014	Security Zones	Detroit, MI	1/9/2017
USCG–2017–0024	Security Zones	Detroit, MI	1/10/2017
USCG–2017–0038	Safety Zones	Virginia Beach, VA	1/13/2017
USCG–2017–0046	Safety Zones	Vero Beach, FL	1/18/2017
USCG–2017–0052	Security Zones	New York City, NY	1/19/2017
USCG–2016–0905	Safety Zones	Daytona Beach, FL	1/19/2017
USCG–2017–0065	Safety Zones	Newburyport, MA	1/25/2017
USCG–2016–1055	Safety Zones	New Orleans, LA	1/26/2017
USCG–2017–0006	Safety Zones	Manhattan, NY	1/26/2017
USCG–2016–0993	Special Local Regulations	Tampa, FL	1/28/2017
USCG–2017–0072	Security Zones	Palm Beach, FL	2/3/2017
USCG–2017–0036	Special Local Regulations	Bradenton, FL	2/4/2017
USCG–2017–0078	Security Zones	Philadelphia, PA	2/4/2017
USCG–2017–0088	Security Zones	Palm Beach, FL	2/10/2017
USCG–2017–0093	Safety Zones	Canton, KY	2/14/2017
USCG–2017–0107	Security Zones	Palm Beach, FL	2/17/2017
USCG–2016–0345	Safety Zones	Chicago, IL	2/17/2017
USCG–2017–0115	Safety Zones	Harrison, Twp, MI	2/25/2017
USCG–2017–0157	Security Zones	Newport News, VA	3/2/2017
USCG–2017–0145	Security Zones	Palm Beach, FL	3/3/2017
USCG–2017–0160	Security Zones	Palm Beach, FL	3/3/2017
USCG–2017–0119	Safety Zones	St. Petersburg, Florida	3/9/2017
USCG–2017–0187	Safety Zones	Cameron, LA	3/9/2017

Docket No.	Type	Location	Effective date
USCG–2017–0141	Drawbridges	Rio Vista, CA	3/10/2017
USCG–2017–0080	Drawbridges	Sacramento, CA	3/11/2017
USCG–2017–0051	Safety Zones	Newport News, VA	3/12/2017
USCG–2017–0165	Drawbridges	Little Prairie Ridge, Louisiana	3/13/2017
USCG–2017–0182	Safety Zones	Brooklyn, NY	3/17/2017
USCG–2017–0190	Safety Zones	San Juan, PR	3/22/2017
USCG–2016–1019	Safety Zones	Apra Harbor, Guam	3/23/2017
USCG–2017–0254	Safety Zones	Virgin Islands	3/31/2017
USCG–2016–0491	Safety Zones	Bay Swim, IX	6/18/2016
USCG–2016–0316	Security Zones	Tampa, FL	6/26/2016
USCG–2016–0569	Safety Zones	Lorain, OH	6/26/2016
USCG–2016–0615	Safety Zones	Dunkirk, NY	7/2/2016
USCG–2016–0453	Safety Zones	Wolcott, NY	7/3/2016
USCG–2016–0480	Safety Zones	LaPointe, WI	7/4/2016
USCG–2016–0622	Safety Zones	Port Buffalo Zone	7/4/2016
USCG–2016–0566	Safety Zones	Port Buffalo Zone	7/4/2016
USCG–2016–0511	Safety Zones	Augusta, GA	7/14/2016
USCG–2016–0515	Safety Zones	Lorain, OH	7/25/2016
USCG–2016–0827	Safety Zones	Menasha, WI	9/10/2016
USCG–2016–0942	Security Zones	Cleveland, OH	10/13/2016
USCG–2016–0919	Safety Zones	Harsens Island, MI	10/22/2016
USCG–2016–0271	Safety Zones	Jacksonville Beach, FL	11/2/2016
USCG–2016–1007	Drawbridges (Part 117)	Chesapeake, VA	12/3/2016
USCG–2016–0741	Notices	Charleston, SC	12/10/2016
USCG–2016–0923	Safety Zones	Baton Rouge, LA	12/31/2016
USCG–2017–0049	Drawbridges	Isleton, CA	1/7/2017
USCG–2017–0014	Security Zones	Detroit, MI	1/9/2017
USCG–2017–0024	Security Zones	Detroit, MI	1/10/2017
USCG–2017–0038	Safety Zones	Virginia Beach, VA	1/13/2017
USCG–2017–0046	Safety Zones	Vero Beach, FL	1/18/2017
USCG–2017–0052	Security Zones	New York City, NY	1/19/2017
USCG–2016–0905	Safety Zones	Daytona Beach, FL	1/19/2017
USCG–2017–0065	Safety Zones	Newburyport, MA	1/25/2017
USCG–2016–1055	Safety Zones	New Orleans, LA	1/26/2017
USCG–2017–0006	Safety Zones	Manhattan, NY	1/26/2017
USCG–2016–0993	Special Local Regulations	Tampa, FL	1/28/2017
USCG–2017–0072	Security Zones	Palm Beach, FL	2/3/2017
USCG–2017–0036	Special Local Regulations	Bradenton, FL	2/4/2017
USCG–2017–0078	Security Zones	Philadelphia, PA	2/4/2017
USCG–2017–0088	Security Zones	Palm Beach, FL	2/10/2017
USCG–2017–0093	Safety Zones	Canton, KY	2/14/2017
USCG–2017–0107	Security Zones	Palm Beach, FL	2/17/2017
USCG–2016–0345	Safety Zones	Chicago, IL	2/17/2017
USCG–2017–0115	Safety Zones	Harrison, Twp, MI	2/25/2017
USCG–2017–0157	Security Zones	Newport News, VA	3/2/2017
USCG–2017–0145	Security Zones	Palm Beach, FL	3/3/2017
USCG–2017–0160	Security Zones	Palm Beach, FL	3/3/2017
USCG–2017–0119	Safety Zones	St. Petersburg, Florida	3/9/2017
USCG–2017–0187	Safety Zones	Cameron, LA	3/9/2017
USCG–2017–0141	Drawbridges	Rio Vista, CA	3/10/2017
USCG–2017–0080	Drawbridges	Sacramento, CA	3/11/2017
USCG–2017–0051	Safety Zones	Newport News, VA	3/12/2017
USCG–2017–0165	Drawbridges	Little Prairie Ridge, Louisiana	3/13/2017
USCG–2017–0182	Safety Zones	Brooklyn, NY	3/17/2017
USCG–2017–0190	Safety Zones	San Juan, PR	3/22/2017
USCG–2016–1019	Safety Zones	Apra Harbor, Guam	3/23/2017
USCG–2017–0254	Safety Zones	Virgin Islands	3/31/2017

Dated: January 30, 2018.

Katia Kroutil,

Office Chief, Office of Regulations and Administrative Law.

[FR Doc. 2018–02094 Filed 2–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 117, 147, and 165

[USCG–2018–0049]

2017 Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas

AGENCY: Coast Guard, DHS.

ACTION: Notification of expired temporary rules issued.

SUMMARY: This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, special local regulations, drawbridge operation regulations and regulated navigation areas, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective, primarily between July 2017 to September 2017, unless otherwise indicated, and were terminated before they could be published in the **Federal Register**.

ADDRESSES: Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this document contact Yeoman First Class David Hager, Office of Regulations and Administrative Law, telephone (202) 372–3862.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events. *Drawbridge operation regulations* authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. *Regulated Navigation Areas* are water areas within a defined boundary for which regulations for vessels navigating within the area have been established by the regional Coast Guard District Commander.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

The following unpublished rules were placed in effect temporarily during the period between July 2017 to September 2017 unless otherwise indicated. To view copies of these rules, visit *www.regulations.gov* and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective date
USCG–2017–0363	Safety Zones	St. Croix, USVI	5/3/2017
USCG–2017–0368	Safety Zones	Lorain, OH	7/1/2017
USCG–2017–0570	Safety Zones	Michigan Zone	7/1/2017
USCG–2017–0638	Safety Zones	Joliet, IL	7/1/2017
USCG–2017–0475	Special Local	Gulport, FL	7/1/2017
USCG–2017–0493	Safety Zones	South Point, OH	7/1/2017
USCG–2017–0636	Safety Zones	Marblehead, OH	7/2/2017
USCG–2017–0596	Special Local Regulations	Greenup, KY	7/2/2017
USCG–2017–0367	Safety Zones	Conneaut, OH	7/3/2017
USCG–2017–0266	Safety Zones	Port Buffalo Zone	7/3/2017
USCG–2017–0546	Safety Zones	New Albany, IN	7/3/2017
USCG–2017–0415	Safety Zones	Michigan Zone	7/3/2017
USGC–2017–0642	Safety Zones	Port Buffalo Zone	7/3/2017
USCG–2017–0003	Safety Zones	Benton County, WA	7/3/2017
USCG–2017–0540	Safety Zones	Clarksville, TN	7/3/2017
USCG–2017–0504	Safety Zones	Chattanooga, TN	7/3/2017
USCG–2017–0515	Safety Zones	Knoxville, TN	7/3/2017
USCG–2017–0653	Safety Zones	Newport, KY	7/3/2017
USCG–2017–0639	Safety Zones	Surf City, NC	7/3/2017
USCG–2017–0309	Special Local Regulations	Manhattan, NY	7/4/2017
USCG–2017–0587	Safety Zones	Gallipolis, OH	7/4/2017
USCG–2017–0478	Safety Zones	Greenup, KY	7/4/2017
USCG–2017–0632	Safety Zones	Toledo, OH	7/4/2017
USCG–2017–0575	Safety Zones	Wheeling, WV	7/4/2017
USCG–2017–0582	Safety Zones	Chester, WV	7/4/2017
USCG–2017–0566	Safety Zones	Naval Base, Guam	7/4/2017
USCG–2017–0136	Safety Zones	Myrtle Beach, SC	7/4/2017

Docket No.	Type	Location	Effective date
USCG–2017–0301	Safety Zones	Charleston, SC	7/4/2017
USCG–2017–0285	Safety Zones	Murrells Inlet, SC	7/4/2017
USCG–2017–0022	Safety Zones	Charleston, SC	7/4/2017
USCG–2017–0587	Safety Zones	Gallipolis, OH	7/4/2017
USCG–2017–0650	Safety Zones	Mobile, AL	7/4/2017
USCG–2017–0583	Safety Zones	Henderson, KY	7/4/2017
USCG–2017–0004	Safety Zones	Skamokawa, WA	7/6/2017
USCG–2017–0001	Safety Zones	Bainbridge Island, WA	7/8/2017
USCG–2017–0590	Safety Zones	Port Long Island	7/8/2017
USCG–2012–1036	Safety Zones	Port Long Island	7/15/2017
USCG–2017–0682	Regulated Navigation Areas	Columbia River, Wauna	7/18/2017
USCG–2017–0701	Safety Zones	Red Wing, MN	7/20/2017
USCG–2017–0541	Safety Zones	Ocean City, NJ	7/22/2017
USCG–2017–0669	Safety Zones	Liberty Island, NY	7/23/2017
USCG–2017–0744	Safety Zones	Winona, MN	7/26/2017
USCG–2017–0334	Special Local Regulations	Tacoma, WA	7/29/2017
USCG–2017–0736	Special Local Regulations	Chequamegon Bay, WI	7/31/2017
USCG–2017–0709	Safety Zones	Cincinnati, OH	8/3/2017
USCG–2017–0771	Safety Zones	Gulport, MS	8/4/2017
USCG–2017–0729	Special Local Regulations	Cincinnati, OH	8/5/2017
USCG–2017–0739	Safety Zones	Catoosa, OK	8/5/2017
USCG–2017–0756	Safety Zones	Incline Village, NV	8/6/2017
USCG–2017–0814	Safety Zones	Port Long Island	8/10/2017
USCG–2017–0535	Safety Zones	Cincinnati, Ohio	8/11/2017
USCG–2017–0780	Safety Zones	Seattle, WA	8/16/2017
USCG–2016–0507	Safety Zones	Oahu, HI	8/16/2017
USCG–2017–0738	Safety Zones	Township, MI	8/17/2017
USCG–2017–0757	Safety Zones	Rochester, PA	8/18/2017
USCG–2017–0802	Special Local Regulations	Charleston, WV	8/19/2017
USCG–2017–0746	Safety Zones	Cincinnati, Ohio	8/22/2017
USCG–2017–0776	Safety Zones	San Francisco Bay	8/23/2017
USCG–2017–0735	Safety Zones	San Francisco, CA	8/27/2017
USCG–2017–0565	Safety Zones	Baton Rouge, LA	9/2/2017
USCG–2017–0805	Safety Zones	Point Pleasant, WV	9/2/2017
USCG–2017–0833	Special Local Regulations	Detroit, MI	9/3/2017
USCG–2017–0774	Special Local Regulations	Louisville, KY	9/4/2017
USCG–2017–0835	Safety Zones	Detroit, MI	9/7/2017
USCG–2017–0800	Drawbridges	San Francisco, CA	9/7/2017
USCG–2017–0588	Safety Zones	Chicago, IL	9/8/2017
USCG–2017–0845	Safety Zones	Clifton, TN	9/9/2017
USCG–2017–0782	Safety Zones	Chicago, IL	9/9/2017
USCG–2017–0859	Security Zones	Grosse Point Park, MI	9/9/2017
USCG–2017–0836	Special Local Regulations	Keweenaw Waterway, MI	9/9/2017
USCG–2017–0813	Safety Zones	Nashville, TN	9/10/2017
USCG–2017–0683	Safety Zones	Deep Water Bay, Cypress Island	9/11/2017
USCG–2017–0876	Drawbridges	Niantic, CT	9/14/2017
USCG–2017–0797	Safety Zones	Port Arthur, TX	9/14/2017
USCG–2017–0853	Safety Zones	New Bern, NC	9/15/2017
USCG–2017–0906	Regulated Navigation Areas	Atlantic Ocean, FL	9/16/2017
USCG–2017–0624	Security Zones	Beaumont, TX	9/18/2017
USCG–2017–0893	Safety Zones	Apra Outer Harbor, GU	9/18/2017
USCG–2017–0693	Special Local Regulations	Nashville, TN	9/23/2017
USCG–2017–0895	Special Local Regulations	Monroe, LA	9/23/2017
USCG–2017–0888	Special Local Regulations	Suisun Bay, Concord, CA	9/25/2017
USCG–2017–0787	Safety Zones	Chicago, IL	9/26/2017
USCG–2017–0892	Safety Zones	Philadelphia, PA	9/29/2017
USCG–2017–0652	Special Local Regulations	Clearwater Beach, FL	9/30/2017
USCG–2017–0197	Safety Zones	Chicago, IL	9/30/2017
USCG–2017–0698	Special Local Regulations	Florence, AL	9/30/2017
USCG–2017–0940	Security Zones (Part 165)	Jersey City, NJ	9/30/2017

Dated: January 30, 2018.

Katia Kroutil,

Office Chief, Office of Regulations and Administrative Law.

[FR Doc. 2018–02096 Filed 2–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0085]

Drawbridge Operation Regulation; Anacostia River, Washington, DC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Frederick Douglass Memorial Bridge across the Anacostia River, mile 1.2, at Washington, DC. The deviation is necessary to accommodate the construction and replacement of the existing Frederick Douglass Memorial Bridge with a fixed bridge on an alignment 18 feet south of the existing bridge. The current Frederick Douglass Memorial Bridge will be removed in its entirety. This deviation allows the bridge to remain in the closed-to-navigation position during construction.

DATES: This deviation is effective from 6 a.m. on February 2, 2018, through 6 a.m. on August 1, 2018.

ADDRESSES: The docket for this deviation, [USCG–2018–0085], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Marty Bridges, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6422, email *Martin.A.Bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: The District of Columbia Department of Transportation, who owns and operates the Frederick Douglass Memorial Bridge, has requested a temporary deviation from the current operating regulation. This temporary deviation is necessary to facilitate the construction and replacement of the existing Frederick Douglass Memorial Bridge with a fixed bridge on an alignment 18 feet south of the existing bridge. The existing bridge is a swing span bridge, and has a vertical clearance in the closed-to-navigation position of 42 feet above mean high water.

The current operating schedule is set out in 33 CFR 117.253. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 6 a.m. on February 2, 2018, through 6 a.m. on August 1, 2018. The Anacostia River is used by a variety of vessels including small commercial vessels and recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impacts caused by this temporary deviation.

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

Dated: January 30, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–02082 Filed 2–1–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0824; FRL–9973–59–Region 5]

Air Plan Approval; Ohio; Infrastructure SIP Requirements for the 2012 $PM_{2.5}$ NAAQS; Multistate Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of the State Implementation Plan (SIP) submission from Ohio regarding the infrastructure requirements of section 110 of the Clean Air Act for the 2012 annual fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. This action pertains specifically to infrastructure requirements concerning interstate transport provisions.

DATES: This final rule is effective on March 5, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2015–0824. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is being addressed by this document?

On December 4, 2015, the Ohio Environmental Protection Agency (OEPA) submitted a request for EPA to approve its infrastructure SIP for the 2012 annual $PM_{2.5}$ NAAQS. On December 7, 2017, EPA proposed to approve the portion of the submission dealing with requirements one and two (otherwise known as ''prongs'' one and two) of the provision for interstate pollution transport under Clean Air Act section 110(a)(2)(D)(i), also known as the ''good neighbor'' provision.

The December 4, 2015 OEPA submittal included a demonstration that Ohio's SIP contains sufficient major programs related to the interstate transport of pollution, and demonstrates

additional revisions to the Ohio SIP that further address interstate transport based on requests by the neighboring states of Indiana and West Virginia. Ohio's submittal also included a technical analysis of its interstate transport of pollution relative to the 2012 $PM_{2.5}$ NAAQS that demonstrates that current controls are adequate for Ohio to show that it meets prongs one and two of the ''good neighbor'' provision. Review of the state's submittal included ensuring that Ohio's analysis was corroborated by updated modeling projections in guidance issued by EPA after the submittal on December 4, 2015. After review, EPA proposed to approve Ohio's request relating to prongs one and two of the ''good neighbor'' provision.

II. What comments did we receive on the proposed action?

Our December 7, 2017 proposed rule provided a 30-day review and comment period. The comment period closed on January 8, 2018. EPA received 17 anonymous comments that were not relevant and/or not adverse, and one supportive comment from a student at Cornell University.

III. What action is EPA taking?

EPA approved the majority of Ohio's 2012 $PM_{2.5}$ infrastructure SIP submission on September 19, 2016 (81 FR 64072). In today's action, EPA is approving the portion of Ohio's December 4, 2015 submission certifying that the current Ohio SIP is sufficient to meet the required infrastructure requirements under CAA section 110(a)(2)(D)(i)(I), specifically prongs one and two, as set forth above.

IV. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). 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. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: January 23, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

■ 2. In § 52.1870, the table in paragraph (e) is amended by revising the entry for ''Section 110(a)(2) infrastructure requirements for the 2012 $PM_{2.5}$ NAAQS'' to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED OHIO NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
*	*	*	*	* * *
Section 110(a)(2) infrastructure requirements for the 2012 $PM_{2.5}$ NAAQS.	Statewide	12/4/2015	2/2/2018, [insert **Federal Register** citation].	Approved CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). We are not taking action on the visibility portion of (D)(i)(II), prong four.
*	*	*	*	* * *

[FR Doc. 2018–02047 Filed 2–1–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0211; FRL–9973–58—Region 5]

Air Plan Approval; Indiana; Regional Haze Five-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the state of Indiana on March 30, 2016. Indiana's SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require states to submit periodic reports describing progress toward reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing regional haze SIP. Indiana's progress report notes that Indiana has implemented the measures in the regional haze SIP due to be in place by the date of the progress report and that Federal Class I areas affected by emissions from Indiana are meeting or exceeding the RPGs for 2018. Indiana also determined that the state's regional haze SIP is adequate to meet these reasonable progress goals for the first implementation period and requires no substantive revision at this time.

DATES: This final rule is effective on March 5, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0211. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Michelle Becker, Life Scientist, at (312) 886–3901 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Michelle Becker, Life Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3901, *Becker.Michelle@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background

States are required to submit a progress report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area within the state and in each mandatory Class I Federal area outside the state which may be affected by emissions from within the state. See 40 CFR 51.308(g). In addition, the provisions under 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze SIP. The first progress report SIP is due five years after submittal of the initial regional haze SIP.

On December 7, 2017 (82 FR 57694), EPA published a notice of proposed rulemaking (NPR) proposing approval of Indiana's March 30, 2016 Regional Haze Five-Year Progress Report SIP revision on the basis that it satisfies the requirements of 40 CFR 51.308(g) and (h).

The specific details of Indiana's March 30, 2016 SIP revision and the rationale for EPA's approval are discussed in the NPR and will not be restated here. EPA received four comments on the proposed action, three were not relevant to the rulemaking and one was in support of the proposed approval of the Regional Haze Progress Report SIP.

II. What action is EPA taking?

EPA is approving Indiana's March 30, 2016 Regional Haze Five-Year Progress Report SIP submittal as meeting the requirements of 40 CFR 51.308(g) and (h).

III. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

• Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 23, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

■ 2. In § 52.770, the table in paragraph (e) is amended by adding the entry ''Regional Haze Five-Year Progress Report'' in alphabetical order to read as follows:

§ 52.770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA approval	Explanation
* *	*	* *	* *
Regional Haze Five-Year Progress Report	3/30/2016	2/2/2018, [insert **Federal Register** citation].	
* *	*	* *	* *

[FR Doc. 2018–02053 Filed 2–1–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 160920861–8031–03]

RIN 0648–XE900

Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; 2018 Atlantic Deep-Sea Red Crab Specifications

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

ACTION: Final rule.

SUMMARY: We are implementing specifications for the 2018 Atlantic deep-sea red crab fishery, including an annual catch limit and total allowable landings limit. This action is necessary to implement allowable red crab harvest levels that will prevent overfishing and allow harvesting of optimum yield. This action is intended to establish the allowable 2018 harvest levels, consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan.

DATES: The final specifications for the 2018 Atlantic deep-sea red crab fishery are effective March 5, 2018, through February 28, 2019.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Policy Analyst, (978) 281–9122.

SUPPLEMENTARY INFORMATION: The Atlantic deep-sea red crab fishery is managed by the New England Fishery Management Council. The Atlantic Deep-Sea Red Crab Fishery Management Plan includes a specification process that requires the New England Fishery Management Council to recommend, on a triennial basis, an acceptable biological catch, an annual catch limit, and total allowable landings. Collectively, these are the red crab specifications. Prior to the start of fishing year 2017, the Council recommended status quo specifications for the 2017–2019 fishing years (Table 1).

TABLE 1—COUNCIL-APPROVED 2017–2019 RED CRAB SPECIFICATIONS

	Metric ton	Million lb
Maximum Sustainable Yield	undetermined	
Overfishing Limit	undetermined	
Optimum Yield	undetermined	
Acceptable Biological Catch	1,775	3.91
Annual Catch Limit	1,775	3.91
Total Allowable Landings	1,775	3.91

On February 22, 2017, we approved status quo specifications for the 2017 fishing year, effective through February 28, 2018, and we projected status quo quotas for 2018–2019 (82 FR 11322). At the end of each fishing year, we evaluate catch information and determine if the quota has been exceeded. If a quota is exceeded, the regulations at 50 CFR 648.262(b) require a pound-for-pound reduction in a subsequent fishing year. We have reviewed available 2017 fishery information against the projected 2018 specifications. There have been no annual catch limit or total allowable landings overages, nor is there any new biological information that would require altering the projected 2018 specifications. Because no overages occurred in 2017, we are announcing the final specifications for fishing year 2018, as projected in the 2017 specifications rule (82 FR 11322), and outlined above in Table 1. These specifications are not expected to result in overfishing and adequately account for scientific uncertainty.

The 2018 fishing year starts on March 1, 2018. The fishery management plan allows for the previous year's specifications to remain in place until replaced by a subsequent specifications action (rollover provision). As a result, the 2017 specifications, also 1,775 mt, remain in effect until replaced by the 2018 specifications included in this rule.

We will publish notice in the **Federal Register** of any revisions to these specifications if an overage occurs in 2018 that would require adjusting the 2019 projected specifications. We will provide notice of the final 2019 specifications prior to the March 1, 2019, start of the fishing year.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

This rule is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), we find good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments because allowing time for notice and comment is unnecessary. The proposed rule provided the public with the opportunity to comment on the 2017–2019 specifications, including the projected 2018 and 2019 specifications (81 FR 86687, December 1, 2016). No comments were received on the proposed rule, and this final rule contains no changes from the projected 2018 specifications that were included in both the December 1, 2016, proposed rule and the February 22, 2017, final rule. The public and industry participants expect this action, because previously, in both the proposed rule and the final rule, we alerted the public that we would conduct a review of the latest available catch information in each of the interim years of the multi-year specifications, and announce the final quota prior to the March 1 start of the fishing year. Thus, the proposed and final rules that contained the projected 2017–2019 specifications provided a full opportunity for the public to comment on the substance and process of this action.

The Chief Counsel for Regulation, Department of Commerce, previously certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that the 2017–2019 red crab specifications would not have a significant economic impact on a substantial number of small entities. Implementing status quo specifications for 2018 will not change the conclusions drawn in that previous certification to the SBA. Because advance notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C.

601, *et seq.,* do not apply to this rule. Therefore, no new regulatory flexibility analysis is required and none has been prepared.

This action does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act.

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

Dated: January 30, 2018.

Samuel D. Rauch III,

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

[FR Doc. 2018–02148 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 160808696–7010–02]

RIN 0648–BH47

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2017–18 Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures.

SUMMARY: This final rule announces inseason changes to management measures in the Pacific Coast groundfish fisheries. This action, which is authorized by the Pacific Coast Groundfish Fishery Management Plan (PCGFMP), is intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

DATES: This final rule is effective February 2, 2018.

FOR FURTHER INFORMATION CONTACT: Karen Palmigiano, phone: 206–526–4491, fax: 206–526–6736, or email: *karen.palmigiano@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information and documents are available at the Pacific Fishery Management Council's website at *http://www.pcouncil.org/.*

Background

The PCGFMP and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS.

The final rule to implement the 2017–18 harvest specifications and management measures for most species of the Pacific coast groundfish fishery was published on February 7, 2017 (82 FR 9634).

The Council, in coordination with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, recommended the following changes to current groundfish management measures at its November 13–20, 2017, meeting: (1) Increasing the big skate trip limits for the shorebased individual fishing quota (IFQ) program, (2) decreasing the sablefish trip limits for limited entry fixed gear (LEFG) and open access (OA) daily trip limit (DTL) fisheries north of 36° North Latitude (N lat.), and (3) increasing the lingcod trip limits for the LEFG and OA fisheries north of 40°10′ N lat.

Big Skate Trip Limits for the Shorebased IFQ Program

At the November 2017 Council meeting, the Council's Groundfish Advisory Subpanel (GAP) recommended higher trip limits for big skate for the shorebased IFQ program in 2018. For 2017–18, the annual catch limit (ACL) was set at 494 metric tons (mt), the fishery harvest guideline (HG) was 437 mt, and the trawl allocation was 414.8 mt, which includes big skate caught by the at-sea fleet. Bi-monthly trip limits for 2017–18 were set at 5,000 pounds (lbs) (January–February), 25,000 lbs (March–April), 30,000 lbs (May–June), 35,000 lbs (July–August), 10,000 lbs (September–October), and 5,000 lbs (November–December).

In November 2017, based on the partial catch data for 2017, the Groundfish Management Team (GMT) estimated that attainment of big skate in the IFQ fishery would be 88 percent for 2018, approximately 365 mt. Given that the projected attainment of big skate was approaching full attainment with status quo trip limits, the GMT modeled modest increases in trip limits for 2018 using the 2016 Groundfish Mortality Report data and 2017 catch data. The GMT's use of the additional 2017 catch data changed the projected 2018 annual targets relative to the original annual targets that were used to set the 2017–18 big skate trip limits. The two trip limit alternatives modeled by the GMT would result in higher estimated attainments (94 and 98 percent) of big skate than the estimated 88 percent attainment under the status quo trip limits. In order to maximize opportunity for vessels and increase attainment, the Council recommended and NMFS is implementing, by modifying Tables 1 (North and South) to part 660, subpart D, the following trip limits for big skate in the IFQ program: Period 1, 5,000 lbs, Period 2, 30,000 lbs, Period 3, 35,000 lbs, Period 4, 40,000 lbs, Period 5, 15,000 lbs, and Period 6, 5,000 lbs. These increased trip limits are expected to increase projected attainment of the big skate IFQ allocation to 98 percent in 2018.

LEFG and OA Sablefish DTL Fisheries North of 36° N Lat.

Sablefish are distributed coastwide with harvest specifications split north and south of 36° N lat. Trip limits in the LEFG and OA DTL fisheries, for species such as sablefish, are intended to keep attainment of the non-trawl HG within the ACL. The trip limits for sablefish for 2017–18 were established through the final rule for the 2017–18 harvest specifications (82 FR 9634) based on catch data through 2015.

Inseason catch data from 2017 suggested possible under-attainment of the sablefish non-trawl HG. During the September 2017 Council meeting, the GMT made model-based landings projections for the LEFG and OA sablefish DTL fisheries north of 36° N lat. for the remainder of 2017 to assist the Council in evaluating potential increases to sablefish trip limits. These projections used the most recent information available, including inseason catch data from 2017, and showed under-attainment of the 2017 sablefish non-trawl HG. Based on these projections, the LEFG and OA sablefish trip limits were raised through an inseason action on October 19, 2017 (82 FR 48656). The 2017 trip limits established through the September inseason action for LEFG and OA sablefish remain in place for 2018 until changed.

At the November 2017 Council meeting, the GMT updated the projections for the attainment of the sablefish HG for 2018 with data through October 31, 2017. These projections showed possible attainment of the sablefish allocation between 95.2 and 125.2 percent for the LEFG fishery, and

78.8 and 98.5 percent for the OA fishery. If the current trip limits remain in place there is a projected potential to exceed the sablefish HG, with attainment greater than one hundred percent in the LEFG fishery north of 36° N and close to one hundred percent in the OA north fishery.

To ensure harvest remains below the sablefish ACL, the Council elected to follow a precautionary approach at the outset of 2018, by recommending decreases to sablefish trip limits in LEFG and OA sablefish DTL fisheries north of 36° N lat. for all periods in 2018. This approach of decreasing trip limits initially minimizes the likelihood of dramatic decreases in trip limits or closures for these fisheries later in the season, if the attainment occurs at a rate that is likely to exceed the sector's HG. With a precautionary approach in earlier periods in the year, trip limits may be increased throughout the year if attainment is projected to remain under the ACL. Trip limits for the LEFG sablefish DTL fisheries north of 36° N lat. are designated at Tables 2 (North and South) to part 660, subpart E. Trip limits for the OA sablefish DTL fishery north of 36° N are designated at Tables 3 (North and South) to part 660, subpart F.

The Council initially recommended a change to sablefish trip limits for all periods for the LEFG fishery. However, because NMFS cannot decrease trip limits in the middle of a trip limit period, NMFS is implementing, by modifying Tables 2 (North and South) to part 660, subpart E, trip limit changes for the LEFG sablefish DTL fisheries north of 36° N lat. for periods 2 through 6 only. The trip limit for these periods (2–6) would be: 1,100 lbs per week, not to exceed 3,300 lbs/2 months. Trip limits for LEFG sablefish DTL fisheries north of 36° N lat. for period 1 will remain as status quo.

The Council also recommended a change to sablefish trip limits for all periods for the OA fishery. However, because NMFS cannot decrease trip limits in the middle of a trip limit period, NMFS is implementing, by modifying Tables 3 (North and South) to part 660, subpart F, trip limits for sablefish in the OA sablefish DTL fishery north of 36° N lat. for periods 2 through 6 only. The trip limit for these periods (2–6) would be: 300 lbs/day, or 1 landing per week up to 1,000 lbs, not to exceed 2,000 lbs/2 months. Trip limits for OA sablefish DTL fisheries north of 36° N lat. for period 1 will remain as status quo.

Under these revised, lower limits, the GMT projects attainment in the LEFG between 75.1 and 102 percent, down from the status quo trip limit attainment between 95.2 and 125.2 percent. OA is predicted to be within 74.2 to 92.7 percent under revised trip limits, down from 78.8 to 98.5 percent under status quo. NMFS and the GMT will continue to monitor attainment of sablefish throughout 2018 and can revise these trip limits through future inseason actions as needed to ensure optimized opportunity is available to harvesters, while maintaining a precautionary approach to remain within the HG.

LEFG and OA Lingcod Fisheries North of 40°10′ N Lat.

Lingcod north of 40°10′ N lat. has had low attainment in recent years (approximately 30 percent in the LEFG and OA, or non-trawl, sectors in 2016). Based on 2015 West Coast Groundfish Observer Program (WCGOP) data, current trip limits are resulting in discards of incidentally caught lingcod that would likely be landed under increased trip limits, as only approximately half of sampled regulatory discards (*i.e.,* 1,400 lbs in OA and 300 lbs in LEFG fishery) were due to minimum size limits; the rest are assumed to be due to reaching trip limits. The primary objective of trip limits for lingcod has been to maximize opportunity while staying within the biological confines of overfished species limits, such as yelloweye rockfish.

No lingcod increases in trip limits were proposed during the 2017–18 biennial harvest specifications and management measures because there were on-going concerns about the incidental catch of yelloweye rockfish. However, updates to the nearshore model, including use of newly available 2016 data in the recalculation of discard ratios by the WCGOP and revised discard mortality rates, indicate there is now sufficient yelloweye rockfish for the Council to consider higher lingcod trip limit increases for 2018. The GMT determined that the projected non-trawl yelloweye rockfish impacts associated with the higher lingcod trip limits would be below what was analyzed in the 2017–18 harvest specifications and management measures, predominantly due to the updated discard mortality rates applied in the nearshore model. The GMT projected ranges of potential lingcod and yelloweye impacts from the revised trip limits to account for some inter-annual variability. The projected alternative trip limits would result in 84 to 108 mt of lingcod and 1.9 to 2.2 mt of yelloweye taken. These projected yelloweye impacts are within the nearshore HG shares for Oregon (1.4 mt) and California (0.6 mt), as well as below the non-nearshore HG (0.7 mt). These impacts will keep the 2018 removals well within the upper range analyzed in the 2015–2016 Biennial Harvest Specifications and Management Measures Final Environmental Impact Statement.

Therefore, the Council recommended and NMFS is implementing, by modifying Table 2 (North) to part 660, subpart E, the following trip limits for lingcod for the LEFG fishery north of 40°10′ N latitude: January–April, 600 lbs/2 months; May–October, 1,400 lbs/2 months; November, 700 lbs; and for December, 400 lbs. The Council also recommended and NMFS is implementing, by modifying Table 3 (North) to part 660, subpart F, the following trip limits for lingcod for the OA fishery north of 40°10′ N latitude: January–April, 300 lbs per month; May–November, 700 lbs per month; and for December, 300 lbs per month.

These increased trip limits will provide increased fishing opportunity specifically for winter time access, and also will provide a steady flow of fish to markets, while still being conservative regarding yelloweye rockfish impacts.

Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best available information, consistent with the PCGFMP and its implementing regulations.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, West Coast Region, NMFS, during business hours.

NMFS finds good cause to waive prior public notice and comment on the revisions to groundfish management measures under 5 U.S.C. 553(b) because notice and comment would be impracticable and contrary to the public interest. Also, for the same reasons, NMFS finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective February 2, 2018. The adjustments to management measures in this document affect commercial fisheries off the coasts of Washington, Oregon and California. No aspect of this action is controversial, and changes of this nature were anticipated in the biennial harvest specifications and management measures established through a notice and comment rulemaking for 2017–18 (82 FR 9634).

Accordingly, for the reasons stated below, NMFS finds good cause to waive prior notice and comment and to waive the delay in effectiveness.

Big Skate Trip Limits for the Shorebased IFQ Program

At its November 2017 meeting, the Council recommended an increase to shorebased IFQ program big skate trip limits be implemented as quickly as possible to allow harvest of big skate to better attain, but not exceed, the 2018 ACL. There was not sufficient time after that meeting to undergo proposed and final rulemaking before this action needs to be in effect. Affording the time necessary for prior notice and opportunity for public comment would prevent NMFS from managing the IFQ program using the best available science to increase harvesting opportunities without exceeding the ACLs for federally managed species in accordance with the PCGFMP and applicable law. These increases to trip limits must be implemented as quickly as possible in 2018, to allow IFQ program fishermen an opportunity to harvest higher limits for big skate coastwide throughout 2018.

It is in the public interest for fishermen to have an opportunity to harvest big skate, which contributes revenue to the coastal communities of Washington, Oregon, and California. This action, if implemented quickly, is anticipated to allow catch of big skate through the end of the 2018 to approach but not exceed the ACL, and allows harvest as intended by the Council, consistent with the best scientific information available, while providing for a responsible level of increased economic opportunity for participants.

LEFG and OA DTL Sablefish Fisheries North of 36° N Lat.

At its November 2017 Council meeting, the Council recommended that a decrease to LEFG and OA sablefish north of 36° N lat. trip limits be implemented as quickly as possible to keep the predicted harvest of sablefish from exceeding the non-trawl HG (and correspondingly the 2018 ACL). NMFS determined that there was not sufficient time after that meeting to undergo proposed and final rulemaking before this action needs to be in effect. Affording the time necessary for prior notice and opportunity for public comment would prevent NMFS from managing the LEFG and OA fixed gear sablefish DTL fishery using the best available science to approach, without exceeding, the ACLs for federally managed species in accordance with the PCGFMP and applicable law. This action, if implemented quickly, is anticipated to allow harvesters to maintain a steady catch of sablefish through the end of the 2018 that will approach but not exceed the ACL, prevent sharp decreases in later season trip limits to maintain catch below the ACL, and allow harvest as intended by the Council, consistent with the best scientific information available.

LEFG and OA Lingcod Fisheries North of 40°10′ N Lat.

At its November 2017 meeting, the Council recommended an increase to LE and OA fixed gear lingcod trip limits north of 40°10′N. lat. be implemented as quickly as possible to allow harvest of lingcod to better attain, but not exceed, the 2018 ACL. There was not sufficient time after that meeting to undergo proposed and final rulemaking before this action needs to be in effect before the start of or as early as possible in the 2018 fishing season. Affording the time necessary for prior notice and opportunity for public comment would prevent NMFS from managing the LE and OA fixed gear fishery using the best available science to increase harvesting opportunities without exceeding the ACLs for federally managed species in accordance with the PCGFMP and applicable law. These increases to trip limits must be implemented as quickly as possible to allow LE and OA fixed gear fishermen an opportunity to harvest higher limits for lingcod, particularly early in 2018, during the winter months.

It is in the public interest for fishermen to have an opportunity to harvest lingcod, which contributes revenue to the coastal communities of Washington, Oregon, and California. This action, if implemented quickly, is anticipated to allow catch of lingcod through the end of the 2018 to approach but not exceed the ACL, and allows harvest as intended by the Council, consistent with the best scientific information available, while providing for a responsible level of increased economic opportunity for participants.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian Fisheries.

Dated: January 30, 2018.

Emily H. Menashes,

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. Table 1 (North) to part 660, subpart D, is revised to read as follows:

Table 1 (North) to Part 660, Subpart D—Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for Non-IFQ Species and Pacific Whiting North of 40°10″ N Lat.

BILLING CODE 3510–22–P

Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 01/1/2018

TABLE 1 (North)

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 45°46' N. lat.	100 fm line[1/] - 150 fm line[1/]					
2	45°46' N. lat. - 40°10' N. lat.	100 fm line[1/] - modified[2/] 200 fm line[1/]					
	Selective flatfish trawl gear is required shoreward of the RCA; all bottom trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope and small footrope trawl gears (except for selective flatfish trawl gear) are prohibited shoreward of the RCA. Midwater trawl gear is permitted for vessels targeting whiting and non-whiting during the days open to the primary whiting season. **Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.**						
	See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70 660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
3	**Minor Nearshore Rockfish & Black rockfish**	300 lb/ month					
4	**Whiting[3/]**						
5	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.					
6	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					
7	**Cabezon[4/]**						
8	North of 46°16' N. lat.	Unlimited					
9	46°16' N. lat. - 40°10' N. lat.	50 lb/ month					
10	**Shortbelly rockfish**	Unlimited					
11	**Spiny dogfish**	60,000 lb/ month					
12	**Big skate**	5,000 lb/ 2 months	30,000 lb/ 2 months	35,000 lb/ 2 months	40,000 lb/ 2 months	15,000 lb/ 2 months	5,000 lb/ 2 months
13	**Longnose skate**	Unlimited					
14	**Other Fish [4/]**	Unlimited					

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.

3/ As specificed at §660.131(d), when fishing in the Eureka Area, no more than 10,000 lb of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during the fishing trip, fished in the fishery management area shoreward of 100 fm contour.

4/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 3. Table 1 (South) to part 660, subpart D, is revised to read as follows:

Table 1 (South) to Part 660, Subpart D—Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for Non-IFQ Species and Pacific Whiting South of 40°10′ N Lat.

BILLING CODE 3510–22–P

Table 1 (South) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting South of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 01/1/2018

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	South of 40°10' N. lat.	100 fm line[1/] - 150 fm line [1/ 2/]					
	Small footrope trawl gear is required shoreward of the RCA; all trawl gear (large footrope, selective flatfish trawl, midwater trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope trawl gear and midwater trawl gear are prohibited shoreward of the RCA. **Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.**						
	See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70 660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
2	**Longspine thornyhead**						
3	South of 34°27' N. lat.	24,000 lb/ 2 months					
4	**Minor Nearshore Rockfish & Black rockfish**	300 lb/ month					
5	**Whiting**						
6	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.					
7	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					
8	**Cabezon**	50 lb/ month					
9	**Shortbelly rockfish**	Unlimited					
10	**Spiny dogfish**	60,000 lb/ month					
11	**Big skate**	5,000 lb/ 2 months	30,000 lb/ 2 months	35,000 lb/ 2 months	40,000 lb/ 2 months	15,000 lb/ 2 months	5,000 lb/ 2 months
12	**Longnose skate**	Unlimited					
13	**California scorpionfish**	Unlimited					
14	**Other Fish** [3/]	Unlimited					

TABLE 1 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ South of 34°27' N. lat., the RCA is 100 fm line - 150 fm line along the mainland coast; shoreline - 150 fm line around islands.

3/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 4. Table 2 (North) to part 660, subpart E, is revised to read as follows:

Table 2 (North) to Part 660, Subpart E—Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10′ N Lat.

Table 2 (North) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 1/8/2018

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 46°16' N. lat.	shoreline - 100 fm line[1/]					
2	46°16' N. lat. - 42°00' N. lat.	30 fm line[1/] - 100 fm line[1/]					
3	42°00' N. lat. - 40°10' N. lat.	30 fm line[1/] - 100 fm line[1/]					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
4	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	4,000 lb/ 2 months					
5	**Pacific ocean perch**	1,800 lb/ 2 months					
6	**Sablefish**	1,125 lb/week, not to exceed 3,375 lb/2 months	1,100 lb/week, not to exceed 3,300 lb/ 2 months				
7	**Longspine thornyhead**	10,000 lb/ 2 months					
8	**Shortspine thornyhead**	2,000 lb/ 2 months			2,500 lb/ 2 months		
9 10 11 12 13 14	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	5,000 lb/ month South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs.					
15	**Whiting**	10,000 lb/ trip					
16	**Minor Shelf Rockfish[2/], Shortbelly, & Widow rockfish**	200 lb/ month					
17	**Yellowtail rockfish**	1,000 lb/ month					
18	**Canary rockfish**	300 lb/ 2 months					
19	**Yelloweye rockfish**	CLOSED					
20	**Minor Nearshore Rockfish & Black rockfish**						
21	North of 42°00' N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish[4/]					
22	42°00' N. lat. - 40°10' N. lat.	8,500 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish	7,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish				
23	**Lingcod[5/]**	600 lb/2 months		1,400 lb/ 2 months		700 lb/ month	400 lb/ month
24	**Pacific cod**	1,000 lb/ 2 months					
25	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
26	**Longnose skate**	Unlimited					
27	**Other Fish[6/]& Cabezon in Oregon and California**	Unlimited					

TABLE 2 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.
2/ Bocaccio, chilipepper and cowcod are included in the trip limits for Minor Shelf Rockfish and splitnose rockfish is included in the trip limits for Minor Slope Rockfish.
3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.
6/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 5. Table 2 (South) to part 660, subpart E, is revised to read as follows:

Table 2 (South) to Part 660, Subpart E—Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10′ N Lat.

Table 2 (South) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 1/8/2018

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	40°10' N. lat. - 34°27' N. lat.	40 fm line[1/] - 125 fm line[1/]					
2	South of 34°27' N. lat.	75 fm line[1/] - 150 fm line[1/] (also applies around islands)					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
3	**Minor Slope rockfish[2/] & Darkblotched rockfish**	40,000 lb/ 2 months, of which no more than 1,375 lb may be blackgill rockfish			40,000 lb/ 2 months, of which no more than 1,600 lb may be blackgill rockfish		
4	**Splitnose rockfish**	40,000 lb/ 2 months					
5	**Sablefish**						
6	40°10' N. lat. - 36°00' N. lat.	1,125 lb/week, not to exceed 3,375 lb/2 months	1,100 lb/week, not to exceed 3,300 lb/ 2 months				
7	South of 36°00' N. lat.	2,000 lb/ week					
8	**Longspine thornyhead**	10,000 lb/ 2 months					
9	**Shortspine thornyhead**						
10	40°10' N. lat. - 34°27' N. lat.	2,000 lb/ 2 months			2,500 lb/ 2 months		
11	South of 34°27' N. lat.	3,000 lb/ 2 months					
12 13 14 15 16 17	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	5,000 lb/ month South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs.					
18	**Whiting**	10,000 lb/ trip					
19	**Minor Shelf Rockfish[2/], Shortbelly rockfish, Widow rockfish (including Chilipepper between 40°10' - 34°27' N. lat.)**						
20	40°10' N. lat. - 34°27' N. lat.	Minor shelf rockfish, shortbelly, widow rockfish, & chilipepper: 2,500 lb/ 2 months, of which no more than 500 lb may be any species other than chilipepper.					
21	South of 34°27' N. lat.	4,000 lb/ 2 months	CLOSED	4,000 lb/ 2 months			
22	**Chilipepper**						
23	40°10' N. lat. - 34°27' N. lat.	Chilipepper included under minor shelf rockfish, shortbelly and widow rockfish limits - - See above					
24	South of 34°27' N. lat.	2,000 lb/ 2 months, this opportunity only available seaward of the non-trawl RCA					
25	**Canary rockfish**	300 lb/ 2 months					
26	**Yelloweye rockfish**	CLOSED					
27	**Cowcod**	CLOSED					
28	**Bronzespotted rockfish**	CLOSED					
29	**Bocaccio**						
30	40°10' N. lat. - 34°27' N. lat.	1,000 lb/ 2 months					
31	South of 34°27' N. lat.	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
32	**Minor Nearshore Rockfish & Black rockfish**						
33	Shallow nearshore	1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
34	Deeper nearshore	1,000 lb/ 2 months	CLOSED	1,000 lb/ 2 months			
35	**California Scorpionfish**	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
36	**Lingcod[4/]**	200 lb/ 2 months	CLOSED	800 lb/ 2 months	1,200 lb/ bimonthly	600 lb/ month	300 lb/ month
37	**Pacific cod**	1,000 lb/ 2 months					
38	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
39	**Longnose skate**	Unlimited					
40	**Other Fish[5/] & Cabezon**	Unlimited					

TABLE 2 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.
2/ POP is included in the trip limits for Minor Slope Rockfish. Blackgill rockfish have a species specific trip sub-limit within the Minor Slope Rockfish cumulative limit. Yellowtail rockfish are included in the trip limits for Minor Shelf Rockfish. Bronzespotted rockfish have a species specific trip limit.
3/ "Other Flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
4/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.
5/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 6. Table 3 (North) to part 660, subpart F, is revised to read as follows:

Table 3 (North) to Part 660, Subpart F—Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10′ N Lat.

Table 3 (North) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table — 01/1/2018

TABLE 3 (North)

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 46°16' N. lat.	shoreline - 100 fm line[1/]					
2	46°16' N. lat. - 42°00' N. lat.	30 fm line[1/] - 100 fm line[1/]					
3	42°00' N. lat. - 40°10' N. lat.	30 fm line[1/] - 100 fm line[1/]					
	See §§660.60, 660.330 and 660.333 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
4	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	Per trip, no more than 25% of weight of the sablefish landed					
5	**Pacific ocean perch**	100 lb/ month					
6	**Sablefish**	300 lb/ day, or 1 landing per week of up to 1,000 lb, not to exceed 2,000 lb/ 2 months					
7	**Shortpine thornyheads and longspine thornyheads**	CLOSED					
8	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs.					
9							
10		South of 42° N. lat., when fishing for "Other Flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
11							
12							
13							
14	**Whiting**	300 lb/ month					
15	**Minor Shelf Rockfish[2/], Shortbelly rockfish, & Widow rockfish**	200 lb/ month					
16	**Yellowtail rockfish**	500 lb/ month					
17	**Canary rockfish**	150 lb/ 2 months					
18	**Yelloweye rockfish**	CLOSED					
19	**Minor Nearshore Rockfish & Black rockfish**						
20	North of 42°00' N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish					
21	42°00' N. lat. - 40°10' N. lat.	8,500 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish	7,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish				
22	**Lingcod[5/]**	300 lb/ month		700 lb/ month			300 lb/ month
23	**Pacific cod**	1,000 lb/ 2 months					
24	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
25	**Longnose skate**	Unlimited					
26	**Other Fish[6/] & Cabezon in Oregon and California**	Unlimited					
27	**SALMON TROLL** *(subject to RCAs when retaining all species of groundfish, except for yellowtail rockfish and lingcod, as described below)*						
28	North	Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. Salmon trollers may retain and land up to 1 lingcod per 15 Chinook per trip, plus 1 lingcod per trip, up to a trip limit of 10 lingcod, on a trip where any fishing occurs within the RCA. This limit only applies during times when lingcod retention is allowed, and is not "CLOSED." This limit is within the per month limit for lingcod described in the table above, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons, size limits and RCA restrictions listed in the table above, unless otherwise stated here.					

Table 3 (North). Continued			
29	**PINK SHRIMP NON-GROUNDFISH TRAWL** *(not subject to RCAs)*		
30	North	**Effective April 1 - October 31:** Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.	

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod rockfishes are included in the trip limits for Minor Shelf Rockfish. Splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

■ 7. Table 3 (South) to part 660, subpart F, is revised to read as follows:

Table 3 (South) to Part 660, Subpart F—Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10′ N Lat.

Table 3 (South) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10' N. lat.

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 01/1/2018

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	40°10' N. lat. - 34°27' N. lat.	40 fm line[1/] - 125 fm line[1/]					
2	South of 34°27' N. lat.	75 fm line[1/] - 150 fm line[1/](also applies around islands)					
	See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California.						
3	**Minor Slope Rockfish[2/] & Darkblotched rockfish**	10,000 lb/ 2 months, of which no more than 475 lb may be blackgill rockfish			10,000 lb/ 2 months, of which no more than 550 lb may be blackgill rockfish		
4	**Splitnose rockfish**	200 lb/ month					
5	**Sablefish**						
6	40°10' N. lat. - 36°00' N. lat.	300 lb/ day, or 1 landing per week of up to 1,000 lb, not to exceed 2,000 lb/ 2 months					
7	South of 36°00' N. lat.	300 lb/ day, or 1 landing per week of up to 1,600 lb, not to exceed 3,200 lb/ 2 months					
8	**Shortpine thornyheads and longspine thornyheads**						
9	40°10' N. lat. - 34°27' N. lat.	CLOSED					
10	South of 34°27' N. lat.	50 lb/ day, no more than 1,000 lb/ 2 months					
11 12 13 14 15 16	**Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs.					
		South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
17	**Whiting**	300 lb/ month					
18	**Minor Shelf Rockfish[2/], Shortbelly, Widow rockfish and Chilipepper**						
19	40°10' N. lat. - 34°27' N. lat.	400 lb/ 2 months	CLOSED	400 lb/ 2 months			
20	South of 34°27' N. lat.	1,500 lb/ 2 months		1,500 lb/ 2 months			
21	**Canary rockfish**	150 lb/ 2 months					
22	**Yelloweye rockfish**	CLOSED					
23	**Cowcod**	CLOSED					
24	**Bronzespotted rockfish**	CLOSED					
25	**Bocaccio**	500 lb/ 2 months	CLOSED	500 lb/ 2 months			
26	**Minor Nearshore Rockfish & Black rockfish**						
27	Shallow nearshore	1,200 lb/ 2 months	CLOSED	1,200 lb/ 2 months			
28	Deeper nearshore	1,000 lb/ 2 months	CLOSED	1,000 lb/ 2 months			
29	California scorpionfish	1,500 lb/ 2 months	CLOSED	1,500 lb/ 2 months			
30	**Lingcod[4/]**	100 lb/ month	CLOSED	400 lb/ month	600 lb/ month	400 lb/ month	150 lb/ month
31	**Pacific cod**	1,000 lb/ 2 months					
32	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
33	**Longnose skate**	Unlimited					
34	**Other Fish[5/] & Cabezon**	Unlimited					

TABLE 3 (South)

Table 3 (South). Continued

TABLE 3 (South) cont'd

			JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
35	**RIDGEBACK PRAWN AND, SOUTH OF 38°57.50' N. LAT., CA HALIBUT AND SEA CUCUMBER NON-GROUNDFISH TRAWL**							
36	**NON-GROUNDFISH TRAWL Rockfish Conservation Area (RCA) for CA Halibut, Sea Cucumber & Ridgeback Prawn:**							
37		*40°10' N. lat. - 38°00' N. lat.*	*100 fm line 1/ - 200 fm line 1/*	*100 fm line 1/ - 150 fm line 1/*				*100 fm line 1/ - 200 fm line 1/*
38		*38°00' N. lat. - 34°27' N. lat.*	*100 fm line 1/ - 150 fm line 1/*					
37		*South of 34°27' N. lat.*	*100 fm line 1/ - 150 fm line 1/ along the mainland coast; shoreline - 150 fm line 1/ around islands*					
39			Groundfish: 300 lb/trip. Species-specific limits described in the table above also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57.50' N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 31).					
40	**PINK SHRIMP NON-GROUNDFISH TRAWL GEAR** *(not subject to RCAs)*							
41		South	Effective April 1 - October 31: Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary rockfish, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of all groundfish species count toward the per day, per trip or other species-specific sublimits described here and the species-specific limits described in the table above do not apply. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ POP is included in the trip limits for minor slope rockfish. Blackgill rockfish have a species specific trip sub-limit within the minor slope rockfish cumulative limits. Yellowtail rockfish is included in the trip limits for minor shelf rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

5/ "Other fish" are defined at § 660.11 and includes kelp greenling, leopard shark, and cabezon in Washington.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

[FR Doc. 2018–02121 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 83, No. 23
Friday, February 2, 2018

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1032; Airspace Docket No. 17–ANM–4]

Proposed Establishment of Class E Airspace, Amendment of Class D Airspace, and Revocation of Class E Airspace; Tacoma, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface at Tacoma Narrows Airport, Tacoma, WA. This proposal also would remove Class E airspace designated as an extension at Tacoma Narrows Airport. Additionally, this action would update the geographic coordinates of the airport in Class D airspace, and make an editorial change to the Class D description replacing Airport/Facility Directory with the term Chart Supplement. These changes are necessary to accommodate airspace redesign for the safety and management of instrument flight rules (IFR) operations within the National Airspace System.

DATES: Comments must be received on or before March 19, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–1032; Airspace Docket No. 17–ANM–4, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW, Renton, WA 98057; telephone (425) 203–4511.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace, amend Class D airspace, and remove E airspace at Tacoma Narrows Airport, Tacoma, WA to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–1032; Airspace Docket No. 17–ANM–4''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW, Renton, WA 98057.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists

Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class D airspace, establishing Class E surface area airspace, removing Class E airspace designated as an extension to a Class D or Class E surface area, and establishing Class E airspace extending upward from 700 feet above the surface at Tacoma Narrows Airport, Tacoma, WA.

Class D airspace would be modified to add a small extension south of the airport within 1.7 miles each side of a 189° bearing from the airport extending from the 4-mile radius to 5.3 miles south of the airport.

Class E surface area airspace would be established coincident with the dimensions of the Class D airspace and effective during the hours when the Class D is not in effect to protect IFR operations continuously.

Class E airspace designated as an extension would be removed as the extension north of the airport (within 1.8 miles each side of the 009° bearing from the Graye NDB extending from the 4-mile radius to .9 miles north of the NDB) protects no arrival aircraft within 1,000 feet of the surface. Also, the extension to the south (within 1.8 miles each side of the 187° bearing from Scenn OM extending from the 4-mile radius to 1 mile south of the OM; excluding that airspace within the Tacoma, McChord AFB, WA, Class D airspace area) protects no arrival aircraft within 1,000 feet of the surface beyond 5.3 miles south of the airport. By eliminating the unnecessary airspace, the remaining extension to the south would be less than 2 nautical miles in length, and must be Class D.

Class E airspace extending upward from 700 feet would be established at Tacoma Narrows Airport within 4 miles each side of the 007° and 187° bearings from the airport extending to 8 miles north and 7 miles south of the airport. This new airspace would duplicate the larger Seattle Class E airspace area, but would ensure sufficient airspace is designated for Tacoma Narrows Airport in case of any future modification.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANM WA D Tacoma, WA [Amended]

Tacoma Narrows Airport, WA

(Lat. 44°16′05″ N, long. 122°34′41″ W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4-mile radius of Tacoma Narrows Airport, and within 1.7 miles each side of the 189° bearing from the airport extending from the 4-mile radius to 5.3 miles south of the airport, excluding that airspace within the Tacoma, McChord AFB, WA, Class D airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM WA E2 Tacoma, WA [New]

Tacoma Narrows Airport, WA

(Lat. 44°16′05″ N, long. 122°34′41″ W)

That airspace extending upward from the surface within a 4-mile radius of the Tacoma Narrows Airport, and within 1.7 miles each side of the 189° bearing from the airport extending from the 4-mile radius to 5.3 miles south of the airport, excluding that airspace within the Tacoma, McChord AFB, WA, Class D airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ANM WA E4 Tacoma, WA [Removed]

Tacoma Narrows Airport, WA

(Lat. 44°16′05″ N, long. 122°34′41″ W)

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

* * * * *

ANM WA E5 Tacoma, WA [New]

Tacoma Narrows Airport, WA

(Lat. 44°16′05″ N, long. 122°34′41″ W)

That airspace extending upward from 700 feet above the surface within 4 miles each side of the 007° bearing from the Tacoma Narrows Airport extending to 8 miles north of the airport, and within 4 miles each side of a 187° bearing from the airport extending to 7 miles south of the airport.

Issued in Seattle, Washington, on January 25, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–02021 Filed 2–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0223; Airspace Docket No. 17–ANM–9]

Proposed Amendment of Class D and E Airspace; Casper, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend controlled airspace at Casper/Natrona County International Airport, Casper WY. After a biennial review, the FAA proposes to enlarge Class D airspace; remove Class E airspace designated as an extension, reduce Class E airspace extending upward from 700 feet above the surface, and remove Class E airspace extending upward from 1,200 feet above the surface. Also, this action would update the airport's name and geographic coordinates for the associated Class D and E airspace areas to reflect the FAA's current aeronautical database. These proposed changes would enhance safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 19, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–0223; Airspace Docket No. 17–ANM–9, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW, Renton, WA 98057; telephone (425) 203–4511.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class D and E airspace at Casper/Natrona County International Airport, Casper, WY, in support of IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2017–0223; Airspace Docket No. 17–ANM–9) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for address and phone number).

Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0223/Airspace Docket No. 17–ANM–9.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW, Renton, WA 98057.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class D airspace and Class E surface area airspace at Casper/Natrona County International Airport (formerly Natrona County International Airport) to within a 4.9-mile radius (from a 4.3-mile radius) of the airport from the airport 294° bearing clockwise to the airport 193° bearing, and within a 7-mile radius (from a 4.3-mile radius) of the airport from the 193° bearing clockwise to the airport 294° bearing.

This proposal also would remove Class E airspace designated as an extension to Class D or E surface area.

Additionally, Class E airspace extending upward from 700 feet above the surface would be reduced to within a 9.5-mile radius of the airport (from a 24-mile radius) from the airport 248° bearing clockwise to the airport 294° bearing, and within a 7-mile radius from the airport 294° bearing clockwise to the airport 004° bearing, with segments extending to 13.5 miles northeast, 10.4 miles east, 16.9 miles southwest. Also, Class E airspace extending upward from 1,200 feet above the surface would be removed since it is wholly contained within the larger Casper Class E en route airspace, and duplication is not needed.

This proposal would also update the airport's geographic coordinates in the associated Class D and E airspace to reflect the FAA's current aeronautical database. Lastly, this action would replace the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in the Class D and associated Class E airspace legal descriptions. These modifications are necessary for the safety and management of IFR operations at the airport.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017 and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANM WY D Casper, WY [Amended]

Casper/Natrona County International Airport, WY
(Lat. 42°54′21″ N, long. 106°27′49″ W)

That airspace extending upward from the surface to and including 7,800 feet MSL within a 4.9-mile radius of Casper/Natrona County International Airport clockwise from the airport 294° bearing to the airport 193° bearing and within a 7-mile radius of the airport clockwise from the airport 193° bearing to the airport 294° bearing. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM WY E2 Casper, WY [Amended]

Casper/Natrona County International Airport, WY
(Lat. 42°54′21″ N, long. 106°27′49″ W)

That airspace extending upward from the surface within a 4.9-mile radius of Casper/Natrona County International Airport clockwise from the airport 294° bearing to the airport 193° bearing and within a 7-mile radius of the airport clockwise from the airport 193° bearing to the airport 294° bearing. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM WY E4 Casper, WY [Removed]

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

* * * * *

ANM WY E5 Casper, WY [Amended]

Casper/Natrona County International Airport, WY
(Lat. 42°54′21″ N, long. 106°27′49″ W)

That airspace upward from 700 feet above the surface within a 9.5-mile radius of Casper/Natrona County International Airport from the airport 248° bearing clockwise to the airport 294° bearing and within a 7-mile radius of the airport from the airport 294° bearing clockwise to the airport 004° bearing and within 3.9 miles northwest and 4.8 miles southeast of the airport 036° bearing extending from the airport to 13.5 miles northeast of the airport and within 3.6 miles each side of the airport 088° bearing extending from the airport to 10.4 miles east of the airport and within 4.1 miles each side of the airport 223° bearing extending from the airport to 17 miles southwest of the airport.

Issued in Seattle, Washington, on January 26, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–02013 Filed 2–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1091; Airspace Docket No. 17–AWP–26]

Proposed Amendment of Class D and Class E Airspace; Atwater, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, and Class E airspace extending upward from 700 feet above the surface at Castle Airport, Atwater, CA, to accommodate airspace redesign due to the decommissioning of the El Nido VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) as the FAA transitions from

ground-based to satellite-based navigation. Also, this action would update the airport's geographic coordinates to match the FAA's aeronautical database. This action also would make an editorial change to the Class D airspace legal description replacing ''Airport/Facility Directory'' with the term ''Chart Supplement''. These actions are necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 19, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–1091; Airspace Docket No. 17–AWP–26, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW, Renton, WA 98057; telephone (425) 203–4511.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace at Castle Airport, Atwater, CA, to accommodate airspace redesign in support of IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2017–1091; Airspace Docket No. 17–AWP–26) and be submitted in triplicate to DOT Docket Operations (see ''**ADDRESSES**'' section for address and phone number).

Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–1091/Airspace Docket No. 17–AWP–26.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW, Renton, WA 98057.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 for airspace redesign by modifying Class D airspace to a 4.6-mile radius (from a 4.5-mile radius) of the airport from the airport 297° bearing clockwise to the airport 164° bearing, thence direct to the point of beginning. This modification would provide additional Class D airspace south of the airport and would remove Class D airspace southwest and northwest of the airport, thereby containing instrument IFR departure aircraft until reaching 700 feet above the surface, and removing airspace not required by IFR operations. Also, this action would remove the reference to the El Nido VOR/DME in the legal description due to its planned decommissioning as the FAA transitions from ground-based to satellite-based navigation.

Class E airspace extending upward from 700 feet above the surface would be modified to a 7.2-mile (from a 7-mile) radius of the airport, and would remove the 23-mile extension northwest of the airport.

Additionally, the airport's geographic coordinates would be updated to match the FAA's aeronautical database for the Class D and Class E airspace areas. An editorial change also would be made to the Class E surface area airspace legal description replacing ''Airport/Facility Directory'' with the term ''Chart Supplement''.

These actions are necessary for the safety and management of IFR operations at this airport.

Class E airspace designations are published in paragraph 6002, and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017 and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D Atwater, CA [Amended]

Castle Airport, CA
(Lat. 37°22′50″ N, long. 120°34′06″ W)

That airspace extending upward from the surface up to but not including 2,000 feet MSL within a 4.6-mile radius of Castle Airport beginning at the 297° bearing from the airport clockwise to the 164° bearing, thence to the point of beginning. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AWP CA E5 Atwater, CA [Amended]

Castle Airport, CA
(Lat. 37°22′50″ N, long. 120°34′06″ W)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Castle Airport.

Issued in Seattle, Washington, on January 11, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–02012 Filed 2–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–118067–17]

RIN 1545–BO00

Centralized Partnership Audit Regime: Adjusting Tax Attributes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations implementing section 1101 of the Bipartisan Budget Act of 2015, which was enacted into law on November 2, 2015. The Bipartisan Budge Act repeals the current rules governing partnership audits and replaces them with a new centralized partnership audit regime that, in general, determines, assesses and collects tax at the partnership level. These proposed regulations provide rules addressing how partnerships and their partners adjust tax attributes to take into account partnership adjustments under the centralized partnership audit regime.

DATES: Written or electronic comments and requests for a public hearing must be received by May 3, 2018.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–118067–17), Room 5207, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. to CC:PA:LPD:PR (REG–118067–17), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224. Alternatively, taxpayers may submit comments electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (REG–118067–17).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Allison R. Carmody or Meghan M. Howard of the Office of Associate Chief Counsel (Passthroughs and Special Industries), (202) 317–5279; concerning the submission of comments, Regina L. Johnson, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed regulations that supplement the regulations proposed in the notice of proposed rulemaking (REG–136118–15) published in the **Federal Register** on June 14, 2017 (82 FR 27334) (the ''June 14 NPRM'') and amend the Income Tax Regulations (26 CFR part 1) under Subpart—Partners and Partnerships and the Procedure and Administration Regulations (26 CFR part 301) under Subpart—Tax Treatment of Partnership Items to implement the centralized partnership audit regime. Furthermore, certain provisions of the June 14 NPRM are being amended.

1. The New Centralized Partnership Audit Regime

For information relating to (1) the new centralized partnership audit regime enacted by the Bipartisan Budget Act (BBA), Public Law 114–74 (129 Stat. 58 (2015)) (as amended by the Protecting Americans from Tax Hikes Act of 2015, Pub. L. 114–113 (129 Stat. 2242 (2015))); (2) Notice 2016–23 (2016–13 I.R.B. 490 (March 28, 2016)), which requested comments on the new partnership audit regime enacted by the BBA; and (3) the temporary regulations (TD 9780, 81 FR 51795 (August 5, 2016)) and a notice of proposed rulemaking (REG–105005–16, 81 FR 51835 (August 5, 2016)), which provided the time, form, and manner for

a partnership to make an election into the centralized partnership audit regime for a partnership taxable year beginning before the general effective date of the regime, see the Background section of the June 14 NPRM.

2. Proposed Regulations Implementing the Centralized Partnership Audit Regime

The June 14 NPRM addressed various issues concerning the scope and process of the new centralized partnership audit regime. Unless otherwise noted, all references to proposed regulations in this preamble refer to the regulations proposed by the June 14 NPRM.

Proposed §§ 301.6225–1, 301.6225–2, and 301.6225–3 provide rules relating to partnership adjustments, including the computation of the imputed underpayment, modification of the imputed underpayment, and the treatment of adjustments that do not result in an imputed underpayment.

Proposed § 301.6225–1 sets forth rules for computing the imputed underpayment, and proposed § 301.6225–2 sets forth the rules under which the partnership may request a modification to adjust the imputed underpayment calculated under proposed § 301.6225–1. The modification rules contained in proposed § 301.6225–2 generally allow: (1) Modifications that result in the exclusion of certain adjustments, or portions thereof, from the calculation of the imputed underpayment (such as a modification under proposed § 301.6225–2(d)(2) (amended returns by partners), (d)(3) (tax-exempt partners), (d)(5) (certain passive losses of publicly traded partnerships), (d)(7) (partnerships with partners that are qualified investment entities described in section 860 of the Internal Revenue Code (Code)), (d)(8) (partner closing agreements), and, if applicable, (d)(9) (other modifications)); (2) rate modifications, which affect only the taxable rate applied to the total netted partnership adjustment (described in proposed § 301.6225–2(d)(4)); and (3) modifications to the number and composition of imputed underpayments (described in proposed § 301.6225–2(d)(6)).

Proposed § 301.6225–3 sets forth rules for the treatment of adjustments that do not result in an imputed underpayment. In general, pursuant to proposed § 301.6225–3(b)(1) the partnership takes the adjustment into account in the adjustment year as a reduction in non-separately stated income or as an increase in non-separately stated loss depending on whether the adjustment is to an item of income or loss. Proposed § 301.6225–3(b)(2) provides that if an adjustment is to an item that is required to be separately stated under section 702 of the Internal Revenue Code (Code) the adjustment shall be taken into account by the partnership on its adjustment year return as an adjustment to such separately stated item. Proposed § 301.6225–3(b)(3) provides that an adjustment to a credit is taken into account as a separately stated item.

Proposed §§ 301.6226–1, 301.6226–2, and 301.6226–3 provide rules relating to the election under section 6226 by a partnership to have its reviewed year partners take into account the partnership adjustments in lieu of paying the imputed underpayment determined under section 6225, the statements the partnership must send to its partners, and the rules for how the partners take into account the adjustments, including the computation and payment of the partners' liability. If a partnership makes the election under section 6226 to ''push out'' adjustments to its reviewed year partners, the partnership is not liable for the imputed underpayment. Instead, under proposed § 301.6226–3, reviewed year partners must pay any additional chapter 1 tax that results from taking the adjustments reflected on the statements into account in the reviewed year and from changes to the tax attributes in the intervening years. In addition to being liable for the additional tax, the partner must also calculate and pay any penalties, additions to tax, or additional amounts determined to be applicable during the partnership-level proceeding, and any interest determined in accordance with proposed § 301.6226–3(d).

Finally, proposed § 301.6241–1 provides definitions for purposes of the centralized partnership audit regime.

On December 19, 2017, proposed rules (REG–120232–17 and REG–120233–17) were published in the **Federal Register** (82 FR 60144) that would allow tiered partnerships to push out audit adjustments through to the ultimate taxpayers and provides rules implementing the procedural and administrative aspects of the partnership audit regime. For proposed rules regarding international provisions under the centralized partnership audit regime, see (REG–119337–17) published in the **Federal Register** on November 30, 2017 (82 FR 56765).

Explanation of Provisions

1. In General

These proposed regulations provide rules that were reserved in the June 14 NPRM under proposed §§ 301.6225–4 and 301.6226–4. It also provides related proposed amendments to §§ 1.704–1, 1.705–1, and 1.706–4. Specifically, these rules address how and when partnerships and their partners adjust tax attributes to take into account partnership adjustments under both sections 6225 and 6226. The public provided comments in response to the June 14 NPRM, and some comments discussed issues relevant to the reserved sections under proposed §§ 301.6225–4 and 301.6226–4, which were taken into consideration in drafting these proposed regulations.

Because these regulations are supplementing the regulations published in the June 14 NPRM, the numbering and ordering of some of the provisions do not follow typical conventions. The Department of the Treasury (Treasury Department) and the IRS anticipate that these provisions will be appropriately integrated when both these regulations and the proposed regulations in the June 14 NPRM are finalized.

These proposed rules are consistent with the policy described in ''The General Explanation of Tax Legislation Enacted for 2015'' (Bluebook), which explained that ''[u]nder the centralized partnership audit regime, the flowthrough nature of the partnership under subchapter K of the Code is unchanged, but the partnership is treated as a point of collection of underpayments that would otherwise be the responsibility of partners.'' Joint Comm. on Taxation, JCS–1–16, ''General Explanations of Tax Legislation Enacted in 2015'', 57 (2016).

The preamble to the June 14 NPRM announced that the Treasury Department and the IRS intended to provide additional rules providing for adjustments to the basis of partnership property and book value of any partnership property if the partnership adjustment is a change to an item of gain, loss, amortization or depreciation (*i.e.,* the change is basis derivative). These proposed regulations, when finalized, will provide this guidance.

2. Provisions Relating to Section 6225

A. In General

The June 14 NPRM defines a partnership adjustment as any adjustment to any item of income, gain, loss, deduction, or credit of a partnership (as defined in proposed § 301.6221(a)–1(b)(1)), or any partner's distributive share thereof (as described in proposed § 301.6221(a)–1(b)(2)). See proposed § 301.6241–1(a)(6). Under the rules in proposed § 301.6225–1, each partnership adjustment is either (i) taken into account in the determination

of an imputed underpayment, or (ii) considered a partnership adjustment that does not give rise to an imputed underpayment. For a partnership adjustment that is taken into account in the determination of the imputed underpayment, these proposed regulations provide rules for adjusting partnership asset basis and book value, rules for the creation of notional items, rules for allocating these notional items under section 704(b), successor rules for situations in which reviewed year partners (as defined in proposed § 301.6241–1(a)(9)) are not adjustment year partners (as defined in proposed § 301.6241–1(a)(2)), and rules for determining the impact of notional items on tax attributes in certain situations. See section (2)(B) of this preamble. These regulations also provide rules for the allocation of any partnership expenditure related to the imputed underpayment. See section (2)(B)(vii) of this preamble. Finally, these regulations provide guidance in the case of a partnership adjustment that does not give rise to an imputed underpayment. See section (2)(C) of this preamble.

B. Adjustments in the Case of a Partnership Adjustment That Results in an Imputed Underpayment

i. In General

Prior to the enactment of the centralized partnership audit regime, in the case of an adjustment to an item of income, gain, loss, deduction or credit in the context of an examination by the IRS for or related to a partnership, partnership adjustments were generally taken into account by the partners of the partnership for the year under examination by a new or corrected allocation of the relevant item, and partners took those items into account with respect to the partnership year under examination. In contrast, under the centralized partnership audit regime, for a partnership adjustment that is taken into account in the determination of an imputed underpayment, the partnership adjustment is generally taken into account by the partnership in the year in which the related payment obligation (the imputed underpayment) arises. Further, in light of the fact that these partnership adjustments are with respect to a partnership year that is earlier than the year in which the imputed underpayment arises, the partners of the partnership may have changed in the later year.

Under subchapter K, a partnership generally computes items of income, gain, loss, deduction or credit under section 703, which are then allocated to the partners under section 704. Under section 705, a partner increases its basis in its partnership interest (outside basis) by its distributive share of taxable income of the partnership as determined under section 703(a). However, in the case of a positive partnership adjustment that is taken into account in the determination of an imputed underpayment, section 6225 does not itself provide for an item of taxable income under section 703(a) to be allocated to partners. Instead, calculations are made at the partnership level and the partnership pays the liability in the form of an imputed underpayment. Failure to provide adjustments to outside basis that reflect the partnership adjustments that resulted in the imputed underpayment could lead to a partner being effectively taxed twice on the same item of income, once indirectly on payment of the imputed underpayment and again on a disposition of the partnership interest or on a distribution of cash by the partnership. Taxing the same item of income twice is not consistent with the flowthrough nature of partnerships under subchapter K. Thus, these proposed regulations provide for adjustment to a partner's basis in its interest—and certain other tax attributes that are interdependent with basis under subchapter K—in order to prevent effective double taxation or other distortions.

Specifically, under proposed § 301.6225–4(a)(1), when there is a partnership adjustment (as defined in proposed § 301.6241–1(a)(6)), the partnership and its adjustment year partners (as defined in proposed § 301.6241–1(a)(2)) generally must adjust their specified tax attributes (as defined in proposed § 301.6225–4(a)(2)). Specified tax attributes are the tax basis and book value of a partnership's property, amounts determined under section 704(c), adjustment year partners' bases in their partnership interests, and adjustment year partners' capital accounts determined and maintained in accordance with § 1.704–1(b)(2). See proposed § 301.6225–4(a)(2).

In the case of a partnership adjustment that results in an imputed underpayment, the adjustments to specified tax attributes must be made on a partnership-adjustment-by-partnership-adjustment basis, and thus are created separately for each partnership adjustment (whether a negative adjustment or a positive adjustment) without regard to their summation as part of the determination of the total netted partnership adjustment in proposed § 301.6225–1(c)(3). See proposed § 301.6225–4(b)(1).

ii. Manner of Adjusting Specified Tax Attributes

The partnership must first make appropriate adjustments to the book value and basis of property to take into account any partnership adjustment. See proposed § 301.6225–4(b)(2). This rule also requires amounts determined under section 704(c) to be adjusted to take into account the partnership adjustment. The partnership does not make any adjustments to the book value or basis of partnership property with respect to property that was held by the partnership in the reviewed year but is no longer held by the partnership in the adjustment year. Comments are requested as to whether, in these situations, a partnership should be allowed to adjust the basis (or book value) of other partnership property (such as in a manner similar to the rules that apply in allocating section 734(b) adjustments under section 755 (*i.e.,* § 1.755–1(c))).

Proposed § 301.6225–4(b)(3) provides that notional items are then created with respect to the partnership adjustment, and these notional items are then allocated according to the rules described in section (2)(B)(iii) of this preamble. The items are considered notional items because their sole purpose is to affect partner-level specified tax attributes, and thus they are not considered to be items for purposes of adjusting other tax attributes.

In the case of a partnership adjustment that is an increase to income or gain, a notional item of income or gain is created in an amount equal to the partnership adjustment. Similarly, in the case of a partnership adjustment that is an increase to an expense or a loss, a notional item of expense or loss is created in an amount equal to the partnership adjustment. See proposed § 301.6225–4(b)(3)(ii) and (iii).

However, in the case of a partnership adjustment that is a decrease to income or gain, a notional item of expense or loss is created in an amount equal to the partnership adjustment. Similarly, in the case of a partnership adjustment that is a decrease to an expense or a loss, a notional item of income or gain is created in an amount equal to the partnership adjustment. See proposed § 301.6225–4(b)(3)(iv) and (v). These rules have the effect of reversing out the reviewed year allocation to the extent necessary to reflect the partnership adjustment.

Thus, under these proposed regulations, an adjustment year partner

increases its outside basis for notional income that is allocated to it. Similarly, a partnership that determines and maintains capital accounts in accordance with § 1.704–1(b)(2)(iv) also adjusts capital accounts for notional items. See proposed § 301.6225–4(e), *Example 1.* In the case of a partnership adjustment that reflects a net increase or net decrease in credits as determined under proposed § 301.6225–1(d), the partnership creates one or more notional items of income, gain, loss, or deduction that reflects the change in the item giving rise to the credit. See proposed § 301.6225–4(b)(3)(vi).

Under these proposed regulations, only specified tax attributes are adjusted. Treasury Department and the IRS considered proposing broader rules for adjusting other tax attributes than those included in these proposed regulations. Tax attributes are defined in the June 14 NPRM as anything that can affect, with respect to a partnership or a partner, the amount or timing of an item of income, gain, loss, deduction, or credit (as defined in proposed § 301.6221(a)–1(b)(1)) or that can affect the amount of tax due in any taxable year. Examples of tax attributes include, but are not limited to, basis and holding period, as well as the character of items of income, gain, loss, deduction, or credit and carryovers and carrybacks of such items. See proposed § 301.6241–1(a)(10).

Comments are requested as to whether tax attributes other than specified tax attributes should be adjusted, at either the partner or the partnership level, when the partnership pays an imputed underpayment. Specifically, commenters are requested to address whether guidance should provide a general rule that partnership adjustments and notional items are taken into account as items for all purposes of Subtitle A, except to the extent of the partner's actual tax due. For example, guidance could provide that the partner level tax calculation includes notional items for purposes of calculating the tentative tax due, but that for purposes of determining the ultimate tax due, the partner's share of the imputed underpayment would be subtracted. Alternatively, guidance could provide a list of tax attributes that are generally adjusted, and a list of those that are not.

Specific tax attributes for which comments are requested include gross income rules for publicly traded partnerships under section 7704(b) and qualified investment entities described in section 860. Other tax attributes for which comments are requested include net operating loss carryforwards, other tax accounting under subchapter K, and those that contain limitations based on adjusted gross income (for example, the earned income credit allowed under section 32, the child tax credit allowed under section 24). Comments are also requested as to whether any special rules should be provided for adjustments to tax attributes in the cross-border context, and how those adjustments should differ, if at all, from adjustments to tax attributes made in the domestic context.

These regulations also contain rules to coordinate the changes to specified tax attributes made under these rules with other rules of the Code, including the rest of the centralized partnership audit regime. See proposed § 301.6225–4(a)(4). To the extent a partner or partnership appropriately adjusted tax attributes prior to a final determination under subchapter C of chapter 63 with respect to a partnership adjustment (for example, in the context of an amended return modification described in proposed § 301.6225–2(d)(2) or a closing agreement described in proposed § 301.6225–2(d)(8)), those tax attributes are not adjusted under this section. For example, when a partnership requests a modification of the imputed underpayment with respect to a partner-specific tax attribute (for example, a net operating loss) by the filing of an amended return by a partner or by entering into a closing agreement, the partner-specific tax attribute must be reduced to the extent it is used to modify the imputed underpayment.

The IRS is considering providing in forms, instructions, or other guidance that partnerships will be required to provide information to their partners about the amount and nature of changes to tax attributes and any other information needed by the partners.

iii. Allocation of Notional Items

Under section 704(b), a partner's distributive share of income, gain, loss, deduction, or credit (or item thereof) is determined under the partnership agreement if the allocation under the agreement has substantial economic effect. Section 1.704–1(b)(2)(i) provides that the determination of whether an allocation of income, gain, loss, or deduction (or item thereof) to a partner has substantial economic effect involves a two-part analysis that is made at the end of the partnership year to which the allocation relates. In order for an allocation to have substantial economic effect, the allocation must have both economic effect (within the meaning of § 1.704–1(b)(2)(ii)) and be substantial (within the meaning of § 1.704–1(b)(2)(iii)). If the allocation does not have substantial economic effect, or the partnership agreement does not provide for the allocation, then the allocation must be made in accordance with the partners' interest in the partnership under § 1.704–1(b)(3).

Commenters recommended applying the existing rules in subchapter K, including section 704(b), in the context of section 6225. While the basic principles of section 704(b) remain sound in the context of notional items, the unique nature of partnership adjustments under section 6225 requires the application of these principles to be modified. See proposed § 1.704–1(b)(1)(viii)(*a*). Specifically, the allocation of notional items cannot have substantial economic effect because the allocation relates to two different years—while generally determined with respect to the reviewed year, notional items are taken into account in the adjustment year. Thus, the proposed regulations provide that the allocation of a notional item does not have substantial economic effect, but, to address this issue, further provide that the allocation will be deemed to be in accordance with the partners' interests in the partnership if the allocation of a notional item of income or gain described in proposed § 301.6225–4(b)(3)(ii), or expense or loss described in proposed § 301.6225–4(b)(3)(iii), is made in the manner in which the corresponding actual item would have been allocated in the reviewed year under the section 704 regulations. Additionally, the allocation of a notional item of expense or loss described in proposed § 301.6225–4(b)(3)(iv), or a notional item of income or gain described in proposed § 301.6225–4(b)(3)(v), must be allocated to the reviewed year partners that were originally allocated that excess item in the reviewed year (or their successors). See proposed § 1.704–1(b)(4)(xi). As described in section (2)(B)(iv) of this preamble, however, these rules require treating successors as reviewed year partners.

iv. Successors

While the determination of partnership adjustments under section 6225 is made with respect to reviewed year partners, it is the adjustment year partners that bear the economic burden (or benefit) of a partnership adjustment. As noted in section (2)(B)(i) of this preamble, outside basis adjustments must be made to avoid effectively taxing the same item of income twice. While this concern is clearest when a reviewed year partner remains a partner in the adjustment year, the same concern generally exists when the interest is

transferred as the failure to provide outside basis would result in effectively taxing the same item of income twice, just with respect to two different taxpayers. Thus, these regulations provide successor rules under proposed § 1.704–1(b)(1)(viii)(*b*) for purposes of adjusting specified tax attributes, including outside basis.

A reviewed year partner's successor is generally defined as either a transferee that succeeds to the transferor partner's capital account under proposed § 1.704–1(b)(2)(iv)(*l*), or, in the case of a complete liquidation of a partner's interest, as the remaining partners to the extent their interests increased as a result of the liquidated partner's departure. See proposed §§ 1.704–1(b)(1)(viii)(*b*) and 301.6225–4(e), *Example 3.*

The June 14 NPRM provides that if any reviewed year partner with respect to whom an amount was reallocated is not also an adjustment year partner, the portion of the adjustment that would otherwise be allocated to such reviewed year partner is allocated instead to the adjustment year partner or partners who are the successor or successors to the reviewed year partner. See proposed § 301.6225–3(b)(4). Further, this rule provides that if the partnership cannot identify an adjustment year partner that is a successor to the reviewed year partner described in the previous sentence or if a successor does not exist, the portion of the adjustment that would otherwise be allocated to that reviewed year partner is allocated among the adjustment year partners according to the adjustment year partners' distributive shares.

A commenter stated that this rule in the June 14 NPRM allocating a reallocation adjustment that does not result in an imputed underpayment could result in situations in which partners in a publicly traded partnership described in section 7704(b) own units that are not fungible. In response to this comment and due to administrability concerns, the Treasury Department and the IRS reconsidered this rule and have concluded that it is appropriate to provide rules in these proposed regulations relating to any situation in which a partnership is unable, after exercising reasonable diligence, to determine a successor for a partnership adjustment under section 6225 (not only reallocation adjustments). These rules require that the proposed standard in the June 14 NPRM be replaced with a new proposed regulation. Therefore, these regulations amend proposed § 301.6225–3(b)(4) by removing the final two sentences and provide a rule in proposed § 1.704–1(b)(1)(viii)(*b*)(*3*) that if a partnership cannot determine the transferee for a partnership interest under proposed § 1.704–1(b)(1)(viii)(*b*)(*2*), the successor is deemed to be those partners in the adjustment year who were not also partners in the reviewed year or otherwise identifiable as successors to reviewed year partners, in proportion to their respective interests in the partnership.

Comments are requested as to whether these new proposed rules would similarly result in issues with respect to the fungibility of these partnership interests and, if so, specific recommendations for the final regulations to address fungibility concerns consistent with the centralized partnership audit regime, the rules of subchapter K, and the general framework of these proposed regulations. Specifically, commenters are requested to consider how the successor rules should operate when, due to the redemption of all reviewed year partners, there are no identifiable successors to reviewed year partners in the adjustment year.

Treasury and the IRS considered other alternatives to the successor rules in these proposed regulations, including allocating notional items only to adjustment year partners that were reviewed year partners, either solely in the amount for which they would have been allocated the notional item, or allocating to them (and no other partners) the full amount of the notional items. These proposed rules contain successor rules because that approach preserves the economics of the partners that were partners in both the reviewed and the adjustment year, and also facilitates any necessary private contracts between buyers and sellers of partnership interests. Comments are requested as to whether an approach other than successor rules are better suited to preserving the single-layer of tax in subchapter K while avoiding potential for abuse or other inappropriate tax results.

Comments are also requested as to how these successor rules should apply in the case of partnership mergers and divisions.

Finally, comments are requested on issues similar to those noted in the June 14 NPRM in section (5)(D)(ii) of the preamble, namely whether the allocation of adjustments to a successor of a reviewed year partner that was a tax-exempt partner may raise issues concerning private benefit to a person other than a tax-exempt partner, including issues that might affect the tax-exempt partner's status under section 501(c); excise taxes under chapter 42 of subtitle D of the Code or under sections 4975, 4976, or 4980; or requirements under title I of the Employee Retirement Income Security Act of 1974, Public Law 93–406 (88 Stat. 829 (1974)) as amended (ERISA), such as the fiduciary responsibility rules under part 4 thereof. The Treasury Department and the IRS request comments from the public on whether these potential issues may be adequately addressed in partnership agreements or whether guidance is needed to address these potential issues. Any comments related to title I of ERISA will be shared with the Department of Labor.

v. Adjusting Specified Tax Attributes in Certain Circumstances

For certain types of partnership adjustments, notional items are not created. Specifically, notional items are not created for a partnership adjustment that does not derive from items that would have been allocated in the reviewed year under section 704(b), such as a partnership adjustment based upon a partner's failure to report gain under section 731, a partnership adjustment that is a change of an item of deduction to a section 705(a)(2)(B) expenditure, or a partnership adjustment to an item of tax-exempt income. See proposed § 301.6225–4(b)(4). Nevertheless, in these situations specified tax attributes are adjusted for the partnership and its reviewed year partners (or their successors) in a manner that is consistent with how the partnership adjustment would have been taken into account under the partnership agreement in effect for the reviewed year taking into account all facts and circumstances. See proposed § 301.6225–4(e), *Example 5.*

vi. Special Rules for Outside Basis in Certain Cases

As noted in section (2)(B)(i) of this preamble, partners normally adjust their outside bases for notional items that are allocated to them. However, in certain cases, the proposed rules do not provide for adjustments to outside basis. Specifically, when a tax-exempt partner transfers its interest to a partner that is not tax-exempt (taxable partner) between the reviewed year and the adjustment year and the partnership requests a modification because of the reviewed year partner's status as a tax-exempt entity, the successor taxable partner is disallowed a basis adjustment. See proposed § 301.6225–4(b)(6)(iii)(B). Without this rule, a taxable successor partner would have a basis increase when no imputed underpayment was paid with respect to the partner's share of the partnership

adjustment. Comments are requested as to whether this rule should be extended to rate modifications described in proposed § 301.6225–2(d)(4) as well. A basis adjustment is also disallowed when a reviewed year partner transfers its interest to a related party in a transaction in which not all gain or loss is recognized during an administrative proceeding under subchapter C of chapter 63 of the Code (subchapter C of chapter 63) and a principal purpose of the transfer was to shift the economic burden of the imputed underpayment among related parties. Comments are requested regarding whether basis adjustments should be disallowed in any other circumstances.

vii. Accounting and Allocation of Partnership Section 705(a)(2)(B) Expenditures

Proposed § 301.6225–4(c) describes how the partnership's expenditure arising from an imputed underpayment and any other amount under subchapter C of chapter 63 is taken into account by the partnership and its partners. No deduction is allowed under subtitle A of the Code for any payment required to be made by a partnership under subchapter C of chapter 63 and the amount is treated as an expenditure described in section 705(a)(2)(B). See proposed § 301.6241–4(a).

For an allocation to have economic effect, it must be consistent with the underlying economic arrangement of the partners. This means that, in the event that there is an economic benefit or burden that corresponds to the allocation, the partner to whom the allocation is made must receive such economic benefit or bear such economic burden. See § 1.704–1(b)(2)(ii). Generally, an allocation of income, gain, loss, or deduction (or item thereof) to a partner will have economic effect if, and only if, throughout the full term of the partnership, the partnership agreement provides: (1) For the determination and maintenance of the partners' capital accounts in accordance with § 1.704–1(b)(2)(iv); (2) for liquidating distributions to the partners to be made in accordance with the positive capital account balances of the partners; and (3) for each partner to be unconditionally obligated to restore the deficit balance in the partner's capital account following the liquidation of the partner's partnership interest. In lieu of satisfying the third criterion, the partnership may satisfy the qualified income offset rules set forth in § 1.704–1(b)(2)(ii)(*d*).

Section 1.704–1(b)(2)(iv)(*i*) provides specific rules for determining whether an allocation of a section 705(a)(2)(B) expenditure has substantial economic effect. Specifically, it requires that a partner's capital account be decreased by allocations made to such partner of expenditures described in section 705(a)(2)(B). See also § 1.704–1(b)(2)(iv)(*b*). Further, under section 705(a)(2)(B), the adjusted basis of a partner's interest in a partnership is decreased (but not below zero) by expenditures of the partnership that are not deductible in computing its taxable income and not properly chargeable to capital account.

Several commenters addressed how the partnership's payment of an imputed underpayment should be allocated among its partners and how the payment should be given effect. With respect to the payment's allocation, commenters recommended that the expenditure be allocated among the partners in accordance with their partnership agreement, subject to the rules of section 704(b) (including the regulatory requirements for substantial economic effect). The Treasury Department and the IRS agree with the commenters that the expenditure should be allocated under section 704. These proposed regulations contain special rules for allocating the expenditure under section 704(b).

With respect to book capital account adjustments for the imputed underpayment, commenters recommended that partners' capital accounts be adjusted to reflect the partnership's payment of the imputed underpayment. The Treasury Department and the IRS agree with this comment but conclude that because the expenditure is treated as an expenditure under section 705(a)(2)(B) pursuant to the June 14 NPRM (proposed § 301.6241–4(a)), existing rules provide this result.

The Treasury Department and the IRS have concluded, however, that the existing rules that determine whether the economic effect of an allocation is substantial should be modified to take into account the unique nature of these expenditures. When a partnership pays an imputed underpayment under section 6225, it has the effect of converting what would have been a non-deductible partner-level expenditure into a non-deductible partnership-level expenditure. The proposed regulations provide that an allocation of the nondeductible expenditure will be considered to be substantial only if the partnership allocates the expenditure in proportion to the notional item to which it relates, taking into account appropriate modifications. See proposed §§ 1.704–1(b)(2)(iii)(*a*) and (*f*), 301.6225–4(c) and 301.6225–4(e), *Example 4.* This rule aligns the economics of the income allocation (in this case, the notional income allocation) with the directly associated imputed underpayment expense in a manner consistent with the flowthrough nature of partnerships under subchapter K. Absent this substantiality rule in the regulations, partnerships could inappropriately allocate expenses to partners in the adjustment year in a manner inconsistent with the underlying economic arrangement of the partners. These new substantiality rules also apply to a payment made by a pass-through partner under proposed § 301.6226–3(e)(4).

Similarly, for partnerships that do not maintain capital accounts, the allocation of the expenditure cannot be in accordance with the partners' interests in the partnership to the extent it shifts the economic burden of the payment of the imputed underpayment away from a partner (or its successor) that would have been allocated the corresponding notional income item. However, the regulations provide that an allocation of an expense that satisfies the new substantiality rule and in which the partner's distribution rights are reduced by the partner's share of the imputed underpayment is deemed to be in accordance with the partners' interests in the partnership. See proposed § 1.704–1(b)(4)(xii). These proposed regulations do not address the extent to which the partnership may later reverse this allocation with a special chargeback or similar provision. Comments are requested on this issue.

One commenter recommended rules specifying that a partner's contribution of funds to the partnership for payment of an imputed underpayment will result in an increase in that partner's capital account. This comment is not adopted because the existing rules in subchapter K provide sufficient guidance for this circumstance. A commenter also recommended rules addressing the availability of a corporation's deduction under temporary § 1.163–9T(b)(2) for a payment of interest in respect of an underpayment of tax. This comment is not adopted because it is beyond the scope of these proposed regulations.

The proposed regulations also provide that in order for an allocation of an expenditure for interest, penalties, additions to tax, or additional amounts as determined under section 6233 to be substantial, it must be allocated to the reviewed year partner in proportion to the allocation of the related imputed underpayment, the related payment made by a pass-through partner under proposed § 301.6226–3(e)(4), or the

related notional item to which it relates (whichever is appropriate), taking into account modifications under proposed § 301.6225–2 attributable to that partner. See proposed § 1.704–1(b)(2)(iii)(*f*)(*3*). This rule has a similar purpose as the rule in proposed § 1.704–1(b)(2)(iii)(*f*)(*2*) in that it aligns the economics of these expenses with the partnership items to which they relate. Under this rule, an expense for interest imposed under the Code will generally be allocated in proportion to the imputed underpayment from which it derives. Also, an expense arising from a substantial understatement of tax under section 6662(d) for an imputed underpayment will generally be allocated in proportion to the notional income item to which it relates.

In situations in which the reviewed year partner is not an adjustment year partner, the successor rules in proposed § 1.704–1(b)(1)(viii)(*b*) apply to the allocation of these expenditures. Under those rules, a partner admitted after the reviewed year will not ordinarily be allocated any section 705(a)(2)(B) expenditure in the adjustment year.

C. Partnership Adjustments That Do Not Result in an Imputed Underpayment

The June 14 NPRM provides that the rules under subchapter K apply in the case of a partnership adjustment that does not result in an imputed underpayment. See proposed § 301.6225–3(c). Further, proposed § 1.704–1(b)(4)(xiii) of these regulations provides that an allocation of an item arising from a partnership adjustment that does not result in an imputed underpayment (as defined in proposed § 301.6225–1(c)(2)) does not have substantial economic effect but will be deemed to be in accordance with the partners' interests in the partnership if it is allocated in the manner in which the item would have been allocated in the reviewed year under the regulations under section 704, taking into account the successor rules described in section (2)(B)(iv) of this preamble.

3. Provisions Relating to Section 6226

A. In General

Section 6226(b) describes how partnership adjustments are taken into account by the reviewed year partners if a partnership makes an election under section 6226(a). Under section 6226(b)(1), each partner's tax imposed by chapter 1 of subtitle A of the Code (chapter 1 tax) is increased by the aggregate of the adjustment amounts as determined under section 6226(b)(2). This increase in chapter 1 tax is reported on the return for the partner's taxable year that includes the date the statement described under section 6226(a) is furnished to the partner by the partnership (reporting year). The aggregate of the adjustment amounts is the aggregate of the correction amounts. See proposed § 301.6226–3(b).

The adjustment amounts determined under section 6226(b)(2) fall into two categories. Under section 6226(b)(2)(A), in the case of the taxable year of the partner that includes the end of the partnership's reviewed year (first affected year), the adjustment amount is the amount by which the partner's chapter 1 tax would increase for the partner's first affected year if the partner's share of the adjustments were taken into account in that year. Under section 6226(b)(2)(B), in the case of any taxable year after the first affected year, and before the reporting year (that is, the intervening years), the adjustment amount is the amount by which the partner's chapter 1 tax would increase by reason of the adjustment to tax attributes determined under section 6226(b)(3) in each of the intervening years. The adjustment amounts determined under section 6226(b)(2)(A) and (B) are added together to determine the aggregate of the adjustment amounts for purposes of determining additional reporting year tax, which is the increase to the partner's chapter 1 tax in accordance with section 6226(b)(1).

Section 6226(b)(3) provides two rules regarding adjustments to tax attributes that would have been affected if the partner's share of adjustments were taken into account in the first affected year. First, under section 6226(b)(3)(A), in the case of an intervening year, any tax attribute must be appropriately adjusted for purposes of determining the adjustment amount for that intervening year in accordance with section 6226(b)(2)(B). Second, under section 6226(b)(3)(B), in the case of any subsequent taxable year (that is, a year, including the reporting year, that is subsequent to the intervening years referenced in 6226(b)(3)(A)), any tax attribute must be appropriately adjusted.

Under the June 14 NPRM, a reviewed year partner's share of the adjustments that must be taken into account by the reviewed year partner must be reported to the reviewed year partner in the same manner as originally reported on the return filed by the partnership for the reviewed year. See proposed § 301.6226–2(f). If the adjusted item was not reflected in the partnership's reviewed year return, the adjustment must be reported in accordance with the rules that apply with respect to partnership allocations, including under the partnership agreement. However, under proposed § 301.6226–2(f)(1), if the adjustments, as finally determined, are allocated to a specific partner or in a specific manner, the partner's share of the adjustment must follow how the adjustment is allocated in that final determination.

Section 301.6226–4(b) of these proposed regulations provides that the reviewed year partners or affected partners (as described in § 301.6226–3(e)(3)(i)) must take into account items of income, gain, loss, deduction or credit with respect to their share of the partnership adjustments as contained on the statements described in proposed § 301.6226–2 (pushed-out items) in the reporting year (as defined in proposed § 301.6226–3(a)). Similarly, partnerships adjust tax attributes affected by reason of a pushed-out item in the reviewed year. In the case of a reviewed year partner that disposed of its partnership interest prior to the reporting year, that partner may take into account any outside basis adjustment under these rules in an amended return to the extent otherwise allowable under the Code.

Unlike the proposed rules under section 6225 and subchapter K described in section 2 of this preamble, under section 6226, all tax attributes (as defined in proposed § 301.6241–1(a)(10)) are adjusted for pushed out items of income, gain, deduction, loss or credit.

B. Section 704(b)

Section (2)(B)(iii) of this preamble discusses the general mechanics of section 704(b). In accordance with the principles set forth in section 704(b), an allocation of a pushed-out item does not have substantial economic effect within the meaning of section 704(b)(2). However, the allocation of such an item will be deemed to be in accordance with the partners' interests in the partnership if it is allocated in the adjustment year in the manner in which the item would have been allocated under the rules of section 704(b), including § 1.704–1(b)(1)(i) (or otherwise taken into account under subtitle A) in the reviewed year (as defined in proposed § 301.6241–1(a)(8)), followed by any subsequent taxable years, concluding with the adjustment year (as defined in proposed § 301.6241–1(a)(1)). See proposed § 1.704–1(b)(4)(xiv).

C. Timing

Under the June 14 NPRM, a reviewed year partner that is furnished a statement under proposed § 301.6226–2 is required to pay any additional chapter 1 tax (additional reporting year tax) for the partner's taxable year which

includes the date the statement was furnished to the partner in accordance with proposed § 301.6226–2 (the reporting year) that results from taking into account the adjustments reflected in the statement. See proposed § 301.6226–3. The additional reporting year tax is the aggregate of the adjustment amounts, as determined in proposed § 301.6226–3(b) and described in (3)(A) of this preamble.

A commenter recommended that adjustments to capital accounts and basis should be made to the reviewed year partners in the reviewed year to prevent distortions. This comment is not adopted because, in this context, section 6226 clearly applies to the adjustment year. These proposed regulations provide that adjustments to partnership-level tax attributes are calculated with respect to each year beginning with the reviewed year, followed by subsequent taxable years, concluding with the adjustment year. See proposed § 301.6226–4(b).

D. Effect of a Payment by Pass-Through Partner

These proposed regulations provide that to the extent a pass-through partner (as defined in proposed § 301.6241–1(a)(5)) makes a payment in lieu of issuing statements to its owners described in proposed § 301.6226–3(e)(4), that payment will be treated similarly to the payment of an amount under subchapter C of chapter 63 for purposes of any adjustments to bases and capital accounts, and accordingly, the rules contained in proposed § 301.6225–4 will apply to determine any appropriate adjustments to bases and capital accounts. See proposed § 301.6226–3(e). To the extent that the pass-through partner continues to push out the partnership adjustments to its partners in accordance with proposed § 301.6226–3(e)(3), the partners receiving those adjustments will adjust their bases and capital accounts in accordance with the guidance provided in proposed § 301.6226–4.

Comments are requested as to how S corporations, trusts, and estates that are pass-through partners that pay an amount under proposed § 301.6226–3(e), and their shareholders and beneficiaries, respectively, should take these payments into account and adjust tax attributes.

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. Because the proposed regulations would not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply.

Pursuant to section 7805(f), this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Statement of Availability of IRS Documents

IRS Revenue Procedures, Revenue Rulings, Notices and other guidance cited in this preamble are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *http://www.irs.gov.*

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any electronic and written comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules. All comments will be available at *http://www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, then notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 301 are proposed to be amended as follows:

PART 1—INCOME TAX

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.704–1 is amended by:

■ 1. Adding paragraph (b)(1)(viii).

■ 2. Adding a sentence to the end of paragraph (b)(2)(iii)(*a*).

■ 3. Adding paragraphs (b)(2)(iii)(*f*), (b)(2)(iv)(*i*)(*4*), and (b)(4)(xi), (xii), (xiii), (xiv), and (xv).

The additions read as follows:

§ 1.704–1 Partner's distributive share.

* * * * *

(b) * * *

(1) * * *

(viii) *Items relating to a final determination under the centralized partnership audit regime*—(*a*) *In general.* Certain items of income, gain, loss, deduction or credit may result from a final determination under subchapter C of chapter 63 of the Internal Revenue Code (subchapter C of chapter 63) (relating to the centralized partnership audit regime). Special rules under section 704(b) and § 1.704–1(b) apply to these items that take into account that the item relates to the reviewed year (as defined in § 301.6241–1(a)(8) of this chapter) but occurs in the adjustment year (as defined in § 301.6241–1(a)(1) of this chapter). See paragraphs (b)(2)(iii)(*a*) and (*f*), (b)(2)(iv)(*i*)(*4*), and (b)(4)(xi), (xii), (xiii), (xiv), and (xv) of this section.

(*b*) *Successors*—(*1*) *In general.* In the case of a transfer or liquidation of a partnership interest subsequent to a reviewed year, a successor has the meaning provided in paragraph (b)(1)(viii)(*b*) of this section. In the case of a subsequent transfer by a successor of a partnership interest, the principles of paragraph (b)(1)(viii)(*b*) of this section will also apply to the new successor.

(*2*) *Identifiable transferee partner.* Except as otherwise provided in paragraph (b)(1)(viii)(*b*)(*3*) of this section, in the case of a transfer of all or part of a partnership interest during or subsequent to the reviewed year, a successor is the partner to which the reviewed year transferor partner's capital account carried over (or would carry over if the partnership maintained capital accounts) under paragraph (b)(2)(iv)(*l*) of this section (an *identifiable transferee partner*).

(*3*) *Unidentifiable transferee partner.* If, after exercising reasonable diligence, the partnership cannot determine an identifiable transferee partner under paragraph (b)(1)(viii)(*b*)(*2*) of this section, each partner in the adjustment year that is not an identifiable transferee partner and was not a partner in the reviewed year, (an *unidentifiable transferee partner*) is a successor to the extent of the proportion of its interest in the partnership to the total interests of unidentifiable transferee partners in the

partnership (considering all facts and circumstances).

(*4*) *Liquidation of partnership interest.* In the case of a liquidation of a partner's entire interest in the partnership during or subsequent to the reviewed year, the successors to the liquidated partner are certain adjustment year partners (as defined in § 301.6241–1(a)(2) of this chapter) as provided in this paragraph (b)(1)(viii)(*b*)(*4*). The determination of the extent to which the adjustment year partners are treated as successors under this section must be made in a manner that reflects the extent to which the adjustment year partners' interests in the partnership increased as a result of the liquidating distribution (considering all facts and circumstances).

(2) * * *

(iii) * * *

(*a*) * * * Notwithstanding any other sentence of this paragraph (b)(2)(iii)(*a*), an allocation of any of the following will be substantial only if the allocation is described in paragraph (b)(2)(iii)(*f*) of this section: An expenditure for any payment required to be made by a partnership under subchapter C of chapter 63 (relating to the centralized partnership audit regime), adjustments reflected on a statement furnished to a pass-through partner (as defined in § 301.6241–1(a)(5) of this chapter) under § 301.6226–3(e)(4) of this chapter, or interest, penalties, additions to tax, or additional amounts described in section 6233.

* * * * *

(*f*) *Certain expenditures under the centralized partnership audit regime*—(*1*) *In general.* The economic effect of an allocation of an expenditure for any payment required to be made by a partnership under subchapter C of chapter 63 (as described in § 301.6241–4(a) of this chapter) is substantial only if the expenditure is allocated in the manner described in this paragraph (b)(2)(iii)(*f*). For partnerships with allocations that do not satisfy paragraph (b)(2)(ii) of this section, see paragraph (b)(4)(xi) of this section.

(*2*) *Expenditures for imputed underpayments or similar amounts.* Except as otherwise provided, an expenditure for an imputed underpayment under § 301.6225–1 of this chapter (or for an amount computed in the same manner as an imputed underpayment under § 301.6226–3(e)(4)(iii) of this chapter) is allocated to the reviewed year partner (or its successor, as defined in paragraph (b)(1)(viii)(*b*) of this section) in proportion to the allocation of the notional item (as described in § 301.6225–4(b) of this chapter) to which the expenditure relates, taking into account modifications under § 301.6225–2 of this chapter attributable to that partner.

(*3*) *Interest, penalties, additions to tax, or additional amounts described in section 6233.* An expenditure for interest, penalties, additions to tax, or additional amounts as determined under section 6233 (or penalties and interest described in § 301.6226–3(e)(4)(iv) of this chapter) is allocated to the reviewed year partner (or its successor, as defined in paragraph (b)(1)(viii)(*b*) of this section) in proportion to the allocation of the portion of the imputed underpayment with respect to which the penalty applies (or amount computed in the same manner as an imputed underpayment under § 301.6226–3(e)(4) of this chapter) or related notional item to which it relates (whichever is appropriate), taking into account modifications under § 301.6225–2 of this chapter attributable to that partner.

(*4*) *Imputed underpayments unrelated to notional items.* In the case of an imputed underpayment that results from a partnership adjustment for which no notional items are created under § 301.6225–4(b)(2) of this chapter, the expenditure must be allocated to the reviewed year partner (or its successor, as defined in paragraph (b)(1)(viii)(*b*) of this section) that would have borne the economic benefit or burden of the partnership adjustment if the partnership and its partners had originally reported in a manner consistent with the partnership adjustment that resulted in the imputed underpayment with respect to the reviewed year.

(iv) * * *

(*i*) * * *

(*4*) *Certain expenditures under the centralized partnership audit regime.* Notwithstanding paragraph (b)(2)(iv)(*i*)(*1*) of this section, the economic effect of an allocation of an expenditure for any payment required to be made by a partnership under subchapter C of chapter 63 (as described in § 301.6241–4(a) of this chapter) is substantial only if the expenditure is allocated in the manner described in paragraph (b)(2)(iii)(*f*) of this section. For partnerships with allocations that do not satisfy paragraph (b)(2)(ii) of this section, see paragraph (b)(4)(xii) of this section.

* * * * *

(4) * * *

(xi) *Notional items under the centralized partnership audit regime.* An allocation of a notional item (as described in § 301.6225–4(b) of this chapter) does not have substantial economic effect within the meaning of paragraph (b)(2) of this section. However, the allocation of a notional item of income or gain described in § 301.6225–4(b)(1)(ii) of this chapter, or expense or loss described in § 301.6225–4(b)(1)(iii) of this chapter, will be deemed to be in accordance with the partners' interests in the partnership if the notional item is allocated in the manner in which the corresponding actual item would have been allocated in the reviewed year under the rules of this section, treating successors (as defined in paragraph (b)(1)(viii)(*b*) of this section) as reviewed year partners. Additionally, the allocation of a notional item of expense or loss described in § 301.6225–4(b)(3)(iv) of this chapter, or a notional item of income or gain described in § 301.6225–4(b)(3)(v) of this chapter, will be deemed to be in accordance with the partners' interests in the partnership if the notional item is allocated to the reviewed year partners (or their successors as defined in paragraph (b)(1)(viii)(*b*) of this section) in the manner in which the excess item was allocated in the reviewed year.

(xii) *Certain section 705(a)(2)(B) expenditures under the centralized partnership audit regime.* An allocation of an expenditure for any payment required to be made by a partnership under subchapter C of chapter 63 (relating to the centralized partnership audit regime and as described in § 301.6241–4(a) of this chapter) will be deemed to be in accordance with the partners' interests in the partnership, as provided in paragraph (b)(3) of this section, only if the expenditure is allocated in the manner described in paragraph (b)(2)(iii)(*f*) of this section and if the partners' distribution rights are reduced by the partners' shares of the imputed underpayment.

(xiii) *Partnership adjustments that do not result in an imputed underpayment under the centralized partnership audit regime.* An allocation of an item arising from a partnership adjustment that does not result in an imputed underpayment (as defined in § 301.6225–1(c)(2) of this chapter) does not have substantial economic effect within the meaning of paragraph (b)(2) of this section. However, the allocation of such an item will be deemed to be in accordance with the partners' interests in the partnership if allocated in the manner in which the item would have been allocated in the reviewed year under the rules of this section, treating successors as defined in paragraph (b)(1)(viii)(*b*) of this section as reviewed year partners.

(xiv) *Partnership adjustments subject to an election under section 6226.* An allocation of an item arising from a partnership adjustment that results in an imputed underpayment for which an election is made under § 301.6226–1 of this chapter does not have substantial economic effect within the meaning of paragraph (b)(2) of this section. However, the allocation of such an item will be deemed to be in accordance with the partners' interests in the partnership if allocated in the adjustment year (as defined in § 301.6241–1(a)(1) of this chapter) in the manner in which the item would have been allocated under the rules of this section (or otherwise taken into account under subtitle A of the Code) in the reviewed year (as defined in § 301.6241–1(a)(8) of this chapter), followed by any subsequent taxable years, concluding with the adjustment year (as defined in § 301.6241–1(a)(1) of this chapter).

(xv) *Substantial economic effect under sections 168(h) and 514(c)(9)(E)(i)(ll).* An allocation described in paragraphs (b)(4)(xi) through (xiv) of this section will be deemed to have substantial economic effect for purposes of sections 168(h) and 514(c)(9)(E)(i)(ll) if the allocation is deemed to be in accordance with the partners' interests in the partnership under the applicable rules set forth in paragraphs (b)(4)(xi) through (xiv) of this section.

* * * * *

■ **Par. 3.** Section 1.705–1 is amended by adding paragraph (a)(10) to read as follows:

§ 1.705–1 Determination of basis of partner's interest.

(a) * * *

(10) For rules relating to determining the adjusted basis of a partner's interest in a partnership following a final determination under subchapter C of chapter 63 of the Internal Revenue Code (relating to the centralized partnership audit regime), see §§ 301.6225–4 and 301.6226–4 of this chapter.

* * * * *

■ **Par. 4.** Section 1.706–4 is amended by redesignating paragraphs (e)(2)(viii) through (xi) as paragraphs (e)(2)(ix) through (xii), respectively, and adding a new paragraph (e)(2)(viii) to read as follows:

§ 1.706–4 Determination of distributive share when a partner's interest varies.

* * * * *

(e) * * *

(2) * * *

(viii) Any item arising from a final determination under subchapter C of chapter 63 of the Internal Revenue Code (relating to the centralized partnership audit regime) with respect to a partnership adjustment resulting in an imputed underpayment for which no election is made under § 301.6226–1 of this chapter.

* * * * *

PART 301—PROCEDURE AND ADMINISTRATION

■ **Par. 5.** The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par 6.** Section 301.6225–3 as proposed to be amended at 82 FR 27334 (June 14, 2017) is further amended by revising paragraph (b)(4) to read as follows:

§ 301.6225–3 Treatment of partnership adjustments that do not result in an imputed underpayment.

* * * * *

(b) * * *

(4) *Reallocation adjustments.* A partnership adjustment that does not result in an imputed underpayment pursuant to § 301.6225–1(c)(2)(i) is taken into account by the partnership in the adjustment year as a separately stated item or a non-separately stated item, as required by section 702. The portion of an adjustment allocated under this paragraph (b)(4) is allocated to adjustment year partners (as defined in § 301.6241–1(a)(2)) who are also reviewed year partners (as defined in § 301.6241–1(a)(9)) with respect to whom the amount was reallocated.

* * * * *

Par. 7. Section 301.6225–4 is added to read as follows:

§ 301.6225–4 Effect of a partnership adjustment on specified tax attributes of partnerships and their partners.

(a) *Adjustments to specified tax attributes*—(1) *In general.* When there is a partnership adjustment (as defined in § 301.6241–1(a)(6)), the partnership and its adjustment year partners (as defined in § 301.6241–1(a)(2)) generally must adjust their specified tax attributes (as defined in paragraph (a)(2) of this section) in accordance with the rules in this section. For a partnership adjustment that results in an imputed underpayment (as defined in § 301.6241–1(a)(3)), specified tax attributes are generally adjusted by making appropriate adjustments to the book value and basis of partnership property under paragraph (b)(2) of this section, creating notional items based on the partnership adjustment under paragraph (b)(3) of this section, allocating those notional items as described in paragraph (b)(5) of this section, and determining the effect of those notional items for the partnership and its reviewed year partners (as defined in § 301.6241–1(a)(9)) or their successors (as defined in § 1.704–1(b)(1)(viii)(*b*) of this chapter) under paragraph (b)(6) of this section. Paragraph (c) of this section describes how to treat an expenditure for any payment required to be made by a partnership under subchapter C of chapter 63 of the Internal Revenue Code (subchapter C of chapter 63) including any imputed underpayment. Paragraph (d) of this section describes adjustments to tax attributes in the case of a partnership adjustment that does not result in an imputed underpayment (as described in § 301.6225–1(c)(2)).

(2) *Specified tax attributes.* Specified tax attributes are the tax basis and book value of a partnership's property, amounts determined under section 704(c), adjustment year partners' bases in their partnership interests, and adjustment year partners' capital accounts determined and maintained in accordance with § 1.704–1(b)(2) of this chapter.

(3) *Timing.* Adjustments to specified tax attributes under this section are made in the adjustment year (as defined in § 301.6241–1(a)(1)). Thus, to the extent that an adjustment to a specified tax attribute under this section is reflected on a federal tax return, the partnership adjustment is generally first reflected on any return filed with respect to the adjustment year.

(4) *Effect of other sections.* The determination of specified tax attributes under this section is not conclusive as to tax attributes determined under other sections of the Internal Revenue Code (Code), including the centralized partnership audit regime. For example, a partnership that files an administrative adjustment request (AAR) under section 6227 adjusts tax attributes as appropriate. Further, to the extent a partner or partnership appropriately adjusted tax attributes prior to a final determination under subchapter C of chapter 63 with respect to a partnership adjustment (for example, in the context of an amended return modification described in § 301.6225–2(d)(2) or a closing agreement described in § 301.6225–2(d)(8)), those tax attributes are not adjusted under this section. Similarly, to the extent a partner filed a return inconsistent with the treatment of items on a partnership return, a reviewed year partner (or its successor) does not adjust tax attributes to the extent the partner's prior return was consistent with the partnership adjustment. For the rules

regarding consistent treatment by partners, see § 301.6222–1.

(5) *Election under section 6226*—(i) *In general.* Except as otherwise provided in paragraph (a)(5)(ii) of this section, tax attributes are adjusted for a partnership adjustment that results in an imputed underpayment with respect to which an election is made under § 301.6226–1 in accordance with § 301.6226–4, and not the rules of this section.

(ii) *Pass-through partners and indirect partners.* A pass-through partner (as defined in § 301.6241–1(a)(5)) that is a partnership and pays an amount under § 301.6226–3(e)(4) treats its share of each partnership adjustment reflected on the relevant statement as a partnership adjustment described in paragraph (a)(1) of this section, treats the amount computed in the same manner as an imputed underpayment under § 301.6226–3(e)(4)(iii) as an imputed underpayment determined under § 301.6225–1 for purposes of § 1.704–1(b)(2)(iii)(*a*) and (*f*) of this chapter, treats items arising from an adjustment that does not result in an imputed underpayment as an item under paragraph (d) of this section, and finally treats amounts with respect to any penalties, additions to tax, and additional amounts and interest computed as an amount described in § 1.704–1(b)(2)(iii)(*f*)(*3*) of this chapter.

(6) *Reflection of economic arrangement.* This section and the rules in § 1.704–1(b)(1)(viii), (b)(2)(iii)(*a*) and (*f*), (b)(2)(iv)(i)(4), and (b)(4)(xi), (xii), (xiii), (xiv), and (xv) of this chapter must be interpreted in a manner that reflects the economic arrangement of the parties and the principles of subchapter K of the Code, taking into account the rules of the centralized partnership audit regime.

(b) *Adjusting specified tax attributes in the case of a partnership adjustment that results in an imputed underpayment*—(1) *In general.* This paragraph (b) applies with respect to each partnership adjustment that was taken into account in the calculation of the imputed underpayment under § 301.6225–1(c).

(2) *Book value and basis of partnership property*—Partnership-level specified tax attributes must be adjusted under this paragraph (b)(2). Specifically, the partnership must make appropriate adjustments to the book value and basis of property to take into account any partnership adjustment. No adjustments are made with respect to property that was held by the partnership in the reviewed year but is no longer held by the partnership in the adjustment year. Amounts determined under section 704(c) must also be adjusted to take into account the partnership adjustment.

(3) *Creation of notional items based on partnership adjustment*—(i) *In general.* In order to give appropriate effect to each partnership adjustment for partner-level specified tax attributes, notional items are created with respect to each partnership adjustment, except as provided in paragraph (b)(4) of this section.

(ii) *Increase in income or gain.* In the case of a partnership adjustment that is an increase to income or gain, a notional item of income or gain is created in an amount equal to the partnership adjustment.

(iii) *Increase in expense or loss.* In the case of a partnership adjustment that is an increase to an expense or a loss, a notional item of an expense or loss is created in an amount equal to the partnership adjustment.

(iv) *Decrease in income or gain.* In the case of a partnership adjustment that is a decrease to income or gain, a notional item of expense or loss is created in an amount equal to the partnership adjustment.

(v) *Decrease in expense or loss.* In the case of a partnership adjustment that is a decrease to an expense or to a loss, a notional item of income or gain is created in an amount equal to the partnership adjustment.

(vi) *Credits.* If a partnership adjustment reflects a net increase or net decrease in credits as determined under § 301.6225–1(d), the partnership may have one or more notional items of income, gain, loss, or deduction that reflects the change in the item that gives rise to the credit, and those items are treated as items in paragraph (b)(3)(ii), (iii), (iv), or (v) of this section. For example, if a partnership adjustment is to a credit, a notional item of deduction may be created when appropriate. See section 280C.

(4) *Situations in which notional items are not created*—(i) *In general.* In the case of a partnership adjustment described in this paragraph (b)(4), or when the creation of a notional item would duplicate a specified tax attribute or an actual item already taken into account, notional items are not created. Nevertheless, in these situations specified tax attributes are adjusted for the partnership and its reviewed year partners or their successors (as defined in § 1.704–1(b)(i)(viii)(*b*) of this chapter) in a manner that is consistent with how the partnership adjustment would have been taken into account under the partnership agreement in effect for the reviewed year taking into account all facts and circumstances. See § 1.704–1(b)(2)(iii)(*f*)(*4*) of this chapter for rules for allocating the expenditure for an imputed underpayment in these circumstances.

(ii) *Adjustments for non-section 704(b) items.* Notional items are not created for a partnership adjustment that does not derive from items that would have been allocated in the reviewed year under section 704(b). See paragraph (e) of this section, *Example 5.*

(iii) *Section 705(a)(2)(B) expenditures.* Notional items are not created for a partnership adjustment that is a change of an item of deduction to a section 705(a)(2)(B) expenditure.

(iv) *Tax-exempt income.* Notional items are not created for a partnership adjustment to an item of income of a partnership exempt from tax under subtitle A of the Code.

(5) *Allocation of the notional items.* Notional items are allocated to the reviewed year partners or their successors under § 1.704–1(b)(4)(xi) of this chapter.

(6) *Effect of notional items*—(i) *In general.* The partnership creates notional items of income, gain, loss, deduction, or credit in order to make appropriate adjustments to specified tax attributes. See paragraph (e) of this section, *Example 1.*

(ii) *Partner capital accounts.* For purposes of capital accounts determined and maintained in accordance with § 1.704–1(b)(2) of this chapter, a notional item of income, gain, loss, deduction or credit is treated as an item of income, gain, loss, deduction or credit (including for purposes of determining book value). Similar adjustments may be appropriate for partnerships that do not determine and maintain capital accounts in accordance with § 1.704–1(b)(2) of this chapter.

(iii) *Partner's basis in its interest*—(A) *In general.* Except as otherwise provided, the basis of a partner's interest in a partnership is adjusted (but not below zero) to reflect any notional item allocated to the partner by treating the notional item as an item described in section 705(a).

(B) *Special basis rules.* The basis of a partner's interest in a partnership is not adjusted for any notional items allocated to the partner—

(*1*) When a partner that is not a tax-exempt entity (as defined in § 301.6225–2(d)(3)(iii)) is a successor under § 1.704–1(b)(1)(viii)(*b*) of this chapter to a reviewed year tax-exempt partner (as defined in § 301.6225–2(d)(3)(iii)), to the extent that the IRS approved a modification under § 301.6225–2 because the tax-exempt partner was not subject to tax; or

(*2*) When the notional item would be allocated to a successor that is related

(within the meaning of sections 267(b) or 707(b)) to the reviewed year partner, the successor acquired its interest from the reviewed year partner in a transaction (or series of transactions) in which not all gain or loss is recognized during an administrative adjustment proceeding with respect to the partnership's reviewed year under subchapter C of chapter 63, and a principal purpose of the interest transfer (or transfers) was to shift the economic burden of the imputed underpayment among the related parties.

(c) *Determining a partner's share of an expenditure for any payment required to be made by a partnership under subchapter C of chapter 63.* Payment by a partnership of any amount required to be paid under subchapter C of chapter 63 as described in § 301.6241–4(a) is treated as an expenditure described in section 705(a)(2)(B). Rules for determining whether the economic effect of an allocation of these expenses is substantial are provided in § 1.704–1(b)(2)(iii)(*f*) of this chapter and rules for determining whether an allocation of these expenses is deemed to be in accordance with the partners' interests in the partnership are provided in § 1.704–1(b)(4)(xii) of this chapter.

(d) *Adjusting tax attributes for a partnership adjustment that does not result in an imputed underpayment.* The rules under subchapter K apply in the case of a partnership adjustment that does not result in an imputed underpayment. See § 301.6225–3(c). Accordingly, tax attributes (as defined in § 301.6241–1(a)(10)) are adjusted under those rules. An item arising from a partnership adjustment that does not result in an imputed underpayment (as defined in § 301.6225–1(c)(2)) is allocated under § 1.704–1(b)(4)(xiii) of this chapter.

(e) *Examples.* The following examples illustrate the rules of this section. For purposes of these examples, unless otherwise stated, Partnership is subject to the provisions of subchapter C of chapter 63, Partnership and its partners are calendar year taxpayers, all partners are U.S. persons, and the highest rate of income tax in effect for all taxpayers is 40 percent for all relevant periods.

Example 1. (i) In 2019, A, B, and C are individuals that form Partnership. A contributes Whiteacre, which is unimproved land with an adjusted basis of $400 and a fair market value of $1000, and B and C each contribute $1000 in cash. The partnership agreement provides that all income, gain, loss, and deduction will be allocated in equal ⅓ shares among the partners. The partnership agreement also provides that the partners' capital accounts will be determined and maintained in accordance with § 1.704–1(b)(2)(iv) of this chapter, distributions in liquidation of the partnership (or any partner's interest) will be made in accordance with the partners' positive capital account balances, and any partner with a deficit balance in his capital account following the liquidation of his interest must restore that deficit to the partnership (as provided in § 1.704–1(b)(2)(ii)(*b*)(*2*) and (*3*) of this chapter).

(ii) Upon formation, Partnership has the following assets and capital accounts:

	Partnership basis	Book	Value		Outside basis	Book	Value
Cash	$2,000	$2,000	$2,000	A	$400	$1,000	$1,000
Whiteacre	400	1,000	1,000	B	1,000	1,000	1,000
				C	1,000	1,000	1,000
Totals	2,400	3,000	3,000		2,400	3,000	3,000

(iii) In 2019, Partnership makes a $120 payment for Asset that it treats as a deductible expense on its partnership return.

	Partnership basis	Book	Value		Outside basis	Book	Value
Cash	$1,880	$1,880	$1,880	A	$360	$960	$1,000
Whiteacre	400	1,000	1,000	B	960	960	1,000
Asset	0	0	120	C	960	960	1,000
Totals	2,280	2,880	3,000		2,280	2,880	3,000

(iv) Partnership does not file an AAR for 2020. The IRS determines in 2021 (the adjustment year) that Partnership's $120 expenditure was not allowed as a deduction in 2019 (the reviewed year), but rather was the acquisition of an asset for which cost recovery deductions are unavailable. Accordingly, the IRS makes a partnership adjustment that disallows the entire $120 deduction, which results in an imputed underpayment of $48 ($120 × 40 percent). Partnership does not request modification under § 301.6225–2. Partnership pays the $48 imputed underpayment.

(v) Partnership first determines its tax attribute adjustments resulting from the partnership adjustment by applying paragraph (b) of this section. Pursuant to paragraph (b)(2)(i) of this section, Partnership must re-state the basis and book value of Asset to $120. Further, pursuant to paragraph (b)(3)(ii) of this section, a $120 notional item of income is created. The $120 item of notional income is allocated in equal shares ($40) to A, B, and C in 2021 under § 1.704–1(b)(4)(xi) of this chapter. Accordingly, in 2021 Partnership increases the capital accounts of A, B, and C by $40 each, and increases A, B, and C's outside bases by $40 each under paragraph (b)(5)(ii) and (iii) of this section, respectively.

(vi) As described in paragraph (c) of this section, Partnership's payment of the $48 imputed underpayment is treated as an expenditure described in section 705(a)(2)(B) under § 301.6241–4. Under § 1.704–1(b)(4)(xii) of this chapter, Partnership determines each partner's properly allocable share of this expenditure in 2021 by allocating the expenditure in proportion to the allocations of the notional item to which the expenditure relates. Accordingly, each of A, B, and C have a properly allocable share of $16 each, which is the same proportion (⅓ each) in which A, B, and C share the $120 item of notional income. Thus, A, B and C's capital accounts are each decreased by $16 in 2021 and A, B and C's outside bases are each decreased by $16 in 2021. The allocation of the expenditure under the partnership agreement has economic effect under § 1.704–1(b)(2)(ii) of this chapter and, because the allocation of the expenditure is determined in accordance with § 1.704–1(b)(2)(iii)(*f*) of this chapter, the economic effect of these allocations is deemed to be substantial.

(vii) The payment is also reflected by a $48 decrease in partnership cash for book purposes under § 1.704–1(b)(4)(ii) of this

chapter. Therefore, in 2021, A's basis in Partnership is $384 and his capital account is $984. B and C each have a basis and capital account of $984.

	Partnership basis	Book	Value		Outside basis	Book	Value
Cash	$1,832	$1,832	$1,832	A	$384	$984	$984
Whiteacre	400	1,000	1,000	B	984	984	984
Asset	120	120	120	C	984	984	984
Totals	2,352	2,952	2,952		2,352	2,952	2,952

Example 2. (i) The facts are the same as in *Example 1* of this paragraph (e), except the IRS approves modification under § 301.6225–2(d)(3) with respect to A, which is a tax-exempt entity, and under § 301.6225–2(d)(4) with respect to C, which is a corporation subject to a tax rate of 35%. These modifications reduce Partnership's overall imputed underpayment from $48 to $30.

(ii) As in *Example 1* of this paragraph (e), Partnership determines its tax attribute adjustments resulting from the partnership adjustment by applying paragraph (b) of this section. Pursuant to paragraph (b)(3)(ii) of this section, a $120 notional item of income is created. The $120 item of notional income is allocated in equal shares ($40) to A, B, and C in 2021 under § 1.704–1(b)(4)(xi) of this chapter. Accordingly, in 2021 Partnership increases the capital accounts of A, B, and C by $40 each, and increases A, B, and C's outside bases by $40 each under paragraph (b)(5) (ii) and (iii) of this section, respectively.

(iii) However, the modifications affect how Partnership must allocate the imputed underpayment expenditure among A, B, and C in 2021 (the adjustment year) pursuant to § 1.704–1(b)(2)(iii)(*f*) of this chapter. Specifically, Partnership allocates the $30 expenditure in 2021 in proportion to the allocation of the notional item to which it relates (which is ⅓ each as in *Example 1* of this paragraph (e)), but it must also take into account modifications attributable to each partner. Accordingly, B's allocation is $16 (its share of the imputed underpayment, for which no modification occurred), and A and C have properly allocable shares of $0 and $14, respectively (their shares, taking into account modification). Thus, A's capital account is decreased by $0, B's capital account is decreased by $16, and C's capital account is decreased by $14 in 2021 and their respective outside bases are decreased by the same amounts in 2021.

(iv) The payment is also reflected by a $30 decrease in partnership cash for book purposes. Therefore, in 2021, A's basis in Partnership is $400 and his capital account is $1000, B's basis and capital account are both $984, and C's basis and capital account are both $986.

	Partnership basis	Book	Value		Outside basis	Book	Value
Cash	$1,850	$1,850	$1,850	A	$400	$1,000	$1,000
Whiteacre	400	1,000	1,000	B	984	984	984
Asset	120	120	120	C	986	986	986
Totals	2,370	2,970	2,970		2,370	2,970	2,970

Example 3. The facts are the same as in *Example 1* of this paragraph (e). However, in 2020, C transfers its entire interest in Partnership to D (an individual) for cash. Under § 1.704–1(b)(2)(iv)(l) of this chapter, C's capital account carries over to D. In 2021, the year the IRS determines that Partnership's $120 expense is not allowed as a deduction, D is C's successor under § 1.704–1(b)(1)(viii)(*b*)(*2*) of this chapter with respect to specified tax attributes and the payment of the imputed underpayment treated as an expenditure under section 705(a)(2)(B).

Example 4. The facts are the same as in *Example 1* of this paragraph (e), except that the partnership agreement provides that the section 705(a)(2)(B) expenditure for imputed underpayments made by the partnership are specially allocated to A (all other items continue to be allocated in equal shares). Accordingly, in 2021, the section 705(a)(2)(B) expenditure is allocated entirely to A, which reduces its capital account by $120, which has economic effect under § 1.704–1(b)(2)(ii) of this chapter. However, the economic effect of this allocation is not substantial under § 1.704–1(b)(2)(iii)(*a*) of this chapter because it is not allocated in the manner described in § 1.704–1(b)(2)(iii)(*f*) of this chapter. The allocation will also not be deemed to be in accordance with the partners' interests in the partnership under § 1.704–1(b)(3)(ix) of this chapter because it is not allocated pursuant to the rules under § 1.704–1(b)(4)(xii) of this chapter.

Example 5. (i) In 2019, Partnership has two partners, A and B. Both A and B have a $0 basis in their interests in Partnership. Further, Partnership has a $200 liability as defined in § 1.752–1(a)(4) of this chapter. The liability is treated as a nonrecourse liability as defined in § 1.752–1(a)(2) of this chapter so that A and B both are treated as having a $100 share of the liability under § 1.752–3 of this chapter. In 2021 (the adjustment year), the IRS determines that the liability was inappropriately classified as a nonrecourse liability, should have been classified as a recourse liability as defined in § 1.752–1(a)(1) of this chapter, and that A should have no share of the recourse liability under § 1.752–2 of this chapter. As a result of the liability misclassification, the IRS assesses an imputed underpayment of $40 ($100 × 40%) resulting from the $100 decrease in A's share of partnership liabilities under §§ 1.752–1(c) and 1.731–1(a)(1)(i) of this chapter. Partnership does not request modification under § 301.6225–2. Partnership pays the $40 imputed underpayment.

(ii) Pursuant to paragraph (b)(4)(ii) of this of this section, notional items are not created with respect to this partnership adjustment. Instead, under paragraph (b)(4)(i) of this section, specified tax attributes are adjusted in a manner that is consistent with how the partnership adjustment would have been taken into account under the partnership agreement in effect for the reviewed year taking into account all facts and circumstances. In this case, no specified tax attributes are adjusted.

(iii) However, because A would have borne the economic burden of the partnership adjustment if the partnership and its partners had originally reported in a manner consistent with the partnership adjustment, the $40 imputed underpayment section 705(a)(2)(B) expenditure is allocated to A under § 1.704–1(b)(2)(iii)(*f*)(*4*) of this chapter.

(f) *Applicability date*—(1) *In general.* Except as provided in paragraph (f)(2) of this section, this section applies to partnership taxable years beginning after December 31, 2017.

(2) *Election under § 301.9100–22T in effect.* This section applies to any partnership taxable year beginning after November 2, 2015 and before January 1, 2018 for which a valid election under § 301.9100–22T is in effect.

■ **Par. 8.** Section 301.6226–4 is added to read as follows:

§ 301.6226–4 Effect of a partnership adjustment on tax attributes of partnerships and their partners.

(a) *Adjustments to tax attributes*—(1) *In general.* When a partnership adjustment (as defined in § 301.6241–1(a)(6)) is taken into account by the reviewed year partners (as defined in § 301.6241–1(a)(9)) or affected partners (as described in § 301.6226–3(e)(3)(i)) pursuant to an election made by a partnership under § 301.6226–1, the partnership and its reviewed year partners or affected partners must adjust their tax attributes (as defined in § 301.6241–1(a)(10)) in accordance with the rules in this section.

(2) *Application to pass-through partners and indirect partners.* To the extent a pass-through partner (as defined in § 301.6241–1(a)(5)) pays an amount computed in the same manner as an imputed underpayment under § 301.6226–3(e)(4)(iii) (paying partnership), the paying partnership and its affected partners (as defined in § 301.6226–3(e)(3)(i)) or their successors must make adjustments to their tax attributes in accordance with the rules in § 301.6225–4.

(3) *Allocation of partnership adjustments.* Partnership adjustments are allocated to the reviewed year partners or affected partners under § 1.704–1(b)(4)(xiv) of this chapter.

(b) *Adjusting tax attributes when an election under section 6226 is made.* For partnership adjustments that are taken into account by the reviewed year partners or affected partners because an election is made under § 301.6226–1, each partner's share of the partnership adjustments are determined under § 301.6226–2(f). Accordingly, the reviewed year partners or affected partners must take into account items of income, gain, loss, deduction or credit with respect to their share of the partnership adjustments as reflected on the statements described in § 301.6226–2 or § 301.6226–3(e)(3) (pushed-out items) in the reporting year (as defined in § 301.6226–3(a)). Similarly, partnerships adjust tax attributes affected by reason of a pushed-out item in the adjustment year (as defined in § 301.6241–1(a)(1)), but these adjustments are calculated with respect to each year beginning with the reviewed year (as defined in § 301.6241–1(a)(8)), followed by any subsequent taxable years, concluding with the adjustment year (as defined in § 301.6241–1(a)(1)).

(c) *Example.* The following example illustrates the rules of this section. For purposes of this example, Partnership is subject to the provisions of subchapter C of chapter 63 of the Internal Revenue Code, Partnership and its partners are calendar year taxpayers, all partners are U.S. persons, and the highest rate of income tax in effect for all taxpayers is 40% for all relevant periods.

Example. (i) In 2021, J, K and L form Partnership by each contributing $500 in exchange for partnership interests that share all items of income, gain, loss and deduction in identical shares. Partnership immediately purchases Asset on January 1, 2021 for $1500, which it depreciates using the straight-line method with a 10-year recovery period beginning in 2021 ($150) so that each partner has a $50 distributive share of the depreciation, resulting in an outside basis of $450 for each partner. Accordingly, at the end of 2022, J, K and L have an outside basis and capital account of $400 each ($500 less $50 of their respective allocable shares of depreciation in 2021 and $50 in 2022).

	Partnership basis	Book	Value		Outside basis	Book	Value
Asset	$1,200	$1,200	$1,500	J	$400	$400	$500
				K	400	400	500
				L	400	400	500
Totals	1,200	1,200	1,500		1,200	1,200	1,500

(ii) The IRS initiates an administrative proceeding with respect to Partnership's 2021 taxable year (reviewed year) in 2023 (adjustment year) and determines that Asset should have been depreciated with a 20-year recovery period beginning in 2021, resulting in a $75 partnership adjustment that results in an imputed underpayment. The IRS does not initiate an administrative proceeding with respect to Partnership's 2022 taxable year, and Partnership does not file an administrative adjustment request for that taxable year. Partnership makes an election under § 301.6226–1 with respect to the imputed underpayment. Therefore, J, K and L each are furnished a statement described in § 301.6226–2 by Partnership reflecting the $25 income adjustment for 2021. Pursuant to § 301.6226–2(e)(6), the statement furnished by Partnership to J, K, and L also reflects a $25 income adjustment to the 2022 intervening year.

(iii) Tax attributes must be adjusted to reflect the $75 pushed-out item of income that is taken into account in equal shares ($25) by J, K, and L with respect to 2021. Specifically, J, K and L's outside bases and capital accounts must be increased $25 each with respect to the 2021 tax year. Additionally, tax attributes must be adjusted with respect to 2022, as an intervening year. Specifically, J, K and L must increase their outside bases and capital accounts by $25 each with respect to the 2022 tax year. As a result, J, K and L each have an outside basis and capital account of $425 ($400 minus $25 of depreciation for 2023 plus $25 of income realized with respect to 2021 plus $25 of income realized with respect to 2022). Asset's basis and book value must also be changed in 2023. Thus, after adjusting tax attributes to take into account the election under § 301.6225–1 and taking into account other activities of Partnership in 2023, accounts are stated as follows:

	Partnership basis	Book	Value		Outside basis	Book	Value
Asset	$1,275	$1,275	$1,500	J	$425	$425	$500
				K	425	425	500
				L	425	425	500
Totals	1,275	1,275	1,500		1,275	1,275	1,500

(d) *Applicability date*—(1) *In general.* Except as provided in paragraph (d)(2) of this section, this section applies to partnership taxable years beginning after December 31, 2017.

(2) *Election under § 301.9100–22T in effect.* This section applies to any partnership taxable year beginning after November 2, 2015 and before January 1,

2018 for which a valid election under § 301.9100–22T is in effect.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2018–01989 Filed 2–1–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2017–1125]

RIN 1625–AA01

Anchorage Grounds; Saint Lawrence Seaway, Cape Vincent, New York

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish at the request of the Saint Lawrence Seaway Development Corporation, two separate anchorage grounds, Carleton Island Anchorage and Tibbetts Point Anchorage, near Cape Vincent, New York. The Federal Anchorage Ground designations will enable a pilot to disembark a safely anchored vessel which will help reduce pilot fatigue, increase pilot availability, and reduce costs incurred by vessels transiting the Seaway. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 3, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–1125 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Jason Radcliffe, Ninth District, Waterways Operations, U.S. Coast Guard; telephone 216–902–6060, email *jason.a.radcliffe2@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
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Coast Guard proposes to establish two anchorage grounds one in the vicinity of Carleton Island, New York and the second near Tibbetts Point, New York. Each area has historically been used as an anchorage and the Saint Lawrence Seaway Development Corporation, at the request of its waterway users, has requested each area to be officially designated as Federal Anchorage Grounds.

Without this designation, pilots who anchor a ship in the respective areas are unable to disembark during sustained delay periods which hinder compliance with rest requirements and complicate pilot availability and logistics for other vessels. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

III. Discussion of Proposed Rule

The Coast Guard is proposing to establish two new anchorage areas to be known as Carleton Island Anchorage and Tibbetts Point Anchorage.

The Carleton Island Anchorage would be located just northeast and adjacent to Carleton Island and Millen Bay. The boundaries of Carleton Island Anchorage are presented in the proposed regulatory text at the end of this document. The anchorage would be approximately .75 square miles. Proposed Carleton Island Anchorage is primarily intended for use by up-bound inland or ocean going bulk freight and tank ships, towing vessels and barges that need to anchor and wait for the availability of a Lake Ontario Pilot. Under this proposed rule no anchors would be allowed to be placed in the channel and no portion of the hull or rigging would be allowed to extend outside the limits of the anchorage area.

The Tibbetts Point Anchorage would be located just west and adjacent to Tibbetts Point and Fuller Bay. The boundaries of Tibbett's Point Anchorage are presented in the proposed regulatory text at the end of this document. The anchorage would be approximately 1.5 square miles. Proposed Tibbett's Point Anchorage is primarily intended for use by down-bound inland or ocean going bulk freight and tank ships, towing vessels and barges that need to anchor and wait for the availability of a River Pilot. Under this proposed rule no anchors would be allowed to be placed in the channel and no portion of the hull or rigging would be allowed to extend outside the limits of the anchorage area.

Whenever the maritime or commercial interests of the United States so require, the Saint Lawrence Seaway Development Corporation or their designated representative may direct the movement of any vessel anchored or moored within the anchorage area. The Coast Guard has ascertained the view of the Buffalo, New York District and Division Engineer, Corps of Engineers, U.S. Army, about the specific provisions of this proposed rule.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget, and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

We conclude that this proposed rule is not a significant regulatory action based on the location and size of the proposed anchorage grounds, as well as the historical automatic identification system (AIS) data. The impacts on routine navigation are expected to be minimal because the proposed anchorage grounds are located outside the navigational channel. When not occupied, vessels would be able to maneuver in, around and through the anchorage.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small

businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

The number of small entities impacted and the extent of the impact, if any, is expected to be minimal. The anchorage area is not routinely transited by vessels heading to, or returning from, known fishing grounds. It is also not used by small entities, including small vessels, for anchoring due to the depth of water naturally present in the area.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of a permanent anchorage near Carleton Island, New York. Normally such actions are categorically excluded from further review under paragraph L59(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

We do not plan to hold a public meeting. You may submit a request for a public meeting by contacting Lieutenant Radcliffe under the **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid in this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 110.209 to read as follows:

§ 110.209 Saint Lawrence Seaway Anchorages, NY.

(a) *Carleton Island Anchorage;* Saint Lawrence River, Cape Vincent, New York.

(1) *Carleton Island Anchorage Area.* The waters bounded by a line connecting the following, beginning at 44°11′57.11″ N, 076°14′04.62″ W; thence to 44°11′21.80″ N, 076°14′05.77″ W; thence to 44°11′34.07″ N, 076°15′49.57″ W; 44°11′35.35″ N, 076°16′47.50″ W; 44°11′43.49″ N, 076°16′48.00″ W; 44°11′57.11″ N, 076°14′04.62″ W and back to the beginning point. These coordinates are based on WGS 84.

(2) *Tibbett's Island Anchorage Area.* The waters bounded by a line connecting the following points, beginning at 44°05′20.27″ N, 076°23′25″78° W; thence to 44°05′21.85″ N, 076°22′40.97″ W; thence to 44°04′34.08″ N, 076°23′09.98″ W; 44°04′07.72″ N; 076°23′33.76″ W; 44°04′32.78″ N, 076°24′43.80″ W; 44°05′44.37″ N, 076°23′56.29″ W; 44°05′20.27″ N, 076°23′ 25.78″ W and back to the beginning point. These coordinates are based on WGS 84.

(b) *The Regulations.* (1) Anchors must not be placed in the Saint Lawrence Seaway shipping channel. No portion of the hull or rigging may extend outside the limits of the anchorage area.

(2) No vessel may occupy any general anchorage described in paragraph (a) of this section for a period longer than 10 days unless approval is obtained from the Captain of the Port for that purpose.

(3) The COTP, or authorized representative, may require vessels to depart from the Anchorages described above before the expiration of the authorized or maximum stay. The COTP, or authorized representative, will provide at least 12-hour notice to a vessel required to depart the anchorages.

Dated: January 11, 2018.

J.M. Nunan,

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

[FR Doc. 2018–02114 Filed 2–1–18; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2017–10]

Exemptions To Permit Circumvention of Access Controls on Copyrighted Works: Notice of Public Hearings

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

ACTION: Announcement of public hearings.

SUMMARY: The United States Copyright Office will be holding public hearings as part of the seventh triennial rulemaking proceeding under the Digital Millennium Copyright Act (''DMCA'') concerning possible exemptions to the DMCA's prohibition against circumvention of technological measures that control access to copyrighted works. The public hearings will be held in April 2018 in Washington, DC and Los Angeles. Parties interested in testifying at the public hearings are invited to submit requests to testify pursuant to the instructions set forth below.

DATES: The public hearings in Washington, DC are scheduled for April 10, 11, 12, and 13, 2018, on each day from 9:00 a.m. to 5:00 p.m. The public hearings in Los Angeles are scheduled for April 23, 24, and 25, 2018, on each day from 9:00 a.m. to 5:00 p.m. Requests to testify must be received no later than 11:59 p.m. Eastern time on February 21, 2018. Although the Office currently anticipates up to four days of hearings in Washington, DC and three days of hearings in Los Angeles, the Office may adjust this schedule depending upon the number and nature of requests to testify. Once the schedule of hearing witnesses is finalized, the Office will notify all participants and post the times and dates of the hearings at *https://www.copyright.gov/1201/2018/.*

ADDRESSES: The Washington, DC hearings will be held in the Mumford Room of the James Madison Building of the Library of Congress, 101 Independence Ave. SE, Washington, DC 20540. The Los Angeles hearings will be held in Room 1314 of the UCLA School of Law, 385 Charles E. Young Drive East, Los Angeles, CA 90095. Requests to testify should be submitted through the request form available at *https://www.copyright.gov/1201/2018/hearing-request.html.* Any person who is unable to send a request via the website should contact the Office using the contact information below to make an alternative arrangement for submission of a request to testify. The **SUPPLEMENTARY INFORMATION** section below includes additional instructions on submitting requests to testify.

FOR FURTHER INFORMATION CONTACT: Sarang Vijay Damle, General Counsel and Associate Register of Copyrights, by email at *sdam@loc.gov,* Regan A. Smith, Deputy General Counsel, by email at *resm@loc.gov,* Anna Chauvet, Assistant General Counsel, by email at *achau@loc.gov,* or Jason E. Sloan, Attorney-Advisor, by email at *jslo@loc.gov.* Each can be contacted by telephone by calling (202) 707–8350.

SUPPLEMENTARY INFORMATION: On June 30, 2017, the Copyright Office published a notice of inquiry in the **Federal Register** to initiate the seventh triennial rulemaking proceeding under 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress, upon recommendation of the Register of Copyrights, may exempt certain classes of copyrighted works from the prohibition against circumventing a technological measure that controls access to a copyrighted work. 82 FR 29804 (June 30, 2017). On October 26, 2017, the Office published a notice of proposed rulemaking setting forth proposed exemptions for twelve classes of works and requesting responsive comments. 82 FR 49550 (Oct. 26, 2017). The responsive comments received thus far have been posted on the Office's website. *See https://www.copyright.gov/1201/2018/.*

At this time, the Office is announcing public hearings to be held in Washington, DC and Los Angeles to further consider the proposed exemptions. The Office plans to convene panels of witnesses for the proposals to be considered, and may combine certain panels if the witnesses and/or key issues substantially overlap. The Office will schedule panels for particular exemptions in either Washington, DC or Los Angeles unless compelling circumstances require that a proposed class be considered in both cities. Limiting the discussion of each proposed class to one city or another will better ensure that witnesses can respond to the points made by others and avoid duplicative discussion. All of the hearings will be live streamed online. If no request to testify is received for a proposed exemption, the Office will consider the class based on the written submissions and any *ex-parte* communications with interested parties (discussed below).

A. Submitting Requests To Testify

A request to testify should be submitted to the Copyright Office using the form on the Office's website indicated in the **ADDRESSES** section above. Anyone wishing to testify with respect to more than one proposed class must submit a separate form for each request. If multiple people from the same organization wish to testify on *different* panels, each should submit a separate request for each panel. If multiple people from the same organization wish to testify on the *same* panel, each should submit a request for

that panel, and explain the need for multiple witnesses in the comment field of the request form. If a party is considering whether to testify at a hearing, the party should submit a hearing request form even if no opposition has been filed. The Copyright Office will contact requesters should it determine that a hearing is unnecessary.

Depending upon the number and nature of the requests to testify, and in light of the limited time and space available for the public hearings, the Office may not be able to accommodate all requests to testify. The Office will give preference to those who have submitted substantive evidentiary submissions in support of or in opposition to a proposal. To the extent feasible, the Office encourages parties with similar interests to select a common representative to testify on their behalf.

All requests to testify must clearly identify:

- The name of the person desiring to serve as a witness.
- The organization or organizations represented, if any.
- Contact information (address, telephone, and email).
- The proposed class about which the person wishes to testify.
- A two- to three-sentence explanation of the testimony the witness expects to present.
- If the party is requesting the ability to demonstrate a use or a technology at the hearing, a description of the demonstration, including whether it will be prepared in advance or presented live, the approximate time required for such demonstration, and any presentation equipment that the person desires to use and/or bring to the hearing.
- The city in which the person prefers to testify (Washington, DC or Los Angeles).

The Office will try to take this preference into account in scheduling the hearings, but cannot guarantee that the relevant panel will be convened in the preferred city. Participants who are unable to testify in a particular city or on a particular date should so indicate in the comment field of the request form.

To facilitate the process of scheduling panels, it is essential that all of the required information listed above be included in a request to testify.

Following receipt of the requests to testify, the Office will prepare agendas for the hearings listing the panels and witnesses, which will be circulated to hearing participants and posted at *https://www.copyright.gov/1201/2018/.* As stated above, although the Office currently anticipates up to four days of hearings in Washington, DC and three days of hearings in Los Angeles, the Office may adjust this schedule depending upon the number and nature of requests to testify.

B. Format of Public Hearings

There will be time limits for each panel, which will be established after receiving all requests to testify. Generally, the Copyright Office plans to allot approximately one to two hours for each proposed class, although it may allot additional time for more complex classes.

Witnesses should expect the Office to have carefully studied all written comments, and the Office will expect witnesses to have done the same with respect to the classes for which they will be presenting. The hearings will focus on legal or factual issues that are unclear or underdeveloped in the written record, as identified by the Office, as well as demonstrative evidence.

The Office stresses that factual information is critical to the rulemaking process, and witnesses should be prepared to discuss, among other things, where the copies of the works sought to be accessed are stored, how the works would be accessed, and what would be done with the works after being accessed. The Office also encourages witnesses to provide real-world examples to support their arguments. In some cases, the best way to do this may be to provide a demonstration of a claimed noninfringing use or the technologies pertinent to a proposal. As noted above, a person wishing to provide a demonstration should include a request to do so with his or her request to testify, using the appropriate space on the form described above. To ensure proper documentation of the hearings, the Office will require that a copy of any audio, visual, or audiovisual materials that have been prepared in advance (*e.g.,* slideshows and videos) be provided to the Office at the hearing. Live demonstrations may be recorded by a videographer provided by the Office. The Office may contact witnesses individually ahead of time to ensure that demonstrations can be preserved for the record in an appropriate form.

In addition to videography equipment, the Office expects to have a PC, projector, and screen in the hearing room to accommodate demonstrations. Beyond this equipment, witnesses are responsible for supplying and operating any other equipment needed for their demonstrations. Persons planning to bring additional electronic or audiovisual equipment must notify the Office at least five business days in advance of their scheduled hearing date by emailing John Riley, Attorney-Advisor, at *jril@loc.gov.*

All hearings will be open to the public, but seating will be limited and will be provided on a first-come, first-served basis. Witnesses and persons accompanying witnesses will be given priority in seating. As noted above, all of the hearings will be live streamed online.

C. Ex-Parte Communication

Typically, the Office's communications with participants about an ongoing rulemaking do not include discussions about the substance of the proceeding apart from written comments and public hearings. As with prior section 1201 rulemakings, the written record may also include post-hearing questions issued by the Office to individual parties involved with a particular class, and the Office will continue to post any questions and responses on the Office's website as part of the public record. For this rulemaking, the Office has determined that informal communication with interested parties might also be beneficial, such as to discuss nuances of proposed regulatory language. Any such communication may occur after the public hearings, but before the Office has issued a recommendation to the Librarian of Congress regarding the exemptions. Parties wishing to participate in informal discussions with the Office should submit a written request to one or more of the persons listed in the contact information above.

The primary means to communicate views in the course of the rulemaking will, however, continue to be through the submission of written comments and testimony at the public hearings. In other words, informal communication will supplement, not substitute for, the written record and testimony at the public hearings. Should a party meet with the Office regarding this rulemaking, the participating party will be responsible for submitting a list of attendees and written summary of any oral communication to the Office, which will be made publicly available on the Office's website or *regulations.gov.* In sum, while the Office is establishing the option of informal meetings in this rulemaking, it will require that all such communications be reflected in the record to ensure the greatest possible transparency.

Dated: January 25, 2018.

Sarang V. Damle,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2018–02086 Filed 2–1–18; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0315; FRL–9973–46–Region 4]

Air Plan Approval; Georgia; Regional Haze Plan and Prong 4 (Visibility) for the 2012 $PM_{2.5}$, 2010 NO_2, 2010 SO_2, and 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to take the following four actions regarding the Georgia State Implementation Plan (SIP): Approve the portion of Georgia's July 26, 2017, SIP submittal seeking to change reliance from the Clean Air Interstate Rule (CAIR) to Cross-State Air Pollution Rule (CSAPR) for certain regional haze requirements; convert EPA's limited approval/limited disapproval of Georgia's regional haze SIP to a full approval; remove EPA's Federal Implementation Plan (FIP) for Georgia which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Georgia's regional haze SIP; and approve the visibility prong of Georgia's infrastructure SIP submittals for the 2012 Fine Particulate Matter ($PM_{2.5}$), 2010 Nitrogen Dioxide (NO_2), 2010 Sulfur Dioxide (SO_2), and 2008 8-hour Ozone National Ambient Air Quality Standards (NAAQS).

DATES: Comments must be received on or before March 5, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No EPA–R04–OAR–2016–0315 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Michele Notarianni, Air Regulatory Management Section, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Notarianni can be reached by telephone at (404) 562–9031 or via electronic mail at *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Regional Haze Plans and Their Relationship With CAIR and CSAPR

Section 169A(b)(2)(A) of the Clean Air Act (CAA or Act) requires states to submit regional haze plans that contain such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate Best Available Retrofit Technology (BART) as determined by the state. Under the Regional Haze Rule (RHR), states are directed to conduct BART determinations for such ''BART-eligible'' sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides greater reasonable progress towards improving visibility than BART. *See* 40 CFR 51.308(e)(2). EPA provided states with this flexibility in the RHR, adopted in 1999, and further refined the criteria for assessing whether an alternative program provides for greater reasonable progress in two subsequent rulemakings. *See* 64 FR 35714 (July 1, 1999); 70 FR 39104 (July 6, 2005); 71 FR 60612 (October 13, 2006).

EPA demonstrated that CAIR would achieve greater reasonable progress than BART in revisions to the regional haze program made in 2005.[1] *See* 70 FR 39104 (July 6, 2005). In those revisions, EPA amended its regulations to provide that states participating in the CAIR cap-and-trade programs pursuant to an EPA-approved CAIR SIP or states that remain subject to a CAIR FIP need not require affected BART-eligible electric generating units (EGUs) to install, operate, and maintain BART for emissions of SO_2 and nitrogen oxides (NO_X). As a result of EPA's determination that CAIR was ''better-than-BART,'' a number of states in the CAIR region, including Georgia, relied on the CAIR cap-and-trade programs as an alternative to BART for EGU emissions of SO_2 and NO_X in designing their regional haze plans. These states also relied on CAIR as an element of a long-term strategy (LTS) for achieving their reasonable progress goals (RPGs) for their regional haze programs. However, in 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded CAIR to EPA without vacatur to preserve the environmental benefits provided by CAIR. *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to replace CAIR and issued FIPs to implement the rule in CSAPR-subject states.[2] Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR would have superseded the CAIR program.

Due to the D.C. Circuit's 2008 ruling that CAIR was ''fatally flawed'' and its resulting status as a temporary measure following that ruling, EPA could not fully approve regional haze SIPs to the extent that they relied on CAIR to satisfy the BART requirement and the requirement for a LTS sufficient to achieve the state-adopted RPGs. On these grounds, EPA finalized a limited disapproval of Georgia's regional haze

[1] CAIR created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states (and the District of Columbia), including Georgia, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 $PM_{2.5}$ NAAQS.

[2] CSAPR requires 28 eastern states to limit their statewide emissions of SO_2 and/or NO_X in order to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain four NAAQS: The 1997 ozone NAAQS, the 1997 annual $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2, annual NO_X, and/or ozone-season NO_X by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with the Phase 1 budgets applying to emissions in 2015 and 2016 and the Phase 2 budgets applying to emissions in 2017 and later years.

plan on June 7, 2012 (77 FR 33642), and in the same action, promulgated a FIP to replace reliance on CAIR with reliance on CSAPR to address the deficiencies in Georgia's regional haze plan. EPA finalized a limited approval of Georgia's regional haze SIP on June 28, 2012 (77 FR 38501), as meeting the remaining applicable regional haze requirements set forth in the CAA and the RHR.

In the June 7, 2012, limited disapproval action, EPA also amended the RHR to provide that participation by a state's EGUs in a CSAPR trading program for a given pollutant—either a CSAPR federal trading program implemented through a CSAPR FIP or an integrated CSAPR state trading program implemented through an approved CSAPR SIP revision—qualifies as a BART alternative for those EGUs for that pollutant.[3] *See* 40 CFR 51.308(e)(4). Since EPA promulgated this amendment, numerous states covered by CSAPR have come to rely on the provision through either SIPs or FIPs.[4]

Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit's vacatur of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets as to a number of states. *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015). The remanded budgets include the Phase 2 SO_2 emissions budgets for Alabama, Georgia, South Carolina, and Texas and the Phase 2 ozone-season NO_X budgets for 11 states. This litigation ultimately delayed implementation of CSAPR for three years, from January 1, 2012, when CSAPR's cap-and-trade programs were originally scheduled to replace the CAIR cap-and-trade programs, to January 1, 2015. Thus, the rule's Phase 2 budgets that were originally promulgated to begin on January 1, 2014, began on January 1, 2017.

On September 29, 2017 (82 FR 45481), EPA issued a final rule affirming the continued validity of the Agency's 2012 determination that participation in CSAPR meets the RHR's criteria for an alternative to the application of source-specific BART. EPA has determined that changes to CSAPR's geographic scope resulting from the actions EPA has taken or expects to take in response to the D.C. Circuit's budget remand do not affect the continued validity of participation in CSAPR as a BART alternative, because the changes in geographic scope would not have adversely affected the results of the air quality modeling analysis upon which the EPA based the 2012 determination. EPA's September 29, 2017, determination was based, in part, on EPA's final action approving a SIP revision from Alabama (81 FR 59869 (August 31, 2016)) adopting Phase 2 annual NO_X and SO_2 budgets equivalent to the federally-developed budgets and on SIP revisions submitted by Georgia and South Carolina to also adopt Phase 2 annual NO_X and SO_2 budgets equivalent to the federally-developed budgets.[5] Since that time, EPA has approved the SIP revisions from Georgia and South Carolina. *See* 82 FR 47930 (October 13, 2017) and 82 FR 47936 (October 13, 2017), respectively.

A portion of Georgia's July 26, 2017, SIP submittal seeks to correct the deficiencies identified in the June 7, 2012, limited disapproval of its regional haze plan submitted on February 11, 2010, and supplemented on November 19, 2010, by replacing reliance on CAIR with reliance on CSAPR.[6] Specifically, Georgia requests that EPA amend the State's regional haze plan by replacing its reliance on CAIR with CSAPR to satisfy SO_2 and NO_X BART requirements and first implementation period SO_2 reasonable progress requirements for EGUs formerly subject to CAIR,[7] and to support the RPGs for the Class I areas in Georgia for the first implementation period. EPA is proposing to approve the regional haze portion of the SIP submittal and amend the SIP accordingly.

B. Infrastructure SIPs

By statute, plans meeting the requirements of sections 110(a)(1) and (2) of the CAA are to be submitted by states within three years (or less, if the Administrator so prescribes) after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of the new or revised NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Sections 110(a)(1) and (2) require states to address basic SIP elements such as for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the newly established or revised NAAQS. More specifically, section 110(a)(1) provides the procedural and timing requirements for infrastructure SIPs. Section 110(a)(2) lists specific elements that states must meet for the infrastructure SIP requirements related to a newly established or revised NAAQS. The contents of an infrastructure SIP submission may vary depending upon the data and analytical tools available to the state, as well as the provisions already contained in the state's implementation plan at the time in which the state develops and submits the submission for a new or revised NAAQS.[8]

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section

[3] Legal challenges to the CSAPR-Better-than-BART rule from state, industry, and other petitioners are pending. *Utility Air Regulatory Group* v. *EPA,* No. 12–1342 (D.C. Cir. filed August 6, 2012).

[4] EPA has promulgated FIPs relying on CSAPR participation for BART purposes for Georgia, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, 77 FR at 33654, and Nebraska, 77 FR 40150, 40151 (July 6, 2012). EPA has approved SIPs from Alabama, Minnesota, and Wisconsin relying on CSAPR participation for BART purposes. *See* 82 FR 47393 (October 12, 2017) for Alabama; 77 FR 34801, 34806 (June 12, 2012) for Minnesota; and 77 FR 46952, 46959 (August 7, 2012) for Wisconsin.

[5] EPA proposed to approve the Georgia and South Carolina SIP revisions adopting CSAPR budgets on August 16, 2017 (82 FR 38866), and August 10, 2017 (82 FR 37389), respectively.

[6] On October 13, 2017, (82 FR 47930), EPA approved the portions of the July 26, 2017, SIP submission incorporating into Georgia's SIP the State's regulations requiring Georgia EGUs to participate in CSAPR state trading programs for annual NO_X and SO_2 emissions integrated with the CSAPR federal trading programs and thus replacing the corresponding FIP requirements. In the October 13, 2017, action, EPA did not take any action regarding Georgia's request in this July 26, 2017, SIP submission to revise the State's regional haze plan nor regarding the prong 4 element of the 2008 8-hour ozone, 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 $PM_{2.5}$ NAAQS.

[7] In its regional haze plan, Georgia concluded and EPA found acceptable the State's determination that no additional controls beyond CAIR are reasonable for SO_2 for affected Georgia EGUs for the first implementation period, with the exception of five EGUs at three facilities owned by Georgia Power. *See* 77 FR 11464 (February 27, 2012).

[8] For additional information regarding EPA's approach to the review of infrastructure SIP submissions, see, *e.g.,* 81 FR 57544 (August 23, 2016) (proposal to approve portions of Georgia's infrastructure SIP for the 2012 $PM_{2.5}$ NAAQS).

110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

Through this action, EPA is proposing to convert the conditional approvals of the prong 4 portions of Georgia's infrastructure SIP submissions for the 2008 8-hour Ozone, 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 annual $PM_{2.5}$ NAAQS to full approvals, as discussed in section III of this notice.[9] All other applicable infrastructure SIP requirements for these SIP submissions have been or will be addressed in separate rulemakings. A brief background regarding the NAAQS relevant to this proposal is provided below. For comprehensive information on these NAAQS, please refer to the **Federal Register** notices cited in the following subsections.

1. 2010 1-Hour SO_2 NAAQS

On June 2, 2010, EPA revised the 1-hour primary SO_2 NAAQS to an hourly standard of 75 parts per billion (ppb) based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. *See* 75 FR 35520 (June 22, 2010). States were required to submit infrastructure SIP submissions for the 2010 1-hour SO_2 NAAQS to EPA no later than June 2, 2013. Georgia submitted an infrastructure SIP submission for the 2010 1-hour SO_2 NAAQS on October 22, 2013, as supplemented on July 25, 2014. This proposed action only addresses the prong 4 element of that submission.[10]

2. 2010 1-Hour NO_2 NAAQS

On January 22, 2010, EPA promulgated a new 1-hour primary NAAQS for NO_2 at a level of 100 ppb, based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. *See* 75 FR 6474 (February 9, 2010). States were required to submit infrastructure SIP submissions for the 2010 1-hour NO_2 NAAQS to EPA no later than January 22, 2013. Georgia submitted an infrastructure SIP submission for the 2010 1-hour NO_2 NAAQS on March 25, 2013. This proposed action only addresses the prong 4 element of this submission.[11]

3. 2012 $PM_{2.5}$ NAAQS

On December 14, 2012, EPA revised the annual primary $PM_{2.5}$ NAAQS to 12 micrograms per cubic meter ($\mu g/m^3$). *See* 78 FR 3086 (January 15, 2013). States were required to submit infrastructure SIP submissions for the 2012 $PM_{2.5}$ NAAQS to EPA no later than December 14, 2015. Georgia submitted an infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS on December 14, 2015. This proposed action only addresses the prong 4 element of that submission.[12]

4. 2008 8-Hour Ozone NAAQS

On March 12, 2008, EPA revised the 8-hour Ozone NAAQS to 0.075 parts per million. *See* 73 FR 16436 (March 27, 2008). States were required to submit infrastructure SIP submissions for the 2008 8-hour Ozone NAAQS to EPA no later than March 12, 2011. Georgia submitted an infrastructure SIP for the 2008 8-hour Ozone NAAQS on May 14, 2012. This proposed action only addresses the prong 4 element of that submission.[13]

II. What are the prong 4 requirements?

CAA section 110(a)(2)(D)(i)(II) requires a state's implementation plan to contain provisions prohibiting sources in that state from emitting pollutants in amounts that interfere with any other state's efforts to protect visibility under part C of the CAA (which includes sections 169A and 169B). EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[14] The 2013 Guidance states that these prong 4 requirements can be satisfied by approved SIP provisions that EPA has found to adequately address any contribution of that state's sources that impacts the visibility program requirements in other states. The 2013 Guidance also states that EPA interprets this prong to be pollutant-specific, such that the infrastructure SIP submission need only address the potential for interference with protection of visibility caused by the pollutant (including precursors) to which the new or revised NAAQS applies.

The 2013 Guidance lays out how a state's infrastructure SIP submission may satisfy prong 4. One way that a state can meet the requirements is via confirmation in its infrastructure SIP submission that the state has an approved regional haze plan that fully meets the requirements of 40 CFR 51.308 or 51.309. 40 CFR 51.308 and 51.309 specifically require that a state participating in a regional planning process include all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process. A fully approved regional haze plan will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility.

Alternatively, in the absence of a fully approved regional haze plan, a state may meet the requirements of prong 4 through a demonstration in its infrastructure SIP submission that emissions within its jurisdiction do not interfere with other air agencies' plans to protect visibility. Such an infrastructure SIP submission would need to include measures to limit visibility-impairing pollutants and ensure that the reductions conform with any mutually agreed regional haze RPGs for mandatory Class I areas in other states.

III. What is EPA's analysis of how Georgia addressed prong 4 and regional haze?

Georgia's May 14, 2012, 2008 8-hour Ozone infrastructure SIP submission; March 25, 2013, 2010 1-hour NO_2 submission; October 22, 2013, 2010 1-hour SO_2 submission as supplemented

[9] On September 26, 2016, EPA conditionally approved the prong 4 portions of Georgia's infrastructure SIP submissions for the 2008 8-hour Ozone, 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 annual $PM_{2.5}$ NAAQS. *See* 81 FR 65899.

[10] The other portions of Georgia's 2010 1-hour SO_2 infrastructure submission submitted on October 22, 2013, and supplemented on July 25, 2014, were addressed in a separate action. *See* 81 FR 25355 (April 28, 2016).

[11] The other portions of Georgia's March 25, 2013, 2010 1-hour NO_2 infrastructure submission were addressed in a separate action. *See* 81 FR 63106 (September 14, 2016).

[12] Most of the other portions of Georgia's December 14, 2015, $PM_{2.5}$ infrastructure submission were addressed in a separate action. *See* 81 FR 83156 (November 21, 2016). EPA is evaluating the remaining portions of Georgia's December 14, 2015, $PM_{2.5}$ infrastructure submission and will consider action on those portions in a separate action.

[13] The other portions of Georgia's May 14, 2012, 2008 ozone infrastructure SIP submission were addressed in a separate action. *See* 80 FR 61109 (October 9, 2015).

[14] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

on July 25, 2014; and December 14, 2015, 2012 annual $PM_{2.5}$ submission rely on the State having a fully approved regional haze plan to satisfy its prong 4 requirements. However, EPA has not fully approved Georgia's regional haze plan, as the Agency issued a limited disapproval of the State's original regional haze plan on June 7, 2012, due to its reliance on CAIR.

On May 26, 2016, Georgia submitted a commitment letter to EPA to submit a SIP revision that adopts provisions for participation in the CSAPR annual NO_X and annual SO_2 trading programs, including annual NO_X and annual SO_2 budgets that are at least as stringent as the budgets codified for Georgia, and revises its regional haze plan to replace reliance on CAIR with CSAPR for certain regional haze provisions. In its letter, Georgia committed to providing this SIP revision within one year of EPA's final conditional approval of the prong 4 portions of the infrastructure SIP revisions. On September 26, 2016 (81 FR 65899), EPA conditionally approved the prong 4 portion of Georgia's infrastructure SIP submissions for the 2008 8-hour Ozone, 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 annual $PM_{2.5}$ NAAQS based on this commitment letter from the State. In accordance with the State's May 26, 2016, commitment letter, Georgia submitted a SIP revision on July 26, 2017, to adopt provisions for participation in the CSAPR annual NO_X and annual SO_2 trading programs and to replace reliance on CAIR with reliance on CSAPR for certain regional haze provisions. As noted above, EPA approved the portion of Georgia's July 26, 2017, SIP revision adopting CSAPR. *See* 82 FR 47930 (October 13, 2017).

EPA is proposing to approve the regional haze portion of the State's July 26, 2017, SIP revision replacing reliance on CAIR with CSAPR, and to convert EPA's previous action on Georgia's regional haze plan from a limited approval/limited disapproval to a full approval because final approval of this portion of the SIP revision would correct the deficiencies that led to EPA's limited approval/limited disapproval of the State's regional haze plan. Specifically, EPA's approval of the regional haze portion of Georgia's July 26, 2017, SIP revision would satisfy the SO_2 and NO_X BART requirements and first implementation period SO_2 reasonable progress requirements for EGUs formerly subject to CAIR and the requirement that a LTS include measures as necessary to achieve the State-adopted RPGs. Thus, EPA is also proposing to remove EPA's FIP for Georgia which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Georgia's regional haze SIP. Because a state may satisfy prong 4 requirements through a fully approved regional haze plan, EPA is therefore also proposing to convert the conditional approvals to full approvals of the prong 4 portion of Georgia's May 14, 2012, 2008 8-hour Ozone infrastructure SIP submission; March 25, 2013, 2010 1-hour NO_2 submission; October 22, 2013, 2010 1-hour SO_2 submission as supplemented on July 25, 2014; and December 14, 2015, 2012, annual $PM_{2.5}$ submissions.

IV. Proposed Action

As described above, EPA is proposing to take the following actions: (1) Approve the regional haze portion of Georgia's July 26, 2017, SIP submission to change reliance from CAIR to CSAPR; (2) convert EPA's limited approval/limited disapproval of Georgia's February 11, 2010, regional haze plan as supplemented on November 19, 2010, to a full approval; (3) remove EPA's FIP for Georgia which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Georgia's regional haze SIP; and (4) convert EPA's September 26, 2016, conditional approvals to full approvals of the prong 4 portion of Georgia's May 14, 2012, 2008 8-hour Ozone submission; March 25, 2013, 2010 1-hour NO_2 submission; the State's October 22, 2013, 2010 1-hour SO_2 submission as supplemented on July 25, 2014; and the State's December 14, 2015, 2012 annual $PM_{2.5}$ submission. All other applicable infrastructure requirements for the infrastructure SIP submissions have been or will be addressed in separate rulemakings.

V. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate Matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: January 22, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–02061 Filed 2–1–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170630611–8032–01]

RIN 0648–BH01

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Regulatory Amendment 4

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in Regulatory Amendment 4 to the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic (FMP), as prepared and submitted by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). If implemented, this proposed rule would increase the annual catch limit (ACL) for spiny lobster based on updated landings information and revised scientific recommendations. This proposed rule would also prohibit the use of traps for recreational harvest of spiny lobster in the South Atlantic exclusive economic zone (EEZ) off Georgia, South Carolina, and North Carolina. The purposes of this proposed rule and Regulatory Amendment 4 are to ensure catch levels for spiny lobster are based on the best scientific information available, to prevent overfishing, and to minimize potential negative effects of traps on habitat and protected species interactions in the South Atlantic EEZ.

DATES: Written comments must be received on or before March 4, 2018.

ADDRESSES: You may submit comments on the proposed rule identified by ''NOAA–NMFS–2017–0125'' by any of the following methods:

• *Electronic submissions:* Submit electronic comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0125,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit all written comments to Nikhil Mehta, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Regulatory Amendment 4, which includes an environmental assessment and a regulatory flexibility analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/spiny_lobster/A4_lobster_acl/a4_lobster_acl_index.html.*

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, telephone: 727–824–5305, or email: *nikhil.mehta@noaa.gov.*

SUPPLEMENTARY INFORMATION: The spiny lobster fishery of the Gulf of Mexico (Gulf) and the South Atlantic is managed under the FMP. The FMP was prepared by the Councils and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C 1801 *et seq.*).

Background

In 2012, NMFS implemented Amendment 10 to the FMP, which included an overfishing limit (OFL), acceptable biological catch (ABC), ACL, annual catch target (ACT), accountability measure (AM), and status determination criteria for spiny lobster (76 FR 75488; December 2, 2011). The OFL and ABC were specified using Tier 3a of the Gulf Council's ABC Control Rule (control rule), as recommended by the Scientific and Statistical Committees (SSCs) of the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils). Applying the control rule, the SSCs recommended an OFL equal to the mean of the most recent 10 years of landings (fishing years 2000/2001 through 2009/2010) plus 2 standard deviations, and an ABC equal to the mean of the most recent 10 years of landings plus 1.5 standard deviations. This resulted in an OFL of 7.9 million lb (3.58 million kg) and an ABC of 7.32 million lb (3.32 million kg). The maximum sustainable yield (MSY) proxy and overfishing threshold (maximum fishing mortality threshold (MFMT)) were set equal to the OFL. The ACL was set equal to the ABC. The ACT, which equals the optimum yield (OY), was set at 90 percent of the ACL.

Since that time, the spiny lobster ACT has been exceeded three times, the ACL has been exceeded twice, and the OFL has been exceeded once. The AM established in Amendment 10 requires that the Councils convene a review panel if the spiny lobster ACT is exceeded, and the National Standard 1 guidelines state that if the ACL is exceeded more than once in a 4-year period, then the system of ACLs and AMs should be re-evaluated and modified, as necessary, to improve its performance and effectiveness (50 CFR 600.310(g)(7)). Therefore, The Councils convened a Spiny Lobster Review Panel (Review Panel) in February 2015, and again in March 2016, to assess whether action was needed to prevent the ACL from being exceeded. The Review Panel recommended that the catch levels for spiny lobster be based on the mean of landings during the fishing years 1991/1992 through 2015/2016, which is a longer time period than the 10-year period that was used to determine the current catch levels (fishing years 2000/2001 through 2009/2010). This is because the landings were historically low during the 2000/2001 through 2009/2010 time period used for the calculation of the current catch levels. The Review Panel determined that using the longer time period to calculate catch levels would better capture the dynamics of the fishery. Both SSCs agreed with the Review Panel and recommended using the longer time series of landings under Tier 3a of the control rule for setting the OFL and ABC. Using the longer time series of landings results in a revised OFL of 10.46 million lb (4.74 million kg) and a revised ABC of 9.60 million lb (4.35 million kg). Although the revised OFL and ABC are higher than the current OFL and ABC, using the longer time series is a more precautionary approach for calculating OFL and ABC than using the most recent 10 years of landings (2006/2007 through 2015/2016) because these landings have been historically high. The longer time series

incorporates periods of both low and high landings.

Management Measures Contained in This Proposed Rule

This proposed rule would modify the stock ACL and ACT for spiny lobster and prohibit the use of traps for the recreational harvest of spiny lobster in the South Atlantic EEZ.

Stock ACL and ACT

This proposed rule would revise the stock ACL and ACT based on the new ABC recommendation provided by the Councils' SSCs. As stated above, the current spiny lobster stock ACL is equal to the ABC, and the stock ACT is set at 90 percent of the ACL. This proposed rule would set the ACL equal to the ABC of 9.60 million lb (4.35 million kg), which is based on the mean landings from the years 1991/1992–2015/2016 plus 1.5 standard deviations. The ACT would be set at 8.64 million lb (3.92 million kg), which is 90 percent of the proposed ACL. As established in Amendment 10, the OY equals the ACT. NMFS does not expect the increase in the ACT and ACL to result in negative biological effects on the stock because current fishing effort is limited by the number of trap tags issued by the state of Florida, by commercial and recreational bag and possession limits in the EEZ in the South Atlantic and the Gulf EEZ, and by the duration of the fishing season, which varies depending on the area where spiny lobsters are harvested.

Recreational Harvest of Spiny Lobster Using Traps in the South Atlantic EEZ

Currently, the use of traps is not allowed for recreational harvest of spiny lobster in the EEZ off Florida, but traps may be used for recreational harvest of spiny lobster in the South Atlantic EEZ off the states of Georgia, South Carolina, and North Carolina. This proposed rule would prohibit the use of traps for recreational harvest of spiny lobster in all of the South Atlantic EEZ.

The public has expressed little interest in using traps for the recreational harvest of spiny lobster, which may be a result of the two lobsters per person per trip limit applicable to harvest from Federal waters of the South Atlantic. However, the Councils are concerned that using this gear may become more popular and result in potential negative impacts on essential fish habitat and an increase in the use of vertical lines that may interact with protected species, for example, by creating entanglement issues. Trap gear also has the potential to ''ghost fish,'' which occurs when a trap continues to fish after it is lost. Because spiny lobsters are larger in size in the EEZ off Georgia, South Carolina, and North Carolina than in the EEZ off Florida, current trap configuration may not be efficient in capturing spiny lobster in these areas, and recreational traps used in these areas may require larger mouths (entrances), which could result in greater bycatch of fish, crabs, and other invertebrates, including undersized spiny lobsters.

Measures in Regulatory Amendment 4 Not in Codified Through This Proposed Rule

As established in Amendment 10, the MSY proxy and MFMT are equal to the OFL, which was set at 7.9 million lb (3.58 million kg). Consistent with Amendment 10, Regulatory Amendment 4 would modify the MSY proxy and MFMT values, so that they are equal to the revised OFL of 10.46 million lb (4.74 million kg).

Corrections in This Proposed Rule Not Included in Regulatory Amendment 4

In addition to the measures associated with Regulatory Amendment 4, this proposed rule would also correct regulatory language that was mistakenly included in the final rule implementing Amendment 10. Amendment 10 modified the restrictions on the possession of undersized spiny lobsters for use as attractants in the commercial sector. Prior to Amendment 10, no more than fifty undersized spiny lobsters, or one per trap aboard the vessel, whichever was greater, could be retained on board for use as attractants. Amendment 10 changed this restriction to allow for no more than fifty per vessel plus one per trap aboard the vessel. This change was correctly included in the proposed rule to implement Amendment 10 (76 FR 59102; September 23, 2011), but was inadvertently changed in the final rule to include the additional phrase (from the prior language), ''whichever is greater'' (76 FR 75488; December 2, 2011). The final rule also inadvertently included this restriction twice in the applicable paragraph. To correct these mistakes, this proposed rule would change 50 CFR 622.407(c) to remove the phase ''whichever is greater'' and remove the first occurrence of the duplicative sentence. This proposed rule would also change the wording of the restriction slightly to more directly state that the total number of undersized spiny lobster allowed onboard a vessel is fifty plus one per trap. The restriction currently states: ''No more than fifty undersized spiny lobsters, and one per trap aboard the vessel, may be retained aboard for use as attractants.'' The proposed rule would change the ''and'' to ''plus'' so that the sentence reads: ''No more than fifty undersized spiny lobsters plus one per trap aboard the vessel may be retained aboard for use as attractants.''

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Regulatory Amendment 4, the FMP, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this proposed rule and its purpose and need are contained in the **SUMMARY** section of the preamble.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is described below.

This proposed rule would directly affect commercial and recreational fishing for spiny lobster in the Gulf EEZ and the South Atlantic EEZ. Anglers (recreational fishers) are not considered small entities as that term is defined in 5 U.S.C. 601(6). Consequently, estimates of the number of anglers directly affected by the rule and the impacts on them are not provided here.

Any commercial fishing business that operates a fishing vessel that lands whole spiny lobster in the Gulf EEZ and/or the South Atlantic EEZ, except off Florida, must have a valid Federal spiny lobster permit that is specifically assigned to that vessel. In the EEZ off Florida, a commercial vessel must have either a valid Federal spiny lobster permit or all required Florida licenses and certificates to harvest the species. Any vessel that lands only the tail from a spiny lobster caught in the EEZ must have a Federal tailing permit on board in addition to either a valid Federal spiny lobster permit or all required Florida licenses and certificates. Both Federal permits are open access permits.

As of March 1, 2017, there were 185 Federal spiny lobster and 210 spiny lobster tailing permits issued to a total of 272 vessels. Approximately 45

percent of those vessels have both Federal permits. These 272 vessels make up the federally permitted spiny lobster fleet. Approximately 75 percent of the Federal permits are held by businesses in Florida, followed in turn by those in North Carolina with approximately 12 percent. Florida businesses account for all but one of the vessels with only a tailing permit. NMFS estimates a total of 198 businesses hold all of the Federal spiny lobster permits assigned to the above 272 vessels.

The individual businesses have from 1 to 11 vessels in the federally permitted spiny lobster fleet. Approximately 84 percent of the 198 businesses have only one vessel in the fleet, and collectively these businesses account for 61 percent of the 272 federally permitted vessels. Approximately 95 percent of the businesses have no more than 2 vessels, while 3 percent have 6 or more vessels and collectively make up approximately 18 percent of the 272 vessels.

Approximately 99 percent of commercial landings of spiny lobster occur in Florida. Hence, NMFS expects that almost all of the impacts of the rule will be on commercial fishing businesses located in Florida, and within Florida, approximately 91 percent of the state's landings are in Monroe County.

For purposes of the Regulatory Flexibility Act, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily involved in commercial fishing (NAICS 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of $11 million for all of its affiliated operations worldwide. NMFS expects that most to all of the businesses that harvest spiny lobster in the EEZ (with or without a Federal permit) are small businesses, based on historical average annual revenues per vessel that are less than $50,000.

Regulatory Amendment 4 would revise the MSY proxy and MFMT. Those revisions would have no direct impact on any small businesses, and any indirect impact is dependent on subsequent action.

This proposed rule would increase the ACL to 9.60 million lb (4.35 million kg), and ACT to 8.64 million lb (3.92 million kg), whole weight. There would be no impact on small businesses, however, because there is no Federal closure if landings reach or are projected to reach the ACL or ACT.

In conclusion, NMFS expects this proposed rule would not have a significant economic impact on a substantial number of small entities. Therefore, an initial regulatory flexibility analysis is not required, and none has been prepared.

No new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. Accordingly, this proposed rule does not implicate the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 640

Fisheries, Fishing, Gulf, South Atlantic, Spiny lobster, Trap.

Dated: January 30, 2018.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR parts 600 and 622 are proposed to be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

Subpart R—Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

■ 2. In § 600.725, in the table in paragraph (v), under heading ''III. South Atlantic Fishery Management Council,'' under entry 7, revise entry B pertaining to the ''Recreational fishery'' in the ''Authorized gear types'' column to read as follows:

§ 600.725 General prohibitions.

* * * * *

(v) * * *

Fishery	Authorized gear types
* * * * * * *	
III. South Atlantic Fishery Management Council	
* * * * * * *	
7. South Atlantic Spiny Lobster Fishery (FMP):	
* * * * * * *	
B. Recreational fishery	B. Dip net, bully net, snare, hand harvest.
* * * * * * *	

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 3. The authority citation for part 622 continues to read as follows:

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

■ 4. In § 622.404, add paragraph (d) to read as follows:

§ 622.404 Prohibited gear and methods.

* * * * *

(d) Except for black sea bass pots and golden crab traps as allowed in § 622.188 and § 622.248, respectively, the possession of all other traps is prohibited onboard a vessel in the South Atlantic EEZ when spiny lobster subject to the recreational bag and possession limits specified in § 622.408 is also onboard the vessel. The recreational harvest of spiny lobster using a trap is prohibited in the South Atlantic EEZ.

■ 5. In § 622.407, revise paragraph (c) to read as follows:

§ 622.407 Minimum size limits and other harvest limitations.

* * * * *

(c) *Undersized attractants.* A live spiny lobster under the minimum size limit specified in paragraph (a)(1) of this

section that is harvested in the EEZ by a trap may be retained aboard the harvesting vessel for future use as an attractant in a trap provided it is held in a live well aboard the vessel. The live well must provide a minimum of ¾ gallons (1.7 liters) of seawater per spiny lobster. An undersized spiny lobster so retained must be released to the water alive and unharmed immediately upon leaving the trap lines and prior to one hour after official sunset each day. No more than fifty undersized spiny lobsters plus one per trap aboard the vessel may be retained aboard for use as attractants.

* * * * *

■ 6. Revise § 622.411, to read as follows:

§ 622.411 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

For recreational and commercial spiny lobster landings combined, the ACL is 9.60 million lb (4.35 million kg), whole weight. The ACT is 8.64 million lb, (3.92 million kg) whole weight.

* * * * *

[FR Doc. 2018–02119 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 23
Friday, February 2, 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

Food Safety and Inspection Service

[Docket No. FSIS–2018–0001]

Notice of Request for Renewal of an Approved Information Collection (Mechanically Tenderized Beef Products)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew an approved information collection regarding the regulatory requirements for mechanically tenderized beef products. There are no changes to the existing information collection. The approval for this information collection will expire on June 30, 2018.

DATES: Submit comments on or before April 3, 2018.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW, Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW, Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0001. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW, Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Mechanically Tenderized Beef Products.

OMB Number: 0583–0160.

Expiration Date of Approval: 06/30/2018.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). FSIS protects the public by verifying that meat, poultry, and egg products are safe, wholesome, not adulterated, and correctly labeled and packaged.

FSIS is requesting renewal of an approved information collection addressing paperwork requirements related to labeling requirements for mechanically tenderized beef products. There are no changes to the existing information collection. The approval for this information collection will expire on June 30, 2018.

FSIS requires the use of the descriptive designation ''mechanically tenderized'' on the labels of raw or partially cooked needle- or blade-tenderized beef products, including beef products injected with marinade or solution, unless these products are to be fully cooked at an official establishment. The Agency also requires that the product name for the beef products include the descriptive designation ''mechanically tenderized'' and an accurate description of the beef component. Establishments and retail facilitites that use these labels on product do not have to submit them to FSIS for approval prior to use.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of burden: The public reporting burden for this collection of information is estimated to average .5833 hours per response.

Estimated annual number of respondents: 555.

Estimated average number of responses per respondent: 60.908.

Estimated annual number of responses: 33,804.

Estimated Total Annual Burden on Respondents: 19,719 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email: Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC on: January 30, 2018.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–02092 Filed 2–1–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Housing Service (RHS).

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request a revision of a currently approved information collection in support of the Rural Community Development Initiative (RCDI) grant program.

DATES: Comments on this notice must be received by April 3, 2018 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Shirley Stevenson, Community Programs Specialist, Community Programs Division, RHS, USDA, 1400 Independence Ave. SW, Mail stop 0787, Washington, DC 20250–0787, Telephone (202) 205–9685, Email *shirley.stevenson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Rural Community Development Initiative.

OMB Number: 0575–0180.

Expiration Date of Approval: May 31, 2018.

Type of Request: Revision of a currently approved information collection.

Abstract: RHS, an Agency within the USDA Rural Development mission area, will administer the RCDI grant program through their Community Facilities Division. The intent of the RCDI grant program is to develop the capacity and ability of rural area recipients to undertake projects through a program of technical assistance provided by qualified intermediary organizations. The eligible recipients are nonprofit organizations, low-income rural communities, or federally recognized Indian tribes. The intermediary may be a qualified private, nonprofit, or public (including tribal) organization. The intermediary is the applicant. The intermediary must have been organized a minimum of 3 years at the time of application. The intermediary will be required to provide matching funds, in the form of cash or committed funding, in an amount at least equal to the RCDI grant.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.27 hours per response.

Respondents: Intermediaries and recipients.

Estimated Number of Respondents: 900.

Estimated Number of Responses per Respondent: 3.94.

Estimated Number of Responses: 3,550.

Estimated Total Annual Burden on Respondents: 4,526.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, at (202) 692–0040.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: January 25, 2018.

Curtis M. Anderson,

Acting Administrator, Rural Housing Service.

[FR Doc. 2018–02063 Filed 2–1–18; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Housing Service (RHS), USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the above-named Agency to request a revision of a currently approved information collection in support of the Community Facilities Grant Program.

DATES: Comments on this notice must be received by April 3, 2018 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Karla Peiffer, Asset Risk Management Specialist, Community Programs, RHS, USDA, 1400 Independence Ave. SW, Mail Stop 0787, Washington, DC 20250–0787. Telephone: ((515) 284–4729. Email: *karla.peiffer@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Community Facilities Grant Program.

OMB Number: 0575–0173.

Expiration Date of Approval: June 30, 2018

Type of Request: Revision of a currently approved information collection.

Abstract: Community Programs, a division of the Rural Housing Service (RHS), is part of the United States Department of Agriculture's Rural Development mission area. The Agency is authorized by Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926), as amended, to make grants to public agencies, nonprofit corporations, and Indian tribes to develop essential community facilities and services for public use in rural areas. These facilities include schools, libraries, child care, hospitals, clinics, assisted-living facilities, fire and rescue stations, police stations, community centers, public buildings, and transportation. Through its Community Programs, the Department of Agriculture is striving to ensure that such facilities are readily available to all rural communities.

Information will be collected by the field offices from applicants, consultants, lenders, and public entities. The collection of information is considered the minimum necessary to effectively evaluate the overall scope of the project.

Failure to collect information could have an adverse impact on effectively carrying out the mission, administration, processing, and program requirements.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.8 hours per response.

Respondents: Public bodies, nonprofit corporations and associations, and federally recognized Indian tribes.

Estimated Number of Respondents: 1,272.

Estimated Number of Responses per Respondent: 4.07.

Estimated Number of Responses: 5,181.

Estimated Total Annual Burden on Respondents: 9,269 hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, at (202) 692–0040.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: January 24, 2018.

Curtis M. Anderson,

Acting Administrator, Rural Housing Service.

[FR Doc. 2018–02064 Filed 2–1–18; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–6–2018]

Foreign-Trade Zone 81—Portsmouth, New Hampshire; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Pease Development Authority, grantee of FTZ 81, 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 30, 2018.

FTZ 81 was approved by the FTZ Board on January 20, 1983 (Board Order 207, 48 FR 4308, January 31, 1983) and expanded on April 12, 1985 (Board Order 302, 50 FR 15948, April 23, 1985) and on June 25, 1997 (Board Order 906, 52 FR 36259, July 7, 1997).

The current zone includes the following sites: *Site 1* (11 acres)—Port Authority marine terminal, Portsmouth Harbor, Portsmouth; *Site 2* (175 acres)—Portsmouth Industrial Park, Lafayette Road, Portsmouth; *Site 4* (1,468 acres)—Manchester Airport, 1 Brita Way and 16 Delta Drive, Londonderry; *Site 5* (2,095 acres)—Pease International Tradeport, 601 Spaulding Turnpike, Portsmouth; and, *Site 6* (45 acres)—UPS Supply Chain Solutions, 52 Pettingill Road, Londonderry.

The grantee's proposed service area under the ASF would be the Counties of Rockingham, Strafford, Carroll (partial), Belknap (partial), Cheshire, Hillsborough, Merrimack, Sullivan and Grafton (partial), New Hampshire, 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 Portsmouth and Manchester Customs and Border Protection ports of entry.

The applicant is requesting authority to reorganize its existing zone to include

existing Sites 1, 2, 4 and 5 as ''magnet'' sites and existing Site 6 as a usage-driven site. No new subzones or usage-driven sites are being requested at this time. The application would have no impact on FTZ 81's previously authorized subzones.

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 3, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 18, 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 30, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–02105 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Temporarily Denying Export Privileges

Gulnihal Yegane, Merkez Mah. Hasat Sok. No: 52/6, Sisli, Istanbul, Turkey; and Yanibosna Merkez Mah., Degirmenbahçe Cad. No. 11, Airport Hill Sitesi Blok D.6, Bahçelievler, Istanbul, Turkey; and Egs Bloklari B–1 Blok K.1 No: 114, Yesilkoy Bakirkoy, Istanbul, Turkey; and Huzur mah, Ayazaga Oyak sitesi, 9. Blok, No: 19, Sisli, Istanbul, Turkey; and Turgut Reis Mh. Glyimkent Kath Is Merk., K:4 D:4412, Esenler/Istanbul, Turkey; and Onucreis Mah. Giyimkent Sitesi, 3. Sokak No: 118, Esenler/Istanbul, Turkey

Trigron Lojistik Kargo Limited Sirketi, Yanibosna Merkez Mah., Degirmenbahçe Cad. No. 11, Airport Hill Sitesi Blok D.6, Bahçelievler, Istanbul, Turkey; Ufuk Avia Lojistik Limited Sirketi, Merkez Mah. Hasat Sok., No: 52/6, Sisli, Istanbul, Turkey; RA Havacilik Lojistik Ve Tasimacilik Ticaret Limited Sirketi, Yesilce Mah. Dalgic SK., 3/101 Kagithane, Istanbul, Turkey 34000, *Respondents.*

Pursuant to Section 766.24 of the Export Administration Regulations (the ''Regulations'' or ''EAR''),[1] the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, through its Office of Export Enforcement (''OEE''), has requested the issuance of an Order temporarily denying, for a period of 180 days, the export privileges under the Regulations of: Gulnihal Yegane, Trigron Lojistik Kargo Limited Sirketi (''Trigron Lojistik Kargo'' or ''Trigron''), Ufuk Avia Lojistik Limited Sirketi (''Ufuk Avia Lojistik''), and RA Havacilik Lojistik Ve Tasimacilik Ticaret Limited Sirketi (''RA Havacilik''). OEE's request and related information indicates that these parties are located in Turkey, at the respective addresses listed on the caption page of this order and on page 8, *infra,* and that Ms. Yegane owns or controls or is otherwise affiliated with Trigron Lojistik Kargo and the other companies at issue.

Pursuant to Section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and 766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]'' *Id.* A ''[l]ack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

As referenced in OEE's request, Gulnihal Yegane was placed on BIS's Entity List, Supplement No. 4 to Part 744 of the Regulations, on December 12, 2013 (*see* 78 FR 75,463), for engaging in activities contrary to the national security or foreign policy interests of the United States. *See* 15 CFR 744.11. Ms. Yegane was, namely, one of 19 persons engaged in the development and operation of a procurement scheme that directly supported the operation of Iranian airline Mahan Airways. *See* 78 FR 75,463 (Dec. 12, 2013). Mahan Airways has been on BIS's Denied Persons List since March 2008, due to numerous significant, continuing, deliberate, and covert violations of the Regulations.[2] In addition, since October 2011, it has been designated as a Specially Designated Global Terrorist (''SDGT'') by the Treasury Department's Office of Foreign Assets Control (''OFAC'') pursuant to Executive Order 13224 for providing financial, material and technological support to Iran's Islamic Revolutionary Guard Corps-Qods Force (IRGC–QF). *See* 77 FR 64,427 (October 18, 2011).

As discussed in the temporary denial renewal orders issued by BIS against Mahan Airways in July 2013, and February 2014, OEE obtained evidence during 2013 indicating that Mahan Airways had been involved in efforts to unlawfully obtain a U.S.-origin GE CF6–50C2 aircraft engine via transshipment through Turkey. The evidence indicated that Mahan sought to obtain this U.S.-origin engine through Pioneer Logistics Havacilik Turizm Yonetim Danismanlik (''Pioneer Logistics''), a Turkish company involved in procuring and supplying aircraft parts, and its director/operator, Gulnihal Yegane. *See* Mahan Airways, et al., TDO Renewal Order dated January 24, 2014, (79 FR 4871 (Jan. 30, 2014)); Mahan Airways, et al., TDO Renewal Order dated July 31, 2013 (78 FR 48,138 (Aug. 72013)).[3]

[1] The EAR are currently codified at 15 CFR parts 730–774 (2017). The EAR issued under the Export Administration Act of 1979, as amended 50 U.S.C. 4601–4623 (Supp. III 2015) (available at *http://uscode.house.gov*) (''EAA'' or the ''Act''). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2017 (82 FR 39,005 (Aug. 16, 2017)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

[2] Mahan Airways' status as a denied person was most recently renewed by BIS through a temporary denial order issued on December 20, 2017. *See* 82 FR 61,745 (Dec. 29, 2017). The December 20, 2017 renewal order summarizes the initial TDO issued against Mahan in March 2008, and the other renewal orders prior to December 20, 2017. *See id.*

[3] OFAC subsequently designated Pioneer Logistics as a SDGT, in doing so describing Pioneer Logistics as a key Mahan Airways front company that served as an intermediary for Mahan Airways, acting for or on behalf of Mahan by purchasing and receiving aviation-related materials. OFAC also stated that in an effort to help Mahan evade U.S. Government sanctions, Pioneer Logistics shipped aircraft parts to another U.S.-designated Mahan front company for onward delivery to Mahan, and that Mahan used Pioneer Logistics as a cutout for the repair and overhaul of aircraft parts and as a cutout to evade sanctions in order to purchase aircraft tires for its aircraft. *See* OFAC Press Release

Continued

Ms. Yegane remains on the Entity List, and as a result of that listing, no item subject to the Regulations may be exported, reexported, or transferred (in-country) to her without prior license authorization from BIS. *See* 15 CFR 744.11; Supp No. 4 to 15 CFR part 744. Moreover, BIS's review policy regarding such applications involving Ms. Yegane is a presumption of denial. *Id.*

In its request, OEE has presented evidence indicating that Ms. Yegane and the other respondents are engaged in procurement activities relating to U.S.-origin aircraft engines and parts for or on behalf of one or more Iranian airlines, operating as transaction parties and/or facilitating transactions that are structured to evade the Regulations (as well as the Iranian Transactions and Sanctions Regulations (''ITSR''), 31 CFR part 560, administered by OFAC) [4] by routing unlicensed exports or reexports through Turkey to Iran.

The evidence presented relates to transactions that occurred between at least September 2016, through at least December 2017. Specifically, in September 2016, Ufuk Avia Lojistik, with Ms. Yegane listed as its contact person, was identified in the consignee field on an air waybill for an unlicensed shipment of a CFM56–3C1 jet aircraft engine, engine serial number (''ESN'') 857203, from the United States to Turkey.[5] The engine is used on Boeing 737 aircraft, and is subject to the Regulations and controlled for anti-terrorism reasons when exported to Iran, as described in Export Control Classification Number (''ECCN'') 9A991.d and pursuant to Section 742.8 of the EAR.

Documentation and correspondence relating to the transaction indicate that the engine was destined for sale or lease to an Iranian airline, contrary to what appeared on export paperwork. The U.S. Government was able to prevent this engine from being transshipped from Turkey on to Iran by returning the engine to the United States pursuant to a redelivery order issued by OEE under Section 758.8 of the Regulations on September 23, 2016.

OEE's investigation also shows that, having been prevented from obtaining ESN 857203 for transshipment to Iran, Ms. Yegane was involved in efforts to obtain other CFM56–3C1 engines (ESNs 856772 and 857999) from the United States for that purpose between September 2016 and November 2016, with the transactions being re-structured and re-routed so that neither Ufuk Avia Lojistik nor Ms. Yegane would be listed in the transaction documents and another company listed as the consignee. The U.S. Government was able to thwart one of these intended transshipments to Iran, with BIS issuing a redelivery order on November 4, 2016, as to ESN 857999. Moreover, in January 2017, Ms. Yegane, Trigron Lojistik Kargo, and RA Havacilik were involved in the transshipment of a CFM56–3C1 jet aircraft engine of unknown serial number, but believed to be subject to the EAR, to Iran.

BIS's investigation has also showed that Trigron Lojistik Kargo is owned and operated by Ms. Yegane and has more recently been used, in conjunction with RA Havacilik, in the routing and attempted routing of shipments from the United States destined for transshipment to Iran via Turkey. The evidence presented by OEE indicates that RA Havacilik was formed on September 26, 2016, three days after BIS ordered the redelivery of ESN 857023. The evidence also suggests that Yegane and/or Trigron may own or control RA Havacilik; at the very least, the evidence indicates that they have been acting in concert to procure aircraft parts from the United States, items subject to the EAR (and the ITSR), for transshipment to Iran. BIS has uncovered several intended exports of such aircraft parts from the United States to RA Havacilik in December 2017, including, for example, gaskets and isolators used on Boeing aircraft. The evidence presented by OEE indicated that at least one of these December 2017 shipments from the United States was, in fact, transshipped on to Iran, contrary to the consignee and buyer information listed on the transaction paperwork. BIS detained other shipments.

In sum, the facts and circumstances here and related evidence indicate a high likelihood of future violations of the Regulations and U.S. export control laws, including Ms. Yegane's previously-identified involvement in an aviation procurement network facilitating trade to Iran for or on behalf of Mahan Airways, a denied person (and SDGT); the repeated attempts to evade the long-standing and well-known U.S. embargo against Iran by obtaining and facilitating the acquisition of controlled jet aircraft engines and other aircraft parts from the United States for transshipment to Iran from at least September 2016, through at least December 2017; and the deliberate, covert, and determined nature of the misconduct and clear disregard for complying with U.S. export control laws.

Accordingly, I find that the evidence presented by BIS demonstrates that a violation of the Regulations is imminent. As such, a temporary denial order (''TDO'') is needed to give notice to persons and companies in the United States and abroad that they should cease dealing with Gulnihal Yegane, Trigron Lojistik Kargo Limited Sirketi, Ufuk Avia Lojistik Limited Sirketi, and RA Havacilik Lojistik Ve Tasimacilik Ticaret Limited Sirketi in export or reexport transactions involving items subject to the EAR. Such a TDO is consistent with the public interest to preclude future violations of the Regulations.

Accordingly, I find that an Order denying the export privileges of Gulnihal Yegane, Trigron Lojistik Kargo Limited Sirketi, Ufuk Avia Lojistik Limited Sirketi, and RA Havacilik Lojistik Ve Tasimacilik Ticaret Limited Sirketi is necessary, in the public interest, to prevent imminent violation of the Regulations.

This Order is being issued on an ex parte basis without a hearing based upon BIS's showing of an imminent violation in accordance with Section 766.24 of the Regulations.

It is therefore ordered:

First, that GULNIHAL YEGANE, with an address at Merkez Mah. Hasat Sok., No: 52/6, Sisli, Istanbul, Turkey, and at Yanibosna Merkez Mah., Degirmenbahçe Cad. No. 11, Airport Hill Sitesi Blok D.6, Bahçelievler, Istanbul, Turkey, and at Egs Bloklari B–1 Blok K.1 No: 114, Yesilkoy Bakirkoy, Istanbul, Turkey, and at Huzur mah, Ayazaga Oyak sitesi, 9. Blok, No: 19, Sisli, Istanbul, Turkey, and at Turgut Reis Mh. Glyimkent Kath Is Merk. K:4 D:4412 Esenler/Istanbul, Turkey, and at Onucreis Mah. Giyimkent Sitesi 3. Sokak No:118 Esenler/Istanbul, Turkey; TRIGRON LOJISTIK KARGO LIMITED SIRKETI, with an address at Yanibosna Merkez Mah., Degirmenbahçe Cad. No. 11, Airport Hill Sitesi Blok D.6, Bahçelievler, Istanbul, Turkey; UFUK AVIA LOJISTIK LIMITED SIRKETI, with an address at Merkez Mah. Hasat Sok., No: 52/6, Sisli, Istanbul, Turkey; and RA HAVACILIK LOJISTIK VE TASIMACILIK TICARET LIMITED SIRKETI, with an address at Yesilce Mah. Dalgic SK., 3/101 Kagithane,

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dated Aug. 29, 2014, copy at *https://www.treasury.gov/press-center/press-releases/Pages/jl2618.aspx;* 79 FR 55072 (Sept. 15, 2014)).

[4] Pursuant to Section 746.7(e) of the EAR, 15 CFR 746.7(e), no person may export or reexport any item that is subject to the EAR if such transaction is prohibited by the ITSR and has not been authorized by OFAC. The prohibition found in Section 746.7(e) applies whether or not the EAR require a license for the export or reexport in question. *Id.*

[5] Yegane's full or precise role at Ufuk Avia Lojistik is not entirely clear from the evidence, but there is some information indicating that she served as its general manager.

Istanbul, Turkey 34000, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Export Administration Regulations (''EAR''), or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to a Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

In accordance with the provisions of Section 766.24(e) of the EAR, Respondents Gulnihal Yegane, Trigron Lojistik Kargo Limited Sirketi, Ufuk Avia Lojistik Limited Sirketi, or RA Havacilik Lojistik Ve Tasimacilik Ticaret Limited Sirketi may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Respondents Gulnihal Yegane, Trigron Lojistik Kargo Limited Sirketi, Ufuk Avia Lojistik Limited Sirketi, and RA Havacilik Lojistik Ve Tasimacilik Ticaret Limited Sirketi may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on Respondents and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Dated: January 26, 2018.

Kevin J. Kurland,

Acting Deputy Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2018–02067 Filed 2–1–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–067, A–475–839, and A–583–863]

Forged Steel Fittings From the People's Republic of China, Italy, and Taiwan: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 2, 2018.

FOR FURTHER INFORMATION CONTACT: Katherine Johnson at (202) 482–4929 or Renato Barreda at (202) 482–0317 (the People's Republic of China (China)), and Denisa Ursu at (202) 482–2285 or Michael Bowen at (202) 482–0768 (Italy), Robert Palmer at (202) 482–9068 (Taiwan), AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 25, 2017, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of forged steel fittings from China, Italy and Taiwan.[1] Currently, the preliminary determinations are due no later than March 14, 2018.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request. *See* 19 CFR 351.205(e).

On January 10, 2018, the petitioners[2] submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations. The petitioners stated that they request postponement because under the current issue date for the

[1] *See Forged Steel Fittings from the People's Republic of China, Italy, and Taiwan: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 50614 (November 1, 2017) (*Initiation Notice*).

[2] The petitioners are Bonney Forge Corporation and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW).

preliminary determinations, Commerce will not have received all questionnaire responses and obtained sufficient information for making preliminary determinations.[3]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than May 3, 2018. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of publication of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: January 29, 2018.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–02103 Filed 2–1–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Application for Export Trade Certificate of Review

AGENCY: International Trade Administration, 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: Written comments must be submitted on or before April 3, 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 via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230. Phone: 202–482–5131. Email: *etca@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Title III of the Export Trading Company Act (hereinafter ''the Act'') of 1982 (Pub. L. 97–290, 15 U.S.C. 4001 *et seq.*), authorizes the Secretary of Commerce to issue, with the concurrence of the Attorney General, an Export Trade Certificate of Review to any person that establishes that its proposed export trade, export trade activities, and methods of operation meet the four standards found in Section 303(a) of the Act, 15 U.S.C. 4001 *et seq.* An Export Trade Certificate of Review provides the certificate holder and its members with limited antitrust preclearance for specified export-related activities. Application for an Export Trade Certificate of Review is voluntary. The information to be collected is found at 15 CFR part 325.3—Export Trade Certificates of Review. The collection of information is necessary for both the Departments of Commerce and Justice to conduct an analysis, in order to determine whether the applicant and its members are eligible to receive the protection of an Export Trade Certificate of Review and whether the applicant's proposed export-related conduct meets the standards in Section 303(a) of the Act. The collection of information constitutes the essential basis of the statutory determinations to be made by the Secretary of Commerce and the Attorney General.

The Department of Commerce conducts its economic and legal analysis of the information supplied by applicants through the Office of Trade and Economic Analysis and the Office of the General Counsel. In the Department of Justice, analysis is conducted by the Antitrust Division.

Title III was enacted to reduce uncertainty regarding the application of U.S. antitrust laws to export activities. An Export Trade Certificate of Review provides its holder and members named in the Certificate with (a) protection from government actions under state and federal antitrust laws for the export conduct specified in the Certificate, and (b) certain protection from private suits, by limiting liability in private actions to actual damages when the challenged activities are covered by an Export Trade Certificate of Review.

II. Method of Collection

The form is sent by request to U.S. firms.

III. Data

OMB Control Number: 0625–0125.

Form Number(s): ITA–4093P.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; not-for-profit institutions, and state, local or tribal government.

Estimated Number of Respondents: 9.

Estimated Time per Response: 32 hours (application); 2 hours (annual report).

Estimated Total Annual Burden Hours: 440 hours.

Estimated Total Annual Cost to Public: $0.

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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–02078 Filed 2–1–18; 8:45 am]

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[3] *See* Letter from the petitioners re: ''Forged Steel Fittings from the People's Republic of China, Italy, and Taiwan: Request to Extend Deadlines for Preliminary Determinations,'' dated January 10, 2018.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–894]

Certain Tapered Roller Bearings From the Republic of Korea: Preliminary Affirmative Determination of Sales at Less-Than-Fair-Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain tapered roller bearings (TRBs) from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2016, through March 31, 2017.

DATES: Applicable February 2, 2018.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse or Manuel Rey, 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) 482–6345 or (202) 482–5518, respectively.

SUPPLEMENTARY INFORMATION: 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. Accordingly, the revised deadline for the preliminary determination of this investigation is now January 29, 2018.[1]

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on July 25, 2017.[2] On November 21, 2017, Commerce postponed the preliminary determination of this investigation.[3] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are certain TRBs from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* After evaluating these comments,[7] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope in Appendix I to this notice.

Allegation of a Particular Market Situation

On October 24, 2017, the petitioner alleged that a particular market situation (PMS) existed during the POI with respect to the production of TRBs in Korea.[8] On December 15, 2017, the petitioner supplemented its PMS allegation, including additional new factual information to support this allegation.[9] After analyzing the information submitted by the petitioner, we preliminarily find that the petitioner's PMS allegation, and supporting factual information, is not sufficient to find that a PMS exists. For our analysis of the petitioner's PMS allegation, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export price in accordance with section 772(a) of the Act. Alternatively, as appropriate, constructed export price has been calculated in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the average of the estimated weighted-average dumping margins established for exporters or producers individually investigated, excluding any zero or *de minimis* margins, or any margins determined entirely under section 776 of the Act. In this investigation, Commerce calculated estimated weighted-average dumping margins for Bearing Art [10] and Schaeffler Korea Corporation (Schaeffler) that are not zero, *de minimis,* or based entirely on facts otherwise available. Commerce calculated the all-others' rate using a

[1] *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 Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[2] *See Certain Tapered Roller Bearings from the Republic of Korea: Initiation of Less-Than-Fair-Value Investigation,* 82 FR 34477 (July 25, 2017) (*Initiation Notice*).

[3] *See Certain Tapered Roller Bearings from the Republic of Korea: Postponement of Preliminary Determination of Less-Than-Fair-Value Investigation,* 82 FR 55351 (November 21, 2017).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Tapered Roller Bearings from the Republic of Korea'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notic*e, 82 FR at 34478.

[7] For further discussion of these comments, *see* the Preliminary Decision Memorandum.

[8] *See* the petitioner's letter, ''Certain Tapered Roller Bearings from the Republic of Korea—Petitioner's Preliminary Particular Market Situation Comments and Section D RFI,'' dated October 24, 2017.

[9] *See* Petitioner's Letter, ''Certain Tapered Roller Bearings from Korea: Petitioner's Pre-Preliminary Determination Comments,'' dated December 15, 2017.

[10] Commerce selected Bearing Art Corporation as a mandatory respondent in this investigation. Further, for this preliminary determination, Commerce preliminarily has determined to collapse, and treat as a single entity, this company and two affiliated parties, Iljin Bearing Corporation and Iljin Global Corporation. *See* Preliminary Decision Memorandum at 5–7. The collapsed entity is hereinafter collectively referred to as ''Bearing Art.''

weighted average of the estimated weighted-average dumping margins calculated for the examined respondents using each respondent's publicly-ranged quantity of U.S. sales for the merchandise under consideration.[11]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter or producer	Estimated weighted-average dumping margin (percent)
Bearing Art Corporation/Iljin Bearing Corporation/Iljin Global Corporation	45.53
Schaeffler Korea Corporation	21.23
All-Others	33.42

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making this preliminary determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[12] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 2, 2018, and January 10, 2018, pursuant to 19 CFR 351.210(e), Schaeffler and Bearing Art, respectively, requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[13] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days

[11] With two respondents under examination, Commerce normally calculates (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents weighted using each respondent's actual U.S. sale quantity; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each respondent's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all-other producers and exporters. *See Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). As complete publicly ranged sales data was available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, please *see* the All-Others' Rate Calculation Memorandum.

[12] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[13] *See* Letter from Schaeffler, ''Request to Extend the Final Determination: Antidumping Duty Investigation on Tapered Roller Bearings from Korea (A–580–894),'' dated January 2, 2018; and Letter from Bearing Art, ''Certain Tapered Roller Bearings from Korea: Request to Postpone Final Determination,'' dated January 10, 2018.

after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: January 29, 2018.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation is certain tapered roller bearings. The scope covers all tapered roller bearings with a nominal outside cup diameter of eight inches and under, regardless of type of steel used to produce the bearing, whether of inch or metric size, and whether the tapered roller bearing is a thrust bearing or not. Certain tapered roller bearings include: Finished cup and cone assemblies entering as a set, finished cone assemblies entering separately, and finished parts (cups, cones, and tapered rollers). Certain tapered roller bearings are sold individually as a set (cup and cone assembly), as a cone assembly, as a finished cup, or packaged as a kit with one or several tapered roller bearings, a seal, and grease. The scope of the investigation includes finished rollers and finished cones that have not been assembled with rollers and a cage. Certain tapered roller bearings can be a single row or multiple rows (*e.g.,* two- or four-row), and a cup can handle a single cone assembly or multiple cone assemblies.

Finished cups, cones, and rollers differ from unfinished cups, cones, and rollers in that they have undergone further processing after heat treatment, including, but not limited to, final machining, grinding, and/or polishing. Mere heat treatment of a cup, cone, or roller (without any further processing after heat treatment) does not render the cup, cone, or roller a finished part for the purpose of this investigation. Finished tapered roller bearing parts are understood to mean parts which, at the time of importation, are ready for assembly (if further assembly is required) and require no further finishing or fabrication, such as grinding, lathing, machining, polishing, heat treatment, *etc.* Finished parts may require grease, bolting, and/or pressing as part of final assembly, and the requirement that these processes be performed, subsequent to importation, does not remove an otherwise finished tapered roller bearing from the scope.

Tapered roller bearings that have a nominal outer cup diameter of eight inches and under that may be used in wheel hub units, rail bearings, or other housed bearings, but entered separately, are included in the scope to the same extent as described above. All tapered roller bearings meeting the written description above, and not otherwise excluded, are included, regardless of coating.

Excluded from the scope of this investigation are:

(1) Unfinished parts of tapered roller bearings (cups, cones, and tapered rollers);

(2) cages, whether finished or unfinished;

(3) the non-tapered roller bearing components of subject kits (*e.g.,* grease, seal); and

(4) tapered roller bearing wheel hub units, rail bearings, and other housed tapered roller bearings (flange, take up cartridges, and hanger units incorporating tapered rollers).

Tapered roller bearings subject to this investigation are primarily classifiable under subheadings 8482.20.0040, 8482.20.0061, 8482.20.0070, 8482.20.0081, 8482.91.0050, 8482.99.1550, and 8482.99.1580 of the Harmonized Tariff Schedule of the United States (HTSUS).[14] Parts may also enter under 8482.99.4500. While the HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–02104 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–DS–P

[14] Prior to July 2016, products entering under 8482.20.0061 entered under 8482.20.0060, products entering under 8482.20.0081 entered under 8482.20.0080, and products entering under 8482.99.1550 entered under 8482.99.1540.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–861]

Low Melt Polyester Staple Fiber From Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that low melt polyester staple fiber (low melt PSF) from Taiwan is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2016, through March 31, 2017.

DATES: Applicable February 2, 2018.

FOR FURTHER INFORMATION CONTACT: Rebecca Janz or Ajay Menon, 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) 482–2972 or (202) 482–1993, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on July 24, 2017.[1] On November 20, 2017, Commerce postponed the preliminary determination of this investigation until January 23, 2018.[2] 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 preliminary determination of this investigation is now January 26, 2018.[3]

[1] *See Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 34277 (July 24, 2017) (*Initiation Notice*).

[2] *See Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 82 FR 55091 (November 20, 2017).

[3] *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

Continued

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is low melt PSF from Taiwan. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] During this period, no interested party commented on the scope of this investigation; however, we received comments on the overlap between the scope of this investigation and other proceedings before Commerce.[7]

Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice* to eliminate the overlap in product coverage with the existing PSF Taiwan AD order.[8] *See* the revised scope in Appendix I to this notice. For further discussion, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated an export price in accordance with section 772(a) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Section 733(d)(1)(A)(ii) of the Act provides that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. Section 735(c)(5)(A) of the Act provides that this rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for Far Eastern New Century Corporation (FENC), the only individually examined exporter/producer in this investigation.[9] Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for FENC is the margin assigned to all-other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Far Eastern New Century Corporation	52.00
All-Others	52.00

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after

Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Low Melt Polyester Staple Fiber from Taiwan'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notice.*

[7] *See* Petitioner's Letter, ''Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan—Petitioner's Comments on Potential Scope Overlap,'' dated October 5, 2017. The petitioner in this case is Nan Ya Plastics Corporation, America.

[8] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan,* 65 FR 33807 (May 25, 2000).

[9] We selected two mandatory respondents in this investigation: FENC and Far Eastern Textile Limited. *See* Memorandum, ''Respondent Selection for the Antidumping Duty Investigation of Low Melt Polyester Staple Fiber from Taiwan,'' dated August 7, 2017. FENC subsequently provided information demonstrating that in 2009 it changed its name from Far Eastern Textile Limited to FENC. *See* FENC's October 19, 2017 Section A Supplemental Questionnaire Response at SE–3. Therefore, we are examining FENC as the sole mandatory respondent in this investigation. For a complete analysis, see the Preliminary Decision Memorandum.

the deadline date for case briefs.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 2, 2018, pursuant to 19 CFR 351.210(e), FENC requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[11] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: January 26, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I—Scope of the Investigation

The merchandise subject to this investigation is synthetic staple fibers, not carded or combed, specifically bi-component polyester fibers having a polyester fiber component that melts at a lower temperature than the other polyester fiber component (low melt PSF). The scope includes bi-component polyester staple fibers of any denier or cut length. The subject merchandise may be coated, usually with a finish or dye, or not coated.

Excluded from the scope of the investigation on low melt PSF from Taiwan are any products covered by the existing antidumping duty orders on certain polyester staple fiber from Taiwan. *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan,* 65 FR 33807 (May 25, 2000).

Low melt PSF is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 5503.20.0015. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the merchandise under the investigation is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–02043 Filed 2–1–18; 8:45 am]

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[10] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[11] *See* FENC's Letter, ''Low Melt Polyester Staple Fiber (PSF),'' dated January 2, 2018.

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of Request for Panel Review in the Matter of Softwood Lumber From Canada: Determinations (Secretariat File Number: USA–CDA–2018–1904–03)

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: A Request for Panel Review was filed on behalf of the Government of Canada; Government of Alberta; Government of British Columbia; Government of Ontario; Government of Québec; Alberta Softwood Lumber Trade Council; British Columbia Lumber Trade Council; Conseil de l'Industrie forestier du Québec and Ontario Forest Industries Association; Canfor Corporation; J.D. Irving, Limited; Resolute FP Canada Inc. and Rene Bernard Inc.; Tembec Inc. and Eacom Timber Corporation; and West Fraser Mills Ltd. with the United States Section of the NAFTA Secretariat on January 19, 2018 and on behalf of Western Forest Products, Inc. on January 26, 2018, pursuant to NAFTA Article 1904. Panel Review was requested of the U.S. International Trade Commission's final injury

determination regarding Softwood Lumber from Canada. The final determination was published in the **Federal Register** on December 28, 2017 (82 FR 61,587). The NAFTA Secretariat has assigned case number USA–CDA–2018–1904–03 to this request.

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see *https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904.*

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is February 20, 2018);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is March 5, 2018); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: January 30, 2018.

Paul E. Morris,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2018–02135 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–895]

Low Melt Polyester Staple Fiber From the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Low Melt Polyester Staple Fiber (low melt PSF) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2016, through March 31, 2017.

DATES: Applicable February 2, 2018.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado or Brittany Bauer, 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) 482–4682 or (202) 482–3860, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on July 24, 2017.[1] On November 20, 2017, Commerce postponed the preliminary determination of this investigation until January 23, 2018.[2] 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 preliminary determination of this investigation is now January 26, 2018.[3] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is low melt PSF from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] During this period, no interested party commented on the scope of this investigation; however, we received comments on the overlap between the scope of this investigation and other proceedings before Commerce.[7]

Nonetheless, Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice* to eliminate the overlap in product coverage with the existing PSF Korea antidumping duty order.[8] *See* the

[1] *See Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 34277 (July 24, 2017) (*Initiation Notice*).

[2] *See Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 82 FR 55091 (November 20, 2017).

[3] *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 Federal Government,'' dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Low Melt Polyester Staple Fiber from the Republic of Korea (Korea)'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notice.*

[7] *See* the petitioner's Letter re: Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan—Petitioner's Comments on Potential Scope Overlap, dated October 5, 2017. The petitioner in this case is Nan Ya Plastics Corporation, America.

[8] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester*

revised scope in Appendix I to this notice. For further discussion, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances do not exist for Huvis Corporation (Huvis), and do exist for Toray Chemical Korea Inc. (TCK) and all other producers/exporters. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce preliminarily found a zero rate for Huvis. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for TCK. Consequently, the rate calculated for TCK is also assigned as the rate for all-other producers and exporters in this investigation.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Huvis Corporation	0.00
Toray Chemical Korea Inc	16.48
All-Others	16.48

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination, except if that rate is zero or *de minimis,* no cash deposit will be required; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise except as explained below; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Because the estimated weighted-average dumping margin for Huvis is zero, entries of shipments of subject merchandise produced and exported by this company will not be subject to suspension of liquidation or cash deposit requirements. In such situations, Commerce applies the exclusion to the provisional measures to the producer/exporter combination that was examined in the investigation. Accordingly, Commerce is directing CBP not to suspend liquidation of entries of subject merchandise produced and exported by Huvis. Entries of shipments of subject merchandise from this company in any other producer/exporter combination, or by third parties that sourced subject merchandise from the excluded producer/exporter combination, are subject to the provisional measures at the all others rate.

Should the final estimated weighted-average dumping margin be zero or *de minimis* for Huvis, entries of shipments of subject merchandise produced and exported by Huvis will be excluded from the potential antidumping duty order. Such exclusion is not applicable to merchandise exported to the United States by this respondent in any other producer/exporter combinations or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced or exported by TCK and all producers/exporters of low melt PSF from Korea, except for Huvis. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of shipments of subject merchandise from the producer(s) or exporter(s) identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to

Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan, 65 FR 33807 (May 25, 2000).

issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On December 1 and December 5, 2017, pursuant to 19 CFR 351.210(e), TCK and Huvis, respectively, requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[10] On January 8, 2018, the petitioner also requested that Commerce postpone the final determination.[11] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: January 26, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I—Scope of the Investigation

The merchandise subject to this investigation is synthetic staple fibers, not carded or combed, specifically bi-component polyester fibers having a polyester fiber component that melts at a lower temperature than the other polyester fiber component (low melt PSF). The scope includes bi-component polyester staple fibers of any denier or cut length. The subject merchandise may be coated, usually with a finish or dye, or not coated.

Excluded from the scope of the investigation on low melt PSF from Korea are any products covered by the existing antidumping duty order on certain polyester staple fiber from Korea. *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan,* 65 FR 33807 (May 25, 2000).

Low melt PSF is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 5503.20.0015. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the merchandise under the investigation is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–02042 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[10] *See* TCK's Letter re: Low Melt Polyester Staple Fiber from the Republic of Korea: Request to Postpone the Final Determination, dated December 1, 2017; and Huvis' Letter re: Low Melt Polyester Staple Fiber from the Republic of Korea: Request to Extend the Deadline for the Final Determination, dated December 5, 2017.

[11] *See* the petitioner's Letter re: Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Petitioner's Request Regarding Extension of the Final Determination Deadline, dated January 8, 2018.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Fisheries Finance Program Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA), 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: Written comments must be submitted on or before April 3, 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 via the internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Brian Summers at (301) 427–8783 or *brian.summers@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The National Oceanic and Atmospheric Administration (NOAA) operates a direct loan program to assist in financing certain actions relating to commercial fishing vessels, shoreside fishery facilities, aquaculture operations, and individual fishing quotas. Application information is required to determine eligibility pursuant to 50 CFR part 253 and to determine the type and amount of assistance requested by the applicant. An annual financial statement is required from the recipients to monitor the financial status of the loan.

II. Method of Collection

Paper applications.

III. Data

OMB Control Number: 0648–0012.

Form Number(s): 88–1.

Type of Review: Regular (extension of a current information collection).

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 311.

Estimated Time per Response: Application, 10 hours; annual financial statement, 2 hours.

Estimated Total Annual Burden Hours: 1,102.

Estimated Total Annual Cost to Public: $2,799 in recordkeeping/reporting costs.

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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 29, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–02040 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Marine Recreational Information Program Social Network Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA), 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: Written comments must be submitted on or before April 3, 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 via the internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dave Bard, (301) 427–8197 or *David.Bard@NOAA.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for new information collection. The title will be ''Marine Recreational Information Program Social Network Survey.''

In its 2017 review of NOAA Fisheries' Marine Recreational Information Program (MRIP), the National Academies of Sciences, Engineering, and Medicine, also known as the National Academies, recommended the program enhance its communications and outreach activities, particularly among the recreational fishing community. MRIP is taking an objective, research-based approach to doing so. In 2016, MRIP conducted a partner and stakeholder needs assessment. In 2018, MRIP will undertake a social network survey. This effort will help identify relationships, networks, channels, and information flow among a target population, in this case the numerous audiences that comprise the recreational fishing community. Completing this survey and the subsequent analysis will help MRIP more effectively engage with its audiences by identifying key influencers and information pathways, and identifying the areas of greatest need and greatest opportunity for relationship-building.

A mail survey sample will be drawn from the National Saltwater Angler Registry, a database of licensed recreational anglers living in the U.S. The information comes mostly from state-based saltwater fishing license and registration programs. Questions will explore such issues as broad information channels and pathways among recreational anglers; understanding of and confidence in recreational data collection, estimation, and reporting; confidence in their information sources; awareness of the distinctions and connections between recreational data collection and recreational fisheries management, etc., including regional differences. Data gathered will include angler use of and trust in different sources (*e.g.,* other recreational anglers, recreational fishing clubs, state management agencies, federal management agencies, tackle shops, etc.) and channels (*e.g.,* mass media, social media, personal conversations, online message boards, fishing club meetings, etc.) of fisheries management information. These data will be used to identify key information sources for recreational anglers, evaluate regional differences in information sources, and evaluate recreational angler confidence in management and data collection efforts, thus allowing MRIP to more effectively communicate with recreational anglers on data collection issues by focusing communications efforts on important network channels.

II. Method of Collection

Information will be collected through mail surveys.

III. Data

OMB Control Number:

Form Number: None.

Type of Review: Regular submission (new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 4,167.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 29, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–02044 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF990

Meeting of the Columbia Basin Partnership Task Force of the Marine Fisheries Advisory Committee

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee's (MAFAC's) Columbia Basin Partnership Task Force (CBP Task Force). The CBP Task Force will discuss the issues outlined in the **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be held February 20, 2018, from 8 a.m. to 5 p.m. and on February 21, 2018, from 8 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Residence Inn Boise Downtown City Center, 400 S Capitol Blvd., Boise, ID 83702; 208–424–9999.

FOR FURTHER INFORMATION CONTACT: Katherine Cheney; NFMS West Coast Region; 503–231–6730; email: *Katherine.Cheney@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of MAFAC's CBP Task Force. The MAFAC was established by the Secretary of Commerce (Secretary) and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The MAFAC charter and summaries of prior MAFAC meetings are located online at *https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee-.* The CBP Task Force reports to MAFAC and is being convened to discuss and develop recommendations for long-term goals to meet Columbia Basin salmon recovery, conservation needs, and harvest opportunities. These goals will be developed in the context of habitat capacity and other factors that affect salmon mortality. More information is available at the CBP Task Force web page: *http://www.westcoast.fisheries.noaa.gov/columbia_river/index.html.*

Matters To Be Considered

The meeting time and agenda are subject to change. Updated information will be available on the CBP Task Force web page above. Meeting topics include discussion of hatchery, hydrosystem, and other ecological considerations, and progress reports on quantitative and qualitative goal setting and basin-wide integration. The meeting is open to the public as observers, and public input will be accepted on February 21, 2018, from 1:15 to 1:45 p.m., limited to the time available.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Katherine Cheney; 503–231–6730, by February 12, 2018.

Dated: January 30, 2018.

Jennifer Lukens,

Director for the Office of Policy, National Marine Fisheries Service.

[FR Doc. 2018–02102 Filed 2–1–18; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to the Procurement List:* March 4, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 5/26/2017 (82 FR 101) and 12/22/2017 (82 FR 245), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. The action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

NSN—Product Name: 5340–00–158–3805—Padlock, Laminated Case, 1.75″, Wide Steel, No Chain
Mandatory Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: Defense Logistics Agency Troop Support

Comments were received from one (1) potentially affected subcontractor in response to the Commission's notice published in the **Federal Register**. In its comment, the subcontractor asserts that ''. . . from a legal perspective, it could easily be argued that [we are] the 'current contractor' as Lockheed Martin is simply a distributor . . .''

In accordance with 41 CFR 51–2.4(4), *Level of impact on the current contractor,* the Commission completed an impact analysis on the commercial entity that is the current contractor for the Government that is providing the product or service being considered for addition to the Procurement List. As the commenter identified itself as a subcontractor to the Government prime contractor, the Commission was not required to consider impact on the commercial entity represented by the commenter.

NSN—Product Name: MR 1178—Mop, Microfiber, Spin, Includes Bucket
Mandatory for: The requirements of military commissaries and exchanges in accordance with the Code of Federal Regulations 41 CFR 51–6.4
Mandatory Sources of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: Defense Commissary Agency

Patricia Briscoe,

Deputy Director, Business Operations, (Pricing and Information Management).

[FR Doc. 2018–02108 Filed 2–1–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities, and deletes products previously furnished by such agencies.

DATES: *Comments must be received on or before:* March 4, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice will be required to provide the service listed below from a nonprofit agency employing persons who are blind or have other severe disabilities.

The following service is proposed for addition to the Procurement List for production by the nonprofit agency listed:

Service

Service Type: Base Supply Center Service
Mandatory for: U.S. Air Force, Air Education and Training Command, Sheppard Air Force Base, 206 J Avenue, Sheppard AFB, TX
Mandatory Source of Supply: Beacon Lighthouse, Inc., Wichita Falls, TX
Contracting Activity: Dept of the Air Force, FA3020 82 CONS LGC

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSNs—Product Names:
7125–00–R10–0001—Lewis & Clark Discovery Box (Lightweight Box)
7125–00–R10–0002—Lewis & Clark Discovery Box (Cabbage Box)
Mandatory Source of Supply: Development Workshop, Inc., Idaho Falls, ID
Contracting Activity: W071 ENDIST PORTLAND

NSN—Product Name: 5340–01–248–2119—Strap, Webbing
Mandatory Source of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name: 5680–01–227–7577—Weather Strip
Mandatory Source of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: W4T8 USASMDC HUNTSVILLE

NSN—Product Name: 7510–00–NIB–0464—Pencil, Mechanical
Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: Department of Commerce

NSNs—Product Names:
7510–01–580–0849—Refill, 12 Lead Cartridge, 0.7 mm HB
7510–01–580–0850—Refill, 12 Lead Cartridge, 0.5mm HB
7520–01–580–0847—Pencil, Mechanical, .7 MM HB Lead
7520–01–580–0848—Pencil, Mechanical, .5 MM HB Lead
Mandatory Source of Supply: San Antonio Lighthouse for the Blind, San Antonio, TX
Contracting Activity: General Services Administration, New York, NY

NSNs—Product Names:
6515–01–364–8553—Gloves, Exam, Disposable, Powdered, Latex, Medium, Natural Color
6515–01–364–8554—Gloves, Exam, Disposable, Powdered, Latex, Large, Natural Color
6515–01–365–6183—Gloves, Exam, Disposable, Powdered, Latex, Small, Natural Color
Mandatory Source of Supply: BOSMA Enterprises, Indianapolis, IN
Contracting Activity: Defense Logistics Agency Troop Support

Patricia Briscoe,

Deputy Director, Business Operations, (Pricing and Information Management).

[FR Doc. 2018–02109 Filed 2–1–18; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of the Record of Decision (ROD) for the Environmental Impact Statement for Multiple Projects in Support of Marine Barracks Washington, DC

AGENCY: Department of the Navy (DoN), U.S. Marine Corps, DOD.

ACTION: Notice of availability.

SUMMARY: The Department of the Navy (DoN) announces the availability of the Record of Decision (ROD) for the Environmental Impact Statement for Multiple Projects in Support of Marine Barracks Washington, DC. The Principal Deputy Assistant Secretary of the Navy (Energy, Installations and Environment) signed the ROD on January 24, 2018.

ADDRESSES: Copies of the ROD along with the Final EIS and other supporting documents are available for public viewing on the DoN's project website at *www.mbweis.com,* and at the Southeast Public Library, Southwest Public Library, and Northeast Public Library.

FOR FURTHER INFORMATION CONTACT: MBW EIS Project Manager: Ms. Julie Darsie, 1314 Harwood Street SE, Building 212, Washington Navy Yard, DC 20374–5018, 202–685–1754.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 United States Code (U.S.C.) 4321–4370h, as implemented by the Council on Environmental Quality (CEQ) Regulations at 40 Code of Federal Regulations (CFR) parts 1500–1508; DoN NEPA regulations (32 CFR part 775); and Marine Corps Order P5090.2A, Change 3, Marine Corps Environmental Compliance and Protection Manual (Marine Corps Order P5090.2A, Change 3), the DON, after carefully considering the environmental consequences of the proposed action and alternatives analyzed in a November 2017 Final EIS, announces its decision to implement repair, renovation, and construction projects at Marine Barracks Washington (MBW), District of Columbia (DC). The DON has selected the Preferred Alternative (Alternative 5—Site E) from the Final EIS, which provides for the construction of a replacement BEQ Complex at the MBW Annex site totaling approximately 191,405 square feet (SF) and ranging in height from 7–10 stories depending on the massing option chosen during the design phase. Alternative 5 also includes renovation and improvement projects to Building 7 at the Main Post; improvements to the MBW Annex gate at 7th and K Streets; and improvements to building facades, fencing, infrastructure, pedestrian amenities, and landscaping throughout the installation.

The DoN ROD documents why the DoN has chosen to implement the Preferred Alternative as described in the 2017 Final EIS. This decision adopts all of the measures identified in the Final EIS and the Programmatic Agreement (PA) to avoid or minimize potential adverse cultural resources impacts from the Preferred Alternative. The ROD also includes descriptions and discussions of the anticipated environmental impacts of the Proposed Action.

Authority: 35 U.S.C. 207; 37 CFR part 404.

Dated: January 25, 2018.

E.K. Baldini,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–02090 Filed 2–1–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0006]

Agency Information Collection Activities; Comment Request; Campus Safety and Security Survey

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 3, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0006. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Ashley Higgins, 202–453–6097.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Campus Safety and Security Survey.

OMB Control Number: 1840–0833.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 6,520.

Total Estimated Number of Annual Burden Hours: 2,717.

Abstract: The collection of information through the Campus Safety and Security Survey is necessary under section 485 of the Higher Education Act of 1965, as amended, with the goal of increasing transparency surrounding college safety and security information for student, prospective students, parents, employees and the general public. The survey is a collection tool to compile the annual data on campus crime and fire safety. The data collected from the individual institutions by ED is made available to the public through the Campus Safety and Security Data Analysis and Cutting Tool as well as the College Navigator.

Dated: January 30, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–02141 Filed 2–1–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Methane Hydrate Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Methane Hydrate Advisory Committee. The Federal Advisory Committee Act requires that notice of these meetings be announced in the **Federal Register**.

DATES:

Thursday, March 1, 2018

1:30 p.m. to 2:00 p.m. (CST)—Registration
2:00 p.m. to 5:00 p.m. (CST)—Meeting

Friday, March 2, 2018

8:15 a.m. to 8:30 a.m. (CST)—Registration
8:30 a.m. to 12:30 p.m. (CST)—Meeting

ADDRESSES: Hotel Galvez, Navigation Room, 2024 Seawall Blvd., Galveston, TX 77550.

FOR FURTHER INFORMATION CONTACT: Lou Capitanio, U.S. Department of Energy, Office of Oil and Natural Gas, 1000 Independence Avenue SW, Washington, DC 20585.

Phone: (202) 586–5098.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Methane Hydrate Advisory Committee is to provide advice on potential applications of methane hydrate to the Secretary of Energy, and assist in developing recommendations and priorities for the Department of Energy's Methane Hydrate Research and Development Program.

Tentative Agenda: The agenda will include: Welcome and Introduction by the Designated Federal Officer; Committee Business including election of Committee Chair; Report of Committee Representatives Meeting with the Assistant Secretary of Fossil Energy; Update on Methane Hydrate Major Projects; Review of International Activities; Update on Atlantic Margin Gas Hydrate Resources; Methane Hydrate Program Budget and FY 2018 Plans; Regulatory Reform; Advisory Committee Discussion; and Public Comments, if any.

Public Participation: The meeting is open to the public. The Designated Federal Officer and the Chair of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Lou Capitanio at the phone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the three-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the following website: *https://energy.gov/fe/services/advisory-committees/methane-hydrate-advisory-committee*.

Issued at Washington, DC, on January 30, 2018.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–02093 Filed 2–1–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–50–000]

Notice of Request Under Blanket Authorization; Texas Eastern Transmission, LP

Take notice that on January 19, 2018, Texas Eastern Transmission, LP (Texas Eastern), P.O. Box 1642, Houston, Texas 77251, filed a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), as amended, and the blanket certificate issued by the Commission in Docket No. CP82–535–000 requesting authorization to relocate certain segments of two adjacent pipelines in Montgomery County, Pennsylvania as part of its Skippack Pike Relocation Project. The Skippack Pike Relocation Project will accommodate a planned expansion of Pennsylvania State Route 202 in Montgomery County by the Pennsylvania Department of Transportation. Specifically, Texas Eastern proposes to relocate certain segments of its Line 1–B and Line 1–F pipelines, and to cut, cap and fill with grout certain portions of these pipelines. The total cost of the Skippack Pike Relocation Project is estimated to be approximately $12,600,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Leanne Sidorkewicz, Manager, Rates and Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, by telephone at (713) 627–4515, by fax at (713) 627–5947, or by email at *leanne.sidorkewicz@enbridge.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents,

and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: January 26, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–02142 Filed 2–1–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9037–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7156 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements

Filed 01/22/2018 Through 01/26/2018 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-nepa-public/actiom/eis/search*.

EIS No. 20180009, Final, FHWA, CO, U.S. 50 Corridor East Tier 1 Final Environmental Impact Statement and Record of Decision. Under MAP–21, Section 1319, FHW has issued a single FEIS and ROD. Therefore, the 30-day wait/review period does not apply to this action, Contact: Melinda Urban 720–963–3073.

EIS No. 20180010, Final Supplement, USFS, MT, Forest Plan Supplemental EIS—Bighorn Sheep, Review Period Ends: 03/28/2018, Contact: Jan Bowey 406–683–3853.

Dated: January 30, 2018.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2018–02131 Filed 2–1–18; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comments Request

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of information collection—extension without change: State and Local Government Information Report (EEO–4).

SUMMARY: In accordance with the Paperwork Reduction Act, the Equal Employment Opportunity Commission (EEOC) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a three-year extension without change of the State and Local Government Information Report (EEO–4 Report, Form 164).

DATES: Written comments on this notice must be submitted on or before April 3, 2018.

ADDRESSES: Comments should be sent to Bernadette Wilson, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (''FAX'') machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663–4114. (This is not a toll-free number). Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTD). (These are not toll-free telephone numbers.) Instead of sending written comments to EEOC, you may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide, except as noted below. The EEOC reserves the right to refrain from posting comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech directed at race, color, sex, national origin, age, religion, disability, or genetic information; or that promote or endorse services or products. All comments received, including any personal information provided, also will be available for public inspection during normal business hours by appointment only at the EEOC Headquarters Library, 131 M Street NE, Washington, DC 20507. Upon request, individuals who require assistance viewing comments will be provided appropriate aids such as readers or print magnifiers. To schedule an appointment, contact EEOC Library staff at (202) 663–4630 (voice) or (202) 663–4641 (TTY). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Benita Marsh, Director of Surveys, Office of Research, Information and Planning, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507; (202) 663–7197 (voice) or by email at *Benita.Marsh@eeoc.gov.* Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663–4191 (voice) or (202) 663–4494 (TTY).

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and OMB Regulations 5 CFR 1320.8(d)(1), the Commission solicits public comment to enable it to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(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 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 Current Information Collection

Collection Title: State and Local Government Information Report (EEO–4).

OMB—Number: 3046–0008.

Frequency of Report: Biennial.

Type of Respondent: State and local government jurisdictions with 100 or more employees.

Description of Affected Public: State and local governments excluding public elementary and secondary public school districts.

Number of Respondents: 5,128 [1].

Number of Responses: 12,197 [2].

Biennial Reporting Hours: 85,379.

Biennial Cost to Respondents: $1,646,107.12.

Federal Cost: $251,920.

Number of Forms: 1.

Form Number: EEOC FORM 164.

Abstract: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed, to preserve such records and to produce reports as the Commission prescribes by regulation or order. Accordingly, the EEOC issued regulations at 29 CFR 1602.32–1602.37 prescribing the reporting requirements for State and local governments. State and local governments with 100 or more employees have been required to submit EEO–4 reports since 1974 (biennially in odd-numbered years since 1993). The individual reports are confidential.

EEO–4 data are used by the EEOC to investigate charges of discrimination against state and local governments and to provide information on the employment status of minorities and women. The data are shared with several other Federal agencies. Pursuant to section 709(d) of Title VII of the Civil Rights Act of 1964, U.S.C. 2000e–8(d), as amended, EEO–4 data are shared with State and Local Fair Employment Practices Agencies (FEPAs). Aggregated data are also used by researchers and the general public.

Burden Statement: The EEOC has updated its methodology for calculating biennial burden to reflect the time spent by staff that are responsible for preparing and filing the EEO–4 report. Based upon its years of experience and interactions with EEO–4 filers, the EEOC now accounts for time to be spent biennially on EEO–4 reporting by human resources assistants. The estimated number of respondents included in the biennial estimate is 5,128 state and local government respondents, as this is the number of EEO–4 filers from the 2015 reporting cycle. These 5,128 filers submit an estimated 12,197 reports biennially. The estimated hour burden per report will be 7 hours; this estimate is supported by information on hour burden collected from a sample of both small and large EEO–4 filers. The estimated total biennial respondent burden hours will be 85,379 hours. Burden hour cost was calculated using median hourly wage rates for human resources assistants.[3] The burden hour cost per report will be $134.96, and the estimated total biennial burden hour cost will be $1,646,107.12. (See Table 1 below.)

TABLE 1—ESTIMATE OF BIENNIAL BURDEN FOR EEO–4 REPORT

State and local governments	Hourly wage rate	Hours per local govt. report	Burden hour cost per report [4]	Total burden hours [5]	Total burden hour cost [6]
Number of State and Local Government Respondents = 5,128				Number of Reports Submitted = 12,197	
Human resources assistants	$19.28	7	$134.96	85,379	$1,646,107.12
Total	$19.28	7	$134.96	85,379	$1,646,107.12

The cost estimates are based on the assumption that filers use online reporting. For the 2015 EEO–4 report, 85% of EEO–4 filers submitted their report via online reporting and 5% of EEO–4 reports were submitted using the data upload method. The remaining 10% of filers submitted reports via the paper method. The EEOC has made electronic filing much easier for employers required to file the EEO–4 Report. As a result, more jurisdictions are using this filing method. This development, along with the greater availability of human resource information software, is expected to have significantly reduced the actual burden of reporting.

Dated: January 25, 2018.

For the Commission.

Victoria A. Lipnic,

Acting Chair.

[FR Doc. 2018–02069 Filed 2–1–18; 8:45 am]

BILLING CODE 6570–01–P

[1] This number represents the total number of state and local government respondents from the most recent reporting cycle in 2015.

[2] This number represents the total number of reports filed during the 2015 reporting cycle; it is larger than the number of respondents due to the requirement for some state and local governments to file separate reports by function.

[3] The rate of $19.28 per hour is based on the mean hourly pay rate of human resources assistants (Occupational Employment Statistics, Occupational Employment and Wages, May 2016, 43–4161 Human Resources Assistants, Except Payroll and Timekeeping, *http://www.bls.gov/oes/current/oes434161.htm,* U.S. Bureau of Labor Statistics, Division of Occupational Employment Statistics).

[4] The figures in this column were calculated by multiplying the hourly wage rate by the hours per report (7).

[5] The figures in this column were calculated by multiplying the hours per report by 12,197, the total number of responses.

[6] The figures in this column were calculated by multiplying the burden hour cost per report by 12,197, the total number of responses.

FEDERAL COMMUNICATIONS COMMISSION

[DA 18–65]

Consumer Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission announces the next meeting date, time, and agenda of its Consumer Advisory Committee (hereinafter the ''Committee''). The mission of the Committee is to make recommendations to the Commission regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including underserved populations, such as Native Americans, persons living in rural areas, older persons, people with disabilities, and persons for whom English is not their primary language) in proceedings before the Commission.

DATES: February 26, 2018, 9:00 a.m. to 3:00 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Commission Meeting Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Designated Federal Officer of the Committee, (202) 418–2809 (voice or Relay); email *Scott.Marshall@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document DA 18–65, released January 25, 2018, announcing the Agenda, Date, and Time of the Committee's Next Meeting.

Meeting Agenda

At its February 26, 2018 meeting, the Committee is expected to consider a recommendation from its Robocalls Working Group regarding call authentication. The Committee will also receive briefings from Commission staff on issues of interest to the Committee.

A limited amount of time will be available for comments from the public. If time permits, the public may ask questions of presenters via the email address *livequestions@fcc.gov* or via Twitter using the hashtag #fcclive. The public may also follow the meeting on Twitter @fcc or via the Commission's Facebook page at *www.facebook.com/fcc.* Alternatively, members of the public may send written comments to: Scott Marshall, Designated Federal Officer of the Committee, at the address provided above.

The meeting is open to the public and the site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, assistive listening devices, and Braille copies of the agenda and committee roster will be provided on site. Meetings of the Committee are also broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live/.* Other reasonable accommodations for people with disabilities are available upon request. The request should include a detailed description of the accommodation needed and contact information. Please provide as much advance notice as possible; last minute requests will be accepted, but may not be possible to fill. To request an accommodation, send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Federal Communications Commission.

Gregory Haledjian,

Legal Advisor, Consumer and Governmental Affairs Bureau.

[FR Doc. 2018–02091 Filed 2–1–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate the Receivership of 10073, The Elizabeth State Bank, Elizabeth, Illinois

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver) as Receiver for The Elizabeth State Bank, Elizabeth, Illinois, intends to terminate its receivership for said institution. The FDIC was appointed Receiver of The Elizabeth State Bank on July 2, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201. No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: January 30, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–02079 Filed 2–1–18; 8:45 am]

BILLING CODE 6714–01–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 March 1, 2018.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *SBH Manager, LLC, and Susser Bank Holdings, LLC, both of Corpus Christi, Texas;* to become bank holding companies by acquiring up to 65.9 percent of the voting shares of BancAffiliated, Inc., Arlington, Texas, and thereby indirectly acquire, Affiliated Bank, National Association, Arlington, Texas.

Board of Governors of the Federal Reserve System, January 30, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–02123 Filed 2–1–18; 8:45 am]

BILLING CODE 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 23, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *The Lloyd A. Amundson 1999 Generational Trust, Sioux Falls, South Dakota, Trustees, Angela R. Mixner, Worthington, Minnesota & Matt W. Amundson, Hendricks, Minnesota; the Barbara A. Amundson 1999 Generational Trust, Sioux Falls, South Dakota, Trustees, Angela R. Mixner and Matt W. Amundson; and Jane A. Harberts, Rochester, Minnesota;* to retain or acquire shares of First Sleepy Eye Bancorporation, Inc., Sioux Falls, South Dakota, and thereby acquire/retain shares of First Security Bank of Sleepy Eye, Sleepy Eye, Minnesota, and First Security Bank of Canby, Canby, Minnesota.

In addition, *Philip G. Amundson, Sheridan, Wyoming, Krista B. Ryan, Byron, Minnesota; the B.A. Amundson Generational Trust fbo-Jane A. Harberts, Sioux Falls, South Dakota, Trustees, Jane A. Harberts and Krista B. Ryan; and the B.A. Amundson Generational Trust fbo-Philip G. Amundson, Sioux Falls, South Dakota, Trustees, Angela R. Mixner and Matt W. Amundson,* acting in concert, have applied to acquire shares of First Sleepy Eye Bancorporation, Inc.

Board of Governors of the Federal Reserve System, January 30, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–02122 Filed 2–1–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–18FJ; Docket No. CDC–2018–0011]

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 *Evaluation of the Chronic Disease Self-Management in the US Affiliated Pacific Islands.* This project will assess participant satisfaction, health behavior, and overall health before and after a six-week Chronic Disease Self-Management workshop.

DATES: CDC must receive written comments on or before April 3, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–00011 by any of the following methods:

- *Federal eRulemaking Portal: 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.*

Please note: Submit all comments through the Federal eRulemaking portal (*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

Evaluation of the Chronic Disease Self-Management Program in the US Affiliated Pacific Islands—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NCCDPHP plans to evaluate the first ever implementation of Stanford University's Chronic Disease Self-Management Program (CDSMP) in the US Affiliated Pacific Islands (USAPIs). These jurisdictions include American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

The purpose of the evaluation is to understand how CDSMP is being implemented in the region, to identify barriers and facilitators to implementation, to monitor fidelity to Stanford University's model and document adaptations to the curriculum, and to understand the self-reported effects of the program on program participants.

Evaluating the implementation of CDSMP in the Pacific is important because there is a lack of evidence-based chronic disease prevention and management programs in the USAPIs. CDSMP has proven to improve health outcomes in many ethnic groups within the United States, however, we are unsure whether the same health outcomes will be achieved within the USAPIs. The data collected for this evaluation will help the CDC assess the effect of CDSMP on health outcomes in

the USAPIs and to understand whether the CDSMP curriculum needs to be adapted to meet the cultural needs of the USAPIs and if it is feasible to expand the CDSMP program in the USAPIs.

In this evaluation, program participants (people who are enrolled in six-week CDSMP workshops) will be asked to fill out the following voluntary surveys:

• *Chronic Disease Self-Management Workshop Evaluation Form:* This is a survey to assess program participant satisfaction with CDSMP. The survey will be administered once at the end of the six-week CDSMP workshop.

• *Chronic Disease Self-Management Questionnaire:* This is a pre- and post-test for program participants to assess chronic disease related symptoms and health behaviors before CDSMP and at the end of the six-week workshop. The survey will be administered once at the start of the six-week workshop and once at the end of the six-week workshop. The pre-test surveys and the post-test survey results will be compared.

Program participants will voluntarily complete three surveys over the course of the six-week CDSMP workshop. We anticipate collecting surveys over a three-year period, or 36 months.

The CDC will provide CDSMP leaders in the USAPIs with surveys. CDSMP leaders will administer the voluntary paper-based surveys to participants during the workshops, collect the surveys, and submit the surveys to the CDC.

CDSMP leaders will store surveys in a locked cabinet only accessible to them. They will scan the survey in a secure location on a dedicated server only accessible to the CDSMP leader. The server will have a firewall. CDSMP leaders will encrypt and submit electronic copies of the survey to the CDC.

CDC will maintain the surveys and abstracted data in secure location on a dedicated server only accessible by the evaluation staff, the program coordinator, and the program assistant. The server will have a firewall. Data will be aggregated and the aggregated data will be used and shared with stakeholders.

Data will not be collected from participants electronically because computers and other electronic data collection methods will not be available at the six-week workshops.

The information collection will involve approximately 190 respondents for a total cost of $19,501. The estimated cost to participants is $570. There are a total of three responses, or three surveys, per respondent. Each response will take 10 minutes to complete. The estimated time burden is 95 hours. We do not anticipate capital and start-up costs to respondents and record keepers. We expect an operation and maintenance cost for record keepers, who will print surveys and provide pens for program participants to fill out the survey, which will cost $11.40 for paper and $25 for pens.

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)
Program Participant	Chronic Disease Self-Management Workshop Evaluation.	190	1	10/60	32
Program Participant	Chronic Disease Self-Management Questionnaire (Pre-Post Test).	190	2	10/60	63
Total					95

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. 2018–02134 Filed 2–1–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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.

Proposed Project: Networking Suicide Prevention Hotlines—Evaluation of Imminent Risk (OMB No. 0930–0333)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services (CMHS) funds a National Suicide Prevention Lifeline Network (''Lifeline''), consisting of a toll–free telephone number that routes calls from anywhere in the United States to a network of local crisis centers. In turn, the local centers link callers to local emergency, mental health, and social service resources. This project is a revision of the Evaluation of Imminent Risk and builds on previously approved data collection activities [Evaluation of Networking Suicide Prevention Hotlines Follow–Up Assessment (OMB No. 0930–0274) and Call Monitoring of National Suicide Prevention Lifeline Form (OMB No. 0930–0275)]. The extension data collection is an effort to advance the understanding of crisis hotline utilization and its impact.

The overarching purpose of the proposed Evaluation of Imminent Risk data collection is to evaluate hotline counselors' management of imminent risk callers and third party callers concerned about persons at imminent risk, assess counselor adherence to the *Lifeline Policies and Guidelines for Helping Callers at Imminent Risk of Suicide,* and identify the types of interventions implemented with imminent risk callers. Specifically, the Evaluation of Imminent Risk will collect data, using the Imminent Risk Form-Revised, to inform the network's knowledge of the extent to which counselors are aware of and being guided by Lifeline's imminent risk guidelines; counselors' definitions of imminent risk; the rates of active rescue of imminent risk callers; the types of rescue and non-rescue interventions used; barriers to intervention; and the circumstances in which active rescue is initiated, including the caller's agreement to receive the intervention. To capture differences across centers, the form also collects information on counselors' employment status and hours worked/volunteered, level of education, license status, training status, source of safety planning protocols, and responsibility for follow up.

Clearance is being requested for *one activity* to assess the knowledge, actions, and practices of counselors to aid callers who are determined to be at imminent risk for suicide and who may require active rescue. This evaluation will allow researchers to examine and understand the actions taken by counselors to aid imminent risk callers, the need for active rescue, the types of interventions used, and, ultimately, improve the delivery of crisis hotline services to imminent risk callers. A total of seven centers will participate in this evaluation. Thus, SAMHSA is requesting OMB review and approval of the Imminent Risk Form-Revised.

Crisis counselors at seven participating centers will record information discussed with imminent risk callers on the Imminent Risk Form-Revised, which does not require direct data collection from callers. As with previously approved evaluations, callers will maintain anonymity. Participating counselors will be asked to complete the form for 100% of their imminent risk calls. At centers with high call volumes, data collection may be limited to designated shifts. This form requests information in 15 content areas, each with multiple sub-items and response options. Response options include open-ended, yes/no, Likert-type ratings, and multiple choice/check all that apply. The form also requests demographic information on the caller, the identification of the center and counselor submitting the form, and the date of the call. Specifically, the form is divided into the following sections: (1) Counselor information, (2) center information, (3) call characteristics (*e.g.,* line called, language spoken, participation of third party), (4) suicidal desire, (5) suicidal intent, (6) suicidal capability, (7) buffers to suicide, (8) interventions agreed to by caller or implemented by counselor without caller's consent, (9) whether imminent risk was reduced enough such that active rescue was not needed, (10) interventions for third party callers calling about a person at imminent risk, (11) whether supervisory consultation occurred during or after the call, (12) barriers to getting needed help to the person at imminent risk, (13) steps taken to confirm whether emergency contact was made with person at risk, (14) outcome of attempts to rescue person at risk, and (15) outcome of attempts to follow-up on the case. The form also includes an Additional Counselor Training section that counselors complete only when applicable. This section includes one new question specifically related to the use of the Lifeline Simulation Training System. The form will take approximately 15 minutes to complete and will be completed by the counselor after the call. It is expected that a total of 440 forms will be completed by 116 counselors over the two-year data collection period.

The estimated response burden to collect this information is annualized over the requested two-year clearance period and is presented below:

TOTAL AND ANNUALIZED BURDEN: RESPONDENTS, RESPONSES AND HOURS

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total burden hours
National Suicide Prevention Lifeline—Imminent Risk Form-Revised	116	1.9	220	.26	57

Send comments to Summer King, SAMHSA Reports Clearance Officer, SAMHSA, 5600 Fishers Lane, Room 15E57B, Rockville, MD 20857 *OR* email a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by April 3, 2018.

Summer King,

Statistician.

[FR Doc. 2018–02107 Filed 2–1–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2017–N164; 91100–3740–GRNT 7C]

Announcement of Public Meeting via Teleconference; North American Wetlands Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting/teleconference.

SUMMARY: The North American Wetlands Conservation Council will meet via teleconference to select U.S. small grant proposals for reporting to the Migratory Bird Conservation Commission under the North American Wetlands Conservation Act. This teleconference is open to the public, and interested persons may present oral or written statements.

DATES:

Teleconference: The teleconference is scheduled for February 22, 2018, at 2 p.m. Eastern Standard Time.

Participation: Contact the Council Coordinator for the call-in information (see **FOR FURTHER INFORMATION CONTACT**) no later than February 14, 2018.

Presenting Information During the Teleconference: If you are interested in presenting information, contact the Council Coordinator no later than February 14, 2018.

Submitting Information: To submit written information or questions before the Council meeting for consideration during the meeting, contact the Council

Coordinator no later than February 14, 2018.

FOR FURTHER INFORMATION CONTACT: Sarah Mott, Council Coordinator, by phone at 703–358–1784; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 5275 Leesburg Pike MS: MB, Falls Church, VA 22041. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 during normal business hours. Also, FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

About the Council

In accordance with the North American Wetlands Conservation Act (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended; NAWCA), the State-private-Federal North American Wetlands Conservation Council (Council) meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Migratory Bird Conservation Commission (Commission).

North American Wetlands Conservation Act Grants

NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA website at *www.fws.gov/birds/grants/north-american-wetland-conservation-act.php.*

Public Input

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions to be considered during the teleconference. If you wish to submit a written statement so information may be made available to the Council for their consideration prior to the teleconference, you must contact the Council Coordinator by the date in **DATES**. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation during the teleconference will be limited to 2 minutes per speaker, with no more than a total of 10 minutes for all speakers. Interested parties should contact the Council Coordinator by the date in **DATES**, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list. Nonregistered public speakers will not be considered during the meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the teleconference.

Meeting Minutes

Summary minutes of the Council teleconference will be maintained by the Council Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Teleconference meeting notes will be available by contacting the Council Coordinator within 30 days following the teleconference. Personal copies may be purchased for the cost of duplication.

Dated: January 26, 2018.

Michael J. Johnson,

Acting Assistant Director, Migratory Birds.

[FR Doc. 2018–02113 Filed 2–1–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXXD5198NI DS61100000 DNINR0000.000000 DX61104]

Exxon Valdez Oil Spill Public Advisory Committee; Call for Nominations

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: The *Exxon Valdez* Oil Spill Trustee Council is soliciting nominations for the Public Advisory Committee to fill a membership vacancy that represents conservation and environmental interests. The Public Advisory Committee advises the Trustee Council on decisions related to the planning, evaluation, funds allocation, and conduct of injury assessment and restoration activities related to the T/V *Exxon Valdez* oil spill of March 1989. The Secretary of the Interior will select a Public Advisory Committee member to fill the vacancy and serve the remainder of a term which will end on December 2, 2018.

DATES: All nominations must be received by March 5, 2018.

ADDRESSES: A complete nomination package should be submitted by hard copy to Elise Hsieh, Executive Director, *Exxon Valdez* Oil Spill Trustee Council, 4230 University Drive, Suite 220, Anchorage, Alaska 99508–4650, or via email at *elise.hsieh@alaska.gov.*

FOR FURTHER INFORMATION CONTACT: Questions should be directed to Cherri Womac, *Exxon Valdez* Oil Spill Trustee Council, 4230 University Drive, Suite 220, Anchorage, Alaska 99508–4650, 907–278–8012 or 800–478–7745 or via email at *cherri.womac@alaska.gov;* or Philip Johnson, Designated Federal Officer, U.S. Department of the Interior, Office of Environmental Policy and Compliance, 1689 C Street, Suite 119, Anchorage, Alaska 99501–5126, 907–271–5011.

SUPPLEMENTARY INFORMATION: The *Exxon Valdez* Oil Spill Public Advisory Committee was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV. The Public Advisory Committee was created to advise the Trustee Council on matters relating to decisions on injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the government.

The Trustee Council consists of representatives of the U.S. Department of the Interior, U.S. Department of Agriculture, National Oceanic and Atmospheric Administration, Alaska Department of Fish and Game, Alaska Department of Environmental Conservation, and Alaska Department of Law. Appointment to the Public Advisory Council will be made by the Secretary of the Interior.

The Public Advisory Committee consists of 10 members to reflect balanced representation from each of the following principal interests: Aquaculture/mariculture, commercial tourism, conservation/environmental, recreation, subsistence use, commercial fishing, public-at-large, native landownership, sport hunting/fishing, and science/technology. As stated above, the only vacancy at this time is for the conservationist/environmentalist.

Nominations for membership may be submitted by any source. Nominations should include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Public Advisory Committee and permit the Department of the Interior to contact a potential member.

Individuals who are federally registered lobbyists are ineligible to serve on all FACA and non-FACA boards, committees, or councils in an individual capacity. The term ''individual capacity'' refers to individuals who are appointed to exercise their own individual best judgment on behalf of the government, such as when they are designated Special Government Employees, rather than being appointed to represent a particular interest.

Public availability of comments. Before including your address, phone number, email address, or other personal identifying information in your nomination/comment, you should be aware that your entire nomination/comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your nomination/comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2

Michaela E. Noble,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2018–02138 Filed 2–1–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA930000 L13400000.XM0000.18XL1109AF]

Notice of Intent To Amend the California Desert Conservation Area, Bakersfield, and Bishop Resource Management Plans and Prepare Associated Environmental Impact Statements or Environmental Assessments

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: On September 14, 2016, the Bureau of Land Management (BLM) issued the Record of Decision (ROD) for the Desert Renewable Energy Conservation Plan Land Use Plan Amendment (DRECP), which amended the California Desert Conservation Area (CDCA) Plan, Bishop Resource Management Plan (RMP), and the Bakersfield RMP in the Mojave and Colorado/Sonoran Desert regions of southern California. On March 28, 2017, the President issued Executive Order 13783, ''Promoting Energy Independence and Economic Growth,'' which directs all Federal agencies to review all actions that could ''potentially burden the development or use of domestically produced energy resources.'' To facilitate the BLM's review of the DRECP, including potential burdens on domestic renewable energy production in California, the BLM, by this notice, is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the potential plan amendments and associated National Environmental Policy Act (NEPA) documents. Comments on issues may be submitted in writing until March 19, 2018. The dates and locations of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers and the BLM website at *www.blm.gov/california/drecp.* In order to be included in the analysis, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft Plan Amendment and NEPA document.

ADDRESSES: You may submit comments on issues and planning criteria to the BLM-California State Director, 2800 Cottage Way, Rm W–1623, Sacramento, CA 95825 or electronically to *BLM_CA_DRECP@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Jeremiah Karuzas, Renewable Energy Lead, 916–978–4644, 2800 Cottage Way, Rm W–1623, Sacramento, CA 95825; email: *jkaruzas@blm.gov.* Documents relevant to this planning process can be found at the above address. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to reach the BLM contact person. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On July 29, 2011, the BLM and the Fish and Wildlife Service initiated a process to jointly prepare an Environmental Impact Statement (EIS) under the NEPA for the DRECP. After the BLM prepared an EIS, on September 14, 2016, it issued a DRECP ROD that amended the CDCA Plan, Bishop RMP, and Bakersfield RMP in the Mojave and Colorado/Sonoran Desert regions of southern California. The DRECP Planning Area covered approximately 22,587,000 acres of both Federal and non-Federal land—including portions of seven counties (Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego). The BLM manages approximately 10.8 million acres of the DRECP planning area.

The BLM's DRECP makes available just over 800,000 acres (7%) of the 10.8 million acres of land potentially available for renewable energy development, of which 388,000 acres (4%) were designated as Development Focus Areas, considered to be areas with substantial renewable energy potential and low resource conflict. The ROD allocated a total of 6.5 million acres (60%) as conservation areas, to include California Desert National Conservation Lands, Areas of Critical Environmental Concern, wildlife allocations, and National Scenic and Historic Trail corridors—which limit or are closed to renewable energy. The ROD also designated a little over 3.5 million acres (33%) as Special Recreation Management Areas and Extensive Recreation Management Areas—which the ROD states are also generally closed to renewable energy.

As a result of concerns voiced by multiple parties throughout the public comment periods of the DRECP planning process, the BLM seeks additional comment on the DRECP ROD, including the renewable energy and conservation designations made through that decision. In 2008, Governor Schwarzenegger signed an executive order that required that 33 percent of California's energy production be via renewable energy in 2020. In October 2015, Governor Edmund G. Brown, Jr. signed into law a measure which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable energy resources by 2030. And, on March 28, 2017, the President issued Executive Order 13783, ''Promoting Energy Independence and Economic Growth,'' which directs all Federal agencies to review all actions that could ''potentially burden the development or use of domestically produced energy resources.'' In recognition of these goals and direction, BLM seeks comment on the potential impacts that land use

designations contained in the amended RMPs will have on commercial-scale renewable energy projects, including wind, solar and geothermal. In particular, the BLM seeks comment on the Areas of Critical Environmental Concern that were designated, including where private lands lie within the external boundaries of such designations, as well as comments on increasing opportunities for increased renewable energy development, recreational and off-highway vehicle (OHV) access, mining access, and grazing.

Finally, on January 8, 2018, the President signed an Executive Order on Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America, which directs Federal agencies: ''. . . to reduce barriers to capital investment, remove obstacles to broadband services, and more efficiently employ Government resources'' in order to foster rural broadband infrastructure projects. Therefore, the BLM also seeks comment on the impact that land use designations, land disturbance limits (or ''caps''), and visual management classifications contained in the amended RMPs may have on the deployment of future communications infrastructure.

You may submit comments in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using the method listed in the **ADDRESSES** section. To be most helpful, you should submit comments by the close of the 45-day scoping period or within 15 days after the last public meeting, whichever is later.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public involvement process under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

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.

The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment;

2. Issues to be resolved through policy or administrative action; or

3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the Draft Plan Amendment and NEPA document as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns. The BLM will use an interdisciplinary approach to develop the plan amendment in order to consider the variety of resource issues and concerns identified.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2.

Jerome E. Perez,

California State Director.

[FR Doc. 2018–02098 Filed 2–1–18; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–581 and 731–TA–1374–1376 (Final)]

Citric Acid and Certain Citrate Salts From Belgium, Colombia, and Thailand; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–581 and 731–TA–1374–1376 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of citric acid and certain citrate salts from Belgium, Colombia, and Thailand, provided for in subheadings 2918.14.00, 2918.15.10, 2918.15.50, 3824.99.92, and 3824.99.92 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce to be subsidized and sold at less-than-fair-value.

DATES: January 8, 2018.

FOR FURTHER INFORMATION CONTACT: Amelia Shister (202–205–2047), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, the Department of Commerce has defined the subject merchandise as ''all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate.

The scope includes the hydrous and anhydrous forms of citric acid, the dehydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.'' [1]

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Belgium, Colombia, and Thailand of citric acid and certain citrate salts, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on June 2, 2017, by Archer Daniels Midland Company, Decatur, Illinois; Cargill, Incorporated, Minneapolis, Minnesota; and Tate & Lyle Ingredients Americas, LLC, Hoffman Estates, Illinois.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Although the Department of Commerce has preliminarily determined that imports of citric acid and certain citrate salts from Thailand are not being and are not likely to be subsidized by the government not Thailand, for purposes of efficiency the Commission hereby waives rule 207.21(b) [2] so that the final phase of the investigation may proceed concurrently in the event that Commerce makes a final affirmative determination with respect to such imports.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on April 30, 2018, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Monday, May 14, 2018, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 8, 2018. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on May 11, 2018, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is May 7, 2018. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 21, 2018. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before May 21, 2018. On June 13, 2018, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 15, 2018, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the

[1] For a complete presentation of Commerce's scope, see *Citric Acid and Certain Citrate Salts From Belgium: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 787, January 8, 2018; *Citric Acid and Certain Citrate Salts From Colombia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Critical Circumstances Determination Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 791, January 8, 2018; and *Citric Acid and Certain Citrate Salts From Thailand: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Critical Circumstances Determination, in Part, and Postponement of Final Determination and Extension of Provisional Measures,* 83 FR 784, January 8, 2018.

[2] Section 207.21(b) of the Commission's rules provides that, where the Department of Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.
Issued: January 29, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–02073 Filed 2–1–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0016]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments 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 to Currently Approved Collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees of the Transitional Housing Assistance Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0016. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 120 grantees of the Transitional Housing Assistance Grant Program (Transitional Housing Program) whose eligibility is determined by statute. This discretionary grant program provides transitional housing, short-term housing assistance, and related support services for individuals who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence, dating violence, sexual assault, or stalking, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Eligible applicants are States, units of local government, Indian tribal governments, and other organizations, including domestic violence and sexual assault victim services providers, domestic violence or sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 120 respondents (grantees) approximately one hour to complete the Semi-Annual Progress Report. The semi-annual progress report is divided into sections that pertain to the different types of activities that grantees may engage in and the different types of grantees that receive funds. A Transitional Housing Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 240 hours, that is 120 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: January 30, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–02081 Filed 2–1–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0007]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this

notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments 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 of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees of the Legal Assistance for Victims Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0007. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 200 grantees of the Legal Assistance for Victims Grant Program (LAV Program) whose eligibility is determined by statute. In 1998, Congress appropriated funding to provide civil legal assistance to domestic violence victims through a set-aside under the Grants to Combat Violence Against Women, Public Law 105–277. In the Violence Against Women Act of 2000 and again in 2005, Congress statutorily authorized the LAV Program. 34 U.S.C. 20121. The LAV Program is intended to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence. The LAV Program awards grants to law school legal clinics, legal aid or legal services programs, domestic violence victims' shelters, bar associations, sexual assault programs, private nonprofit entities, and Indian tribal governments. These grants are for providing direct legal services to victims of domestic violence, sexual assault, and stalking in matters arising from the abuse or violence and for providing enhanced training for lawyers representing these victims. The goal of the Program is to develop innovative, collaborative projects that provide quality representation to victims of domestic violence, sexual assault, and stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 200 respondents (LAV Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities that grantees may engage in and the different types of grantees that receive funds. An LAV Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 400 hours, that is 200 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: January 30, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–02080 Filed 2–1–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act, CERCLA and EPCRA

On January 29, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of California in the lawsuit entitled *United States* v. *Gibson Wine Co.,* Civil Action No. 1:15–cv–01900–AWI–SKO.

This case involves claims for alleged violations of Sections 112(r)(1) and 112(r)(7) of the Clean Air Act (''CAA''), 42 U.S.C. 7412(r)(1), (7), Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9603 (''CERCLA''), and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. 11004 (''EPCRA''), with respect to Gibson's winemaking facility (''Facility'') located in Sanger, California. The complaint sought injunctive relief and civil penalties stemming from the 2012 accidental release of anhydrous ammonia from the Facility's refrigeration system that resulted in the death of a worker. The settlement involves a civil penalty payment of $330,000, a reconfiguration of portions of the refrigeration process to reduce the risk of worker exposure in the event of an ammonia release, an upgrade to the refrigeration system from manual controls to a centralized computer control system programmed with automated warnings and shut-downs in the event of a release, and other injunctive relief geared towards reducing the risk of further releases at the Facility.

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* v. *Gibson Wine Co.,* D.J. Ref. No. 90–11–3–11058. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the 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 $11.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–02041 Filed 2–1–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Trade Adjustment Assistance Community College and Career Training Grant Program Reporting Requirements

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration is soliciting comments concerning a proposed extension for the authority to conduct the Information Collection Request (ICR) titled, ''Trade Adjustment Assistance Community College and Career Training Grant Program Reporting Requirements.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by April 3, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Kristen Milstead by telephone at 202–693–3949, TTY 1–877–889–5627, (these are not toll-free numbers) or by email at *taaccct@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Division of Strategic Investments, Trade Adjustment Assistance Community College and Career Training Grant Program, 200 Constitution Avenue NW, Room, C–4518, Washington, DC 20210; by email: *taaccct@dol.gov;* or by Fax 202–693–3890.

FOR FURTHER INFORMATION CONTACT: Kristen Milstead by telephone at 202–693–3949 (this is not a toll-free number) or by email at *taaccct@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

ETA requires grantees to submit Quarterly Narrative Progress Reports with a narrative summary of the capacity building progress as identified by the grantee in their project work plan. Every fourth quarter, grantees submit an Annual Performance Report with standardized outcome measures that will include aggregate data for program participants for the following ten outcome measures: Unique participants served/enrolled; total number of participants who have completed a grant-funded program of study; total number still retained in their programs of study; total number retained in other education programs; total number of credit hours completed; total number of earned credentials; total number pursuing further education after program of study completion; total number employed after program of study completion; total number retained in employment after program of study completion; and the total number of those employed at enrollment who receive a wage increase post-enrollment.

These reports help ETA gauge the effects of the TAACCCT grants, respond to inquiries about the progress and successes of the TAACCCT grants from Congress and other stakeholders, identify grantees that could serve as useful models, target technical assistance appropriately, and provide data for the national evaluation of the TAACCCT grants. ETA is seeking an extension for the collection of the final Annual Performance Report and the final Quarterly Narrative Progress Report from the fourth and final round of grants. Section 1872 of the Trade and Globalization Adjustment Assistance Act of 2009 (Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009, Pub. L. 111–5) (19 U.S.C 2372a), as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB 1205–0489.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Trade Adjustment Assistance Community College and Career Training Grant Reporting Requirements.

Form: ETA 9159 and 9160.

OMB Control Number: 1205–0489.

Affected Public: Private sector, not for profit.

Estimated Number of Respondents: 71 grantees.

Frequency: Quarterly.

Total Estimated Annual Responses: 173,494.

Estimated Average Time per Response: 16 hours.

Estimated Total Annual Burden Hours: 11,011 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Rosemary Lahasky,

Deputy Assistant Secretary, Employment and Training Administrations.

[FR Doc. 2018–02048 Filed 2–1–18; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before March 5, 2018.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2017–041–C.

Petitioner: Rosebud Mining Company, 301 Market Street, Kittanning, Pennsylvania 16201.

Mines: Cresson Mine, MSHA I.D. No. 36–09308 and Madison Mine, MSHA I.D. No. 36–09127, located in Cambria County, Pennsylvania; Barret Mine, MSHA I.D. No. 36–09342, Knob Creek Mine, MSHA I.D. No. 36–09394, Heilwood Mine, MSHA I.D. No. 36–09407, Brush Valley Mine, MSHA I.D. No. 36–09437, Lowry Mine, MSHA I.D. No. 36–09287, Coral-Graceton Mine, MSHA I.D. No. 36–09595 and Crooked Creek Mine, MSHA I.D. No. 36–09972, located in Indiana County, Pennsylvania; Tusky Mine, MSHA I.D. No. 33–04509, located in Tuscarawas County, Ohio; Penfield Mine, MSHA I.D. No. 36–09355 and Harmony Mine, MSHA I.D. No. 36–09477, located in Clearfield County, Pennsylvania; Bergholz 7 Mine, MSHA I.D. No. 33–04565, located in Jefferson County, Ohio; Mine 78, MSHA ID No. 36–09371, located in Somerset County, Pennsylvania; Vail Mine, MSHA I.D. No. 33–04645, located in Harrison County, Ohio; Darmac Mine, MSHA I.D. No. 36–08135, Dutch Run Mine, MSHA I.D. No. 36–08701, Parkwood Mine, MSHA I.D. No. 36–08785, Logansport Mine, MSHA I.D. No. 36–08841 and Long Run Mine, MSHA I.D. No. 36–09468, located in Armstrong County, Pennsylvania; Kocjancic Mine, MSHA I.D. No. 36–09436, located in Jefferson County, Pennsylvania;

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of Dell Laptop Computers or equivalent to maintain and troubleshoot the continuous miner proximity detection system in or inby the last open crosscut.

The petitioner states that:

(1) The laptops are required to troubleshoot and perform diagnostic tests on the proximity detection systems utilized by the continuous mining machines.

(2) Problems with the proximity detection system on continuous mining machines requiring repair with a nonpermissible diagnostic laptop computer will occur in the last open crosscut.

(3) The proposed petition will apply to nonpermissible Dell Laptop computers with 11.4v Li-ion rechargeable batteries and/or similar low-voltage or battery powered nonpermissible computers (diagnostic computer).

(4) The diagnostic computer will be utilized as long as equivalent permissible equipment is not available.

(5) Prior to use of the diagnostic computer, it will be inspected by a qualified person as specified in 30 CFR 75.153. The qualified person will examine the diagnostic computer to ensure that it is being maintained in safe operating condition. The examination result will be recorded in the weekly examination of electrical equipment book and will be made available to authorized representatives of the Secretary and the miners at the mine.

(6) A qualified person as defined in existing 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of diagnostic computers in or inby the last open crosscut.

(7) The diagnostic computer will not be used if methane is detected in

concentrations at or above 1.0 percent. When 1.0 percent methane is detected, the diagnostic computer will be deenergized immediately and withdrawn outby the last open crosscut.

(8) Except for the time necessary to troubleshoot under actual mining conditions, coal production in the section will cease. However, coal may remain in the equipment in order to test and diagnose the equipment under ''load''.

(9) The diagnostic computer will not be used to test equipment until a visual inspection of the area is completed to determine that the area is in compliance with 30 CFR 75.403.

(10) Personnel engaged in the use of the diagnostic computer will be properly trained to recognize the hazards and limitations associated with such diagnostic computer.

(11) Within 60 days after the proposed decision and order become final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager to ensure that the miners are aware of the stipulations contained in this petition. The procedure as required in 30 CFR 48.3 for approval of proposed revisions to already approved training plans will apply.

The petitioner asserts that the proposed alternative will provide a level of safety equal to or greater than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2017–042–C.

Petitioner: Cumberland Contura, LLC, Three Gateway Center, 401 Liberty Avenue, Suite 1500, Pittsburgh, Pennsylvania 15222–1000.

Mine: Cumberland Mine, MSHA I.D. No. 36–05018, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance), 18.35(a)(5)(i) (Portable (trailing) cables and cords).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance with respect to the length of cables identified in Schedule 2G 18.35.

The petitioner states that:

(1) This petition will apply only to trailing cables that supply 995-volt, three-phase, alternating current to continuous mining machine(s) and trailing cables that supply 575 volt, three phase, alternating current to loading machines, roof bolting machines, shuttle cars, and section ventilation fans. The trailing cables will have 90 °C insulation rating.

(2) Extended length trailing cable used on shuttle cars will be three conductor round cable either Type G–GC, Type G, or Type G+GC. When a Type G–GC or Type G+GC round cable is used with wireless ground wire monitoring, the ground-check conductor will be connected as a ground conductor.

(3) The maximum length of continuous mining machines, loaders, shuttle cars, roof bolters, and ventilation fan trailing cables will not exceed 1,000 feet.

(4) The trailing cable for the 995-volt continuous mining machines will not be smaller than a No. 2 American Wire Gauge (AWG).

(5) The trailing cables for the 575-volt loading machines will not be smaller than No. 2 AWG.

(6) The trailing cables for the 575-volt roof bolters, shuttle cars, and ventilation fans will not be smaller than No. 4 AWG.

(7) All circuit breakers used to protect No. 4 AWG trailing cables exceeding 600 feet in length will have instantaneous trip units calibrated to trip at 500 amperes. The trip setting of these circuit breakers will be sealed and will have permanent, legible labels. The label will identify the circuit breaker as being suitable for protecting No. 4 AWG cables and will be maintained.

(8) Replacement circuit breakers and/or instantaneous trip units used to protect No. 4 AWG trailing cables will be calibrated to trip at 500 amperes and this setting will be sealed.

(9) All circuit breakers used to protect No. 3 AWG trailing cables exceeding 700 feet in length will have instantaneous trip units calibrated to trip at 600 amperes. The trip setting of these circuit breakers will be sealed and will have permanent, legible labels. The label will identify the circuit breaker as being suitable for protecting No. 3 AWG cables and will be maintained.

(10) Replacement circuit breakers and/or instantaneous trip units, used to protect No. 3 AWG trailing cables will be calibrated to trip at 600 amperes and this setting will be sealed.

(11) All circuit breakers used to protect No. 1 AWG trailing cables exceeding 750 feet in length will have instantaneous trip units calibrated to trip at 1,000 amperes. The trip setting of these circuit breakers will be sealed and will have permanent, legible labels. The label will identify the circuit breaker as being suitable for protecting No. 1 AWG cables and will be maintained.

(12) Replacement circuit breakers and/or instantaneous trip units used to protect No. 1 AWG trailing cables will be calibrated to trip at 1,000 amperes and this setting will be sealed.

(13) All circuit breakers used to protect No. 1/0 AWG trailing cables exceeding 800 feet in length will have instantaneous trip units calibrated to trip at 1,250 amperes. The trip setting of these circuit breakers will be sealed and will have permanent, legible labels. The label will identify the circuit breakers as being suitable for protecting No. 1/0 AWG cables and will be maintained.

(14) Replacement circuit breakers and/or instantaneous trip units, used to protect No. 1/0 AWG trailing cables will be calibrated to trip at 1,250 amperes and this setting will be sealed.

(15) All circuit breakers used to protect No. 3 AWG trailing cables exceeding 900 feet in length will have instantaneous trip units calibrated to trip at 2,000 amperes. The trip setting of these circuit breakers will be sealed and will have permanent, legible labels. The label will identify the circuit breakers as being suitable for protecting No. 3 AWG cables and will be maintained.

(16) Replacement circuit breakers and/or instantaneous trip units, used to protect No. 3 AWG trailing cables will be calibrated to trip at 2,000 amperes and this setting will be sealed.

(17) All circuit breakers used to protect No. 2 AWG trailing cables exceeding 700 feet in length will have instantaneous trip units calibrated to trip at 800 amperes. The setting of these circuit breakers will be sealed and will have permanent, legible labels. The label will identify the circuit breaker as being suitable for protecting No. 2 AWG cables and will be maintained.

(18) Replacement circuit breakers and/or instantaneous trip units, used to protect No. 2 AWG trailing cables will be calibrated to trip at 800 amperes and this setting will be sealed.

(19) All circuit breakers used to protect No. 2/0 AWG trailing cables exceeding 850 feet in length will have instantaneous trip units calibrated to trip at 1,500 amperes. The setting of these circuit breakers will be sealed and will have permanent, legible labels. The label will identify the circuit breaker as being suitable for protecting No. 2/0 AWG cables and will be maintained.

(20) Replacement circuit breakers and/or instantaneous trip units used to protect No. 2/0 AWG trailing cables will be calibrated to trip at 1,500 amperes and this setting will be sealed.

(21) All components that provide short-circuit protection will have a sufficient interruption rating in accordance with the maximum calculated fault currents available.

(22) During each production day, persons designated by the operator will visually examine the trailing cables to ensure that the cables are in safe

operating condition and that the instantaneous settings of the specially calibrated breakers do not have seals removed or tampered with and that they do not exceed the stipulated settings.

(23) Any trailing cable that is not in safe operating condition will be removed from service immediately and repaired or replaced.

(24) Each splice or repair in the trailing cables to the continuous mining machines, loaders, shuttle cars, roof bolters, and ventilation fans will be made in a workmanlike manner and in accordance with the instructions of the manufacturer of splice and repair materials. The splice or repair will comply with 30 CFR 75.603 and 75.604 requirements. The outer jacket of each splice or repair will be vulcanized with flame-resistant material or made with material that has been accepted by MSHA as flame-resistant.

(25) Permanent warning labels will be installed and maintained on the cover(s) of the power center identifying the location of each sealed short-circuit protective device. These labels will warn miners not to change or alter these sealed short-circuit settings.

(26) In the event mining methods or operating procedures cause or contribute to the damage of any trailing cable, the cable will be removed from service immediately and repaired or replaced. Also, additional precautions will be taken to ensure that haulage roads and trailing cable storage areas are situated to minimize contact of the trailing cable with continuous mining machines, loading machines, shuttle cars, roof bolters, and ventilation fans. Moreover, trailing cable anchors on the cable reel equipment will be of the permanent type that minimizes the tensile forces on the trailing cables.

(27) Where the method of mining would require that trailing cables cross roadways or haulageways, the cables will be securely supported from the mine roof or a substantial bridge for equipment to pass over the cables will be used.

(28) Excessive cable will be stored behind the anchor(s) on equipment that use cable reels to prevent cable overheating.

(29) The petitioner's alternative method will not be implemented until all miners who have been designated to examine the integrity of seals, verify the short-circuit settings, and examine trailing cables for defects have received training.

(30) The equipment listed in this petition will comply with all other applicable requirements of the Federal Mine Safety and Health Act of 1977 and the applicable requirements of 30 CFR part 75.

(31) Within 60 days after the proposed decision and order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager for the area in which the mine is located. These proposed revisions will specify task training for miners designated to examine the trailing cables for safe operating condition and verify that the short-circuit settings of the circuit interrupting devices that protect the affected trailing cables do not exceed the settings specified in this petition. The training will include the following:

(a) The hazards of setting the circuit interrupting devices too high to adequately protect the trailing cables.

(b) How to verify that the circuit interrupting devices protecting the trailing cables are properly set and maintained.

(c) Mining and operating procedures that will protect the trailing cables against damage.

(d) How to protect the trailing cables against damage caused by overheating cables due to excessive cable stored on cable reel(s) and adjusting stored cable behind the cable anchor(s) as tramming distances change.

(e) Proper procedures for examining the trailing cables to ensure that cables are in safe operating condition by a visual inspection of the entire cable, observing the insulation, the integrity of splices, and nicks and abrasions.

The petitioner asserts that a decision in favor of this petition will in no way provide less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2018–001–M.

Petitioner: Martin Marietta Kansas City, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

Mine: Randolph Deep Mine, MSHA I.D. No. 23–02308, located in Clay County, Missouri; Stamper Underground Mine, MSHA I.D. No. 23–02232 and Parkville Quarry, MSHA I.D. No. 23–01883, located in Platte County, Missouri.

Regulation Affected: 30 CFR 49.6(a)(1) (Equipment and maintenance requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit the maintenance of a minimum of six approved self-contained breathing apparatus at its mine rescue station in lieu of twelve self-contained breathing apparatus. The petitioner proposes to maintain a mine rescue station with a minimum of six approved self-contained breathing apparatus and all equipment identified in 30 CFR 49(a)(2) through (a)(9). This station would contain sufficient equipment to equip one mine rescue team.

The petitioner states that:

(1) The Randolph Deep Mine is an underground limestone mine with active workings accessed from the surface via twin declines, located adjacent to one another and each 6750 feet long. It is a room and pillar mine with multiple openings to active mining areas.

(2) The Stamper Underground Mine is an underground limestone mine with active workings accessed from the surface via two separate adits or entries; a decline for foot and vehicular traffic that is 1800 feet long and a single escape shaft, which is 350 feet in depth and equipped with a hoist for emergency evacuation. It is a room and pillar mine with multiple openings to active mining areas.

(3) The Parkville Quarry is an underground limestone mine with active workings accessed from the surface via three separate adits or entries; a 900 feet long decline for foot and vehicular traffic and two shafts equipped with ladders for emergency evacuation. Shaft No. 1 is 145 feet deep and Shaft No. 2 is 190 feet deep. It is a room and pillar mine with multiple openings to active mining areas.

(4) The petitioner has established a single mine rescue team to serve as the primary mine rescue team for all three of the mine sites. The mine rescue team consists of seven qualified and trained members.

(5) The petitioner has entered into an agreement with Central Plains Cement Company (''Central Plains'') whereby Central Plains agrees to provide mine rescue services by the Sugar Creek Mine Rescue Team as needed to petitioner. Central Plains is controlled by Eagle Materials, Inc. Similarly, petitioner has agreed to provide mine rescue services as needed to Central Plains.

(6) The petitioner has a mine rescue station located at the Randolph Deep Mine which previously contained equipment sufficient only to supply one mine rescue team. Both the Stamper Underground Mine and the Parkville Quarry are within thirty minutes or less of ground travel time from the Randolph Deep mine. Sugar Creek had its own mine rescue station located within fifteen minutes of ground travel time from the Randolph mine. The Sugar Creek mine rescue station initially contained equipment sufficient to equip one mine rescue team. As of December 20, 2017, petitioner has relocated certain mine rescue team equipment,

including six self-contained breathing apparatus, gas monitors, cap lamps, and oxygen bottles to the Sugar Creek Mine rescue station to ensure that the combined mine rescue station is in compliance with 30 CFR 49.6(a).

(7) Pursuant to the mine rescue services arrangement between petitioner and Central Plains, there will always be two mine rescue teams available whenever miners are underground and a minimum of twelve approved self-contained breathing apparatus available for a mine emergency. When maintained in the individual mine rescue stations, the apparatus could be used immediately or transported to another mine within a maximum forty-five minutes ground travel time.

(8) The Petitioner proposes the following for its mine rescue station:

(a) Self-Contained Breathing Apparatus: The mine rescue station will be equipped with a minimum of six self-contained breathing apparatus, each with a minimum of four hours capacity (approved by MSHA and the National Institute for Occupational Safety and Health under 42 CFR part 84, subpart H), and any necessary equipment for testing such apparatus.

(b) The mine operator will maintain a mine rescue station provided with all equipment identified in 30 CFR 49.6(a)(2) through (a)(9).

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the existing standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2018–02071 Filed 2–1–18; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (18–005)]

NASA Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Thursday, March 1, 2018, 9:30 a.m. to 10:45 a.m., Central Time.

ADDRESSES: NASA Marshall Space Flight Center, Building 4220, Room 1103, Huntsville, Alabama 35812.

FOR FURTHER INFORMATION CONTACT: Ms. Evette Whatley, Aerospace Safety Advisory Panel Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–4733, or email at *evette.whatley@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its First Quarterly Meeting for 2018. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

- Updates on the Exploration Systems Development
- Updates on the Commercial Crew Program
- Updates on the International Space Station Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come, first-served basis. This meeting is also available telephonically. Any interested person may dial call the USA toll free conference call number (800) 857–7040; pass code 4167450 and then the # sign. Attendees will be required to sign a visitor's register and to comply with NASA Marshall Space Flight Center security requirements, including the presentation of a valid picture ID and a secondary form of ID, before receiving an access badge. All U.S. citizens desiring to attend the ASAP meeting at the Marshall Space Flight Center must provide their full name, company affiliation (if applicable), driver's license number and state, citizenship, social security number; place of birth, and date of birth to the Marshall Space Flight Center Protective Services and Export Control Office no later than close of business on February 26, 2018. All non-U.S. citizens must submit their name; current address; driver's license number and state (if applicable); citizenship; company affiliation (if applicable) to include address, telephone number, and title; place of birth; date of birth; U.S. visa information to include type, number, and expiration date; U.S. social security number (if applicable); Permanent Resident (green card holder) number and expiration date (if applicable); place and date of entry into the U.S.; and passport information to include country of issue, number, and expiration date to the Marshall Space Flight Center Protective Services and Export Control Office no later than close of business on February 8, 2018. If the above information is not received by the noted dates, attendees should expect a minimum delay of four (4) hours. All visitors to this meeting will be required to process in through the Redstone/Marshall Space Flight Center Joint Visitor Control Center located on Rideout Road, north of Gate 9, prior to entering Marshall Space Flight Center. Please provide the appropriate data, via fax at (256) 544–2101, noting at the top of the page ''Public Admission to the ASAP Meeting at MSFC.'' For security questions, please call Ms. Becky Hopson at (256) 544–4541. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Evette Whatley at *evette.whatley@nasa.gov* or at (202) 358–4733 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–02110 Filed 2–1–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Sunshine Act Meeting of the National Museum and Library Services Board

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Notice of meeting.

SUMMARY: The National Museum and Library Services Board, which advises the Director of the Institute of Museum and Library Services in awarding national awards and medals, will meet by teleconference on February 15, 2018, to review nominations for the 2017 National Medals for Museum and Library Service.

DATE AND TIME: Wednesday, February 15, at 1:30 p.m. EST.

PLACE: The meeting will be held by teleconference originating at the IMLS Offices, 955 L'Enfant Plaza North, SW, Suite 4000, Washington, DC 20024.

STATUS: Closed. This meeting will be closed pursuant to subsections (c)(4) and (c)(9) of subsection 552b of Title 5, United States Code because the Board will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; and information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action.

FOR FURTHER INFORMATION CONTACT: Katherine Maas, Program Specialist, Institute of Museum and Library Services, Suite 4000, 955 L'Enfant Plaza North, SW, Washington, DC 20024. Telephone: (202) 653–4798. Please provide advance notice of any special needs or accommodations.

Dated: January 31, 2018.

Danette Hensley,

Staff Assistant.

[FR Doc. 2018–02212 Filed 1–31–18; 4:15 pm]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Large Scale Networking (LSN)—Middleware and Grid Interagency Coordination (MAGIC) Team

AGENCY: The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO), National Science Foundation.

ACTION: Notice of meetings.

SUMMARY: The MAGIC Team, established in 2002, provides a forum for information sharing among Federal agencies and non-Federal participants with interests and responsibility for middleware, Grid, and cloud projects. The MAGIC Team reports to the Large Scale Networking (LSN) Interagency Working Group (IWG). The agendas, minutes, and other meeting materials and information can be found on the MAGIC website at: *https://www.nitrd.gov/nitrdgroups/index.php?title=Middleware_And_Grid_Interagency_Coordination* (MAGIC).

DATES: The MAGIC Team meetings are held on the first Wednesday of each month (February 2018–December 2018), noon–2:00 p.m. Eastern time, at the NITRD National Coordination Office, 490 L'Enfant Plaza SW, Suite 8001, Washington, DC 20024. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx and/or Teleconference participation is available for each meeting. Please reference the MAGIC Team website for updates. Further information about the NITRD may be found at: *http://www.nitrd.gov/.*

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Lee at *joyce.lee@nitrd.gov* or (202) 459–9674.

Public Comments: The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to *magic-comments@nitrd.gov.* Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and may be made available to the public via the MAGIC Team website.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on January 30, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–02100 Filed 2–1–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Large Scale Networking (LSN)—Joint Engineering Team (JET)

AGENCY: The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO), National Science Foundation.

ACTION: Notice of meetings.

SUMMARY: The JET, established in 1997, provides for information sharing among Federal agencies and non-Federal participants with interest in high performance research networking and networking to support science applications. The JET reports to the Large Scale Networking (LSN) Interagency Working Group (IWG).

DATES: The JET meetings are held on the third Tuesday of each month (February 2018–December 2018), noon–2:00 p.m. Eastern time, at the NITRD National Coordination Office, 490 L'Enfant Plaza SW, Suite 8001, Washington, DC 20024. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx and/or Teleconference participation is available for each meeting. Please reference the JET website for updates. Further information about the NITRD may be found at: *http://www.nitrd.gov/.*

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Lee at *joyce.lee@nitrd.gov* or (202) 459–9674.

SUPPLEMENTARY INFORMATION: *Public Comments:* The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to *jet-comments@nitrd.gov.* Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and may be made available to the public via the JET website. The agendas, minutes, and other meeting materials and information also can be found on the JET website at: *https://www.nitrd.gov/nitrdgroups/index.php?title=Joint_Engineering_Team_(JET).*

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on January 30, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–02101 Filed 2–1–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes; Call for Nominations

AGENCY: Nuclear Regulatory Commission.

ACTION: Call for nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is advertising for nominations for the position of Radiation Oncologist (Gamma Stereotactic Radiosurgery) on the Advisory Committee on the Medical Uses of Isotopes (ACMUI). Nominees should currently be practicing radiation oncology to include clinical use of the Gamma Knife® unit.

DATES: Nominations are due on or before April 3, 2018.

ADDRESSES: Submit an electronic copy of resume or curriculum vitae, along with a cover letter, to Ms. Sophie Holiday, *sophie.holiday@nrc.gov.* The cover letter should describe the nominee's current duties and responsibilities and express the nominee's interest in the position. Please ensure that resume or curriculum

vitae includes the following information, if applicable: Education; certification; professional association membership and committee membership activities; duties and responsibilities in current and previous clinical, research, and/or academic position(s).

FOR FURTHER INFORMATION CONTACT: Ms. Sophie Holiday, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguard; (301) 415–7865; *sophie.holiday@nrc.gov.*

SUPPLEMENTARY INFORMATION: The ACMUI Gamma Stereotactic Radiosurgery (GSR) radiation oncologist provides advice on issues associated with radiation oncology and the clinical use of GSR. This advice includes providing input on NRC proposed rules and guidance documents, providing recommendations on the training and experience requirements for physicians specializing in this use, identifying medical events associated with this use, evaluating new models of GSR units, bringing key issues in the radiation oncology community to the attention of the NRC staff, and other radiation oncology issues as they relate to radiation safety and the NRC medical-use policy.

ACMUI members are selected based on their educational background, certification(s), work experience, involvement and/or leadership in professional society activities, and other information obtained in letters or during the selection process.

ACMUI members possess the medical and technical skills needed to address evolving issues. The current membership is composed of the following professionals: (a) Nuclear medicine physician; (b) nuclear cardiologist; (c) two radiation oncologists; (d) diagnostic radiologist; (e) therapy medical physicist; (f) nuclear medicine physicist; (g) nuclear pharmacist; (h) health care administrator; (i) radiation safety officer; (j) patients' rights advocate; (k) Food and Drug Administration representative; and (l) Agreement State representative.

The NRC is inviting nominations for the GSR radiation oncologist to the ACMUI. The term of the individual currently occupying this position will end October 17, 2018. ACMUI members currently serve a four-year term and may be considered for reappointment to an additional term.

Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to ACMUI business. Members who are not Federal employees are compensated for their service. In addition, members are reimbursed for travel (including per-diem in lieu of subsistence) and are reimbursed secretarial and correspondence expenses. Full-time Federal employees are reimbursed travel expenses only.

Security Background Check: The selected nominee will undergo a thorough security background check. Security paperwork may take the nominee several weeks to complete. Nominees will also be required to complete a financial disclosure statement to avoid conflicts of interest.

Dated at Rockville, Maryland, this 29th day of January, 2018.

For the Nuclear Regulatory Commission.

Russell E. Chazell,

Advisory Committee Management Officer.

[FR Doc. 2018–02072 Filed 2–1–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–16; NRC–2016–0177]

North Anna Power Station Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering the renewal of NRC special nuclear materials (SNM) license SNM–2507 for the continued operation of the North Anna Power Station's (NAPS) specifically licensed independent spent fuel storage installation (ISFSI) in Louisa County, Virginia. The NRC has prepared an environmental assessment (EA) for this proposed license renewal in accordance with its regulations in title 10 of the *Code of Federal Regulations* (10 CFR). Based on the EA, the NRC has concluded that a finding of no significant impact (FONSI) is appropriate. The NRC is also conducting a safety evaluation of the proposed license renewal.

DATES: The EA and FONSI referenced in this document are available on February 2, 2018.

ADDRESSES: Please refer to Docket ID NRC–2016–0177 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0177. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jean Trefethen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0867, email: *Jean.Trefethen@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the renewal of license SNM–2507 for Virginia Electric and Power Company and the Old Dominion Electric Cooperative's (collectively referred to as Dominion) NAPS specifically licensed ISFSI located in Louisa County, Virginia (ADAMS Accession No. ML16153A140) for an additional 40 years. License SNM–2507 allows Dominion to store spent nuclear fuel from NAPS Units 1 and 2 in the specifically licensed ISFSI. The current license will expire on June 30, 2018. If approved, Dominion would be able to continue to possess, store and continue to load and place casks with spent nuclear fuel at the NAPS specifically-licensed ISFSI in accordance with the requirements in 10 CFR part 72, ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste.''

The NRC staff has prepared a final EA as part of its review of this proposed license renewal in accordance with the requirements in 10 CFR part 51,

''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.'' Based on the final EA, the NRC has determined that an environmental impact statement is not required for this proposed action and a FONSI is appropriate. The NRC is also conducting a safety evaluation of the proposed license renewal pursuant to 10 CFR part 72 and the results will be documented in a separate safety evaluation report (SER). If Dominion's request is approved, the NRC will issue the license renewal and publish a separate notice of issuance in the **Federal Register**.

In 1998, the NRC issued a 20-year license to Dominion to receive, possess, store, and transfer spent nuclear fuel generated at the NAPS Units 1 and 2 to a specifically licensed ISFSI located on the NAPS site. License SNM–2507 allows Dominion to store 84 Transnuclear-32 (TN–32) sealed surface storage casks (TN–32 casks) on three pads (*i.e.,* 28 TN–32 casks per pad). Each TN–32 cask is designed to hold 32 pressurized water reactor (PWR) fuel assemblies (NRC, 1997). Prior to issuance of the license, the NRC prepared a final EA (ADAMS Accession No. ML123480192) and determined that the construction and operation of the ISFSI would not have a significant impact on the quality of the human environment. That FONSI was published on April 4, 1997 (62 FR 16202).

In addition, the NRC recently approved a license amendment request (ADAMS Accession No. ML17234A539) from Dominion to place one cask (the 28th and final cask to be placed on Pad 1 of the specifically licensed ISFSI) with high burnup spent nuclear fuel (*i.e.,* spent fuel with burnup greater than 45,000 MWD/MTU) in a Modified TN–32B High Burn-up Cask (TN–32B HBU) on this specifically licensed ISFSI to support the High Burnup Dry Storage Cask Research and Development Project. The NRC staff's EA in support of that license amendment request was published in June 2016 (ADAMS Accession No. ML16168A104). On November 30, 2017, Dominion placed in service the TN–32B HBU cask with high burnup fuel in Pad 1 of the specifically licensed ISFSI. Currently, the specifically licensed ISFSI consists of one pad (Pad 1) with 28 spent fuel storage casks, the 28th of which is TN–32B HBU.

The Dominion ISFSI is located in rural Louisa County, Virginia, approximately 64 kilometers (km) [40 miles (mi)] northwest of Richmond, Virginia and approximately 35 km (22 mi) southwest of Fredericksburg, Virginia. The NAPS site is located approximately 10 km (6 mi) northeast of the town of Mineral, Virginia.

On May 25, 2016, the licensee submitted their application for a 40-year license renewal of the NAPS specifically licensed ISFSI (ADAMS Accession No. ML16153A140).

II. Final Environmental Assessment Summary

Dominion is requesting to renew its specifically licensed ISFSI for an additional 40 year-period. The current license will expire on June 30, 2018. Specifically, if approved Dominion would be able to continue to possess, store and to load and place casks with spent nuclear fuel from NAPS Units 1 and 2 at the NAPS specifically licensed ISFSI in accordance with the requirements in 10 CFR part 72. In accordance with license SNM–2507, Dominion uses the TN–32 casks and a TN–32B HBU cask.

The NRC has assessed the potential environmental impacts of the proposed action; and alternatives to the proposed action including renewing the license for a 20 year-period, and the no-action alternative. The results of the NRC's environmental review can be found in the final EA (ADAMS Accession No. ML17311A450). The NRC staff performed its environmental review in accordance with the requirements in 10 CFR part 51. In conducting the environmental review, the NRC considered information in the license renewal application (ADAMS Accession No. ML16153A140); information in the responses to the NRC's requests for additional information (ADAMS Accession No. ML17025A128); communications and consultation with the Pamunkey Indian Tribe, Virginia State Historic Preservation Office, the U.S. Fish and Wildlife Service (FWS), and the Virginia Department of Health.

Approval of Dominion's proposed license renewal would allow the continued storage of spent nuclear fuel for an additional 40 years. In addition, the casks would be subject to NRC's review and oversight to ensure the casks are designed and maintained in accordance with the regulatory limits in 10 CFR parts 20 and 72. Furthermore, Dominion maintains a radiation protection program for NAPS Units 1 and 2 and the specifically licensed ISFSI in accordance with 10 CFR part 20 to ensure that radiation doses are as low as is reasonably achievable. Accordingly, no significant radiological or non-radiological impacts are expected to result from approval of the license renewal request, and the proposed action would not significantly contribute to cumulative impacts at the NAPS site. Additionally, there would be no disproportionately high and adverse impacts on minority and low-income populations.

In its license renewal request, Dominion is proposing no changes in how it handles or stores spent fuel at the NAPS specifically licensed ISFSI. Approval of the proposed action would not result in any new construction or expansion of the existing ISFSI footprint beyond that previously approved. The ISFSI is a passive facility that produces no liquid or gaseous effluents. No significant radiological or nonradiological impacts are expected from continued normal operations. Occupational dose estimates associated with the proposed action and continued normal operation and maintenance of the ISFSI are expected to be at as low as reasonably achievable levels and within the limits of 10 CFR 20.1201. Therefore, the NRC staff has determined that pursuant to 10 CFR 51.31, preparation of an EIS is not required for the proposed action, and pursuant to 10 CFR 51.32, a FONSI is appropriate.

Furthermore, the NRC staff determined that this license renewal request does not have the potential to cause effects on historic properties, assuming those were present; therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the National Historic Preservation Act. The NRC staff, however, reached out to and informed the Virginia State Historic Preservation Officer and the Pamunkey Tribe of Virginia of its determination via letters dated October 18, 2016, and October 26, 2016, respectively (ADAMS Accession Nos: ML16279A432 and ML16279A419, respectively). The Virginia Department of Historic Resources responded via letter dated December 30, 2016, that based on information provided they concurred that the undertaking will not impact historic properties (ADAMS Accession No. ML16365A205). The Pamunkey Tribe responded via email dated November 11, 2016, that they were not aware of any historic or cultural resources that would be affected and requested NRC to contact them if potential cultural sites are identified (ADAMS Accession No. ML16313A325).

Finally, the NRC staff also consulted with the FWS in accordance with Section 7 of the Endangered Species Act. The NRC staff used FWS Virginia Field Office's Ecological Services online project review process. The NRC completed the certification process by submitting the online review package to the FWS Virginia Field Office via letter

dated October 18, 2016 (ADAMS Accession No. ML16279A448).

III. Finding of No Significant Impact

On the basis of the EA, the NRC has concluded that the proposed license renewal for the Dominion's SNM License Number SNM–2507 for the operation of NAPS specifically licensed ISFSI located in Louisa County, Virginia, will not significantly affect the quality of the human environment. Therefore, the NRC has determined, pursuant to 10 CFR 51.31, that preparation of an EIS is not required for the proposed action and a FONSI is appropriate.

Dated at Rockville, Maryland, this 29th day of January 2018.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–02111 Filed 2–1–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on February 7, 2018, 11545 Rockville Pike, Room T–2B3, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, February 7, 2018–12:00 p.m. until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. 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), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that 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).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained 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 the DFO 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 at 301–415–6207 to be escorted to the meeting room.

Dated: January 26, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–02068 Filed 2–1–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82600; File No. SR–MRX–2018–03]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate the Consolidated Audit Trail Compliance Rules

January 30, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 24, 2018, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to a proposal to [sic] relocate the Consolidated Audit Trail Compliance rules (''CAT Rules''), currently under Chapter 9, Rules 900 through 912, to General 7, Sections 1 through 13 in the Exchange's rulebook's (''Rulebook'') shell structure.[3]

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to relocate the CAT Rules, currently under Chapter 9, Rules 900 through 912, to General 7, Sections 1 through 13 of the Rulebook's shell structure.

The Exchange adopted the CAT Rules to implement a consolidated audit trail in order to capture customer and order event information to comply with the provisions of the National Market System Plan Governing the Consolidated Audit Trail.[4] Because the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Recently, the Exchange added a shell structure to its Rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges, The Nasdaq Stock Market LLC; Nasdaq BX, Inc.; Nasdaq PHLX LLC; Nasdaq ISE, LLC; and Nasdaq GEMX, LLC (''Affiliated Exchanges''). *See* Securities Exchange Act Release No. 82172 (November 29, 2017), 82 FR 57495 (December 5, 2017) (SR–MRX–2017–26).

[4] *See* Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14526 (March 21, 2017) (SR–ISEMercury–2017–03) (Order Approving Proposed Rule Changes To Adopt Consolidated Audit Trail Compliance Rules).

CAT Rules apply across all markets and to all products,[5] the Exchange believes it is pertinent that they be located in the General section of the Rulebook's shell; therefore, the Exchange will amend the shell structure, creating a new ''General 7 Consolidated Audit Trail Compliance'' title under ''General Rules,'' and make conforming changes to the ''Options Rules'' titles; moreover, this proposal is consistent with similar filings concurrently submitted by the Affiliated Exchanges.

The relocation of the CAT Rules is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its Affiliated Exchanges.[6] The Exchange believes that the migration of the CAT Rules to their new location will facilitate the use of the Rulebook by Members [7] of the Exchange who are members of other Affiliated Exchanges. Moreover, the proposed changes are of a non-substantive nature and will not amend the relocated rules other than to update their numbers, make cross-reference changes, and make changes to harmonize the proposed rule with the text of filings simultaneously submitted by the Affiliated Exchanges.[8]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by promoting efficiency and conformity of the Exchange's processes with those of the Affiliated Exchanges and to make the Exchange's Rulebook easier to read and more accessible to its Members. The Exchange believes that the relocation of the CAT Rules and cross-reference updates are of a non-substantive nature.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes do not impose a burden on competition because, as previously stated, they (i) are of a non-substantive nature, (ii) are intended to harmonize the Exchange's rules with those of its Affiliated Exchanges, and (iii) are intended to organize the Rulebook in a way that it will ease the Members' navigation and reading of the rules across the Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange can reorganize its Rulebook as already approved by the Commission. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MRX–2018–03 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–MRX–2018–03. 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

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The Exchange notes that, at the time of the approval of the CAT Rules, the Exchange was known as ''ISE Mercury, LLC.'' To reflect the Exchange's placement within its parent company's corporate structure, Nasdaq, Inc., the Exchange name was changed to ''Nasdaq MRX, LLC.'' *See* Securities Exchange Act Release No. 80326 (March 29, 2017), 82 FR 16460 (April 4, 2017) (SR–ISEMercury–2017–05).

[5] *Id.*

[6] *See* footnote 3.

[7] Exchange Rule 100(a)(28).

[8] Specifically, the Exchange will remove the word ''Rule'' from General 7's title which will now read ''Consolidated Audit Trail Compliance.''

Moreover, the Exchange will update the description provided under General 7, Section 12(a), ''General,'' to exactly match the contents of similar sections in the Nasdaq, BX, and Phlx rulebooks. This change will not alter Section 12(a) since (i) the description under this subsection is essentially the same to that of the aforementioned Affiliated Exchanges and (ii) the removal of the phrase ''upon approval by the Commission'' is unnecessary at this point since the CAT Rules are already effective.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] 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).

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–MRX–2018–03 and should be submitted on or before February 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02128 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Supplier Diversity Business Management System, SEC File No. 270–663, OMB Control No. 3235–0724

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for approval.

The Commission is required under Section 342 of the Dodd Frank Wall Street and Reform Act to develop standards and processes for ensuring the fair inclusion of women-owned and minority-owned businesses in all of the Commission's business activities. To help implement this requirement, the Office of Minority and Women Inclusion (OMWI) developed and maintains an electronic Supplier Diversity Business Management System (the System) to collect up-to-date business information and capabilities statements from diverse suppliers interested in doing business with the Commission. This information allows the Commission to update and more effectively manage its current internal repository. It also allows the Commission to measure the effectiveness of its technical assistance and outreach efforts, and target areas where additional program efforts are necessary.

The Commission invites comment on the System. Information is collected in the System via web-based, e-filed, dynamic form-based technology. The company point of contact completes a profile consisting of basic contact data and information on the capabilities of the business. The profile includes a series of questions, some of which are based on the data that the individual enters. Drop-down lists are included where appropriate to increase ease of use.

The information collection is voluntary. There are no costs associated with this collection. The public interface to the System is available via a web-link provided by the agency.

Estimated number of annual responses = 300.

Estimated annual reporting burden = 150 hours (30 minutes per submission).

Since the last approval of this information collection, we have adjusted the estimated number of respondents from 500 to 300 respondents per year, based on the actual response rate for the past two years and anticipated increase in that response rate with the posting of a link to the System on our web page to allow self-registration. This reduction in the number of respondents has resulted in a 100-hour reduction in the total burden estimate.

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication. Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

January 30, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02116 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82598; File No. SR–GEMX–2018–02]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate the Consolidated Audit Trail Compliance Rules

January 30, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 24, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to relocate the Consolidated Audit Trail Compliance rules (''CAT Rules''), currently under Chapter 9, Rules 900 through 912, to General 7, Sections 1 through 13 in the Exchange's rulebook's (''Rulebook'') shell structure.[3]

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/*, at the principal office of the Exchange,

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Recently, the Exchange added a shell structure to its Rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges, The Nasdaq Stock Market LLC; Nasdaq BX, Inc.; Nasdaq PHLX LLC; Nasdaq ISE, LLC; and Nasdaq MRX, LLC (''Affiliated Exchanges''). *See* Securities Exchange Act Release No. 82171 (November 29, 2017), 82 FR 57516 (December 5, 2017) (SR–GEMX–2017–54).

and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to relocate the CAT Rules, currently under Chapter 9, Rules 900 through 912, to General 7, Sections 1 through 13 of the Rulebook's shell structure.

The Exchange adopted the CAT Rules to implement a consolidated audit trail in order to capture customer and order event information to comply with the provisions of the National Market System Plan Governing the Consolidated Audit Trail.[4] Because the CAT Rules apply across all markets and to all products,[5] the Exchange believes it is pertinent that they be located in the General section of the Rulebook's shell; therefore, the Exchange will amend the shell structure, creating a new ''General 7 Consolidated Audit Trail Compliance'' title under ''General Rules,'' and make conforming changes to the ''Options Rules'' titles; moreover, this proposal is consistent with similar filings concurrently submitted by the Affiliated Exchanges.

The relocation of the CAT Rules is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its Affiliated Exchanges.[6] The Exchange believes that the migration of the CAT Rules to their new location will facilitate the use of the Rulebook by Members[7] of the Exchange who are members of other Affiliated Exchanges. Moreover, the proposed changes are of a non-substantive nature and will not amend the relocated rules other than to update their numbers, make cross-reference changes, and make changes to harmonize the proposed rule with the text of filings simultaneously submitted by the Affiliated Exchanges.[8]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by promoting efficiency and conformity of the Exchange's processes with those of the Affiliated Exchanges and to make the Exchange's Rulebook easier to read and more accessible to its Members. The Exchange believes that the relocation of the CAT Rules and cross-reference updates are of a non-substantive nature.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes do not impose a burden on competition because, as previously stated, they (i) are of a non-substantive nature, (ii) are intended to harmonize the Exchange's rules with those of its Affiliated Exchanges, and (iii) are intended to organize the Rulebook in a way that it will ease the Members' navigation and reading of the rules across the Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and subparagraph (f)(6) of Rule 19b-4 thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6)[13] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange can reorganize its Rulebook as already approved by the Commission. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the

[4] *See* Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14526 (March 21, 2017) (SR–ISEGemini–2017–04) (Order Approving Proposed Rule Changes To Adopt Consolidated Audit Trail Compliance Rules).

The Exchange also notes that, at the time of the approval of the CAT Rules, the Exchange was known as ''ISE Gemini, LLC.'' To reflect the Exchange's placement within its parent company's corporate structure, Nasdaq, Inc., the Exchange name was changed to ''Nasdaq GEMX, LLC.'' *See* Securities Exchange Act Release No. 80248 (March 15, 2017), 82 FR 14547 (March 21, 2017) (SR–ISEGemini–2017–13).

[5] *Id.*

[6] *See* footnote 3.

[7] Exchange Rule 100(a)(28).

[8] Specifically, the Exchange will remove the word ''Rule'' from General 7's title which will now read ''Consolidated Audit Trail Compliance.''

Moreover, the Exchange will update the description provided under General 7, Section 12(a), ''General,'' to exactly match the contents of similar sections in the Nasdaq, BX, and Phlx rulebooks. This change will not alter Section 12(a) since (i) the description under this subsection is essentially the same to that of the aforementioned Affiliated Exchanges and (ii) the removal of the phrase ''upon approval by the Commission'' is unnecessary at this point since the CAT Rules are already effective.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] 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).

Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2018–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2018–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2018–02 and should be submitted on or before February 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02126 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 12d1–1, SEC File No. 270–526, OMB Control No. 3235–0584

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

An investment company (''fund'') is generally limited in the amount of securities the fund (''acquiring fund'') can acquire from another fund (''acquired fund''). Section 12(d) of the Investment Company Act of 1940 (the ''Investment Company Act'' or ''Act'')[1] provides that a registered fund (and companies it controls) cannot:

- Acquire more than three percent of another fund's securities;
- invest more than five percent of its own assets in another fund; or
- invest more than ten percent of its own assets in other funds in the aggregate.[2]

In addition, a registered open-end fund, its principal underwriter, and any registered broker or dealer cannot sell that fund's shares to another fund if, as a result:

- The acquiring fund (and any companies it controls) owns more than three percent of the acquired fund's stock; or
- all acquiring funds (and companies they control) in the aggregate own more than ten percent of the acquired fund's stock.[3]

Rule 12d1–1 under the Act provides an exemption from these limitations for ''cash sweep'' arrangements in which a fund invests all or a portion of its available cash in a money market fund rather than directly in short-term instruments.[4] An acquiring fund relying on the exemption may not pay a sales load, distribution fee, or service fee on acquired fund shares, or if it does, the acquiring fund's investment adviser must waive a sufficient amount of its advisory fee to offset the cost of the loads or distribution fees.[5] The acquired fund may be a fund in the same fund complex or in a different fund complex. In addition to providing an exemption from section 12(d)(1) of the Act, the rule provides exemptions from section 17(a) of the Act and rule 17d–1 thereunder, which restrict a fund's ability to enter into transactions and joint arrangements with affiliated persons.[6] These provisions would otherwise prohibit an acquiring fund from investing in a money market fund in the same fund complex,[7] and prohibit a fund that acquires five percent or more of the securities of a money market fund in another fund complex from making any additional investments in the money market fund.[8]

The rule also permits a registered fund to rely on the exemption to invest in an unregistered money market fund that limits its investments to those in which a registered money market fund may invest under rule 2a–7 under the Act, and undertakes to comply with all the other provisions of rule 2a–7.[9] In addition, the acquiring fund must

[16] 17 CFR 200.30–3(a)(12).

[1] *See* 15 U.S.C. 80a.

[2] *See* 15 U.S.C. 80a–12(d)(1)(A). If an acquiring fund is not registered, these limitations apply only with respect to the acquiring fund's acquisition of registered funds.

[3] *See* 15 U.S.C. 80a–12(d)(1)(B).

[4] *See* 17 CFR 270.12d1–1.

[5] *See* rule 12d1–1(b)(1).

[6] *See* 15 U.S.C. 80a–17(a), 15 U.S.C. 80a–17(d); 17 CFR 270.17d–1.

[7] An affiliated person of a fund includes any person directly or indirectly controlling, controlled by, or under common control with such other person. *See* 15 U.S.C. 80a–2(a)(3) (definition of ''affiliated person''). Most funds today are organized by an investment adviser that advises or provides administrative services to other funds in the same complex. Funds in a fund complex are generally under common control of an investment adviser or other person exercising a controlling influence over the management or policies of the funds. *See* 15 U.S.C. 80a–2(a)(9) (definition of ''control''). Not all advisers control funds they advise. The determination of whether a fund is under the control of its adviser, officers, or directors depends on all the relevant facts and circumstances. *See* Investment Company Mergers, Investment Company Act Release No. 25259 (Nov. 8, 2001) [66 FR 57602 (Nov. 15, 2001)], at n.11. To the extent that an acquiring fund in a fund complex is under common control with a money market fund in the same complex, the funds would rely on the rule's exemptions from section 17(a) and rule 17d–1.

[8] *See* 15 U.S.C. 80a–2(a)(3)(A), (B).

[9] *See* 17 CFR 270.2a–7.

reasonably believe that the unregistered money market fund (i) operates in compliance with rule 2a–7, (ii) complies with sections 17(a), (d), (e), 18, and 22(e) of the Act [10] as if it were a registered open-end fund, (iii) has adopted procedures designed to ensure that it complies with these statutory provisions, (iv) maintains the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii), 31a–1(b)(2)(iv), and 31a–1(b)(9); [11] and (v) preserves permanently, the first two years in an easily accessible place, all books and records required to be made under these rules.

Rule 2a–7 contains certain collection of information requirements. An unregistered money market fund that complies with rule 2a–7 would be subject to these collection of information requirements. In addition, the recordkeeping requirements under rule 31a–1 with which the acquiring fund reasonably believes the unregistered money market fund complies are collections of information for the unregistered money market fund. The adoption of procedures by unregistered money market funds to ensure that they comply with sections 17(a), (d), (e), 18, and 22(e) of the Act also constitute collections of information. By allowing funds to invest in registered and unregistered money market funds, rule 12d1–1 is intended to provide funds greater options for cash management. In order for a registered fund to rely on the exemption to invest in an unregistered money market fund, the unregistered money market fund must comply with certain collection of information requirements for registered money market funds. These requirements are intended to ensure that the unregistered money market fund has established procedures for collecting the information necessary to make adequate credit reviews of securities in its portfolio, as well as other recordkeeping requirements that will assist the acquiring fund in overseeing the unregistered money market fund (and Commission staff in its examination of the unregistered money market fund's adviser).

The number of unregistered money market funds that are affected by rule 12d1–1 is an estimate based on the number of private liquidity funds reported on Form PF as of the fourth calendar quarter 2016.[12] The hour burden estimates for the condition that an unregistered money market fund comply with rule 2a–7 are based on the burden hours included in the Commission's 2013 PRA submission regarding rule 2a–7.[13] The estimated average burden hours in this collection of information are made solely for purposes of the Paperwork Reduction Act and are not derived from a quantitative, comprehensive or even representative survey or study of the burdens associated with Commission rules and forms.

In the rule 2a–7 submission, Commission staff made the following estimates with respect to aggregate annual hour and cost burdens for collections of information for each existing registered money market fund:

Record of credit risk analyses, and determinations regarding adjustable rate securities, asset backed securities, securities subject to a demand feature or guarantee, and counterparties to repurchase agreements:

85 responses
680 hours of professional time
Cost: $178,160 [14]

Public website posting of monthly portfolio information:

12 responses
7 hours of professional time
Cost: $17,304 [15]

Review of procedures and guidelines of any investment adviser to whom the fund's board has delegated responsibility under rule 2a–7 and amendment of such procedures:

1 response
5 hours of professional and director time
Cost: $5,960 [16]

Based on census data available on Form PF, the staff believes that the number of private liquidity funds reported on Form PF (69) is the most current and accurate estimate the number of unregistered money market funds affected by rule 12d1–1.[17] Each of these unregistered money market funds engages in the collections of information described above. Accordingly, the staff estimates that unregistered money market funds complying with the collections of information described above engage in a total of 6,762 annual responses under rule 12d1–1,[18] the aggregate annual burden hours associated with these responses is 47,748,[19] and the aggregate annual cost to funds is $13,898,256.[20]

In the rule 2a–7 submission, Commission staff further estimated the aggregate annual hour and cost burdens for collections of information for fund complexes with registered money market funds as follows:

Review, revise, and approve procedures concerning stress testing:

1 response
12 burden hours of professional and director time
Cost: $8,021 [21]

Report to fund boards on the results of stress testing:

[10] *See* 15 U.S.C. 80a–17(a), 15 U.S.C. 80a–17(d), 15 U.S.C. 80a–17(e), 15 U.S.C. 80a–18, 15 U.S.C. 80a–22(e).

[11] *See* 17 CFR 270.31a–1(b)(1), 17 CFR 270.31a–1(b)(2)(ii), 17 CFR 270.31a–1(b)(2)(iv), 17 CFR 270.31a–1(b)(9).

[12] *See* U.S. Securities and Exchange Commission Annual Staff Report Relating to the Use of Form PF Data, Private Fund Statistics, Fourth Calendar Quarter 2016, available at *https://www.sec.gov/files/im-private-fund-annual-report-101617.pdf*.

[13] *See* Securities and Exchange Commission, Request for OMB Approval of Extension for Approved Collection for Rule 2a–7 under the Investment Company Act of 1940 (OMB Control No. 3235–0268) (approved Aug. 28, 2013). This was the most recent rule 2a–7 submission that includes certain estimates with respect to aggregate annual hour and cost burdens for collections of information for each existing registered money market fund, fund complexes with registered money market funds, registered money market funds that experience an event of default or insolvency, and newly registered money market funds.

[14] This estimate is based on the following calculation: (680 burden hours × $262 per hour for professional time) = $178,160 per fund.

[15] This estimate is based on the following calculation: (12 x 7 burden hours × $206 per hour for a webmaster) = $17,304 per fund.

[16] This estimate is based on the following calculation: (1 hour × $4,500 per hour for board time) + (4 hours × $365 per hour for professional time) = $5,960 per fund.

[17] *See supra* note 12. The staff notes, however, that this estimate may be overstated to the extent that a private liquidity fund reported on Form PF does not follow all of rule 2a–7's requirements (that include collections of information) or because no registered investment companies invest in such a fund. The staff also notes, however, that this estimate may be understated to the extent that there are additional unregistered money market funds that are not required to be reported on Form PF (because Form PF is filed only by certain investment advisers to private funds that have $150 million in private fund assets under management).

[18] The estimate is based on the following calculations: (69 funds × 85 responses for documentation of credit analyses and other determinations) = 5,865 responses. (69 funds × 12 responses for public website posting) = 828 responses. (69 funds × 1 response for policies and procedures related to delegation to an investment adviser) = 69 responses. 5,865 responses + 828 responses + 69 responses = 6,762 responses.

[19] This estimate is based on the following calculations: (69 funds × 680 hours for documentation of credit analyses and other determinations) = 46,920 hours. (69 funds × 7 hours for public website posting) = 483 hours. (69 funds × 5 hours for policies and procedures related to delegation to an investment adviser) = 345 hours. 46,920 hours + 483 hours + 345 hours = 47,748 hours.

[20] This estimate is based on the following calculations: (69 funds × $178,160) = $12,293,040. (69 funds x $17,304) = $1,193,976. (69 funds × $5,960) = $411,240. $12,293,040 + $1,193,976 + $411,240 = $13,898,256.

[21] This estimate is based on the following calculation: (1 hour × $4,500 per hour for board time) + (5 hours × $322 per hour for a portfolio manager) + (3 hours × $259 per hour for a risk management specialist) + (3 hours × $378 per hour for an attorney) = $8,021 per response.

5 responses
10 burden hours of professional and support staff time
Cost: $15,490 [22]

Reporting of rule 17a–9 transactions: [23]

1 response
1 burden hour of legal time
Cost: $378 [24]

Based on the number of liquidity fund advisers reported on Form PF, the staff estimates that there are 39 fund complexes with unregistered money market funds invested in by mutual funds in excess of the statutory limits under rule 12d1–1.[25] Each of these fund complexes engages in the collections of information described above. Accordingly, the staff estimates that these fund complexes complying with the collections of information described above engage in a total of 273 annual responses under rule 12d1–1,[26] the aggregate annual burden hours associated with these responses is 897,[27] and the aggregate annual cost to funds is $931,671.[28]

In the rule 2a–7 submission, Commission staff further estimated the aggregate annual burdens for registered money market funds that experience an event of default or insolvency as follows:

Written record of board determinations and actions related to failure of a security to meet certain eligibility standards or an event of default of default or insolvency:

2 responses
1 burden hour of legal time
Cost: $378

Notice to Commission of an event of default or insolvency:

1 response
0.5 burden hours of legal time
Cost: $189

Consistent with the estimate in the rule 2a–7 submissions, Commission staff estimates that approximately 2 percent, or 1, unregistered money market fund experiences an event of default or insolvency each year. Accordingly, the staff estimates that one unregistered money market fund will comply with these collections of information requirements and engage in 3 annual responses under rule 12d1–1,[29] the aggregate annual burden hours associated with these responses is 1.5,[30] and the aggregate annual cost to funds is $567.[31]

In the rule 2a–7 submission, Commission staff further estimated the aggregate annual burdens for newly registered money market funds as follows:

Establish written procedures and guidelines designed to stabilize the fund's net asset value and establish procedures for board delegation of authority:

1 response
15.5 hours of director, legal, and support staff time
Cost: $6,328 [32]

Adopt procedures concerning stress testing:

1 response per fund complex
22 burden hours of professional and director time per fund complex
Cost: $19,373 per fund complex [33]

Commission staff estimates that the proportion of unregistered money market funds that intend to newly undertake the collection of information burdens of rule 2a–7 will be similar to the proportion of money market funds that are newly registered. Based on a projection of 10 new money market funds per year (in the most recent rule 2a–7 submission), the staff estimates that, similarly, there will be 10 new unregistered money market funds that undertake the above burden to establish written procedures and guidelines designed to stabilize the fund's net asset value and establish procedures for board delegation of authority.[34] Accordingly, the staff estimates that 10 unregistered money market funds will comply with this collection of information requirement and engage in 10 annual responses under rule 12d1–1,[35] the aggregate annual burden hours associated with these responses is 155,[36] and the aggregate annual cost to funds is $62,380.[37]

Accordingly, the estimated total number of annual responses under rule 12d1–1 for the collections of information described in the rule 2a–7 submissions is 7,048, the aggregate annual burden hours associated with these responses is 48,801.5, and the aggregate cost to funds is $14,892,874.[38]

Rules 31a–1(b)(1), 31a–1(b)(2)(ii), 31a–1(b)(2)(iv), and 31a–1(b)(9) require registered funds to keep certain records, which include journals and general and auxiliary ledgers, including ledgers for each portfolio security and each shareholder of record of the fund. Most of the records required to be maintained by the rule are the type that generally would be maintained as a matter of good business practice and to prepare the unregistered money market fund's financial statements. Accordingly, Commission staff estimates that the requirements under rules 31a–1(b)(1), 31a–1(b)(2)(ii), 31a–1(b)(2)(iv), and 31a–1(b)(9) would not impose any additional burden because the costs of maintaining these records would be incurred by unregistered money market funds in any case to keep books and records that are necessary to prepare financial statements for shareholders, to prepare

[22] This estimate is based on the following calculation: (5 responses × 5 hours × $322 per hour for a portfolio manager) + (5 responses × 2 hours × $279 per hour for a compliance manager) + (5 responses × 2 hours × $378 per hour for an attorney) + (5 responses × 1 hour × $174 per hour for support staff) = $15,490 per fund complex.

[23] *See* 17 CFR 270.17a–9.

[24] The estimate is based on the following calculations: (1 response × $378 per hour for an attorney) = $378 per response.

[25] *See supra* note 12.

[26] The estimate is based on the following calculations: (39 fund complexes × 1 response for revision of procedures concerning stress testing) = 39 responses. (39 fund complexes × 5 responses to provide stress testing reports) = 195 responses. (39 fund complexes × 1 response for reporting of rule 17a–9 transactions) = 39 responses. 39 responses + 195 responses + 39 responses = 273 responses.

[27] This estimate is based on the following calculations: (39 fund complexes × 12 hours for revision of procedures concerning stress testing) = 468 hours. (39 fund complexes × 10 hours to provide stress testing reports) = 390 hours. (39 fund complexes × 1 hour for reporting of rule 17a–9 transactions) = 39 hours. 468 hours + 390 hours + 39 hours = 897 hours.

[28] This estimate is based on the following calculations: (39 fund complexes × $8,021 for revision of procedures concerning stress testing) = $312,819. (39 fund complexes × $15,490 to provide stress testing reports) = $604,110. (39 fund complexes × $378 for reporting of rule 17a–9 transactions) = $14,742. $312,819 + $604,110 + $14,742 = $931,671.

[29] The estimate is based on the following calculations: (1 fund × 2 responses) + (1 fund × 1 response) = 3 responses.

[30] This estimate is based on the following calculations: (1 fund × 1 hour) + (1 fund × 0.5 hours) = 1.5 hours.

[31] This estimate is based on the following calculations: (1 fund × $378) + (1 fund × $189) = $567.

[32] This estimate is based on the following calculation: (0.5 hours × $4,500 per hour for board time) + (7.2 hours × $378 per hour for an attorney) + (7.8 hours × $174 per hour for support staff) = $6,328 per response.

[33] This estimate is based on the following calculation: (3 hours × $4,500 per hour for board time) + (8 hours × $378 per hour for an attorney) + (11 hours × $259 per hour for a risk management specialist) = $19,373 per response. *See also infra* note 34.

[34] The staff's estimate is based on historical data provided in Lipper Inc.'s LANA database and projections about the growth of the money market mutual fund industry going forward. The actual number of new money market funds launched may vary significantly from our estimates depending upon developments in market interest rates and other factors. The staff does not estimate any new fund complexes being launched in the next year.

[35] The estimate is based on the following calculations: (10 funds × 1 response) = 10 responses.

[36] This estimate is based on the following calculations: (10 funds × 15.5 hours) = 155 hours.

[37] This estimate is based on the following calculations: (10 funds × $6,238) = $62,380.

[38] These estimates are based upon the following calculations: (6,762 + 273 + 3+ 10) = 7,048 annual responses; (47,748 + 897 + 1.5 + 155) = 48,801.5 burden hours; and ($13,898,256 + $931,671 + $567 + $62,380) = $14,892,874.

the fund's annual income tax returns, and as a normal business custom.

Rule 12d1–1 also requires unregistered money market funds in which registered funds invest to adopt procedures designed to ensure that the unregistered money market funds comply with sections 17(a), (d), (e), and 22(e) of the Act. This is a one-time collection of information requirement that applies to unregistered money market funds that intend to comply with the requirements of rule 12d1–1. As discussed above, based on a projection of 10 new money market funds per year, the staff estimates that, similarly, there will be 10 new unregistered money market funds that undertake the above burden to establish written procedures and guidelines designed to ensure that the unregistered money market funds comply with sections 17(a), (d), (e), and 22(e) of the Act. The staff estimates the burden as follows:

Establish written procedures and guidelines designed to ensure that the unregistered money market funds comply with sections 17(a), (d), (e), and 22(e) of the Act:

1 response
15.5 hours of director, legal, and support staff time
Cost: $6,328 [39]

Accordingly, the staff estimates that 10 unregistered money market funds will comply with this collection of information requirement and engage in 10 annual responses under rule 12d1–1,[40] the aggregate annual burden hours associated with these responses is 155,[41] and the aggregate annual cost to funds is $62,380.[42]

Commission staff also estimates that unregistered money market funds will incur costs to preserve records, as required under rule 2a–7. These costs will vary significantly for individual funds, depending on the amount of assets under fund management and whether the fund preserves its records in a storage facility in hard copy or has developed and maintains a computer system to create and preserve compliance records. In the rule 2a–7 submission, Commission staff estimated that the amount an individual money market fund may spend ranges from $100 per year to $300,000. We have no reason to believe the range is different for unregistered money market funds. Based on Form PF data as of the fourth calendar quarter 2016, private liquidity funds have $293 billion in gross asset value.[43] The Commission does not have specific information about the proportion of assets held in small, medium-sized, or large unregistered money market funds. Because private liquidity funds are often used as cash management vehicles, the staff estimates that each private liquidity fund is a ''large'' fund (*i.e.,* more than $1 billion in assets under management). Based on a cost of $0.0000009 per dollar of assets under management (for large funds),[44] the staff estimates compliance with rule 2a–7 for these unregistered money market funds totals $263,700 annually.[45]

Consistent with estimates made in the rule 2a–7 submission, Commission staff estimates that unregistered money market funds also incur capital costs to create computer programs for maintaining and preserving compliance records for rule 2a–7 of $0.0000132 per dollar of assets under management. Based on the assets under management figures described above, staff estimates annual capital costs for all unregistered money market funds of $3.87 million.[46]

Commission staff further estimates that, even absent the requirements of rule 2a–7, money market funds would spend at least half of the amounts described above for record preservation ($131,850) and for capital costs ($1.94 million). Commission staff concludes that the aggregate annual costs of compliance with the rule are $131,850 for record preservation and $1.94 million for capital costs.

The collections of information required for unregistered money market funds by rule 12d1–1 are necessary in order for acquiring funds to be able to obtain the benefits described above. Notices to the Commission will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 30, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02118 Filed 2–1–18; 8:45 am]

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[39] This estimate is based on the following calculation: (0.5 hours × $4,500 per hour for board time) + (7.2 hours × $378 per hour for an attorney) + (7.8 hours × $174 per hour for support staff) = $6,328 per response.

[40] The estimate is based on the following calculations: (10 funds × 1 response) = 10 responses.

[41] This estimate is based on the following calculations: (10 funds × 15.5 hours) = 155 hours.

[42] This estimate is based on the following calculations: (10 funds × $6,238) = $62,380.

[43] *See supra* note 12.

[44] The recordkeeping cost estimates are $0.0051295 per dollar of assets under management for small funds, and $0.0005041 per dollar of assets under management for medium-sized funds. The cost estimates are the same as those used in the most recently approved rule 2a–7 submission.

[45] This estimate is based on the following calculation: ($293 billion × $0.0000009) = $263,700 billion for small funds.

[46] This estimate is based on the following calculation: ($293 billion × 0.0000132) = $3.87 million.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82602; File No. SR–NYSEArca–2017–139]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade the Shares of the ProShares Bitcoin ETF and the ProShares Short Bitcoin ETF Under NYSE Arca Rule 8.200–E, Commentary .02

January 30, 2018.

On December 4, 2017, NYSE Arca, Inc. (''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares of the ProShares Bitcoin ETF and the ProShares Short Bitcoin ETF under NYSE Arca Rule 8.200–E, Commentary .02. The proposed rule change was published for comment in the **Federal Register** on December 26, 2017.[3] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82350 (Dec. 19, 2017), 82 FR 61100.

Commission has received one comment letter on the proposed rule change.[4]

Section 19(b)(2) of the Act[5] 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 Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider 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 or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2017–139).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02130 Filed 2–1–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82597; File No. SR–BX–2018–007]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate the Consolidated Audit Trail Compliance Rules

January 30, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 24, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to relocate the Consolidated Audit Trail Compliance rules (''CAT Rules''), currently under the 6800 Series (Rules 6810 through 6896), to General 7, Sections 1 through 13 in the Exchange's rulebook's (''Rulebook'') shell structure.[3]

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to relocate the CAT Rules, currently under the 6800 Series, Rules 6810 through 6896, to General 7, Sections 1 through 13 of the Rulebook's shell structure.

The Exchange adopted the CAT Rules to implement a consolidated audit trail in order to capture customer and order event information to comply with the provisions of the National Market System Plan Governing the Consolidated Audit Trail.[4] Because the CAT Rules apply across all markets and to all products,[5] the Exchange believes it is pertinent that they be located in the General section of the Rulebook's shell; therefore, the Exchange will amend the shell structure, creating a new ''General 7 Consolidated Audit Trail Compliance'' title under ''General Equity and Options Rules,'' and make conforming changes to the ''Options Rules'' titles; moreover, this proposal is consistent with similar filings concurrently submitted by the Affiliated Exchanges.

The relocation of the CAT Rules is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its Affiliated Exchanges.[6] The Exchange believes that the migration of the CAT Rules to their new location will facilitate the use of the Rulebook by Members[7] of the Exchange who are members of other Affiliated Exchanges. Moreover, the proposed changes are of a non-substantive nature and will not amend the relocated rules other than to update their numbers and make conforming cross-reference changes.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by promoting efficiency and conformity of the Exchange's processes with those of the Affiliated Exchanges and to make the Exchange's Rulebook easier to read and more accessible to its Members. The Exchange believes that the relocation of the CAT Rules and cross-reference updates are of a non-substantive nature.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The

[4] *See* Letter from Abe Kohen, AK Financial Engineering Consultants, LLC (Dec. 27, 2017). All comments on the proposed rule change are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2017-139/nysearca2017139.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Recently, the Exchange added a shell structure to its Rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges, The Nasdaq Stock Market LLC; Nasdaq PHLX LLC; Nasdaq ISE, LLC; Nasdaq GEMX, LLC; and Nasdaq MRX, LLC (''Affiliated Exchanges''). *See* Securities Exchange Act Release No. 82174 (November 29, 2017), 82 FR 57492 (December 5, 2017) (SR–BX–2017–054).

[4] *See* Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14526 (March 21, 2017) (SR–BX–2017–007) (Order Approving Proposed Rule Changes To Adopt Consolidated Audit Trail Compliance Rules).

[5] *Id.*

[6] *See* footnote 3.

[7] Exchange Rule 0120(i).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

proposed changes do not impose a burden on competition because, as previously stated, they (i) are of a non-substantive nature, (ii) are intended to harmonize the Exchange's rules with those of its Affiliated Exchanges, and (iii) are intended to organize the Rulebook in a way that it will ease the Members' navigation and reading of the rules across the Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6) [12] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange can reorganize its Rulebook as already approved by the Commission. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[14]

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] 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).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2018–007 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–BX–2018–007. 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–BX–2018–007 and should be submitted on or before February 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02125 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 11a–2, SEC File No. 270–267, OMB Control No. 3235–0272

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 11a–2 (17 CFR 270.11a–2) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) permits certain registered insurance company separate accounts, subject to certain conditions, to make exchange offers without prior approval by the Commission of the terms of those offers. Rule 11a–2 requires disclosure, in certain registration statements filed pursuant to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) of any administrative fee or sales load imposed in connection with an exchange offer.

There are currently 673 registrants governed by Rule 11a–2. The Commission includes the estimated burden of complying with the information collection required by Rule 11a–2 in the total number of burden hours estimated for completing the relevant registration statements and reports the burden of Rule 11a–2 in the separate Paperwork Reduction Act (''PRA'') submissions for those

registration statements (see the separate PRA submissions for Form N–3 (17 CFR 274.11b), Form N–4 (17 CFR 274.11c) and Form N–6 (17 CFR 274.11d). The Commission is requesting a burden of one hour for Rule 11a–2 for administrative purposes.

The estimate of average burden hours is made solely for the purposes of the PRA, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules or forms. With regard to Rule 11a–2, the Commission includes the estimate of burden hours in the total number of burden hours estimated for completing the relevant registration statements and reported on the separate PRA submissions for those statements (see the separate PRA submissions for Form N–3, Form N–4 and Form N–6). The information collection requirements imposed by Rule 11a–2 are mandatory. Responses to the collection of information will not be kept confidential.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 30, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02117 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82596; File No. SR–OCC–2018–004]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise The Options Clearing Corporation's Schedule of Fees

January 30, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 19, 2018, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii)[3] of the Act and Rule 19b–4(f)(2)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change by OCC would revise OCC's Schedule of Fees effective March 1, 2018, to implement an increase in clearing fees in accordance with OCC's Fee Policy.[5] The proposed changes to the Schedule of Fees can be found in Exhibit 5 to the proposed rule change. All capitalized terms not defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[6]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of this proposed rule change is to revise OCC's Schedule of Fees in accordance with its Fee Policy to set OCC's fees at a level designed to cover OCC's operating expenses and maintain a Business Risk Buffer of 25%.[7] The revised fee schedule would become effective on March 1, 2018.[8]

By way of background, OCC implemented its Capital Plan in 2015,[9] which was put in place in light of proposed regulatory capital requirements applicable to systemically important financial market utilities, such as OCC. As part of OCC's Capital Plan, OCC adopted a Fee Policy whereby OCC would set clearing fees at a level that covers OCC's operating

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] OCC's Fee Policy was adopted as part of OCC's plan for raising additional capital (''Capital Plan''), which was put in place in light of proposed regulatory capital requirements applicable to systemically important financial market utilities, such as OCC. *See* Exchange Act Release No. 34–74452 (March 6, 2015), 80 FR 13058 (March 12, 2015) (SR–OCC–2015–02); Exchange Act Release No. 34–74387 (February 26, 2015), 80 FR 12215 (March 6, 2015) (SR–OCC–2014–813) (''Approval Orders''). BATS Global Markets, Inc., BOX Options Exchange LLC, KCG Holdings, Inc., Miami International Securities Exchange, LLC, and Susquehanna International Group, LLP each filed petitions for review of the Approval Order, challenging the action taken by delegated authority. Following review of these petitions, on August 8, 2017, the U.S. Court of Appeals for the D.C. Circuit remanded the Approval Orders to the Commission to further analyze whether the Capital Plan is consistent with the Securities Exchange Act of 1934. *Susquehanna Int'l Grp., LLP* v. *SEC,* 866 F.3d 442 (D.C. Cir. 2017). While the Commission further analyzes the Capital Plan, it remains in effect as originally approved by the Commission. *See id.*

[6] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

[7] The Business Risk Buffer is equal to net income before refunds, dividends, and taxes divided by total revenue.

[8] OCC recently filed a proposed rule change with the Commission to revise its Fee Policy to provide that proposed fee changes are required to be implemented no sooner than thirty (30) days from the date of filing of the proposed rule change concerning such fee change (as opposed to sixty (60) days). *See* SR–OCC–2018–001. OCC also has submitted the proposed changes to its Fee Policy to the Commodity Futures Trading Commission (''CFTC'') under CFTC Regulation 40.6 and expects the proposed changes to be certified on January 24, 2018. OCC notes that implementation of the proposed fee change on March 1, 2018, requires either (i) Commission approval of SR–OCC–2018–001 and certification of the Fee Policy changes in SR–OCC–2018–001 under CFTC Regulation 40.6 or (ii) an exception to the 60-day notice period provision in the Fee Policy authorized by OCC's Board of Directors and the holders of all of the outstanding Class B Common Stock of OCC. OCC's Board of Directors unanimously approved, and the holders of all of the outstanding Class B Common Stock of OCC unanimously consented to, the reduction of the 60-day notice period to 30 days on December 15, 2016.

[9] *See supra* note 5.

expenses plus a Business Risk Buffer of 25%.[10] The purpose of the Business Risk Buffer is to ensure that OCC accumulates sufficient capital to cover unexpected fluctuations in operating expenses, business capital needs, and regulatory capital requirements.

OCC recently reviewed its current Schedule of Fees [11] against projected revenues and expenses for 2018 in accordance with its Fee Policy, to determine whether the Schedule of Fees was sufficient to cover OCC's anticipated operating expenses and achieve a Business Risk Buffer of 25%. In reviewing the Schedule of Fees, OCC analyzed: (i) Expenses budgeted for 2018, (ii) projected other revenue streams for 2018, (iii) projected volume ''mix,'' and (iv) projected volume growth for 2018. Based on the foregoing analysis, OCC determined that the current fee schedule is set at a level that would be insufficient to ensure that OCC achieves its Business Risk Buffer of 25% as required under the Fee Policy.[12] OCC arrived at the proposed fee schedule presented herein by determining the figures that provide the best opportunity for OCC to achieve coverage of its anticipated operating expenses plus a Business Risk Buffer of 25%.

As a result of the aforementioned analysis, OCC proposes to revise its Schedule of Fees as set forth below.[13]

Current fee schedule		Proposed fee schedule	
Trades with contracts of:	Current fee	Trades with contracts of:	Proposed fee
1–1100	$0.050/contract	1–1018	$0.054/contract.
>1100	$55/trade	>1018	$55/trade.

OCC proposes to modify its fee schedule to: (i) Increase its per contract clearing fee from $0.050 to $0.054 per contract and (ii) adjust the quantity of contracts at which the fixed, per trade clearing fee begins from greater than 1100 contracts per trade to greater than 1018 contracts per trade. The proposed changes are designed to target a level of revenues sufficient to cover OCC's operating expenses plus a Business Risk Buffer of 25% while continuing to maintain OCC's existing fixed, per trade fee at a level of $55 per trade.

In accordance with its Fee Policy, OCC will continue to monitor cleared contract volume and operating expenses in order to determine if further revisions to OCC's Schedule of Fees are required so that monies received from clearing fees cover OCC's operating expenses plus a Business Risk Buffer of 25%.[14]

(2) Statutory Basis

Section 17A(b)(3)(D) of the Act, requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.[15] The proposed fee schedule was set in accordance with the criteria set forth in OCC's Capital Plan, which requires that OCC's fees be set at a level designed to cover OCC's operating expenses and maintain a Business Risk Buffer of 25%.[16] OCC believes the proposed fee change is reasonable because the fee increase would be set at a level intended only to facilitate the maintenance of OCC's Business Risk Buffer of 25%, which is designed to ensure that OCC accumulates sufficient capital to cover unexpected fluctuations in operating expenses, business capital needs, and regulatory capital requirements. Moreover, OCC believes that the proposed fee change would result in an equitable allocation of fees among its participants because it would be equally applicable to all market participants. As a result, OCC believes that the proposed fee schedule provides for the equitable allocation of reasonable fees in accordance with Section 17A(b)(3)(D) of the Act.[17] The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[18] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would have any impact or impose a burden on competition. Although this proposed rule change affects clearing members, their customers, and the markets that OCC serves, OCC believes that the proposed rule change would not disadvantage or favor any particular user of OCC's services in relationship to another user because the proposed clearing fees apply equally to all users of OCC. Accordingly, OCC does not believe that the proposed rule change would have any impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) [19] of the Act, and Rule 19b–4(f)(2) thereunder,[20] the proposed rule change is filed for immediate effectiveness as it constitutes a change in fees charged to OCC Clearing Members. 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,

[10] OCC's Schedule of Fees must also meet the requirements set forth in Article IX, Section 9 of OCC's By-Laws. In general, Article IX, Section 9 of OCC's By-Laws requires that OCC's fee structure be designed to: 1) cover OCC's operating expenses plus a business risk buffer; 2) maintain reserves deemed reasonably necessary by OCC's Board of Directors; and 3) accumulate an additional surplus deemed advisable by the Board of Directors to permit OCC to meet its obligations to its clearing members and the public. Clauses 2 and 3 above will only be invoked at the discretion of OCC's Board of Directors and in extraordinary circumstances.

[11] OCC previously revised its Schedule of Fees effective December 1, 2016, to implement a fee increase in accordance with the Fee Policy. *See* Securities Exchange Act Release No. 79028 (October 3, 2016), 81 FR 69885 (October 7, 2016) (SR–OCC–2016–012).

[12] OCC has provided a summary of its analysis in confidential Exhibit 3 of the filing.

[13] These changes are also reflected in Exhibit 5.

[14] Any subsequent changes to OCC's Schedule of Fees would be the subject of a subsequent proposed rule change filed with the Commission.

[15] 17 U.S.C. 78q–1(b)(3)(D).

[16] *See supra* note 5.

[17] 17 U.S.C. 78q–1(b)(3)(D).

[18] 15 U.S.C. 78q–1(b)(3)(I).

[19] 15 U.S.C. 78s(b)(3)(A)(ii).

[20] 17 CFR 240.19b–4(f)(2).

or otherwise in furtherance of the purposes of the Act.[21]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2018–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2018–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

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–OCC–2018–004 and should be submitted on orbefore February 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02124 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 12d2–2 and Form 25, SEC File No. 270–86, OMB Control No. 3235–0080

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension of the previously approved collection of information provided for the following rule: Rule 12d2–2 (17 CFR 240.12d2–2) and Form 25 (17 CFR 249.25).

On February 12, 1935, the Commission adopted Rule 12d2–2,[1] and Form 25 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Act''), which sets forth the conditions and procedures under which a security may be delisted from an exchange and withdrawn from registration under Section 12(b) of the Act.[2] The Commission adopted amendments to Rule 12d2–2 and Form 25 in 2005.[3] Under the adopted Rule 12d2–2, all issuers and national securities exchanges seeking to delist and deregister a security in accordance with the rules of an exchange must file the adopted version of Form 25 with the Commission. The Commission also adopted amendments to Rule 19d–1 under the Act to require exchanges to file the adopted version of Form 25 as notice to the Commission under Section 19(d) of the Act. Finally, the Commission adopted amendments to exempt standardized options and security futures products from Section 12(d) of the Act. These amendments are intended to simplify the paperwork and procedure associated with a delisting and to unify general rules and procedures relating to the delisting process.

The Form 25 is useful because it informs the Commission that a security previously traded on an exchange is no longer traded. In addition, the Form 25 enables the Commission to verify that the delisting and/or deregistration has occurred in accordance with the rules of the exchange. Further, the Form 25 helps to focus the attention of delisting issuers to make sure that they abide by the proper procedural and notice requirements associated with a delisting and/or deregistration. Without Rule 12d2–2 and the Form 25, as applicable, the Commission would be unable to fulfill its statutory responsibilities.

There are 21 national securities exchanges that could possibly be respondents complying with the requirements of the Rule and Form 25.[4] The burden of complying with Rule 12d2–2 and Form 25 is not evenly distributed among the exchanges, however, since there are many more securities listed on the New York Stock Exchange, the NASDAQ Stock Market, and NYSE American than on the other exchanges. However, for purposes of this filing, the Commission staff has assumed that the number of responses is evenly divided among the exchanges. Since approximately 800 responses under Rule 12d2–2 and Form 25 for the purpose of delisting and/or deregistration of equity securities are received annually by the Commission

[21] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Rule 40.6.

[22] 17 CFR 200.30–3(a)(12). OCC filed this proposed rule change for immediate effectiveness pursuant to Exchange Act Section 19(b)(3)(A)(ii) and Rule 19b–4(f)(2). As stated above in note 8, OCC may not implement the proposed change unless either (i) the Commission issues an Order approving the proposed rule change SR–OCC–2018–001 or (ii) an exception to the 60-day notice period provision in the Fee Policy is authorized by OCC's Board of Directors and the holders of all of the outstanding Class B Common Stock of OCC.

[1] *See* Securities Exchange Act Release No. 98 (February 12, 1935).

[2] *See* Securities Exchange Act Release No. 7011 (February 5, 1963), 28 FR 1506 (February 16, 1963).

[3] *See* Securities Exchange Act Release No. 52029 (July 14, 2005), 70 FR 42456 (July 22, 2005).

[4] The staff notes that a few of these 21 registered national securities exchanges only have rules to permit the listing of standardized options, which are exempt from Rule 12d2–2 under the Act. Nevertheless, the staff counted national securities exchanges that can only list options as potential respondents because these exchanges could potentially adopt new rules, subject to Commission approval under Section 19(b) of the Act, to list and trade equity and other securities that have to comply with Rule 12d2–2 under the Act. Notice registrants that are registered as national securities exchanges solely for the purposes of trading securities futures products have not been counted since, as noted above, securities futures products are exempt from complying with Rule 12d–2–2 under the Act and therefore do not have to file Form 25.

from the national securities exchanges, the resultant aggregate annual reporting hour burden would be, assuming on average one hour per response, 800 annual burden hours for all exchanges (21 exchanges × an average of 38.1 responses per exchange × 1 hour per response). In addition, since approximately 100 responses are received by the Commission annually from issuers wishing to remove their securities from listing and registration on exchanges, the Commission staff estimates that the aggregate annual reporting hour burden on issuers would be, assuming on average one reporting hour per response, 100 annual burden hours for all issuers (100 issuers × 1 response per issuer × 1 hour per response). Accordingly, the total annual hour burden for all respondents to comply with Rule 12d2–2 is 900 hours (800 hours for exchanges + 100 hours for issuers). The related internal cost of compliance associated with these burden hours is $188,400 ($157,000 for exchanges ($196.25 per response × 800 responses) and $31,400 for issuers ($314 per response × 100 responses)).

The collection of information obligations imposed by Rule 12d2–2 and Form 25 are mandatory. The response will be available to the public and will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 30, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02115 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82599; File No. SR–ISE–2018–09]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate the Consolidated Audit Trail Compliance Rules

January 30, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 24, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to relocate the Consolidated Audit Trail Compliance rules (''CAT Rules''), currently under Chapter 9, Rules 900 through 912, to General 7, Sections 1 through 13 in the Exchange's rulebook's (''Rulebook'') shell structure.[3]

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to relocate the CAT Rules, currently under Chapter 9, Rules 900 through 912, to General 7, Sections 1 through 13 of the Rulebook's shell structure.

The Exchange adopted the CAT Rules to implement a consolidated audit trail in order to capture customer and order event information to comply with the provisions of the National Market System Plan Governing the Consolidated Audit Trail.[4] Because the CAT Rules apply across all markets and to all products,[5] the Exchange believes it is pertinent that they be located in the General section of the Rulebook's shell; therefore, the Exchange will amend the shell structure, creating a new ''General 7 Consolidated Audit Trail Compliance'' title under ''General Rules,'' and make conforming changes to the ''Options Rules'' titles; moreover, this proposal is consistent with similar filings concurrently submitted by the Affiliated Exchanges.

The relocation of the CAT Rules is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its Affiliated Exchanges.[6] The Exchange believes that the migration of the CAT Rules to their new location will facilitate the use of the Rulebook by Members[7] of the Exchange who are members of other Affiliated Exchanges. Moreover, the proposed changes are of a non-substantive nature and will not amend the relocated rules other than to update their numbers, make cross-reference changes, and make changes to harmonize the proposed rule with the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Recently, the Exchange added a shell structure to its Rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges, The Nasdaq Stock Market LLC; Nasdaq BX, Inc.; Nasdaq PHLX LLC; Nasdaq GEMX, LLC; and Nasdaq MRX, LLC (''Affiliated Exchanges''). *See* Securities Exchange Act Release No. 82173 (November 29, 2017), 82 FR 57505 (December 5, 2017) (SR–ISE–2017–102).

[4] *See* Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14526 (March 21, 2017) (SR–ISE–2017–08) (Order Approving Proposed Rule Changes To Adopt Consolidated Audit Trail Compliance Rules).

The Exchange also notes that, at the time of the approval of the CAT Rules, the Exchange was known as ''International Securities Exchange, LLC.'' To reflect the Exchange's placement within its parent company's corporate structure, Nasdaq, Inc., the Exchange name was changed to ''Nasdaq ISE, LLC.'' *See* Securities Exchange Act Release No. 80325 (March 29, 2017), 82 FR 16445 (April 4, 2017) (SR–ISE–2017–25).

[5] *Id.*

[6] *See* footnote 3.

[7] Exchange Rule 100(a)(26).

text of filings simultaneously submitted by the Affiliated Exchanges.[8]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by promoting efficiency and conformity of the Exchange's processes with those of the Affiliated Exchanges and to make the Exchange's Rulebook easier to read and more accessible to its Members. The Exchange believes that the relocation of the CAT Rules and cross-reference updates are of a non-substantive nature.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes do not impose a burden on competition because, as previously stated, they (i) are of a non-substantive nature, (ii) are intended to harmonize the Exchange's rules with those of its Affiliated Exchanges, and (iii) are intended to organize the Rulebook in a way that it will ease the Members' navigation and reading of the rules across the Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6)[13] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange can reorganize its Rulebook as already approved by the Commission. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2018–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–09 and should be submitted on or before February 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02127 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

[8] Specifically, the Exchange will remove the word ''Rule'' from General 7's title which will now read ''Consolidated Audit Trail Compliance.''

Moreover, the Exchange will update the description provided under General 7, Section 12(a), ''General,'' to exactly match the contents of similar sections in the Nasdaq, BX, and Phlx rulebooks. This change will not alter Section 12(a) since (i) the description under this subsection is essentially the same to that of the aforementioned Affiliated Exchanges and (ii) the removal of the phrase ''upon approval by the Commission'' is unnecessary at this point since the CAT Rules are already effective.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] 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).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82601; File No. SR–Phlx–2018–11]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate the Consolidated Audit Trail Compliance Rules

January 30, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 24, 2018, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to relocate the Consolidated Audit Trail Compliance rules (''CAT Rules''), Rules 900A through 996A, to General 7, Sections 1 through 13 in the Exchange's rulebook's (''Rulebook'') shell structure.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to relocate the CAT Rules, currently identified as Rules 900A through 996A, to General 7, Sections 1 through 13 of the Rulebook's shell structure.

The Exchange adopted the CAT Rules to implement a consolidated audit trail in order to capture customer and order event information to comply with the provisions of the National Market System Plan Governing the Consolidated Audit Trail.[3] Because the CAT Rules apply across all markets and to all products,[4] the Exchange believes it is pertinent that they be located in the General section of the Rulebook's shell; therefore, the Exchange will amend the shell structure, creating a new ''General 7 Consolidated Audit Trail Compliance'' title under ''General Equity and Options Rules,'' and make conforming changes to the ''Options Rules'' titles; moreover, this proposal is consistent with similar filings concurrently submitted by the Affiliated Exchanges.

The relocation of the CAT Rules is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its Affiliated Exchanges.[5] The Exchange believes that the migration of the CAT Rules to their new location will facilitate the use of the Rulebook by Members [6] of the Exchange who are members of other Affiliated Exchanges. Moreover, the proposed changes are of a non-substantive nature and will not amend the relocated rules other than to update their numbers, make cross-reference changes, and make a minor change to harmonize the proposed rule text with the filings simultaneously submitted by the Affiliated Exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by promoting efficiency and conformity of the Exchange's processes with those of the Affiliated Exchanges and to make the Exchange's Rulebook easier to read and more accessible to its Members. The Exchange believes that the relocation of the CAT Rules and cross-reference updates are of a non-substantive nature.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes do not impose a burden on competition because, as previously stated, they (i) are of a non-substantive nature, (ii) are intended to harmonize the Exchange's rules with those of its Affiliated Exchanges, and (iii) are intended to organize the Rulebook in a way that it will ease the Members' navigation and reading of the rules across the Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) [11] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [12] permits the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14526 (March 21, 2017) (SR-Phlx-2017–07) (Order Approving Proposed Rule Changes To Adopt Consolidated Audit Trail Compliance Rules).

[4] *Id.*

[5] *See* footnote 3.

[6] Exchange Rule 1(r).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange can reorganize its Rulebook as already approved by the Commission. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2018–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2018–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2018–11 and should be submitted on or before February 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02129 Filed 2–1–18; 8:45 am]

BILLING CODE 8011–01–P

[13] 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).

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10258]

Global Magntisky Human Rights Accountability Act Annual Report

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: This notice contains the text of the report, submitted by the President required by the Global Magnitsky Human Rights Accountability Act, as submitted by the Secretary of State.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Kraut, Email: *Krautb@state gov*, Phone: (202) 647–9452.

SUPPLEMENTARY INFORMATION: On December 21, 2017, The Secretary of State approved the following report pursuant to a delegation of authority from the President under Executive Order 13818. Executive Order 13818, which implements the Global Magnitsky Human Rights Accountability Act (Pub. L. 114–328, Subtitle F), was issued by the President on December 20, 2017 with an effective date of December 21, 2017. The text of the report follows:

As required by Section 1264 of the Global Magnitsky Human Rights Accountability Act of 2016 (Pub. L. 114–328, Subtitle F) (the ''Act''), and in accordance with the executive order (E.O.) issued to implement the Act, the Secretary of State, in consultation with the Secretary of the Treasury, submits this report to detail the Administration's implementation of the Act in 2017.

Enacted on December 23, 2016, the Act authorizes the President to impose financial sanctions and visa restrictions on foreign persons responsible for acts of corruption or certain human rights violations. On December 20, 2017, the President issued an executive order to implement the Act. This executive order authorizes the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to impose financial sanctions on persons determined to be directly or indirectly responsible for serious human rights abuse or acts of significant corruption. The executive order also authorizes the Secretary of State to impose visa restrictions on persons designated pursuant to the executive order.

The United States is committed to protecting and promoting human rights and combatting corruption around the world. These efforts advance a world order that reflects U.S. values and increases the security of the United States, its allies, and its partners. The United States has led, and is uniquely positioned to continue leading, the international community in efforts to combat human rights abuse and corruption on the international stage. Sanctions issued pursuant to the Act, as implemented by the executive order, are consistent with these longstanding efforts.

The United States will, under the executive order, pursue tangible and significant consequences for those who commit serious human rights abuse and engage in corruption. This tool will be used without hesitation to advance U.S. interests in cases involving human rights abusers or corrupt actors who are beyond the reach of other U.S. sanctions authorities, but whose designation could have an impact on these and other malign actors.

Financial Sanctions

Over the last year, various departments and agencies of the United States Government have actively collected information from multiple sources—including the Intelligence Community, U.S. missions around the world, non-governmental organizations,

and Congress—to support sanctions designations under the executive order.

In the executive order, the President issued sanctions and visa restrictions on several persons around the world for human rights abuse or corruption. Simultaneously, the Department of the Treasury issued a number of designations targeting individuals and entities engaged in human rights abuse or corruption or supporting those sanctioned by the President. The Annex and designations issued this year pursuant to the executive order are detailed below:

Yahya Jammeh: Yahya Jammeh (Jammeh), the former President of The Gambia who came to power in 1994 and stepped down in 2017, has a long history of engaging in serious human rights abuses and corruption. Jammeh created a terror and assassination squad called the Junglers that answered directly to him. Jammeh used the Junglers to threaten, terrorize, interrogate, and kill individuals whom Jammeh assessed to be threats. During Jammeh's tenure, he ordered the Junglers to kill a local religious leader, journalists, members of the political opposition, and former members of the government, among others. Jammeh used the Gambia's National Intelligence Agency (NIA) as a repressive tool of the regime—torturing political opponents and journalists. Throughout his presidency, Jammeh routinely ordered the abuse and murder of those he suspected of undermining his authority.

During his tenure, Jammeh used a number of corrupt schemes to plunder The Gambia's state coffers or otherwise siphon off state funds for his personal gain. Ongoing investigations continue to reveal Jammeh's large-scale theft from state coffers prior to his departure. According to The Gambia's Justice Ministry, Jammeh personally, or through others acting under his instructions, directed the unlawful withdrawal of at least $50 million of state funds. The Gambian Government has since taken action to freeze Jammeh's assets within The Gambia.

Related to Jammeh's designation, the Department of the Treasury also designated *Africada Airways, Kanilai Group International, Kanilai Worni Family Farms Ltd, Royal Africa Capital Holding Ltd, Africada Financial Service & Bureau de Change Ltd, Africada Micro-Finance Ltd, Africada Insurance Company, Kora Media Corporation Ltd, Atlantic Pelican Company Ltd, Palm Grove Africa Dev't Corp. Ltd, Patriot Insurance Brokers Co. Ltd, and Royal Africa Securities Brokerage Co Ltd.*

Roberto Jose Rivas Reyes: As President of Nicaragua's Supreme Electoral Council, drawing a reported government salary of $60,000 per year, Roberto Jose Rivas Reyes (Rivas) has been accused in the press of amassing sizeable personal wealth, including multiple properties, private jets, luxury vehicles, and a yacht. Rivas has been described by a Nicaraguan Comptroller General as ''above the law,'' with investigations into his corruption having been blocked by Nicaraguan government officials. He has also perpetrated electoral fraud undermining Nicaragua's electoral institutions.

Dan Gertler: Dan Gertler (Gertler) is an international businessman and billionaire who amassed his fortune through hundreds of millions of dollars' worth of opaque and corrupt mining and oil deals in the Democratic Republic of the Congo (DRC). Gertler has used his close friendship with DRC President Joseph Kabila to act as a middleman for mining asset sales in the DRC, requiring some multinational companies to go through Gertler to do business with the Congolese state. As a result, between 2010 and 2012 alone, the DRC reportedly lost over $1.36 billion in revenues from the underpricing of mining assets that were sold to offshore companies linked to Gertler. The failure of the DRC to publish the full details of one of the sales prompted the International Monetary Fund to halt loans to the DRC totaling $225 million. In 2013, Gertler sold to the DRC government for $150 million the rights to an oil block that Gertler purchased from the government for just $500,000, a loss of $149.5 million in potential revenue. Gertler has acted for or on behalf of Kabila, helping Kabila organize offshore leasing companies.

Related to Gertler's designation, the Department of the Treasury designated *Pieter Albert Deboutte, Fleurette Properties Limited, Fleurette Holdings Netherlands B.V., Gertler Family Foundation, Oil of DR Congo SPRL, Jarvis Congo SARL, International Diamond Industries, D.G.D. Investments Ltd., D.G.I. Israel Ltd, Proglan Capital Ltd, Emaxon Finance International Inc., Africa Horizons Investment Limited, Caprikat Limited, Foxwhelp Limited, Caprikat and Foxwhelp SARL, Lora Enterprises Limited, Zuppa Holdings Limited, Orama Properties Ltd, DGI Mining Ltd, and Rozaro Development Limited.*

Slobodan Tesic: Slobodan Tesic (Tesic) is among the biggest dealers of arms and munitions in the Balkans; he spent nearly a decade on the United Nations (UN) Travel Ban List for violating UN sanctions against arms exports to Liberia. In order to secure arms contracts with various countries, Tesic would directly or indirectly provide bribes and financial assistance to officials. Tesic also took potential clients on high-value vacations, paid for their children's education at western schools or universities, and used large bribes to secure contracts. Tesic owns or controls two Serbian companies, Partizan Tech and Technoglobal Systems DOO Beograd, and two Cyprus-based companies Grawit Limited and Charso Limited. Tesic negotiates the sale of weapons via Charso Limited and used Grawit Limited as a mechanism to fund politicians.

Related to Tesic's designation, the Department of the Treasury designated *Preduzece Za Trgovinu Na Veliko I Malo Partizan Tech DOO Beograd-Savski Venac (''Partizan Tech''), Charso Limited, Grawit Limited, and Technoglobal Systems DOO Beograd.*

Maung Maung Soe: In his former role as chief of the Burmese Army's Western command, Maung Maung Soe oversaw the military operation in Burma's Rakhine State responsible for widespread human rights abuse against Rohingya civilians in response to attacks by the Arakan Rohingya Salvation Army. The Secretary of State determined on November 22 that the situation in northern Rakhine state in Burma constituted ethnic cleansing. The United States Government examined credible evidence of Maung Maung Soe's activities, including allegations against Burmese security forces of extrajudicial killings, sexual violence, and arbitrary arrest as well as the widespread burning of villages. Security operations have led to hundreds of thousands of Rohingya refugees fleeing across Burma's border with Bangladesh. In August 2017, witnesses reportedly described mass killings and arson attacks by the Burmese Army and Burmese Border Guard Police, both then under Maung Maung Soe's command in northern Rakhine State. In August 2017, soldiers described as being from the Western Command allegedly entered a village and reportedly separated the inhabitants by gender. According to witnesses, soldiers opened fire on the men and older boys and committed multiple acts of rape. Many of the women and younger children were reportedly also shot. Other witnesses described soldiers setting huts on fire with villagers inside.

Benjamin Bol Mel: Benjamin Bol Mel (Bol Mel) is the President of ABMC Thai-South Sudan Construction Company Limited (ABMC), and has served as the Chairman of the South Sudan Chamber of Commerce, Industry, and Agriculture. Bol Mel has also served

as South Sudanese President Salva Kiir's principal financial advisor, has been Kiir's private secretary, and was perceived within the government as being close to Kiir and the local business community. Several officials were linked to ABMC in spite of a constitutional prohibition on top government officials transacting commercial business or earning income from outside the government.

Bol Mel oversees ABMC, which has been awarded contracts worth tens of millions of dollars by the Government of South Sudan. ABMC allegedly received preferential treatment from high-level officials, and the Government of South Sudan did not hold a competitive process for selecting ABMC to do roadwork on several roads in Juba and throughout South Sudan. Although this roadwork had been completed only a few years before, the government budgeted tens of millions of dollars more for maintenance of the same roads.

Related to Bol Mel's designation, the Department of the Treasury designated *ABMC Thai-South Sudan Construction Company Limited and Home and Away LTD.*

Mukhtar Hamid Shah: Mukhtar Hamid Shah (Shah) is a Pakistani surgeon specializing in kidney transplants who Pakistani police believe to be involved in kidnapping, wrongful confinement, and the removal of and trafficking in human organs. As an owner of the Kidney Centre in Rawalpindi, Pakistan, Shah was involved in the kidnapping and detention of, and removal of kidneys from, Pakistani laborers. Shah was arrested by Pakistani authorities in connection with an October 2016 incident in which 24 individuals from Punjab were found to be held against their will. Impoverished and illiterate Pakistanis from the countryside were reportedly lured to Rawalpindi with the promise of a job, and imprisoned for weeks. Doctors from the Kidney Centre were allegedly planning to steal their kidneys in order to sell them for a large profit. Police state that one of the accused arrested in connection with the events estimated that more than 400 people were imprisoned in the apartment at various times.

Gulnara Karimova: Gulnara Karimova (Karimova), daughter of former Uzbekistan leader Islam Karimov, headed a powerful organized crime syndicate that leveraged state actors to expropriate businesses, monopolize markets, solicit bribes, and administer extortion rackets. In July 2017, the Uzbek Prosecutor General's Office charged Karimova with directly abetting the criminal activities of an organized crime group whose assets were worth over $1.3 billion. Karimova was also charged with hiding foreign currency through various means, including the receipt of payoffs in the accounts of offshore companies controlled by an organized criminal group, the illegal sale of radio frequencies and land parcels, siphoning off state funds through fraudulent dividend payments and stock sales, the illegal removal of cash, the non-collection of currency earnings, and the import of goods at inflated prices. Karimova was also found guilty of embezzlement of state funds, theft, tax evasion, and concealment of documents. Karimova laundered the proceeds of corruption back to her own accounts through a complex network of subsidiary companies and segregated portfolio funds. Karimova's targeting of successful businesses to maximize her gains and enrich herself in some cases destroyed Uzbek competitors. Due in part to Karimova's corrupt activities in the telecom sector alone, Uzbeks paid some of the highest rates in the world for cellular service.

Angel Rondon Rijo: Angel Rondon Rijo (Rondon) is a politically connected businessman and lobbyist in the Dominican Republic who funneled money from Odebrecht, a Brazilian construction company, to Dominican officials, who in turn awarded Odebrecht projects to build highways, dams, and other projects. According to the U.S. Department of Justice, Odebrecht is a Brazil-based global construction conglomerate that has pled guilty to charges of conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act, and agreed to a criminal fine of $4.5 billion. In 2017, Rondon was arrested by Dominican authorities and charged with corruption for the bribes paid by Odebrecht.

Artem Chayka: Artem Chayka (Chayka) is the son of the Prosecutor General of the Russian Federation and has leveraged his father's position and ability to award his subordinates to unfairly win state-owned assets and contracts and put pressure on business competitors. In 2014, reconstruction of a highway began, and Chayka's competitor for supplying materials to the project suddenly fell under prosecutorial scrutiny. An anonymous complaint letter with a fake name initiated a government investigation against the competitor. Government inspectors did not produce any documents confirming the legality of the inspections, and did not inform subjects of the investigation of their rights. Traffic police were deployed along the route to the competitor, weight control stations were suddenly dispatched, and trees were dug up and left to block entrances. The competitor was forced to shut down, leaving Chayka in a position to non-competitively work on the highway project. Also in 2014, Chayka bid on a state-owned stone and gravel company, and was awarded the contract. His competitor contested the results and filed a lawsuit. Prosecutors thereafter raided his home. After Chayka's competitor withdrew the lawsuit, prosecutors dropped all charges.

Gao Yan: Gao Yan (Gao) was the Beijing Public Security Bureau Chaoyang Branch director. During Gao's tenure, human rights activist Cao Shunli was detained at Beijing Municipal Public Security Bureau Chaoyang Branch where, in March 2014, Cao fell into a coma and died from organ failure, her body showing signs of emaciation and neglect. Cao had been arrested after attempting to board a flight to attend human rights training in Geneva, Switzerland. She was refused visitation by her lawyer, and was refused medical treatment while she suffered from tuberculosis.

Sergey Kusiuk: Sergey Kusiuk (Kusiuk) was commander of an elite Ukrainian police unit, the Berkut. Ukraine's Special Investigations Department investigating crimes against activists identified Kusiuk as a leader of an attack on peaceful protesters on November 30, 2013, while in charge of 290 Berkut officers, many of whom took part in the beating of activists. Kusiuk has been named by the Ukrainian General Prosecutor's Office as an individual who took part in the killings of activists on Kyiv's Independence Square in February 2014. Kusiuk ordered the destruction of documentation related to the events, and has fled Ukraine and is now in hiding in Moscow, Russia, where he was identified dispersing protesters as part of a Russian riot police unit in June 2017.

Julio Antonio Juarez Ramirez: Julio Antonio Juarez Ramirez (Juarez) is a Guatemalan Congressman accused of ordering an attack in which two journalists were killed and another injured. Guatemalan prosecutors and a UN-sponsored commission investigating corruption in Guatemala allege that Juarez hired hit men to kill Prensa Libre correspondent Danilo Efrain Zapan Lopez, whose reporting had hurt Juarez's plan to run for reelection. Fellow journalist Federico Benjamin Salazar of Radio Nuevo Mundo was also killed in the attack and is considered a

collateral victim. Another journalist was wounded in the attack.

Yankuba Badjie: Yankuba Badjie (Badjie) was appointed as the Director General of The Gambia's NIA in December 2013 and is alleged to have presided over abuses throughout his tenure. During Badjie's tenure as Director General, abuses were prevalent and routine within the NIA, consisting of physical trauma and other mistreatment. In April 2016, Badjie oversaw the detention and murder of Solo Sandeng, a member of the political opposition. In February 2017, Badjie was charged along with eight subordinates with Sandeng's murder. Prior to becoming Director General, Badjie served as the NIA Deputy Director General for Operations. Prior to becoming a member of the NIA's senior leadership, Badjie led a paramilitary group known as the Junglers to the NIA's headquarters to beat a prisoner for approximately three hours, leaving the prisoner unconscious and with broken hands. The following day, Badjie and the Junglers returned to beat the prisoner again, leaving him on the verge of death.

Visa Restrictions

Although no visa restrictions were imposed under the Act during the first year of its enactment, persons designated pursuant to the executive order may be subject to the visa restrictions articulated in Sec. 2. Sec. 2 contains restrictions pursuant to Presidential Proclamation 8693, which establishes a mechanism for imposing visa restrictions on Specially Designated Nationals and Blocked Persons (SDNs) designated under the executive order and certain other executive orders, as well as individuals designated otherwise for travel bans in UN Security Council resolutions. In addition, the Department of State continues to take action, as appropriate, to implement authorities pursuant to which it can impose visa restrictions on those responsible for human rights violations and corruption, including Presidential Proclamations 7750 and 8697, and Section 7031(c) of the FY2017 Consolidated Appropriations Act. The Department of State continues to make visa ineligibility determinations pursuant to the Immigration and Nationality Act (INA), including Section 212(a)(3)(E) which makes individuals who have participated in acts of genocide or committed acts of torture, extrajudicial killings, and other human rights violations ineligible for visas.

Termination of Sanctions

No sanctions imposed under the Act were terminated.

Efforts To Encourage Governments of Other Countries To Impose Sanctions Similar to Those Authorized by the Act

The United States is committed to encouraging other countries to impose sanctions on a similar basis to those provided for by the Act. The Departments of State and Treasury have consulted closely with United Kingdom and Canadian government counterparts over the last year to encourage development and implementation of statutes similar to the Act by those governments. Both countries have enacted similar laws. The Departments of State and Treasury shared information with various foreign partners regarding sanctions and other actions that might be taken against persons pursuant to the Act, as implemented by the E.O., in parallel with other governments' relevant authorities.

Manisha Singh,

Assistant Secretary of State, Bureau of Economic and Business Affairs, Department of State.

[FR Doc. 2018–02070 Filed 2–1–18; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Modification to Previously Published Notice of Intent To Prepare an Environmental Assessment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is publishing this notice to advise the public of a modification to the Notice of Intent to Prepare an Environmental Assessment (EA) and notice of opportunity for public comment published in the **Federal Register** on April 21, 2014, at 79 FR 22177. Specifically, FAA is withdrawing Wildlife Fence Project from the scope of the EA, and the project will be subject instead to a discrete environmental review.

FOR FURTHER INFORMATION CONTACT: Parks Preston, Assistant Manager, Atlanta Airports District Office, 1701 Columbia Avenue, Room 220, College Park, Georgia 30337–2747, (404) 305–6799.

SUPPLEMENTARY INFORMATION: Paulding Northwest Atlanta Airport (PUJ) is located outside Atlanta, Georgia, in the town of Dallas, Georgia. Paulding County and the Paulding County Airport Authority (PCAA) own the airport. PUJ opened in 2008 and is designated as a general aviation airport. An EA for the construction of PUJ was completed in 2005.

In September 2013, the PCAA submitted an application to the FAA requesting an Airport Operating Certificate under title 14 Code of Regulations, Part 139. A Part 139 Airport Operating Certificate allows the airport to accommodate scheduled passenger-carrying operations, commonly referred to as ''commercial service.'' In November 2013, several Paulding County residents filed a Petition for Review in the United States Court of Appeals for the District of Columbia of two categorical exclusions (CATEXs) issued by the Georgia Department of Transportation (GDOT), as authorized by the FAA's State Block Grant Program, for airfield improvement projects. The petitioners argued that the two projects were connected to the proposed introduction of commercial service at PUJ. On December 23, 2013, the petitioners and the FAA entered into a settlement agreement under which the FAA agreed to prepare, at a minimum, an EA for the proposed Part 139 Airport Operating Certificate and all connected actions. The FAA is currently in the process of preparing that EA (current EA). While the settlement agreement contemplated that the current EA would include all actions connected with the proposed issuance of the Part 139 Airport Operating Certificate, the FAA opted to include in the current EA all reasonably foreseeable airport improvement projects, whether or not connected with the proposed introduction of commercial service.

On April 21, 2014, the FAA published a ''Notice of Intent to Prepare an Environmental Assessment and Notice of Opportunity for Public Comment'' in the **Federal Register**, 79 FR 22177. The Notice of Intent identified all of the projects intended to be reviewed in the EA, including ''Install approximately 19,000 linear feet of wildlife fencing around the perimeter of the Airport''. PUJ owners now desire to move forward with the Wildlife Fence Project more expeditiously than will be possible if the project remains within the scope of the current EA. The primary need for expediting this project is enhance aviation safety to General Aviaion operations at PUJ.

The Wildlife Fence has independent utility, is not connected to the Part 139 Airport Operating Certificate, and is therefore not required by the National Environmental Policy Act or the terms

of the 2013 settlement agreement to be included in the EA. Accordingly, the current EA will no longer consider direct impacts of the Wildlife Fence Project, but will address potential cumulative impacts associated with the project.

To satisfy the requirements of FAA Order 1050.1F, GDOT has prepared a Categorical Exclusion (CATEX) for the project. The CATEX is available for review at PUJ and online at *http://www.paulding.gov/DocumentCenter.*

Issued in Atlanta, Georgia, on January 29, 2018.

Parks Preston,

Assistant Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 2018–02132 Filed 2–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket FTA–2018–0001]

Notice of Establishment of Emergency Relief Docket for Calendar Year 2018

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: By this notice, the Federal Transit Administration (FTA) is establishing an Emergency Relief Docket for calendar year 2018 so grantees and subgrantees affected by national or regional emergencies may request temporary relief from FTA administrative and statutory requirements.

FOR FURTHER INFORMATION CONTACT: Bonnie L. Graves, Attorney-Advisor, Office of Chief Counsel, Federal Transit Administration, 90 Seventh Street, Ste. 15–300, San Francisco, CA 94103; phone: (202) 366–0944, fax: (415) 734–9489, or email, *Bonnie.Graves@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to title 49 CFR part 601, subpart D, FTA is establishing the Emergency Relief Docket for calendar year 2018. Subsequent to an emergency or major disaster, when FTA requirements impede a grantee or subgrantee's ability to respond to the emergency or major disaster, a grantee or subgrantee may submit a request for relief from specific FTA requirements.

A grantee or subgrantee may submit a petition for waiver of FTA requirements to *www.regulations.gov* for posting in the docket (FTA–2018–0001). Alternatively, a grantee or subgrantee may submit a petition in duplicate to the FTA Administrator, via U.S. mail or hand delivery, to: Federal Transit Administration, 1200 New Jersey Ave. SE, Washington, DC 20590; via telephone, at: (202) 366–4011; via fax, at (202) 366–3472; via email, to *Bonnie.Graves@dot.gov;* or via U.S. mail or hand delivery to the DOT Docket Management Facility, 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, including the information set forth below.

All petitions for relief from a provision of chapter 53 of title 49, U.S.C. or FTA administrative requirements must be posted in the docket in order to receive consideration by FTA. The docket is publicly available and can be accessed 24 hours a day, seven days a week, via the internet at *www.regulations.gov.* Any grantee or subgrantee submitting petitions for relief or comments to the docket must include the agency name (Federal Transit Administration) and docket number FTA–2018–0001. Grantees and subgrantees making submissions to FTA or to the docket by mail or hand delivery should submit two copies. Grantees and subgrantees are strongly encouraged to contact their FTA regional office and notify FTA of the intent to submit a petition to the docket.

In the event a grantee or subgrantee needs to request immediate relief and does not have access to electronic means to request that relief, the grantee or subgrantee may contact any FTA regional office or FTA headquarters and request that FTA staff submit the petition on its behalf.

Federal public transportation law at 49 U.S.C. 5324(d) provides that a grant awarded under Section 5324 or under 49 U.S.C. 5307 or 49 U.S.C. 5311 that is made to address an emergency shall be subject to the terms and conditions the Secretary determines are necessary. This language allows FTA to waive statutory, as well as administrative, requirements. Therefore, grantees and subgrantees affected by an emergency or major disaster may request waivers of provisions of chapter 53 of title 49, U.S.C. when a grantee or subgrantee demonstrates the requirement(s) will limit a grantee's or subgrantee's ability to respond to an emergency. Grantees must follow the procedures set forth below when requesting a waiver of statutory or administrative requirements.

A petition for relief shall:

(a) Identify the grantee or subgrantee and its geographic location;

(b) Identify the section of chapter 53 of title 49, U.S.C., or the FTA policy statement, circular, guidance document and/or rule from which the grantee or subgrantee seeks relief;

(c) Specifically address how a requirement in chapter 53 of title 49 U.S.C., or an FTA requirement in a policy statement, circular, agency guidance or rule will limit a grantee's or subgrantee's ability to respond to an emergency or disaster; and

(d) Specify if the petition for relief is one-time or ongoing, and if ongoing identify the time period for which the relief is requested. The time period may not exceed three months; however, additional time may be requested through a second petition for relief.

A petition for relief from administrative requirements will be conditionally granted for a period of three (3) business days from the date it is submitted to the Emergency Relief Docket. FTA will review the petition after the expiration of the three business days and review any comments submitted thereto. FTA may contact the grantee or subgrantee that submitted the request for relief, or any party that submits comments to the docket, to obtain more information prior to making a decision. FTA shall then post a decision to the Emergency Relief Docket. FTA's decision will be based on whether the petition meets the criteria for use of these emergency procedures, the substance of the request, and the comments submitted regarding the petition. If FTA does not respond to the request for relief to the docket within three business days, the grantee or subgrantee may assume its petition is granted for a period not to exceed three months until and unless FTA states otherwise.

A petition for relief from statutory requirements will not be conditionally granted and requires a written decision from the FTA Administrator.

Pursuant to 49 CFR 604.2(f) of FTA's Charter Rule, grantees and subgrantees may assist with evacuations or other movement of people that might otherwise be considered charter transportation when that transportation is in response to an emergency declared by the President, governor, or mayor, or in an emergency requiring immediate action prior to a formal declaration, even if a formal declaration of an emergency is not eventually made by the President, governor or mayor. Therefore, a request for relief is not necessary in order to provide this service. However, if the emergency lasts more than 45 calendar days, the grantee or subgrantee shall follow the procedures set out in this notice.

FTA reserves the right to reconsider any decision made pursuant to these emergency procedures based upon its own initiative, based upon information or comments received subsequent to the

three business day comment period, or at the request of a grantee or subgrantee upon denial of a request for relief. FTA shall notify the grantee or subgrantee if it plans to reconsider a decision. FTA decision letters, either granting or denying a petition, shall be posted in the Emergency Relief Docket and shall reference the document number of the petition to which it relates.

Issued in Washington, DC.

K. Jane Williams,

Deputy Administrator.

[FR Doc. 2018–02083 Filed 2–1–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Bank Activities and Operations; Investment in Bank Premises

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''Bank Activities and Operations; Investment in Bank Premises.'' The OCC also is giving notice that it has sent the collection to OMB review.

DATES: You should submit written comments by March 5, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0204, 400 7th Street SW, suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by email to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0204, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to *oirasubmission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC requests that OMB extend its approval of this collection.

Title: Bank Activities and Operations; Investment in Bank Premises.

OMB Control No.: 1557–0204.

Description: The information collection requirements ensure that institutions conduct their operations in a safe and sound manner and in accordance with applicable federal banking statutes and regulations. The information is necessary for regulatory and examination purposes.

The information collection requirements are as follows:

- 12 CFR 5.37 (Investment in national bank or federal savings association premises). A national bank or federal savings association may invest in banking premises and other premises-related investments, loans, or indebtedness by filing an application for prior approval whenever its investment in bank premises will cause it to exceed its capital stock. The application must describe the present and proposed investment and the business reason for exceeding the limit. A bank with a composite 1 or 2 CAMELS rating entering a transaction that increases its aggregate bank premises investment to not more than 150 percent of its capital and surplus may proceed without prior OCC approval, but must provide an after-the-fact notice.
- 12 CFR 7.1014 (Sale of money orders at nonbanking outlets). A national bank may designate bonded agents to sell the bank's money orders at nonbanking outlets. The responsibility of both the bank and its agent should be defined in a written agreement setting forth the duties of both parties and providing for remuneration of the agent.
- 12 CFR 7.2000(b) (Corporate governance procedures—Other sources of guidance). A national bank shall designate in its bylaws the body of law selected for its corporate governance procedures.
- 12 CFR 7.2004 (Honorary directors or advisory boards). Any listing of a national bank's honorary or advisory directors must distinguish between those directors and the bank's board of directors or indicate their advisory status.
- 12 CFR 7.2014(b) (Indemnification of institution-affiliated parties—Administrative proceeding or civil actions not initiated by a federal agency). A national bank shall designate in its bylaws the body of law selected for making indemnification payments.
- 12 CFR 7.2024(a) (Staggered terms for national bank directors). Any national bank may adopt bylaws that provide for staggering the terms of its directors. National banks shall provide the OCC with copies of any bylaws so amended.
- 12 CFR 7.2024(c) (Size of bank board). A national bank seeking to increase the number of its directors must notify the OCC any time the proposed size would exceed 25 directors.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1,294.

Estimated Total Annual Burden: 561 hours.

Frequency of Response: On occasion.

The OCC issued a notice for 60 days comment regarding this collection on November 21, 2017, 82 FR 55486. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 29, 2018.

Karen Solomon,

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

[FR Doc. 2018–02057 Filed 2–1–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; International Regulation

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled ''International Regulation.''

DATES: Comments must be received by April 3, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0102, 400 7th Street SW, suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each renewal of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: International Regulation—Part 28.

OMB Control No.: 1557–0102.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

12 CFR 28.3 Filing Requirements for Foreign Operations of a National Bank—Notice Requirement

A national bank shall notify the OCC when it files an application, notice, or report with the FRB [1] to establish or open a foreign branch, or acquire or divest of an interest in, or close, an Edge corporation, Agreement corporation, foreign bank, or other foreign organization; or opens a foreign branch, and no application or notice is required by the FRB for such transaction.

In practice, the OCC also has required an application pursuant to § 28.3(c) from a national bank seeking to join a foreign exchange, clearinghouse, or similar type of organization. In lieu of a notice, the OCC may accept a copy of an application, notice, or report submitted to another federal agency that covers the proposed action and contains substantially the same information required by the OCC. A national bank shall furnish the OCC with any additional information the OCC may require in connection with the national bank's foreign operations.

12 CFR 28.14(c) Limitations Based upon Capital of a Foreign Bank—Aggregation

A foreign bank shall aggregate business transacted by all federal branches and agencies with the business transacted by all state branches and agencies controlled by the foreign bank in determining its compliance with limitations based upon the capital of the foreign bank. A foreign bank shall designate one federal branch or agency office in the United States to maintain consolidated information so that the OCC can monitor compliance.

12 CFR 28.15(d), (d)(1), (d)(2), and (f) Capital Equivalency Deposits

A foreign bank should require its depository bank to segregate its capital equivalency deposits on the depository bank's books and records. The instruments making up the capital equivalency deposit that are placed in safekeeping at a depository bank to satisfy a foreign bank's capital equivalency deposit requirement must be maintained pursuant to an agreement prescribed by the OCC that shall be a

[1] Board of Governors of the Federal Reserve System.

written agreement entered into with the OCC. Each federal branch or agency shall maintain a capital equivalency account and keep records of the amount of liabilities requiring capital equivalency coverage in a manner and form prescribed by the OCC. A foreign bank's capital equivalency deposits may not be reduced in value below the minimum required for that branch or agency without the prior approval of the OCC, but in no event may the value fall below the statutory minimum.

12 CFR 28.16(c) Deposit-Taking by an Uninsured Federal Branch—Application for an Exemption

A foreign bank may apply to the OCC for an exemption to permit an uninsured federal branch to accept or maintain deposit accounts that are not listed in § 28.16(b). The request should describe the types, sources, and estimated amount of such deposits and explain why the OCC should grant an exemption, and how the exemption maintains and furthers the policies described in § 28.16(a).

12 CFR 28.16(d) Deposit-Taking by an Uninsured Federal Branch—Aggregation of Deposits

A foreign bank that has more than one federal branch in the same state may aggregate deposits in all of its federal branches in that state, but exclude deposits of other branches, agencies, or wholly owned subsidiaries of the bank. The federal branch shall compute the average amount by using the sum of deposits as of the close of business of the last 30 calendar days ending with, and including, the last day of the calendar quarter, divided by 30. The federal branch shall maintain records of the calculation until its next examination by the OCC.

12 CFR 28.18(c)(1) Recordkeeping and Reporting—Maintenance of Accounts, Books, and Records

Each federal branch or agency shall maintain a set of accounts and records reflecting its transactions that are separate from those of the foreign bank and any other branch or agency. The federal branch or agency shall keep a set of accounts and records in English sufficient to permit the OCC to examine the condition of the federal branch or agency and its compliance with applicable laws and regulations.

12 CFR 28.20(a)(1) Maintenance of Assets—General Rule

The OCC may require a foreign bank to hold certain assets in the state in which its federal branch or agency is located.

12 CFR 28.22(e) Reports of Examination

The federal branch or agency shall send the OCC certification that all of its Reports of Examination have been destroyed or return its Reports of Examination to the OCC.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 52.

Estimated Total Annual Burden: 2,286.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 29, 2018.

Karen Solomon,

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

[FR Doc. 2018–02056 Filed 2–1–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Revision of an Approved Information Collection; Submission for OMB Review; Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions With Total Consolidated Assets of $50 Billion or More Under the Dodd-Frank Wall Street Reform and Consumer Protection Act

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC).

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

Currently, the OCC is finalizing a revision to a regulatory reporting requirement for national banks and federal savings associations titled, ''Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by March 5, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0319, 400 7th Street SW, Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street, SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0319, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503, or by email to: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. In addition, copies of the templates referenced in this notice can be found on the OCC's website under News and Issuances (*http://www.occ.treas.gov/tools-forms/forms/bank-operations/stress-test-reporting.html*).

SUPPLEMENTARY INFORMATION: The OCC is requesting comment on the following revision to an approved information collection:

Title: Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

OMB Control No.: 1557–0319.

Description: Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (Dodd-Frank Act) requires certain financial companies, including national banks and federal savings associations, to conduct annual stress tests [2] and requires the primary financial regulatory agency [3] of those financial companies to issue regulations implementing the stress test requirements.[4] A national bank or federal savings association is a ''covered institution'' and therefore subject to the stress test requirements if its total consolidated assets are more than $10 billion. Under section 165(i)(2), a covered institution is required to submit to the Board of Governors of the Federal Reserve System (Board) and to its primary financial regulatory agency a report at such time, in such form, and containing such information as the primary financial regulatory agency may require.[5] On October 9, 2012, the OCC published in the **Federal Register** a final rule implementing the section 165(i)(2) annual stress test requirement.[6] This rule describes the reports and information collections required to meet the reporting requirements under section 165(i)(2). Information collected will be kept private to the extent permitted by law.

[1] Public Law 111–203, 124 Stat. 1376, July 2010.

[2] 12 U.S.C. 5365(i)(2)(A).

[3] 12 U.S.C. 5301(12).

[4] 12 U.S.C. 5365(i)(2)(C).

[5] 12 U.S.C. 5365(i)(2)(B).

[6] 77 FR 61238 (October 9, 2012) (codified at 12 CFR part 46).

In 2012, the OCC first implemented the reporting templates referenced in the final rule. *See* 77 FR 49485 (August 16, 2012) and 77 FR 66663 (November 6, 2012). The OCC is now revising them as described below.

The OCC intends to use the data collected to assess the reasonableness of the stress test results of covered institutions and to provide forward-looking information to the OCC regarding a covered institution's capital adequacy. The OCC also may use the results of the stress tests to determine whether additional analytical techniques and exercises could be appropriate to identify, measure, and monitor risks at the covered institution. The stress test results are expected to support ongoing improvement in a covered institution's stress testing practices with respect to its internal assessments of capital adequacy and overall capital planning.

The OCC recognizes that many covered institutions with total consolidated assets of $50 billion or more are required to submit reports using Comprehensive Capital Analysis and Review (CCAR) reporting form FR Y–14A.[7] The OCC also recognizes the Board has modified the FR Y–14A and, to the extent practical, the OCC has kept its reporting requirements consistent with the Board's FR Y–14A in order to minimize burden on covered institutions.[8] The OCC is revising its reporting requirements to mirror the Board's FR Y–14A for covered institutions with total consolidated assets of $50 billion or more. In addition to the changes that parallel the Board's changes to the FR Y–14A, the OCC is also making two other changes. First, the OCC is modifying the OCC Supplemental Schedule. Second, the OCC is allowing federal savings associations to comply with the reporting requirements applicable to subsidiaries of large, noncomplex holding companies, as defined by the Board. These changes are described in more detail below.

Revisions to Reporting Templates That Mirror Changes by the Board

The revisions to the DFAST–14A reporting templates consist of the following:

- Eliminating two schedules, the Regulatory Capital Transitions Schedule and Retail Repurchase Exposures Schedule;
- Adding one item to the counterparty worksheet of the summary schedule to collect information of Funding Valuation Adjustments (FVAs) for firms subject to the Global Market Shock;
- Modifying instructions to clarify reporting of ''Credit Loss Portion'' and ''Non-Credit Loss Portion'' information for AFS/HTM worksheets in the summary schedule.

OCC Supplemental Schedule

In 2017 the OCC introduced a Supplemental Schedule that collects additional information not included in the FR Y–14A. The revisions include modifications to the OCC Supplemental Schedule. These modifications to the Supplemental Schedule consist of clarifying instructions as well as adding, deleting, and modifying existing data items. The total number of items in the Supplemental Schedule will be reduced by approximately half, reflecting the OCC's commitment to reducing the reporting burden associated with this schedule. In particular, the revisions delete existing data items on Allowance for Loan and Lease Loss data and Provisions data. The OCC periodically reviews its data collection to identify fields whose collection are no longer necessary to support the OCC's supervisory objectives, and the allowance and provision fields were identified for elimination as part of this review. The revisions also eliminate the materiality thresholds for the reporting of certain items. Only national banks that are subsidiaries of large, complex firms, as defined by the Board, are required to complete the Supplemental Schedule, and the OCC believes that it is appropriate and manageable for these larger national banks to report these items.

Federal Savings Associations

Beginning in 2017, the Board and the OCC allowed institutions that were subsidiaries of large, non-complex holding companies, as defined by the Board, to comply with simplified reporting requirements and not complete certain subschedules of the FR Y–14A and DFAST–14A reporting forms. The revisions allow federal savings associations that qualify as over $50 billion covered institutions to comply with these simplified reporting requirements.

Savings and loan holding companies are not currently required to submit the Board's FR Y–14A reporting forms. Similarly, the Board's capital plan rule includes a definition for ''large and noncomplex bank holding compan[ies]'' but does not include a parallel definition for savings and loan holding companies. Accordingly, savings and loan holding companies and federal

[7] *http://www.federalreserve.gov/reportforms.*

[8] 82 FR 59608 (December 15, 2017).

savings associations that have the same characteristics as other large and noncomplex firms would not technically qualify for the simplified reporting requirements. The revisions modify the DFAST–14A reporting forms and instructions to provide that all federal savings associations may comply with these simplified reporting requirements. This change promotes parity between national banks and federal savings associations that have similar size profiles and economic characteristics.

Response to Comments

The OCC received one comment from a trade association. The commenter suggested that the effective date for changes to the OCC reporting templates align with changes to the Board's reporting forms. The commenter also suggested that there should be a minimum of six months between the publication of final changes to the reporting templates and the effective date of the changes. According to the commenter, it is important to factor in the amount of time necessary to resolve clarifying questions.

The OCC recognizes the challenges with implementing changes in a timely and controlled manner. The OCC continues to balance the need to collect additional information with the objective of providing as much time as is feasible in advance of implementation. With respect to the changes in this notice, the OCC has sought to align effective dates for reporting requirements to the extent practical with synonymous changes to the Board's Y–14A. For example, the OCC is eliminating the Regulatory Capital Transitions Schedule and the Retail Repurchase Schedule to parallel the Board's changes to the Y–14A. The addition of one item to the counterparty worksheet to collect information on FVAs is consistent with changes made by the Board. The OCC believes that many of the reporting template changes are either burden-neutral or burden-reducing. In addition to eliminating the two schedules referenced above, the OCC is also reducing the number of data items in the Supplemental Schedule by approximately half. The OCC continually seeks to clarify and improve the DFAST–14A reporting instructions; nevertheless, as is the case with all reporting templates, there will always be clarifying questions from the industry, and the OCC seeks to respond to questions in a timely manner.

The commenter also suggested that the technical instructions accompanying any changes in the reporting templates be subject to public notice and comment. The OCC will continue to publish technical instructions as early as feasible. The technical changes do not alter the burden associated with the reporting forms and do not impose additional requirements. The technical instructions provide procedures for the submission of DFAST–14A data, covering matters such as file format and other technical specifications. While the OCC publishes the technical instructions as early as possible, the OCC and the Board have historically not published the technical instructions for notice and comment.

The commenter also questioned the need for the OCC Supplemental Schedule. The commenter suggested that the Supplemental Schedule did not serve a supervisory purpose. The commenter also opposed the elimination of the materiality thresholds for certain items, which the commenter believed would increase the reporting burden.

The OCC considers those items included in the OCC Supplemental Schedule as material risks that are necessary for monitoring and assessing a covered institution's capital adequacy and capital planning process. By requiring only subsidiaries of large, complex firms, as defined by the Board, to complete this schedule, these requirements now align with reporting exceptions for a number of summary and operational risk subschedules. To minimize reporting burden the OCC has reduced the number of Supplemental Schedule reporting items in half as part of its process to continually ensure that only key risk elements are included within this schedule. As these items represent key risks, relatively smaller amounts of exposures within individual firms could represent material aggregate risks to the banking system. Therefore, the OCC has substituted materiality thresholds for reporting exemptions based on the size and complexity of the parent holding company, thereby aligning the reporting exceptions with a number of summary and operational risk subschedules.

Regarding data collection challenges posed by the Supplemental Schedule for covered institutions, as noted in the instructions, covered institutions that cannot use existing models and methodologies to furnish requested information on the OCC Supplemental Schedule may use allocations, expert judgment, or other methods for projections of balances, losses, and allowances if data is not available at the requested level of granularity. Covered institutions should supply appropriate documentation explaining their approach.

Other Changes

The OCC proposed to eliminate references to the term ''extraordinary items'' to align with Federal Accounting Standards Board (FASB) Subtopic 255–30. The Board has decided to delay this change with respect to its FR Y–14A; therefore, in order to promote consistency between the OCC DFAST–14A and the FR Y–14A, the OCC will delay this change until further notice.

Type of Review: Revision.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 26.

Estimated Total Annual Burden: 13,949 hours.

The OCC believes that the systems covered institutions use to prepare the FR Y–14 reporting templates to submit to the Board will also be used to prepare the reporting templates described in this notice. Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 29, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 2018–02060 Filed 2–1–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Customer Complaint Form

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

Currently, the OCC is soliciting comment concerning the renewal of an existing collection titled ''Customer Complaint Form.''

DATES: You should submit written comments by April 3, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0232, 400 7th Street SW, suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each renewal of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: Customer Complaint Form.

OMB Control No.: 1557–0232.

Description: The customer complaint form was developed as a courtesy for customers who contact the OCC's Consumer Assistance Group (CAG) and wish to file a formal, written complaint. The form offers a template for consumers to use to focus their issues and identify the information necessary to provide a complete picture of their concerns. Use of the form is entirely voluntary; however, use of the form helps to avoid the processing delays associated with incomplete complaints and allows CAG to process complaints more efficiently.

CAG uses the information included in a completed form to create a record of the consumer's contact, capture information that can be used to resolve the consumer's issues, and provide a database of information that is incorporated into the OCC's supervisory process.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Number of Respondents: 10,000.

Total Annual Burden Hours: 830.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 29, 2018.

Karen Solomon,

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

[FR Doc. 2018–02054 Filed 2–1–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0171]

Agency Information Collection Activity Under OMB Review: Application for Individualized Tutorial Assistance

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; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 5, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0171 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. 2900–0171'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3019.

Title: Application for Individualized Tutorial Assistance, VA Form 22–1990t).

OMB Control Number: 2900–0171.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 22–1990t for Tutorial assistance is a supplementary allowance payable on a monthly basis for up to 12 months. The student must be training at one-half time or more in a post-secondary degree program, and must have a deficiency in a unit course or subject that is required as part of, or prerequisite to, his or her approved program. The student uses VA Form 22–1990t, Application and Enrollment Certification for Individualized Tutorial Assistance to apply for the supplemental allowance.

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 223, on November 21, 2017 at page 55489–55490.

Affected Public: Individuals and Households.

Estimated Annual Burden: 180 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once Annually.

Estimated Number of Respondents: 359.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02075 Filed 2–1–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0159]

Agency Information Collection Activity Under OMB Review: Matured Endowment Notification

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 5, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0159'' 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. 2900–0159'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 1917 and 1952, and 38 CFR 6.69.

Title: Matured Endowment Notification, VA Form 29–5767.

OMB Control Number: 2900–0159.

Type of Review: Reinstatement of a currently approved collection.

Abstract: This form is used to notify the insured that his/her endowment policy has matured, and to elicit their desired disposition of the proceeds of the policy. The information on the form is required by law, 38 U.S.C. 1917 and 1952, and 38 CFR 6.69.

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 on September 20, 2017, Volume 82, No. 181, pages 44027—44028.

Affected Public: Individuals and households.

Estimated Annual Burden: 2,867 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 8,600.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02076 Filed 2–1–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0110]

Agency Information Collection Activity Under OMB Review: Application for Assumption Approval and/or Release From Personal Liability to the Government on a Home Loan

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 5, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0110'' 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. 2900–0110'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3713(a) and 3714 and 3702(b)(2).

Title: Application for Assumption Approval and/or Release from Personal Liability to the Government on a Home Loan, VA Form 26–6381.

OMB Control Number: 2900–0110.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–6381 is completed by Veterans who are selling their homes by assumption rather than requiring purchasers to obtain their own financing to pay off the loan. The data furnished on the form is essential to determinations for assumption approval, release of liability, and substitution of entitlement in accordance with 38 U.S.C. 3713(a) and 3714 and 3702(b)(2).

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 229 on November 30, 2017, pages 56856 and 56857.

Affected Public: Individuals or Households.

Estimated Annual Burden: 42 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 250 per year.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02077 Filed 2–1–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Friday,
No. 23 February 2, 2018

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed Frameworks for Migratory Bird Hunting Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2017–0028; FF09M21200–178–FXMB1231099BPP0]

RIN 1018–BB73

Migratory Bird Hunting; Proposed Frameworks for Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter Service or we) is proposing to establish the 2018–19 hunting regulations for certain migratory game birds. We annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the number of birds that may be taken and possessed in hunting seasons. These frameworks are necessary to allow State selections of seasons and limits and to allow recreational harvest at levels compatible with population and habitat conditions.

DATES: You must submit comments on the proposed migratory bird hunting frameworks by March 5, 2018.

ADDRESSES: *Comments:* You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2017–0028.
- *U.S. mail or hand delivery:* Public Comments Processing, Attn: FWS–HQ–MB–2017–0028; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Review of Public Comments and Flyway Council Recommendations section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1967.

SUPPLEMENTARY INFORMATION:

New Process for the Annual Migratory Game Bird Hunting Regulations

As part of DOI's retrospective regulatory review, 2 years ago we developed a schedule for migratory game bird hunting regulations that is more efficient and provides hunting season dates much earlier than was possible under the old process. The new process makes planning easier for the States and all parties interested in migratory bird hunting. Beginning in the summer of 2015, with the development of the 2016–17 hunting seasons, we started promulgating our annual migratory game bird hunting regulations using a new schedule that combines the previously used early- and late-season regulatory processes into a single process. We make decisions for harvest management based on predictions derived from long-term biological information and established harvest strategies and, therefore, can establish migratory bird hunting seasons much earlier than the system we used for many years. Under the new process, we develop proposed hunting season frameworks for a given year in the fall of the prior year. We then finalize those frameworks a few months later, thereby enabling the State agencies to select and publish their season dates in early summer. We provided a detailed overview of the new process in the August 3, 2017, **Federal Register** (82 FR 36308). This proposed rule is the third in a series of proposed and final rules for the establishment of the 2018–19 hunting seasons.

Regulations Schedule for 2018

On August 3, 2017, we published a proposal to amend title 50 of the Code of Federal Regulations (CFR) at part 20 (82 FR 36308). The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2018–19 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in a August 3, 2017, proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. Those headings are:

1. Ducks
   - A. General Harvest Strategy
   - B. Regulatory Alternatives
   - C. Zones and Split Seasons
   - D. Special Seasons/Species Management
   - i. September Teal Seasons
   - ii. September Teal/Wood Duck Seasons
   - iii. Black Ducks
   - iv. Canvasbacks
   - v. Pintails
   - vi. Scaup
   - vii. Mottled Ducks
   - viii. Wood Ducks
   - ix. Youth Hunt
   - x. Mallard Management Units
   - xi. Other
2. Sea Ducks
3. Mergansers
4. Canada Geese
   - A. Special Early Seasons
   - B. Regular Seasons
   - C. Special Late Seasons
5. White-Fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-Tailed Pigeons
16. Doves
17. Alaska
18. Hawaii
19. Puerto Rico
20. Virgin Islands
21. Falconry
22. Other

Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

The August 3 proposed rule also provided detailed information on the proposed 2018–19 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings.

On October 3, 2017, we published in the **Federal Register** (82 FR 46011) a second document providing supplemental proposals for migratory bird hunting regulations. The October 3 supplement also provided detailed information on the 2018–19 regulatory schedule and re-announced the SRC and Flyway Council meetings.

On October 17–18, 2017, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory game birds and developed recommendations for the 2018–19 regulations for these species.

This document deals specifically with proposed frameworks for the migratory bird hunting regulations. It will lead to final frameworks from which States may select season dates, shooting hours, areas, and limits. We have considered all pertinent comments received through November 1, 2017, on the August 3 and October 3, 2017, proposed rulemaking documents in developing this document. In addition, new proposals for certain regulations are provided for public comment. The

comment period is specified above under **DATES**. We will publish final regulatory frameworks for migratory game bird hunting in the **Federal Register** on or around February 28, 2018.

Population Status and Harvest

Each year we publish various species status reports that provide detailed information on the status and harvest of migratory game birds, including information on the methodologies and results. These reports are available at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our website at *https://www.fws.gov/birds/surveys-and-data/reports-and-publications/population-status.php.*

We used the following reports: Adaptive Harvest Management, 2018 Hunting Season (September, 2017); American Woodcock Population Status, 2017 (August, 2017); Band-tailed Pigeon Population Status, 2017 (August, 2017); Migratory Bird Hunting Activity and Harvest During the 2015–16 and 2016–17 Hunting Seasons (August, 2017); Mourning Dove Population Status, 2017 (August, 2017); Status and Harvests of Sandhill Cranes, Mid-continent, Rocky Mountain, Lower Colorado River Valley and Eastern Populations, 2017 (August, 2017); and Waterfowl Population Status, 2017 (August, 2017).

Review of Public Comments and Flyway Council Recommendations

The preliminary proposed rulemaking, which appeared in the August 3, 2017, **Federal Register**, opened the public comment period for migratory game bird hunting regulations and discussed the regulatory alternatives for the 2018–19 duck hunting season. Comments and recommendations are summarized below and numbered in the order used in the August 3, 2017, proposed rule.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below. We have included only the numbered items pertaining to issues for which we received recommendations. Consequently, the issues do not follow in successive numerical order.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the August 3, 2017, proposed rule.

General

Written Comments: A commenter protested the entire migratory bird hunting regulations process, the killing of all migratory birds, and status and habitat data on which the migratory bird hunting regulations are based.

Service Response: Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we believe that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. While there are problems inherent with any type of representative management of public-trust resources, we believe that the Flyway-Council system of migratory bird management has been a longstanding example of State-Federal cooperative management since its establishment in 1952. However, as always, we continue to seek new ways to streamline and improve the process.

1. Ducks

A. General Harvest Strategy

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended the adoption of the ''liberal'' regulatory alternative.

Service Response: We propose to continue using adaptive harvest management (AHM) to help determine appropriate duck-hunting regulations for the 2018–19 season. AHM allows sound resource decisions in the face of uncertain regulatory impacts and provides a mechanism for reducing that uncertainty over time. We use AHM to evaluate four alternative regulatory levels for duck hunting based on the population status of mallards. We enact other hunting regulations for species of special concern, such as canvasbacks, scaup, and pintails.

The prescribed regulatory alternative for the Atlantic, Mississippi, Central, and Pacific Flyways is based on the status of mallard populations that contribute primarily to each Flyway. In the Atlantic Flyway, we set hunting regulations based on the population status of mallards breeding in eastern North America (Federal survey strata 51–54 and 56, and State surveys in New England and the mid-Atlantic region). In the Central and Mississippi Flyways, we set hunting regulations based on the status and dynamics of mid-continent mallards. Mid-continent mallards are those breeding in central North America (Federal survey strata 13–18, 20–50, and 75–77, and State surveys in Minnesota, Wisconsin, and Michigan). In the Pacific Flyway, we set hunting regulations based on the status and dynamics of western mallards. Western mallards are those breeding in Alaska and the northern Yukon Territory (as based on Federal surveys in strata 1–12), and in British Columbia, Washington, Oregon, and California (as based on Canadian Wildlife Service and State-conducted surveys).

For the 2018–19 season, we recommend continuing to use independent optimization to determine the optimal regulatory choice for each mallard stock. This means that we would develop regulations for eastern mallards, mid-continent mallards, and western mallards independently, based upon the breeding stock that contributes primarily to each Flyway. We detailed implementation of this AHM decision framework for western and mid-continent mallards in the July 24, 2008, **Federal Register** (73 FR 43290) and for eastern mallards in the July 20, 2012, **Federal Register** (77 FR 42920). Further documentation on how adjustments were made to these decision frameworks can be found at *https://www.fws.gov/migratorybirds/pdf/management/AHM/SEIS&AHMReportFinal.pdf.*

As we stated in the October 3, 2017, proposed rule, for the 2018–19 hunting season, we are continuing to consider the same regulatory alternatives as those used last year. The nature of the ''restrictive,'' ''moderate,'' and ''liberal'' alternatives has remained essentially unchanged since 1997, except that extended framework dates have been offered in the ''moderate'' and ''liberal'' regulatory alternatives since 2002 (67 FR 47224; July 17, 2002).

The optimal AHM strategies for mid-continent, eastern, and western mallards for the 2018–19 hunting season were calculated using: (1) Harvest-management objectives specific to each mallard stock; (2) the 2018–19 regulatory alternatives; and (3) current

population models and associated weights. Based on ''liberal'' regulatory alternatives selected for the 2017–18 hunting season, the 2017 Waterfowl Breeding Population and Habitat Survey (WBPHS) results of 10.64 million mid-continent mallards and 4.33 million ponds in Prairie Canada, 0.65 million eastern mallards, and 0.98 million western mallards (0.44 million in California-Oregon and 0.54 million in Alaska), the optimal regulatory choice for all four Flyways is the ''liberal'' alternative. Therefore, we concur with the recommendations of the Atlantic, Mississippi, Central, and Pacific Flyway Councils regarding selection of the ''liberal'' regulatory alternative for the 2018–19 season and propose to adopt the ''liberal'' regulatory alternative, as described in the October 3, 2017, **Federal Register**.

C. Zones and Split Seasons

Written Comments: The Colorado Parks and Wildlife requested a minor boundary change between the east and west zones in the Pacific Flyway portion of the State due to unintended law enforcement issues. The existing zones split Elkhead Reservoir.

Service Response: We agree. The change is very minor and aids in hunter compliance by placing the entire reservoir into one zone.

D. Special Seasons/Species Management

i. September Teal Seasons

Council Recommendations: The Atlantic Flyway Council requested that Florida be allowed to hold an experimental September teal-only season for an additional year (2018), to allow sufficient time to incorporate the 2017 results into a final report evaluating impacts to non-target species.

The Mississippi Flyway Council recommended that teal seasons in Iowa, Michigan, Wisconsin, and Kentucky be made operational beginning in 2018–19. They further recommended that Tennessee be granted an additional year of experimental status for their teal season to collect an additional year of data to support evaluations and that Iowa be allowed to retain the option to select a September 5-day duck season or an operational early teal season for the 2018–19 hunting seasons. Iowa's decision would remain in effect under current duck season frameworks.

The Central Flyway Council recommended that Nebraska's experimental September teal season be made operational for the 2018–19 hunting season.

Service Response: For the 2018–19 season, we will utilize the 2017 breeding population estimate of 7.9 million blue-winged teal from the traditional survey area and the criteria developed for the teal season harvest strategy. Thus, a 16-day September teal season in the Atlantic, Central, and Mississippi Flyways is appropriate for the 2018–19 season.

We agree with the Atlantic Flyway's request to extend Florida's experimental teal-only season through 2018, to allow the State sufficient time to prepare a full report on the results of its study on impacts to non-target species.

We also agree with the Mississippi Flyway's request that September teal seasons in Iowa, Michigan, Wisconsin, and Kentucky be made operational beginning in 2018–19. Iowa, Michigan, and Wisconsin submitted a report that summarized results from their 3-year experimental September teal season conducted during 2014–16. Results from those studies demonstrated that nontarget species attempt rates were below the acceptable rate of 25 percent (range 4.6 to 6.6 percent). Although Michigan and Wisconsin each had one year in which the nontarget harvest rate exceeded the acceptable rate of 10 percent, the harvest rate in the other 2 years of the studies in each State were well below 10 percent (range 4.0 to 6.7 for Michigan and 0.0 for both years in Wisconsin), and thus we believe that production (''northern'') States in the Mississippi Flyway have satisfied the experimental criteria for nontarget species harvest rates. None of the three States opened an experimental season prior to sunrise; therefore, a comparison of nontarget species attempt and harvest rates during pre- and post-sunrise periods was not made. Furthermore, we concur that Iowa shall be allowed to retain the option to select either a September 5-day duck season or an operational September teal season for the 2018–19 hunting season. The Service previously agreed to allow Iowa to retain these options when the State suspended its special September 5-day duck season in order to conduct a 3-year experimental September teal season along with other production States in the Flyway. When Iowa chooses either of these options for the 2018–19 season, that decision will remain in effect for future years under current duck season frameworks. With regard to the results from the 3-year experimental September teal-only season that follows the operational September teal-wood duck season in Kentucky, the nontarget species attempt rate for both the pre-sunrise (7.7 percent) and post-sunrise (13.4 percent) periods were below the acceptable rate of 25 percent. Similarly, the nontarget species harvest rate for both the pre-sunrise (5.0 percent) and post-sunrise (6.0 percent) periods were below the acceptable rate of 10 percent. Therefore, we agree with the Mississippi Flyway Council's request to make the September teal-only season in Kentucky operational. Finally, we agree with the Mississippi Flyway's request to extend Tennessee's experimental teal-only season through 2018, to allow the Service sufficient time to review a report recently submitted by Tennessee that contains results from a fourth experimental year conducted in September 2017. The Service will examine results from all 4 years of the study to determine whether Tennessee has met experimental criteria with regard to nontarget species attempt and harvest rates.

We also agree with the Central Flyway Council's recommendation regarding Nebraska's experimental September teal season. In 2014, we allowed States in northern (''production'') areas of the Central and Mississippi Flyways to open, on an experimental basis, September teal seasons similar to those offered since 1969 to southern (''non-production'') States. For these experimental seasons, each State entered into a memorandum of agreement with the Service that specified sample sizes (*i.e.,* observations of hunter performance) and decision criteria that would need to be met for these experimental seasons to become operational. Hunters' rates of attempting to shoot nontarget waterfowl species and the harvest rate of nontarget species could not exceed certain levels. Nebraska collected 4 years of information and met the sample-size requirements. The attempt rates at nontarget species (pre-sunrise period: 7.9 percent; post-sunrise period: 13.6 percent; both periods combined: 12.4 percent) were below our acceptable rate of 25 percent. Further, the harvest rate of nontarget species was 3 percent, below the acceptable rate of 10 percent. Therefore, we support granting operational status to September teal seasons in the northern portion of Nebraska.

iii. Black Ducks

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that the Service continue to follow the International Black Duck AHM Strategy for the 2018–19 season.

Service Response: In 2012, we adopted the International Black Duck AHM Strategy (77 FR 49868; August 17, 2012). The formal strategy is the result of 14 years of technical and policy decisions developed and agreed upon

by both Canadian and U.S. agencies and waterfowl managers. The strategy clarifies what harvest levels each country will manage for and reduces conflicts over country-specific regulatory policies. Further, the strategy allows for attainment of fundamental objectives of black duck management: Resource conservation; perpetuation of hunting tradition; and equitable access to the black duck resource between Canada and the United States while accommodating the fundamental sources of uncertainty, partial controllability and observability, structural uncertainty, and environmental variation. The underlying model performance is assessed annually, with a comprehensive evaluation of the entire strategy (objectives and model set) planned after 6 years. A copy of the strategy is available at *https://www.fws.gov/migratorybirds/pdf/management/AHM/BlackDuckInternationalHarvestStrategy.pdf.*

For the 2018–19 season, the optimal country-specific regulatory strategies were calculated using: (1) The black duck harvest objective (98 percent of long-term cumulative harvest); (2) 2018–19 country-specific regulatory alternatives; (3) current parameter estimates for mallard competition and additive mortality; and (4) 2017 survey results of 0.54 million breeding black ducks and 0.44 million breeding mallards in the core survey area. The optimal regulatory choices for the 2018–19 season are the ''liberal'' package in Canada and the ''moderate'' package in the United States.

iv. Canvasbacks

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for canvasbacks with a 2-bird daily bag limit. Season lengths would be 60 days in the Atlantic and Mississippi Flyways, 74 days in the Central Flyway, and 107 days in the Pacific Flyway.

Service Response: As we discussed in the March 28, 2016, final rule (81 FR 17302), the canvasback harvest strategy that we had relied on until 2015 was not viable under our new regulatory process because it required biological information that was not yet available at the time a decision on season structure needed to be made. We do not yet have a new harvest strategy to propose for use in guiding canvasback harvest management in the future. However, we have worked with technical staff of the four Flyway Councils to develop a decision framework (hereafter, decision support tool) that relies on the best biological information available to develop recommendations for annual canvasback harvest regulations. The decision support tool uses available information (1994–2014) on canvasback population size, growth rate, survival, and harvest and a discrete logistic growth model to derive an optimal harvest policy with an objective of maximum sustained yield. The decision support tool calls for a closed season when the observed population is below 460,000, a 1-bird daily bag limit when the observed breeding population is between 460,000 and 480,000, and a 2-bird daily bag limit when the observed population is greater than 480,000. Given that the 2017 canvasback breeding population estimate was 733,000 birds, we support the Flyways' recommendations for a 2-canvasback daily bag limit for the 2018–19 season.

v. Pintails

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for pintails, consisting of a 2-bird daily bag limit and a 60-day season in the Atlantic and Mississippi Flyways, a 74-day season in the Central Flyway, and a 107-day season in the Pacific Flyway.

Service Response: The current derived pintail harvest strategy was adopted by the Service and Flyway Councils in 2010 (75 FR 44856; July 29, 2010). For the 2018–19 season, an optimal regulatory strategy for pintails was calculated with: (1) An objective of maximizing long-term cumulative harvest, including a closed-season constraint of 1.75 million birds; (2) the regulatory alternatives and associated predicted harvest; and (3) current population models and their relative weights. Based on a ''liberal'' regulatory alternative with a 1-bird daily bag limit for the 2017–18 season, and the 2017 survey results of 2.89 million pintails observed at a mean latitude of 56.7 degrees, the optimal regulatory choice for all four Flyways for the 2018–19 hunting season is the ''liberal'' alternative with a 2-bird daily bag limit.

vi. Scaup

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended use of the ''moderate'' regulation package, consisting of a 60-day season with a 2-bird daily bag in the Atlantic Flyway and a 3-bird daily bag in the Mississippi Flyway, a 74-day season with a 3-bird daily bag limit in the Central Flyway, and an 86-day season with a 3-bird daily bag limit in the Pacific Flyway.

Service Response: In 2008, we adopted and implemented a new scaup harvest strategy (73 FR 43290 on July 24, 2008, and 73 FR 51124 on August 29, 2008) with initial ''restrictive,'' ''moderate,'' and ''liberal'' regulatory packages adopted for each Flyway.

For scaup, optimal regulatory strategies for the 2018–19 season were calculated using: (1) An objective to achieve 95 percent of long-term cumulative harvest, (2) current scaup regulatory alternatives, and (3) updated model parameters and weights. Based on a ''moderate'' regulatory alternative selected in 2017, and the 2017 survey results of 4.37 million scaup, the optimal regulatory choice for the 2018–19 season for all four Flyways is the ''moderate'' regulatory alternative.

4. Canada Geese

A. Special Early Seasons

Council Recommendations: The Central Flyway Council recommended changing the zone boundaries in North Dakota, modifying the boundary of the ''Remainder of State'' zone to form a new zone in the western portion of the State.

Service Response: We support the Central Flyway Council's recommendation. The change in zone boundaries will allow the State to increase harvest of resident Canada geese in eastern portions of the State, where goose/human conflicts need to be alleviated, without negatively impacting hunter opportunities in western portions of the State.

B. Regular Seasons

Council Recommendations: The Atlantic Flyway Council revised its North Atlantic Population (NAP) Harvest Strategy by (1) eliminating the ''very restrictive'' regulatory option, and (2) incorporating uncertainty around breeding population estimates into the annual regulatory option decision. Under the revised strategy, the Council recommended adoption of the moderate season option, which would consist of a 60-day season with a 2-bird daily bag limit, with a framework of October 1 to January 31 for the high harvest NAP areas; and a 70-day season with a 3-bird daily bag limit, with a framework of October 1 to February 15 for the low harvest NAP areas for the 2018–19 season. The Council further recommended discontinuance of North Carolina's Southern James Bay Population (SJBP) zone. This area would become part of North Carolina's Atlantic Flyway Resident Population (AFRP) Zone.

The Central Flyway Council recommended the implementation of modified Canada goose hunting zones in North Dakota and Wyoming. Wyoming would conduct an evaluation of the 3-way splits in two zones in accordance with established criteria.

The Pacific Flyway Council recommended increasing the daily bag limit for Canada geese from 4 to 6 in the Northwest Permit Zone of Oregon. They further recommended reducing the size of Oregon's Tillamook County Management Area (*i.e.,* reducing the size of the goose hunting closure).

Service Response: We agree with the Atlantic Flyway Council's decision to explicitly consider uncertainty around breeding population estimates when developing its annual regulatory recommendation for NAP Canada geese, and we support the Council's recommendation for a moderate season in 2018–19. We also agree that the SJBP zone designation in North Carolina can be eliminated, and that incorporating that area into the State's AFRP zone is appropriate. The SJBP is no longer managed as a separate population in the Mississippi Flyway, where most of these birds are harvested; thus, the SJBP zone in North Carolina is not needed for harvest management purposes.

We support the Central Flyway Council's recommendations. The change in North Dakota was previously addressed above in 4.A. Special Early Seasons. The changes will allow the States to better satisfy hunters' desires to hunt at certain times of the season without negatively impacting Canada goose populations. Wyoming will work together with the Service to conduct an evaluation of their change to conform to Service requirements.

We also agree with the Pacific Flyway Council's recommendation to increase the daily bag limit from 4 to 6 Canada geese in Oregon's Northwest Permit Zone. Seven subspecies of Canada geese occur in this area, but cackling Canada geese are the most abundant. The current 3-year average predicted fall population estimate (2015–17) for cackling geese is 321,475, which is substantially above the Flyway population objective of 250,000. The increase in bag limit is specifically intended to decrease abundance of cackling geese and address associated depredation complaints, and is consistent with the Council's harvest strategy for these birds. However, the bag limit increase could result in increased harvest of the 6 other subspecies of Canada geese in the area, but is not expected to be significant. Canada goose harvest in the area is expected to increase by less than 10 percent with the bag limit change, and State harvest data indicate cackling geese represent about 70 percent of the Canada goose harvest in this area. Other subspecies of Canada geese are over the Council's population objectives, have no open hunting season, occur mostly outside of the Northwest Zone, or have stable trends in abundance during the last 10 years. More specific to these other Canada goose subspecies, the current 3-year average breeding population estimate (2015–17) for Aleutian Canada geese is 167,451, which is substantially above the Flyway population objective of 60,000 geese. The current 3-year average breeding population estimate (2015–17) for the Pacific Population of western Canada geese is 313,200 and exceeds area-specific Flyway objectives. The hunting season on dusky Canada geese, a subspecies of management concern, is currently closed in this area. The potential for increased incidental take of dusky geese is expected to be small, and monitoring programs are in place to evaluate population status. Vancouver Canada geese are relatively nonmigratory, occur primarily in remote estuarine areas of southeast Alaska and northern British Columbia (*i.e.,* Northwest Permit Zone is on the periphery of the subspecies' range), and additional harvest associated with the bag limit increase is expected to be insignificant. For Taverner's Canada geese and lesser Canada geese, there are no Flyway management plans, population objectives, or population-specific monitoring programs because these birds cannot be differentiated during surveys and breeding distributions are not disjunct. However, these subspecies are encountered during general waterfowl breeding population and habitat surveys across North America. Indices from these surveys indicate that abundance of Taverner's and lesser geese have been stable during the last 10 (2008–17) years.

We also agree with the Pacific Flyway Council's recommendation to reduce the size of the Tillamook County Management Area (*i.e.,* goose hunting closure). Oregon's Tillamook County Management Area was established in 1982 to provide protection for Aleutian Canada geese, specifically those that primarily breed on the Semidi Islands, Alaska, and winter near Pacific City, Oregon. Aleutian Canada geese were listed as an endangered population in 1967 (32 FR 4001, March 11, 1967) under the Endangered Species Preservation Act of 1966, which was later superseded by the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); downlisted to threatened status in 1990 (55 FR 51106, December 12, 1990); and removed from protection under the Act in 2001 (66 FR 15643, March 20, 2001). The current 3-year average breeding population estimate (2015–17) for Aleutian geese is 167,451, which is substantially above the Flyway population objective of 60,000 geese. The Semidi Islands population segment is currently about 300 birds, and has consisted of about 100–300 birds since the 1990s. Monitoring data indicate that these birds almost exclusively use two pastures/hayfields within the goose hunting closure area. The closure area includes both non-goose habitat and pastures/hayfields the Semidi Islands geese do not use. The closure area has been reduced four times (2002, 2005, 2007, and 2011) since establishment to focus protection on areas Semidi Islands geese use and address depredation complaints resulting from increasing abundance of several populations of Canada and white-fronted geese in the area. This fifth reduction in the goose hunting closure area is expected to maintain the same level of protection for Semidi Islands geese and address the increasing number of goose depredation complaints in the area currently closed to goose hunting. Reduction of the goose hunting closure area could result in increased take of dusky Canada geese, a subspecies of management concern known to winter primarily in northwest Oregon and southwest Washington. However, the hunting season for this subspecies is closed in this area, the potential for increased incidental take is expected to be small, and monitoring programs are in place to evaluate population status.

5. White-Fronted Geese

Council Recommendations: The Pacific Flyway Council recommended removal of the special goose season outside date restriction in Washington's Area 1.

Service Response: We agree with the Pacific Flyway Council's recommendation. Removing the restriction would change the hunting season framework dates for white-fronted geese from the Saturday nearest September 24 and the last Sunday in February to the Saturday nearest September 24 and March 10, consistent with the general framework for the Pacific Flyway. The current 3-year average predicted fall population estimate (2015–17) for the Pacific Population of greater white-fronted geese is 633,399, which is substantially above the Flyway population objective of 300,000. The Area 1 framework date restriction was implemented when the

local 3-year average snow goose count was below the 70,000 bird objective established in Washington Department of Fish and Wildlife's management plan for Wrangel Island snow geese. The current 3-year average snow goose count (2015–17) is 83,175, and exceeds the threshold of 70,000 birds. Removing the framework date restriction for white-fronted geese in Washington's Area 1 will simplify regulations by matching the general framework dates for white-fronted geese in the Pacific Flyway.

6. Brant

Council Recommendations: The Atlantic Flyway Council recommended that the 2018–19 season for Atlantic brant follow the Atlantic Flyway brant hunt plan pending the results of the 2018 Atlantic Flyway mid-winter waterfowl survey. The Council also recommended that if the results of the 2018 mid-winter survey are not available, then the results of the most recent mid-winter survey should be used.

Service Response: As we discussed March 28, 2016, final rule (81 FR 17302), the current harvest strategy used to determine the Atlantic brant season frameworks does not fit well within the new regulatory process, similar to the Rocky Mountain Population (RMP) sandhill crane issue discussed below under 9. Sandhill Cranes. In developing the annual proposed frameworks for Atlantic brant in the past, the Atlantic Flyway Council and the Service used the number of brant counted during the Mid-winter Waterfowl Survey (MWS) in the Atlantic Flyway, and took into consideration the brant population's expected productivity that summer. The MWS is conducted each January, and expected brant productivity is based on early-summer observations of breeding habitat conditions and nesting effort in important brant nesting areas. Thus, the data under consideration were available before the annual Flyway and SRC decision-making meetings took place in late July. Although the former regulatory alternatives for Atlantic brant were developed by factoring together long-term productivity rates (observed during November and December productivity surveys) with estimated observed harvest under different framework regulations, the primary decision-making criterion for selecting the annual frameworks was the MWS count.

Under the new regulatory schedule, neither the expected 2018 brant production information (available summer 2018) nor the 2018 MWS count (conducted in January 2018) is yet available. However, the 2018 MWS will be completed and winter brant data will be available by the expected publication of the final frameworks (late February 2018). Therefore, in the September 24, 2015, **Federal Register** (80 FR 57664), we adopted the Atlantic Flyway's changes to the then-current Atlantic brant hunt plan strategies. Current harvest packages (strategies) for Atlantic brant hunting seasons are now as follows:

- If the mid-winter waterfowl survey (MWS) count is <100,000 Atlantic brant, the season would be closed.
- If the MWS count is between 100,000 and 115,000 brant, States could select a 30-day season with a 1-bird daily bag limit.
- If the MWS count is between 115,000 and 130,000 brant, States could select a 30-day season with a 2-bird daily bag limit.
- If the MWS count is between 130,000 and 150,000 brant, States could select a 50-day season with a 2-bird daily bag limit.
- If the MWS count is between 150,000 and 200,000 brant, States could select a 60-day season with a 2-bird daily bag limit.
- If the MWS count is >200,000 brant, States could select a 60-day season with a 3-bird daily bag limit.

Under all the above open-season alternatives, seasons would be between the Saturday nearest September 24 and January 31. Further, States could split their seasons into 2 segments.

When we acquire the 2018 MWS brant count in January 2018, we will select the appropriate Atlantic brant hunting season for 2018–19 from the above Atlantic brant hunt strategies and publish the result in the final frameworks rule.

7. Snow and Ross's (Light) Geese

Council Recommendations: The Pacific Flyway Council recommended, in Washington, removing the special goose season outside date restriction in Area 1.

Service Response: We agree with the Pacific Flyway Council's recommendation. Removing the restriction would change the hunting season closing framework date for light geese from the last Sunday in February to March 10, consistent with the general framework for the Pacific Flyway. The Area 1 framework date restriction was implemented when the local 3-year average snow goose count was below the 70,000 bird objective established in Washington Department of Fish and Wildlife's management plan for Wrangel Island snow geese. The current 3-year average snow goose count (2015–17) is 83,175, and exceeds the threshold of 70,000 birds. Three populations of light geese occur in the Pacific Flyway, and all are above Flyway objectives based on the most recent breeding population indices. The population estimate for the Western Arctic Population (WAP) of lesser snow geese was 419,800 in 2013 (most recent estimate) on Banks Island, which is above the objective of 200,000 geese. Ross's geese were estimated at 624,100 in 2016 (most recent estimate) at Karrak Lake and are above the objective of 100,000 geese. The current 3-year average breeding population estimate (2015–17) for Wrangel Island snow geese is 297,333, which is above the objective of 120,000 geese. Current evidence suggests most light geese in Washington during fall and early winter are primarily Wrangel Island snow geese, but an influx of WAP lesser snow and Ross's geese may occur during late winter as birds begin to move north from California toward breeding areas. Removing the closing framework date restriction for light geese in Washington's Area 1 will simplify regulations by matching the general framework dates for light geese in the Pacific Flyway.

9. Sandhill Cranes

Council Recommendations: The Central and Pacific Flyway Councils recommended changing the framework season length for Rocky Mountain Population (RMP) cranes from 30 consecutive days to 60 days that may be split into segments. The Pacific Flyway Council recommended a maximum of three season segments, whereas the Central Flyway Council recommendation did not specify a maximum number of season segments. The Pacific Flyway Council further recommended establishment of a new hunting unit for RMP cranes in the Malad River area of Oneida County, Idaho, and that allowable harvest of RMP cranes be determined based on the formula described in the Pacific and Central Flyway Management Plan for RMP cranes.

Service Response: We agree with the Central and Pacific Flyway Council's recommendation to increase the season length for RMP cranes from 30 to 60 days and to allow the season to be split into segments. However, we will restrict the number of season segments to three, consistent with the Pacific Flyway recommendation. The change in season length and splits is intended to provide increased flexibility to States in addressing crop depredation concerns and cranes staging for longer periods. This change is not expected to result in harvest of RMP cranes above allowable levels because States are allocated a maximum allowable harvest annually

according to the harvest strategy specified in the Pacific and Central Flyway Council's RMP crane management plan. However, we note that increasing hunting opportunities likely will increase harvest and bring States closer to their harvest allocations. The Service, collaboratively with the States, will continue to monitor take levels to ensure that realized take remains within those allowed in the Flyway Councils' harvest strategy.

We also agree with the Pacific Flyway Council's recommendation to create a new hunting area for RMP cranes in Idaho to include a portion of Oneida County. The new hunting area is consistent with the hunting area requirements in the Pacific and Central Flyway Council's RMP crane management plan. Because this is a shared population between the Pacific and Central Flyways, the same recommendation should have come from the Central Flyway Council. Although we did not receive a formal recommendation from them, the Central Flyway Council has indicated to the Service that it supports the recommendation.

Regarding the RMP crane harvest, as we discussed in the March 28, 2016, final rule (81 FR 17302), the current harvest strategy used to calculate the allowable harvest of RMP cranes does not fit well within the new regulatory process, similar to the Atlantic brant issue discussed above under 6. Brant. Results of the fall abundance and recruitment surveys of RMP cranes, which are used in the calculation of the annual allowable harvest, will continue to be released between December 1 and January 31 each year, which is after the date proposed frameworks will be formulated in the new regulatory process. If we were to propose regulations at this point in time, data 2 to 4 years old would be used to determine the annual allowable harvest and State harvest allocations for RMP cranes. We agree that relying on data that is 2 to 4 years old is not ideal due to the variability in fall abundance and recruitment for this population, and the significance of these data in the annual harvest allocations. Thus, we agree that the formula to determine the annual allowable harvest for RMP cranes published in the March 28, 2016, final rule should be used under the new regulatory schedule. We will produce a final estimate for the allowable harvest of RMP cranes and publish it in the final frameworks rule, allowing us to use data that is 1 to 3 years old, as is currently practiced.

14. Woodcock

In 2011, we implemented a harvest strategy for woodcock (76 FR 19876, April 8, 2011). The harvest strategy provides a transparent framework for making regulatory decisions for woodcock season length and bag limits while we work to improve monitoring and assessment protocols for this species. Utilizing the criteria developed for the strategy, the 3-year average for the Singing Ground Survey indices and associated confidence intervals fall within the ''moderate package'' for both the Eastern and Central Management Regions. As such, a ''moderate season'' for both management regions for the 2018–19 season is appropriate.

Specifics of the harvest strategy can be found at *https://www.fws.gov/birds/surveys-and-data/webless-migratory-game-birds/american-woodcock.php.*

16. Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the ''standard'' season framework comprising a 90-day season and 15-bird daily bag limit for States within the Eastern Management Unit (EMU). The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination. They also recommended that the closing framework date for the EMU be changed from January 15 to January 31.

The Mississippi and Central Flyway Councils recommended the use of the ''standard'' season package of a 15-bird daily bag limit and a 90-day season for the 2018–19 mourning dove season in the States within the Central Management Unit.

The Pacific Flyway Council recommended use of the ''standard'' season framework for States in the Western Management Unit (WMU) population of mourning doves.

Service Response: Based on the harvest strategies and current population status, we agree with the recommended selection of the ''standard'' season frameworks for doves in the Eastern, Central, and Western Management Units for the 2018–19 season.

22. Other

Council Recommendations: The Atlantic Flyway Council recommended that Atlantic Flyway States be granted compensatory days for webless migratory game bird hunting beginning with the 2018–19 hunting season in States where Sunday hunting for migratory game birds is prohibited by a State law adopted prior to 1997 (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania).

Service Response: We agree with the Atlantic Flyway Council's recommendation to allow compensatory days for all migratory game bird species in States where Sunday hunting is prohibited by State law. Compensatory days will provide additional hunting opportunity for dove, woodcock, rail, snipe, and gallinule hunters in those States, thereby assisting State agency efforts to retain hunters. We expect that the biological impacts of the additional hunting opportunity afforded by compensatory days will be minimal on snipe, rails, and gallinules, which are lightly hunted in the Atlantic Flyway. More than 88 percent of the mourning dove harvest in the Atlantic Flyway occurs during the first month of the season, and only 4 of the affected States have dove seasons; thus, adding compensatory days later in the dove season in those States will not increase the harvest significantly. Based on recent (2012–2016) estimates of woodcock harvested per day, the additional 7 woodcock hunting days (5 in New Jersey) in the affected States is expected to result in approximately 5,500 additional woodcock harvested, about 9 percent of the recent annual woodcock harvest in the Atlantic Flyway. If this additional harvest results in measurable adverse population impacts, the woodcock hunting season and harvest in the Atlantic Flyway will be adjusted in accordance with the woodcock harvest strategy, which is based on the population status of the species.

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, Virginia.

We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preambles of any final rules.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the August 3 and October 3 proposed rules; for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see our August 3, 2017, proposed rule (82 FR 36308):

- National Environmental Policy Act (NEPA) Consideration;
- Endangered Species Act Consideration;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Paperwork Reduction Act of 1995;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, 13563, and 13771.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2018–19 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: January 16, 2018.

Jason Larrabee,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks.

Proposed Regulations Frameworks for 2018–19 Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following proposed frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting migratory game birds between the dates of September 1, 2018, and March 10, 2019. These frameworks are summarized below.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are three times the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (*e.g.,* tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway: Includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Duck Management Units

High Plains Mallard Management Unit: Roughly defined as that portion of the Central Flyway that lies west of the 100th meridian. See Area, Unit, and Zone Descriptions, *Ducks (Including Mergansers) and Coots* for specific boundaries in each State.

Columbia Basin Mallard Management Unit: In Washington, all areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County; and in Oregon, the counties of Gilliam, Morrow, and Umatilla.

Mourning Dove Management Units

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region: Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Other geographic descriptions are contained in a later portion of this document.

Definitions

For the purpose of the hunting regulations listed below, the collective terms ''dark'' and ''light'' geese include the following species:

Dark geese: Canada geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

Light geese: Snow (including blue) geese and Ross's geese.

Area, Zone, and Unit Descriptions: Geographic descriptions related to regulations are contained in a later portion of this document.

Area-Specific Provisions: Frameworks for open seasons, season lengths, bag and possession limits, and other special provisions are listed below by Flyway.

Migratory Game Bird Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to the take of all migratory game birds.

Special Youth Waterfowl Hunting Days

Outside Dates: States may select 2 days per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days must be held outside any regular duck season on weekends, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: States may use their established definition of age for youth hunters. However, youth hunters may not be over the age of 17. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Youth hunters 16 years of age and older must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). Tundra swans may only be taken by participants possessing applicable tundra swan permits.

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Colorado (part), Kansas, Nebraska, New Mexico (part), Oklahoma, and Texas.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 6 teal.

Shooting Hours

Atlantic Flyway: One-half hour before sunrise to sunset, except in South Carolina, where the hours are from sunrise to sunset.

Mississippi and Central Flyways: One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, where the hours are from sunrise to sunset.

Special September Duck Seasons

Florida, Kentucky, and Tennessee: In lieu of a special September teal season, a 5-consecutive-day teal/wood duck season may be selected in September. The daily bag limit may not exceed 6 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks. In addition, a 4-consecutive-day teal-only season may be selected in September either immediately before or immediately after the 5-consecutive-day teal/wood duck season. The daily bag limit is 6 teal. The teal-only seasons in Florida and Tennessee are experimental.

Iowa: In lieu of an experimental special September teal season, Iowa may hold up to 5 days of its regular duck hunting season in September. All ducks that are legal during the regular duck season may be taken during the September segment of the season. The September season segment may commence no earlier than the Saturday nearest September 20 (September 22). The daily bag and possession limits will be the same as those in effect during the remainder of the regular duck season. The remainder of the regular duck season may not begin before October 10.

Waterfowl

Atlantic Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

Hunting Seasons and Duck Limits: 60 days. The daily bag limit is 6 ducks, including no more than 4 mallards (no more than 2 of which can be females), 2 black ducks, 2 pintails, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 2 scaup, 2 canvasbacks, 4 scoters, 4 eiders, and 4 long-tailed ducks.

Closures: The season on harlequin ducks is closed.

Merganser Limits: The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Lake Champlain Zone, New York: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Lake Champlain Zone of Vermont.

Connecticut River Zone, Vermont: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Inland Zone of New Hampshire.

Zoning and Split Seasons: Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, and West Virginia may split their seasons into three segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont may select hunting seasons by zones and may split their seasons into two segments in each zone.

Scoters, Eiders, and Long-Tailed Ducks

Special Sea Duck Seasons

Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York,

North Carolina, Rhode Island, South Carolina, and Virginia may select a Special Sea Duck Season in designated Special Sea Duck Areas. If a Special Sea Duck Season is selected, scoters, eiders, and long-tailed ducks may be taken in the designated Special Sea Duck Area(s) only during the Special Sea Duck Season dates; scoters, eiders, and long-tailed ducks may be taken outside of Special Sea Duck Area(s) during the regular duck season, in accordance with the frameworks for ducks, mergansers, and coots specified above.

Outside Dates: Between September 15 and January 31.

Special Sea Duck Seasons and Daily Bag Limits: 60 consecutive hunting days, or 60 days that are concurrent with the regular duck season, with a daily bag limit of 5, singly or in the aggregate, of the listed sea duck species, including no more than 4 scoters, 4 eiders, and 4 long-tailed ducks. Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters, 4 eiders, and 4 long-tailed ducks) and possession limits.

Special Sea Duck Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in New Jersey, all coastal waters seaward from the International Regulations for Preventing Collisions at Sea (COLREGS) Demarcation Lines shown on National Oceanic and Atmospheric Administration (NOAA) Nautical Charts and further described in 33 CFR 80.165, 80.501, 80.502, and 80.503; in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in South Carolina and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

Canada Geese

Special Early Canada Goose Seasons

A Canada goose season of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during any special early Canada goose season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Regular Canada Goose Seasons

Season Lengths, Outside Dates, and Limits: Specific regulations for Canada geese are shown below by State. These seasons may also include white-fronted geese in an aggregate daily bag limit. Unless specified otherwise, seasons may be split into two segments.

Connecticut

North Atlantic Population (NAP) Zone: Between October 1 and January 31, a 60-day season may be held with a 2-bird daily bag limit.

Atlantic Population (AP) Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

South Zone: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit.

Resident Population (RP) Zone: An 80-day season may be held between October 1 and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Delaware

A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Florida

An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Georgia

An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Maine

A 60-day season may be held Statewide between October 1 and January 31, with a 2-bird daily bag limit.

Maryland

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Massachusetts

NAP Zone: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit. Additionally, a special season may be held from January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

New Hampshire

A 60-day season may be held Statewide between October 1 and January 31 with a 2-bird daily bag limit.

New Jersey

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 27) and February 5, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 27) and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Special Late Goose Season Area: A special season may be held in designated areas of North and South New Jersey from January 15 to February 15, with a 5-bird daily bag limit.

New York

NAP Zone: Between October 1 and January 31, a 60-day season may be held, with a 2-bird daily bag limit in the High Harvest areas; and between October 1 and February 15, a 70-day season may be held, with a 3-bird daily bag limit in the Low Harvest areas.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 27), except in the Lake Champlain Area where the opening date is October 10, through February 5, with a 3-bird daily bag limit.

Western Long Island RP Zone: A 107-day season may be held between the Saturday nearest September 24 (September 22) and March 10, with an 8-bird daily bag limit. The season may be split into 3 segments.

Rest of State RP Zone: An 80-day season may be held between the fourth Saturday in October (October 27) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

North Carolina

RP Zone: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Northeast Hunt Unit: A 14-day season may be held between the Saturday prior to December 25 (December 22) and January 31, with a 1-bird daily bag limit.

Pennsylvania

SJBP Zone: A 78-day season may be held between the first Saturday in October (October 6) and February 15, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 27) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 27) and February 5, with a 3-bird daily bag limit.

Rhode Island

A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit. A special late season may be held in designated areas from January 15 to February 15, with a 5-bird daily bag limit.

South Carolina

In designated areas, an 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Vermont

Lake Champlain Zone and Interior Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

Connecticut River Zone: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit.

Virginia

SJBP Zone: A 40-day season may be held between November 15 and January 14, with a 3-bird daily bag limit. Additionally, a special late season may be held between January 15 and February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

West Virginia

An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments in each zone.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107-day season between October 1 and March 10, with a 25-bird daily bag limit and no possession limit. States may split their seasons into three segments.

Brant

Season Lengths, Outside Dates, and Limits: States may select a season between the Saturday nearest September 24 (September 22) and January 31. States may split their seasons into two segments. The season length and daily bag limit will be based on the upcoming Mid-Winter Survey results and the Atlantic brant hunt plan.

Mississippi Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

Hunting Seasons and Duck Limits: The season may not exceed 60 days, with a daily bag limit of 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 2 black ducks, 2 pintails, 3 wood ducks, 2 canvasbacks, 3 scaup, and 2 redheads.

Merganser Limits: The daily bag limit is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons by zones.

In Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, the season may be split into two segments in each zone.

In Alabama, Arkansas, and Mississippi, the season may be split into three segments.

Geese

Season Lengths, Outside Dates, and Limits:

Canada Geese: States may select seasons for Canada geese not to exceed 107 days with a 5-bird daily bag limit during September 1–30, and a 3-bird daily bag limit for the remainder of the season. Seasons may be held between September 1 and February 15, and may be split into 4 segments.

White-fronted Geese and Brant: Arkansas, Illinois, Louisiana, Kentucky, Missouri, Mississippi, and Tennessee may select a season for white-fronted geese not to exceed 74 days with 3 geese daily, or 88 days with 2 geese daily, or 107 days with 1 goose daily between September 1 and February 15; Alabama, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin may select a season for white-fronted geese not to exceed 107 days with 5 geese daily, in aggregate with dark geese between September 1 and February 15. States may select a season for brant not to exceed 70 days with 2 brant daily, or 107 days with 1 brant daily with outside dates the same as for Canada geese; alternately, States may include brant in an aggregate goose bag limit with either Canada geese, white-fronted geese, or dark geese.

Light Geese: States may select seasons for light geese not to exceed 107 days, with 20 geese daily between September 1 and February 15. There is no possession limit for light geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset for Canada geese if all other waterfowl and crane seasons are closed in the specific applicable area.

Split Seasons: Seasons for geese may be split into four segments unless otherwise indicated.

Central Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

Hunting Seasons

High Plains Mallard Management Unit (roughly defined as that portion of the Central Flyway that lies west of the 100th meridian): 97 days. The last 23 days must run consecutively and may start no earlier than the Saturday nearest December 10 (December 8).

Remainder of the Central Flyway: 74 days.

Duck Limits: The daily bag limit is 6 ducks, with species and sex restrictions

as follows: 5 mallards (no more than 2 of which may be females), 3 scaup, 2 redheads, 3 wood ducks, 2 pintails, and 2 canvasbacks. In Texas, the daily bag limit on mottled ducks is 1, except that no mottled ducks may be taken during the first 5 days of the season. In addition to the daily limits listed above, the States of Montana, North Dakota, South Dakota, and Wyoming, in lieu of selecting an experimental September teal season, may include an additional daily bag and possession limit of 2 and 6 blue-winged teal, respectively, during the first 16 days of the regular duck season in each respective duck hunting zone. These extra limits are in addition to the regular duck bag and possession limits.

Merganser Limits: The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. In States that include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Colorado, Kansas (Low Plains portion), Montana, Nebraska, New Mexico, Oklahoma (Low Plains portion), South Dakota (Low Plains portion), Texas (Low Plains portion), and Wyoming may select hunting seasons by zones.

In Colorado, Kansas, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, the regular season may be split into two segments.

Geese

Special Early Canada Goose Seasons: In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, Canada goose seasons of up to 30 days during September 1–30 may be selected. In Colorado, New Mexico, Montana, and Wyoming, Canada goose seasons of up to 15 days during September 1–15 may be selected. In North Dakota, Canada goose seasons of up to 22 days during September 1–22 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Kansas, Nebraska, and Oklahoma, where the daily bag limit may not exceed 8 Canada geese and in North Dakota and South Dakota, where the daily bag limit may not exceed 15 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Regular Goose Seasons

Split Seasons: Seasons for geese may be split into three segments. Three-way split seasons for Canada geese require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

Outside Dates: For dark geese, seasons may be selected between the outside dates of the Saturday nearest September 24 (September 22) and the Sunday nearest February 15 (February 17). For light geese, outside dates for seasons may be selected between the Saturday nearest September 24 (September 22) and March 10. In the Rainwater Basin Light Goose Area (East and West) of Nebraska, temporal and spatial restrictions that are consistent with the late-winter snow goose hunting strategy cooperatively developed by the Central Flyway Council and the Service are required.

Season Lengths and Limits

Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 50 with no possession limit.

Dark Geese: In Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and the Eastern Goose Zone of Texas, States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 8. For white-fronted geese, these States may select either a season of 74 days with a bag limit of 3, or an 88-day season with a bag limit of 2, or a season of 107 days with a bag limit of 1.

In Colorado, Montana, New Mexico, and Wyoming, States may select seasons not to exceed 107 days. The daily bag limit for dark geese is 5 in the aggregate.

In the Western Goose Zone of Texas, the season may not exceed 95 days. The daily bag limit for Canada geese (or any other dark goose species except white-fronted geese) is 5. The daily bag limit for white-fronted geese is 2.

Pacific Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

Hunting Seasons and Duck and Merganser Limits: 107 days. The daily bag limit is 7 ducks and mergansers, including no more than 2 female mallards, 2 pintails, 2 canvasbacks, 3 scaup, and 2 redheads. For scaup, the season length is 86 days, which may be split according to applicable zones and split duck hunting configurations approved for each State.

Coot, Common Moorhen, and Purple Gallinule Limits: The daily bag limit of coots, common moorhens, and purple gallinules is 25, singly or in the aggregate.

Zoning and Split Seasons: Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may select hunting seasons by zones and may split their seasons into two segments.

Montana and New Mexico may split their seasons into three segments.

Colorado River Zone, California: Seasons and limits should be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

Geese

Special Early Canada Goose Seasons

A Canada goose season of up to 15 days during September 1–20 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Pacific County, Washington, where the daily bag limit may not exceed 15 Canada geese. Areas open to hunting of Canada geese in each State must be described, delineated, and designated as such in each State's hunting regulations.

Regular Goose Seasons

Season Lengths, Outside Dates, and Limits

Canada Geese and Brant: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27). In Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, the daily bag limit is 4 Canada geese and brant in the aggregate. In California, Oregon, and Washington, the daily bag limit is 4 Canada geese. For brant, Oregon and Washington may select a 16-day season and California a 37-day season. Days must be consecutive. Washington and California may select hunting seasons for up to two zones. The daily bag limit is 2 brant and is in addition to other goose limits. In Oregon and California, the brant season must end no later than December 15.

White-fronted Geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 22) and March 10. The daily bag limit is 10.

Light Geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday

nearest September 24 (September 22) and March 10. The daily bag limit is 20.

Split Seasons: Unless otherwise specified, seasons for geese may be split into up to 3 segments. Three-way split seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

California: The daily bag limit for Canada geese is 10.

Balance of State Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 22) and March 10. In the Sacramento Valley Special Management Area, the season on white-fronted geese must end on or before December 28, and the daily bag limit is 3 white-fronted geese. In the North Coast Special Management Area, hunting days that occur after the last Sunday in January (January 27) should be concurrent with Oregon's South Coast Zone.

Oregon: The daily bag limit for light geese is 6 on or before the last Sunday in January (January 27).

Harney and Lake County Zone: For Lake County only, the daily white-fronted goose bag limit is 1.

Northwest Permit Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 22) and March 10. Goose seasons may be split into 3 segments. The daily bag limits of Canada geese and light geese are 6 each. In the Tillamook County Management Area, the hunting season is closed on geese.

South Coast Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 22) and March 10. The daily bag limit of Canada geese is 6. Hunting days that occur after the last Sunday in January (January 27) should be concurrent with California's North Coast Special Management Area. Goose seasons may be split into 3 segments.

Utah: A Canada goose and brant season may be selected in the Wasatch Front Zone with outside dates between the Saturday nearest September 24 (September 22) and the first Sunday in February (February 3).

Washington: The daily bag limit for light geese is 6.

Areas 2A and 2B (Southwest Permit Zone): A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 22) and March 10. Goose seasons may be split into 3 segments.

Area 4: Goose seasons may be split into 3 segments.

Permit Zones

In Oregon and Washington permit zones, the hunting season is closed on dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters. Hunting of geese will only be by hunters possessing a State-issued permit authorizing them to do so. Shooting hours for geese may begin no earlier than sunrise. Regular Canada goose seasons in the permit zones of Oregon and Washington remain subject to the Memorandum of Understanding entered into with the Service regarding monitoring the impacts of take during the regular Canada goose season on the dusky Canada goose population.

Swans

In portions of the Pacific Flyway (Montana, Nevada, and Utah), an open season for taking a limited number of swans may be selected. Permits will be issued by the State and will authorize each permittee to take no more than 1 swan per season with each permit. Nevada may issue up to 2 permits per hunter. Montana and Utah may issue only 1 permit per hunter. Each State's season may open no earlier than the Saturday nearest October 1 (September 29). These seasons are also subject to the following conditions:

Montana: No more than 500 permits may be issued. The season must end no later than December 1. The State must implement a harvest-monitoring program to measure the species composition of the swan harvest and should use appropriate measures to maximize hunter compliance in reporting bill measurement and color information.

Utah: No more than 2,000 permits may be issued. During the swan season, no more than 10 trumpeter swans may be taken. The season must end no later than the second Sunday in December (December 9) or upon attainment of 10 trumpeter swans in the harvest, whichever occurs earliest. The Utah season remains subject to the terms of the Memorandum of Agreement entered into with the Service in August 2003, regarding harvest monitoring, season closure procedures, and education requirements to minimize the take of trumpeter swans during the swan season.

Nevada: No more than 650 permits may be issued. During the swan season, no more than 5 trumpeter swans may be taken. The season must end no later than the Sunday following January 1 (January 6) or upon attainment of 5 trumpeter swans in the harvest, whichever occurs earliest.

In addition, the States of Utah and Nevada must implement a harvest-monitoring program to measure the species composition of the swan harvest. The harvest-monitoring program must require that all harvested swans or their species-determinant parts be examined by either State or Federal biologists for the purpose of species classification. The States should use appropriate measures to maximize hunter compliance in providing bagged swans for examination. Further, the States of Montana, Nevada, and Utah must achieve at least an 80-percent hunter compliance rate, or subsequent permits will be reduced by 10 percent. All three States must provide to the Service by June 30, 2019, a report detailing harvest, hunter participation, reporting compliance, and monitoring of swan populations in the designated hunt areas.

Tundra Swans

In portions of the Atlantic Flyway (North Carolina and Virginia) and the Central Flyway (North Dakota, South Dakota [east of the Missouri River], and that portion of Montana in the Central Flyway), an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States that authorize the take of no more than 1 tundra swan per permit. A second permit may be issued to hunters from unused permits remaining after the first drawing. The States must obtain harvest and hunter participation data. These seasons are also subject to the following conditions:

In the Atlantic Flyway

—The season may be 90 days, between October 1 and January 31.
—In North Carolina, no more than 6,250 permits may be issued.
—In Virginia, no more than 750 permits may be issued.

In the Central Flyway

—The season may be 107 days, between the Saturday nearest October 1 (September 29) and January 31.
—In the Central Flyway portion of Montana, no more than 625 permits may be issued.
—In North Dakota, no more than 2,500 permits may be issued.
—In South Dakota, no more than 1,875 permits may be issued.

Sandhill Cranes

Regular Seasons in the Mississippi Flyway

Outside Dates: Between September 1 and February 28 in Minnesota, and

between September 1 and January 31 in Kentucky and Tennessee.

Hunting Seasons: A season not to exceed 37 consecutive days may be selected in the designated portion of northwestern Minnesota (Northwest Goose Zone), and a season not to exceed 60 consecutive days in Kentucky and Tennessee.

Daily Bag Limit: 1 sandhill crane in Minnesota, 2 sandhill cranes in Kentucky, and 3 sandhill cranes in Tennessee. In Kentucky and Tennessee, the seasonal bag limit is 3 sandhill cranes.

Permits: Each person participating in the regular sandhill crane seasons must have a valid Federal or State sandhill crane hunting permit.

Other Provisions: The number of permits (where applicable), open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plans and approved by the Mississippi Flyway Council.

Regular Seasons in the Central Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: Seasons not to exceed 37 consecutive days may be selected in designated portions of Texas (Area 2). Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 sandhill cranes, except 2 sandhill cranes in designated portions of North Dakota (Area 2) and Texas (Area 2).

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Special Seasons in the Central and Pacific Flyways

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (RMP) subject to the following conditions:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: The season in any State or zone may not exceed 60 days, and may be split into no more than 3 segments.

Bag limits: Not to exceed 3 daily and 9 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

A. In Utah, 100 percent of the harvest will be assigned to the RMP quota;

B. In Arizona, monitoring the racial composition of the harvest must be conducted at 3-year intervals;

C. In Idaho, 100 percent of the harvest will be assigned to the RMP quota; and

D. In New Mexico, the season in the Estancia Valley is experimental, with a requirement to monitor the level and racial composition of the harvest; greater sandhill cranes in the harvest will be assigned to the RMP quota.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and the last Sunday in January (January 27) in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks, mergansers, and coots; therefore, frameworks for common moorhens and purple gallinules are included with the duck, merganser, and coot frameworks.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 27) on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits

Clapper and King Rails: In Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, 10, singly or in the aggregate of the two species. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails: In the Atlantic, Mississippi, and Central Flyways and the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 rails, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Snipe

Outside Dates: Between September 1 and February 28, except in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 22) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 45 days in the Eastern and Central Regions. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 36 days.

Band-Tailed Pigeons

Pacific Coast States (California, Oregon, Washington, and Nevada)

Outside Dates: Between September 15 and January 1.

Hunting Seasons and Daily Bag Limits: Not more than 9 consecutive days, with a daily bag limit of 2.

Zoning: California may select hunting seasons not to exceed 9 consecutive days in each of two zones. The season in the North Zone must close by October 3.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

Outside Dates: Between September 1 and November 30.

Hunting Seasons and Daily Bag Limits: Not more than 14 consecutive days, with a daily bag limit of 2.

Zoning: New Mexico may select hunting seasons not to exceed 14 consecutive days in each of two zones. The season in the South Zone may not open until October 1.

Doves

Outside Dates: Between September 1 and January 31 in the Eastern Management Unit, and between September 1 and January 15 in the Central and Western Management Units, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit

For All States Except Texas

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods.

Texas

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves.

Zoning and Split Seasons: Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited take of mourning and white-tipped doves may also occur during that special season (see Special White-winged Dove Area in Texas).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between September 14 and January 25.

C. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Special White-Winged Dove Area in Texas

In addition, Texas may select a hunting season of not more than 4 days for the Special White-winged Dove Area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 15 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and no more than 2 may be white-tipped doves.

Western Management Unit

Hunting Seasons and Daily Bag Limits

Idaho, Nevada, Oregon, Utah, and Washington: Not more than 60 days, which may be split between two periods. The daily bag limit is 15 mourning and white-winged doves in the aggregate.

Arizona and *California:* Not more than 60 days, which may be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit is 15 mourning doves. In California, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

Alaska

Outside Dates: Between September 1 and January 26.

Hunting Seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe in each of 5 zones. The season may be split without penalty in the Kodiak Zone. The seasons in each zone must be concurrent.

Closures: The hunting season is closed on spectacled eiders and Steller's eiders.

Daily Bag and Possession Limits

Ducks: Except as noted, a basic daily bag limit of 7 ducks. Daily bag limits in the North Zone are 10, and in the Gulf Coast Zone, they are 8. The basic limits may include no more than 2 canvasbacks daily and may not include sea ducks.

In addition to the basic duck limits, Alaska may select sea duck limits of 10 daily, singly or in the aggregate, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers.

Light Geese: The daily bag limit is 6.

Canada Geese: The daily bag limit is 4 with the following exceptions:

A. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16.

B. On Middleton Island in Unit 6, a special, permit-only Canada goose season may be offered. A mandatory goose identification class is required. Hunters must check in and check out. The bag limit is 1 daily and 1 in possession. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

C. In Units 9, 10, 17, and 18, the daily bag limit is 6 Canada geese.

White-fronted Geese: The daily bag limit is 4 with the following exceptions:

A. In Units 9, 10, and 17, the daily bag limit is 6 white-fronted geese.

B. In Unit 18, the daily bag limit is 10 white-fronted geese.

Emperor Geese: Open seasons for emperor geese may be selected subject to the following conditions:

A. All seasons are by permit only.

B. No more than 1 emperor goose may be authorized per permit.

C. Total harvest may not exceed 1,000 emperor geese.

D. In State Game Management Unit 18, the Kodiak Island Road Area is closed to hunting. The Kodiak Island Road Area consists of all lands and water (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest, for example: Woody, Long, Gull, and Puffin islands.

Brant: The daily bag limit is 3.

Snipe: The daily bag limit is 8.

Sandhill Cranes: The daily bag limit is 2 in the Southeast, Gulf Coast, Kodiak, and Aleutian Zones, and Unit 17 in the North Zone. In the remainder of the North Zone (outside Unit 17), the daily bag limit is 3.

Tundra Swans: Open seasons for tundra swans may be selected subject to the following conditions:

A. All seasons are by permit only.

B. All season framework dates are September 1–October 31.

C. In Unit 17, no more than 200 permits may be issued during this operational season. No more than 3

tundra swans may be authorized per permit, with no more than 1 permit issued per hunter per season.

D. In Unit 18, no more than 500 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

E. In Unit 22, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

F. In Unit 23, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

Hawaii

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 20 Zenaida, mourning, and white-winged doves in the aggregate, of which not more than 10 may be Zenaida doves and 3 may be mourning doves. Not to exceed 5 scaly-naped pigeons.

Closed Seasons: The season is closed on the white-crowned pigeon and the plain pigeon, which are protected by the Commonwealth of Puerto Rico.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Ducks, Coots, Moorhens, Gallinules, and Snipe

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into two segments.

Daily Bag Limits

Ducks: Not to exceed 6.

Common Moorhens: Not to exceed 6.

Common Snipe: Not to exceed 8.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days for Zenaida doves.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves or pigeons.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds: Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Ducks

Outside Dates: Between December 1 and January 31.

Hunting Seasons: Not more than 55 consecutive days.

Daily Bag Limits: Not to exceed 6.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29. These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag Limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Area, Unit, and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: Remainder of the State.

Maine

North Zone: That portion north of the line extending east along Maine State Highway 110 from the New Hampshire-Maine State line to the intersection of Maine State Highway 11 in Newfield; then north and east along Route 11 to the intersection of U.S. Route 202 in Auburn; then north and east on Route 202 to the intersection of I–95 in Augusta; then north and east along I–95 to Route 15 in Bangor; then east along Route 15 to Route 9; then east along Route 9 to Stony Brook in Baileyville; then east along Stony Brook to the U.S. border.

Coastal Zone: That portion south of a line extending east from the Maine-New Brunswick border in Calais at the Route 1 Bridge; then south along Route 1 to the Maine-New Hampshire border in Kittery.

South Zone: Remainder of the State.

Maryland

Special Teal Season Area: Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State Line.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont State line on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut State line.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire State line on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island State line; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.-Elm St. bridge shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Northern Zone: That portion of the State east and north of the Inland Zone beginning at the Jct. of Rte. 10 and Rte. 25–A in Orford, east on Rte. 25–A to Rte. 25 in Wentworth, southeast on Rte. 25 to Exit 26 of Rte. I–93 in Plymouth, south on Rte. I–93 to Rte. 3 at Exit 24 of Rte. I–93 in Ashland, northeast on Rte. 3 to Rte. 113 in Holderness, north on Rte. 113 to Rte. 113–A in Sandwich, north on Rte. 113–A to Rte. 113 in Tamworth, east on Rte. 113 to Rte. 16 in Chocorua, north on Rte. 16 to Rte. 302 in Conway, east on Rte. 302 to the Maine-New Hampshire border.

Inland Zone: That portion of the State south and west of the Northern Zone, west of the Coastal Zone, and includes the area of Vermont and New Hampshire as described for hunting reciprocity. A person holding a New Hampshire hunting license that allows the taking of migratory waterfowl or a person holding a Vermont resident hunting license that allows the taking of migratory waterfowl may take migratory waterfowl and coots from the following designated area of the Inland Zone: The State of Vermont east of Rte. I–91 at the Massachusetts border, north on Rte. I–91 to Rte. 2, north on Rte. 2 to Rte. 102, north on Rte. 102 to Rte. 253, and north on Rte. 253 to the border with Canada and the area of New Hampshire west of Rte. 63 at the Massachusetts border, north on Rte. 63 to Rte. 12, north on Rte. 12 to Rte. 12–A, north on Rte. 12–A to Rte 10, north on Rte. 10 to Rte. 135, north on Rte. 135 to Rte. 3, north on Rte. 3 to the intersection with the Connecticut River.

Coastal Zone: That portion of the State east of a line beginning at the Maine-New Hampshire border in Rollinsford, then extending to Rte. 4 west to the city of Dover, south to the intersection of Rte. 108, south along Rte. 108 through Madbury, Durham, and Newmarket to the junction of Rte. 85 in Newfields, south to Rte. 101 in Exeter, east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts border.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York State line in Raritan Bay and extending west along the New York State line to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State Parkway to NJ 109; south on NJ 109 to Cape May County Route 633 (Lafayette Street); south on Lafayette Street to Jackson Street; south on Jackson Street to the shoreline at Cape May; west along the shoreline of Cape May beach to COLREGS Demarcation Line 80.503 at Cape May Point; south along COLREGS Demarcation Line 80.503 to the Delaware State line in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania State line in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: That area east and north of a continuous line extending along U.S. 11 from the New York-Canada International boundary south to NY 9B, south along NY 9B to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont State line.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania State line.

Northeastern Zone: That area north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 31, east along NY 31 to NY 13, north along NY 13 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to NY 22, north along NY 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone: That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to U.S. 2; east along U.S. 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone: The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Peotone–Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington-Peotone Road, west along Wilmington-Peotone

Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff-Lorenzo Road, west along Pine Bluff-Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Duck Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's Road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central Zone: The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

Indiana

North Zone: That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along State Road 5; and east along State Road 124 to the Ohio border.

Central Zone: That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone: That part of Indiana south of a line extending east from the Illinois border along I–70; east along National Ave.; east along U.S. 150; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone: That portion of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, and along U.S. Highway 30 to the Illinois border.

Missouri River Zone: That portion of Iowa west of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, and west along State Highway 175 to the Iowa-Nebraska border.

South Zone: The remainder of Iowa.

Kentucky

West Zone: All counties west of and including Butler, Daviess, Ohio, Simpson, and Warren Counties.

East Zone: The remainder of Kentucky.

Louisiana

East Zone: That area of the State between the Mississippi State line and a line going south on Hwy 79 from the Arkansas border to Homer, then south on Hwy 9 to Arcadia, then south on Hwy 147 to Hodge, then south on Hwy 167 to Turkey Creek, then south on Hwy 13 to Eunice, then west on Hwy 190 to Kinder, then south on Hwy 165 to Iowa, then west on I–10 to its junction with Hwy 14 at Lake Charles, then south and east on Hwy 14 to its junction with Hwy 90 in New Iberia, then east on Hwy 90 to the Mississippi State line.

West Zone: That area between the Texas State line and a line going east on I–10 from the Texas border to Hwy 165 at Iowa, then north on Hwy 165 to Kinder, then east on Hwy 190 to Eunice, then north on Hwy 13 to Turkey Creek, then north on Hwy 167 to Hodge, then north on Hwy 147 to Arcadia, then north on Hwy 9 to Homer, then north on Hwy 79 to the Arkansas border.

Coastal Zone: Remainder of the State.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin State line in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, easterly along U.S. 10 BR to U.S. 10, easterly along U.S. 10 to Interstate Highway 75/U.S. Highway 23, northerly along I–75/U.S. 23 to the U.S. 23 exit at Standish, easterly along U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

South Zone: The remainder of Michigan.

Minnesota

North Duck Zone: That portion of the State north of a line extending east from the North Dakota State line along State Highway 210 to State Highway 23 and east to State Highway 39 and east to the Wisconsin State line at the Oliver Bridge.

South Duck Zone: The portion of the State south of a line extending east from the South Dakota State line along U.S. Highway 212 to Interstate 494 and east to Interstate 94 and east to the Wisconsin State line.

Central Duck Zone: The remainder of the State.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to I–70; west on I–70 to the Kansas border.

Middle Zone: The remainder of Missouri not included in other zones.

South Zone: That portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 74 to Mo. Hwy. 25; south on Mo. Hwy. 25 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S.

Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to U.S. Hwy. 71; south on U.S. Hwy. 71 to Jasper County Hwy. M (Base Line Blvd.); west on Jasper County Hwy. M (Base Line Blvd.) to CRD 40 (Base Line Blvd.); west on CRD 40 (Base Line Blvd.) to the Kansas border.

Ohio

Lake Erie Marsh Zone: Includes all land and water within the boundaries of the area bordered by a line beginning at the intersection of Interstate 75 at the Ohio-Michigan State line and continuing south to Interstate 280, then south on I–280 to the Ohio Turnpike (I–80/I–90), then east on the Ohio Turnpike to the Erie-Lorain County line, then north to Lake Erie, then following the Lake Erie shoreline at a distance of 200 yards offshore, then following the shoreline west toward and around the northern tip of Cedar Point Amusement Park, then continuing from the westernmost point of Cedar Point toward the southernmost tip of the sand bar at the mouth of Sandusky Bay and out into Lake Erie at a distance of 200 yards offshore continuing parallel to the Lake Erie shoreline north and west toward the northernmost tip of Cedar Point National Wildlife Refuge, then following a direct line toward the southernmost tip of Wood Tick Peninsula in Michigan to a point that intersects the Ohio-Michigan State line, then following the State line back to the point of the beginning.

North Zone: That portion of the State, excluding the Lake Erie Marsh Zone, north of a line extending east from the Indiana State line along U.S. Highway (U.S.) 33 to State Route (SR) 127, then south along SR 127 to SR 703, then south along SR 703 and including all lands within the Mercer Wildlife Area to SR 219, then east along SR 219 to SR 364, then north along SR 364 and including all lands within the St. Mary's Fish Hatchery to SR 703, then east along SR 703 to SR 66, then north along SR 66 to U.S. 33, then east along U.S. 33 to SR 385, then east along SR 385 to SR 117, then south along SR 117 to SR 273, then east along SR 273 to SR 31, then south along SR 31 to SR 739, then east along SR 739 to SR 4, then north along SR 4 to SR 95, then east along SR 95 to SR 13, then southeast along SR 13 to SR 3, then northeast along SR 3 to SR 60, then north along SR 60 to U.S. 30, then east along U.S. 30 to SR 3, then south along SR 3 to SR 226, then south along SR 226 to SR 514, then southwest along SR 514 to SR 754, then south along SR 754 to SR 39/60, then east along SR 39/60 to SR 241, then north along SR 241 to U.S. 30, then east along U.S. 30 to SR 39, then east along SR 39 to the Pennsylvania State line.

South Zone: The remainder of Ohio not included in the Lake Erie Marsh Zone or the North Zone.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

Remainder of State: That portion of Tennessee outside of the Reelfoot Zone.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 into Portage County to County Highway HH, east on County Highway HH to State Highway 66 and then east on State Highway 66 to U.S. Highway 10, continuing east on U.S. Highway 10 to U.S. Highway 41, then north on U.S. Highway 41 to the Michigan State line.

Mississippi River Zone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

South Zone: The remainder of Wisconsin.

Central Flyway

Colorado (Central Flyway Portion)

Special Teal Season Area: Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Northeast Zone: All areas east of Interstate 25 and north of Interstate 70.

Southeast Zone: All areas east of Interstate 25 and south of Interstate 70, and all of El Paso, Pueblo, Huerfano, and Las Animas Counties.

Mountain/Foothills Zone: All areas west of Interstate 25 and east of the Continental Divide, except El Paso, Pueblo, Huerfano, and Las Animas Counties.

Kansas

High Plains Zone: That portion of the State west of U.S. 283.

Low Plains Early Zone: That part of Kansas bounded by a line from the Federal highway U.S.–283 and State highway U.S.–96 junction, then east on Federal highway U.S.–96 to its junction with Federal highway U.S.–183, then north on Federal highway U.S.–183 to its junction with Federal highway U.S.–24, then east on Federal highway U.S.–24 to its junction with Federal highway U.S.–281, then north on Federal highway U.S.–281 to its junction with Federal highway U.S.–36, then east on Federal highway U.S.–36 to its junction with State highway K–199, then south on State highway K–199 to its junction with Republic County 30th Road, then south on Republic County 30th Road to its junction with State highway K–148, then east on State highway K–148 to its junction with Republic County 50th Road, then south on Republic County 50th Road to its junction with Cloud County 40th Road, then south on Cloud County 40th Road to its junction with State highway K–9, then west on State highway K–9 to its junction with Federal highway U.S.–24, then west on Federal highway U.S.–24 to its junction with Federal highway U.S.–181, then south on Federal highway U.S.–181 to its junction with State highway K–18, then west on State highway K–18 to its junction with Federal highway U.S.–281, then south on Federal highway U.S.–281 to its junction with State highway K–4, then east on State highway K–4 to its junction with interstate highway I–135, then south on interstate highway I–135 to its junction with State highway K–61, then southwest on State highway K–61 to its junction with McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with McPherson County Arapaho Rd, then west on McPherson County Arapaho Rd to its junction with State highway K–61, then southwest on State highway K–61 to its junction with State highway K–96, then northwest on State highway K–96 to its junction with Federal highway U.S.–56, then southwest on Federal highway U.S.–56 to its junction with State highway K–19, then east on State highway K–19 to its junction with Federal highway U.S.–281, then south on Federal highway U.S.–281 to its junction with Federal highway U.S.–54, then west on Federal highway U.S.–54 to its junction with Federal highway U.S.–183, then north on Federal highway U.S.–183 to its junction with Federal highway U.S.–56, then southwest on Federal highway U.S.–56 to its junction with North Main Street in Spearville, then south on North Main Street to Davis Street, then east on Davis Street to Ford County Road 126 (South Stafford Street), then south on Ford County Road 126 to Garnett Road, then east on Garnett Road to Ford County Road 126, then south on Ford County Road 126 to Ford Spearville Road, then west on Ford Spearville Road to its junction with Federal highway U.S.–400, then northwest on Federal highway U.S.–400 to its junction with Federal highway U.S.–283, and then north on

Federal highway U.S.–283 to its junction with Federal highway U.S.–96.

Low Plains Late Zone: That part of Kansas bounded by a line from the Federal highway U.S.–283 and Federal highway U.S.–96 junction, then north on Federal highway U.S.–283 to the Kansas-Nebraska State line, then east along the Kansas-Nebraska State line to its junction with the Kansas-Missouri State line, then southeast along the Kansas-Missouri State line to its junction with State highway K–68, then west on State highway K–68 to its junction with interstate highway I–35, then southwest on interstate highway I–35 to its junction with Butler County NE 150th Street, then west on Butler County NE 150th Street to its junction with Federal highway U.S.–77, then south on Federal highway U.S.–77 to its junction with the Kansas-Oklahoma State line, then west along the Kansas-Oklahoma State line to its junction with Federal highway U.S.–283, then north on Federal highway U.S.–283 to its junction with Federal highway U.S.–400, then east on Federal highway U.S.–400 to its junction with Ford Spearville Road, then east on Ford Spearville Road to Ford County Road 126 (South Stafford Street), then north on Ford County Road 126 to Garnett Road, then west on Garnett Road to Ford County Road 126, then north on Ford County Road 126 to Davis Street, then west on Davis Street to North Main Street, then north on North Main Street to its junction with Federal highway U.S.–56, then east on Federal highway U.S.–56 to its junction with Federal highway U.S.–183, then south on Federal highway U.S.–183 to its junction with Federal highway U.S.–54, then east on Federal highway U.S.–54 to its junction with Federal highway U.S.–281, then north on Federal highway U.S.–281 to its junction with State highway K–19, then west on State highway K–19 to its junction with Federal highway U.S.–56, then east on Federal highway U.S.–56 to its junction with State highway K–96, then southeast on State highway K–96 to its junction with State highway K–61, then northeast on State highway K–61 to its junction with McPherson County Arapaho Road, then east on McPherson County Arapaho Road to its junction with McPherson County 14th Avenue, then north on McPherson County 14th Avenue to its junction with State highway K–61, then east on State highway K–61 to its junction with interstate highway I–135, then north on interstate highway I–135 to its junction with State highway K–4, then west on State highway K–4 to its junction with Federal highway U.S.–281, then north on Federal highway U.S.–281 to its junction with State highway K–18, then east on State highway K–18 to its junction with Federal highway U.S.–181, then north on Federal highway U.S.–181 to its junction with Federal highway U.S.–24, then east on Federal highway U.S.–24 to its junction with State highway K–9, then east on State highway K–9 to its junction with Cloud County 40th Road, then north on Cloud County 40th Road to its junction with Republic County 50th Road, then north on Republic County 50th Road to its junction with State highway K–148, then west on State highway K–148 to its junction with Republic County 30th Road, then north on Republic County 30th Road to its junction with State highway K–199, then north on State highway K–199 to its junction with federal highway U.S.–36, then west on Federal highway U.S.–36 to its junction with Federal highway U.S.–281, then south on Federal highway U.S.–281 to its junction with Federal highway U.S.–24, then west on Federal highway U.S.–24 to its junction with Federal highway U.S.–183, then south on Federal highway U.S.–183 to its junction with Federal highway U.S.–96, and then west on Federal highway U.S.–96 to its junction with Federal highway U.S.–283.

Southeast Zone: That part of Kansas bounded by a line from the Missouri-Kansas State line west on K–68 to its junction with I–35, then southwest on I–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street to its junction with Federal highway U.S.–77, then south on Federal highway U.S.–77 to the Oklahoma-Kansas State line, then east along the Kansas-Oklahoma State line to its junction with the Kansas-Missouri State line, then north along the Kansas-Missouri State line to its junction with State highway K–68.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carter, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, and Wibaux.

Zone 2: The Counties of Big Horn, Carbon, Custer, Prairie, Rosebud, Treasure, and Yellowstone.

Nebraska

High Plains: That portion of Nebraska lying west of a line beginning at the South Dakota-Nebraska border on U.S. Hwy. 183; south on U.S. Hwy. 183 to U.S. Hwy. 20; west on U.S. Hwy. 20 to NE Hwy. 7; south on NE Hwy. 7 to NE Hwy. 91; southwest on NE Hwy. 91 to NE Hwy. 2; southeast on NE Hwy. 2 to NE Hwy. 92; west on NE Hwy. 92 to NE Hwy. 40; south on NE Hwy. 40 to NE Hwy. 47; south on NE Hwy. 47 to NE Hwy. 23; east on NE Hwy. 23 to U.S. Hwy. 283; and south on U.S. Hwy. 283 to the Kansas-Nebraska border.

Zone 1: Area bounded by designated Federal and State highways and political boundaries beginning at the South Dakota-Nebraska border west of NE Hwy. 26E Spur and north of NE Hwy. 12; those portions of Dixon, Cedar, and Knox Counties north of NE Hwy. 12; that portion of Keya Paha County east of U.S. Hwy. 183; and all of Boyd County. Both banks of the Niobrara River in Keya Paha and Boyd counties east of U.S. Hwy. 183 shall be included in Zone 1.

Zone 2: The area south of Zone 1 and north of Zone 3.

Zone 3: Area bounded by designated Federal and State highways, County Roads, and political boundaries beginning at the Wyoming-Nebraska border at the intersection of the Interstate Canal; east along northern borders of Scotts Bluff and Morrill Counties to Broadwater Road; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; southeast to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to County Rd 167; south to U.S. Hwy 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy 97; south to U.S. Hwy 83; south to E Hall School Rd; east to N Airport Road; south to U.S. Hwy 30; east to NE Hwy 47; north to Dawson County Rd 769; east to County Rd 423; south to County Rd 766; east to County Rd 428; south to County Rd 763; east to NE Hwy 21 (Adams Street); south to County Rd 761; east to the Dawson County Canal; south and east along the Dawson County Canal to County Rd 444; south to U.S. Hwy 30; east to U.S. Hwy 183; north to Buffalo County Rd 100; east to 46th Avenue; north to NE Hwy 40; south and east to NE Hwy 10; north to Buffalo County Rd 220 and Hall County Husker Hwy; east to Hall County Rd 70; north to NE Hwy 2; east to U.S. Hwy 281; north to Chapman Rd; east to 7th Rd; south to U.S. Hwy 30; east to Merrick County Rd 13; north to County Rd O; east to NE Hwy 14; north to NE Hwy 52; west and north to NE Hwy 91; west to

U.S. Hwy 281; south to NE Hwy 22; west to NE Hwy 11; northwest to NE Hwy 91; west to U.S. Hwy 183; south to Round Valley Rd; west to Sargent River Rd; west to Drive 443; north to Sargent Rd; west to NE Hwy S21A; west to NE Hwy 2; west and north to NE Hwy 91; north and east to North Loup Spur Rd; north to North Loup River Rd; east to Pleasant Valley/Worth Rd; east to Loup County Line; north to Loup-Brown County line; east along northern boundaries of Loup and Garfield Counties to Cedar River Rd; south to NE Hwy 70; east to U.S. Hwy 281; north to NE Hwy 70; east to NE Hwy 14; south to NE Hwy 39; southeast to NE Hwy 22; east to U.S. Hwy 81; southeast to U.S. Hwy 30; east to U.S. Hwy 75; north to the Washington County line; east to the Iowa-Nebraska border; south to the Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to Colorado-Nebraska border; north and west to Wyoming-Nebraska border; north to intersection of Interstate Canal; and excluding that area in Zone 4.

Zone 4: Area encompassed by designated Federal and State highways and County Roads beginning at the intersection of NE Hwy 8 and U.S. Hwy 75; north to U.S. Hwy 136; east to the intersection of U.S. Hwy 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with Nemaha County Rd 643A; south to the Trace; north along the Trace/Burlington Northern Railroad right-of-way to NE Hwy 2; west to U.S. Hwy 75; north to NE Hwy 2; west to NE Hwy 50; north to U.S. Hwy 34; west to NE Hwy 63; north to NE Hwy 66; north and west to U.S. Hwy 77; north to NE Hwy 92; west to NE Hwy Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy 15; north to County Rd 34; west to County Rd H; south to NE Hwy 92; west to U.S. Hwy 81; south to NE Hwy 66; west to Polk County Rd C; north to NE Hwy 92; west to U.S. Hwy 30; west to Merrick County Rd 17; south to Hordlake Road; southeast to Prairie Island Road; southeast to Hamilton County Rd T; south to NE Hwy 66; west to NE Hwy 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy 34; west to NE Hwy 2; south to U.S. Hwy I–80; west to Gunbarrel Rd (Hall/Hamilton county line); south to Giltner Rd; west to U.S. Hwy 281; south to Lochland Rd; west to Holstein Avenue; south to U.S. Hwy 34; west to NE Hwy 10; north to Kearney County Rd R and Phelps County Rd 742; west to U.S. Hwy 283; south to U.S. Hwy 34; east to U.S. Hwy 136; east to U.S. Hwy 183; north to NE Hwy 4; east to NE Hwy 10; south to U.S. Hwy 136; east to NE Hwy 14; south to NE Hwy 8; east to U.S. Hwy 81; north to NE Hwy 4; east to NE Hwy 15; south to U.S. Hwy 136; east to Jefferson County Rd 578 Avenue; south to PWF Rd; east to NE Hwy 103; south to NE Hwy 8; east to U.S. Hwy 75.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I–40 and U.S. 54.

South Zone: The remainder of New Mexico.

North Dakota

High Plains Unit: That portion of the State south and west of a line beginning at the junction of U.S. Hwy 83 and the South Dakota State line, then north along U.S. Hwy 83 and I–94 to ND Hwy 41, then north on ND Hwy 41 to ND Hwy 53, then west on ND Hwy 53 to U.S. Hwy 83, then north on U.S. Hwy 83 to U.S. Hwy 2, then west on U.S. Hwy 2 to the Williams County line, then north and west along the Williams and Divide County lines to the Canadian border.

Low Plains Unit: The remainder of North Dakota.

Oklahoma

High Plains Zone: The Counties of Beaver, Cimarron, and Texas.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north of a line extending east from the Texas State line along OK 33 to OK 47, east along OK 47 to U.S. 183, south along U.S. 183 to I–40, east along I–40 to U.S. 177, north along U.S. 177 to OK 33, east along OK 33 to OK 18, north along OK 18 to OK 51, west along OK 51 to I–35, north along I–35 to U.S. 412, west along U.S. 412 to OK 132, then north along OK 132 to the Kansas State line.

Low Plains Zone 2: The remainder of Oklahoma.

South Dakota

High Plains Zone: That portion of the State west of a line beginning at the North Dakota State line and extending south along U.S. 83 to U.S. 14, east on U.S. 14 to Blunt, south on the Blunt-Canning Rd to SD 34, east and south on SD 34 to SD 50 at Lee's Corner, south on SD 50 to I–90, east on I–90 to SD 50, south on SD 50 to SD 44, west on SD 44 across the Platte-Winner bridge to SD 47, south on SD 47 to U.S. 18, east on U.S. 18 to SD 47, south on SD 47 to the Nebraska State line.

North Zone: That portion of northeastern South Dakota east of the High Plains Unit and north of a line extending east along U.S. 212 to the Minnesota State line.

South Zone: That portion of Gregory County east of SD 47 and south of SD 44; Charles Mix County south of SD 44 to the Douglas County line; south on SD 50 to Geddes; east on the Geddes Highway to U.S. 281; south on U.S. 281 and U.S. 18 to SD 50; south and east on SD 50 to the Bon Homme County line; the Counties of Bon Homme, Yankton, and Clay south of SD 50; and Union County south and west of SD 50 and I–29.

Middle Zone: The remainder of South Dakota.

Texas

High Plains Zone: That portion of the State west of a line extending south from the Oklahoma State line along U.S. 183 to Vernon, south along U.S. 283 to Albany, south along TX 6 to TX 351 to Abilene, south along U.S. 277 to Del Rio, then south along the Del Rio International Toll Bridge access road to the Mexico border.

Low Plains North Zone: That portion of northeastern Texas east of the High Plains Zone and north of a line beginning at the International Toll Bridge south of Del Rio, then extending east on U.S. 90 to San Antonio, then continuing east on I–10 to the Louisiana State line at Orange, Texas.

Low Plains South Zone: The remainder of Texas.

Wyoming (Central Flyway portion)

Zone C1: Big Horn, Converse, Goshen, Hot Springs, Natrona, Park, Platte, and Washakie Counties; and Fremont County excluding the portions west or south of the Continental Divide.

Zone C2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone C3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

North Zone: Game Management Units 1–5, those portions of Game Management Units 6 and 8 within Coconino County, and Game Management Units 7, 9, and 12A.

South Zone: Those portions of Game Management Units 6 and 8 in Yavapai County, and Game Management Units 10 and 12B–45.

California

Northeastern Zone: That portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California–Nevada State line to the junction of the California-Nevada-Oregon State lines; west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line from the intersection of Highway 95 with the California-Nevada state line; south on Highway 95 through the junction with Highway 40; south on Highway 95 to Vidal Junction; south through the town of Rice to the San Bernardino-Riverside County line on a road known as ''Aqueduct Road'' also known as Highway 62 in San Bernardino County; southwest on Highway 62 to Desert Center Rice Road; south on Desert Center Rice Road/Highway 177 to the town of Desert Center; east 31 miles on Interstate 10 to its intersection with Wiley Well Road; south on Wiley Well Road to Wiley Well; southeast on Milpitas Wash Road to the Blythe, Brawley, Davis Lake intersections; south on Blythe Ogilby Road also known as County Highway 34 to its intersection with Ogilby Road; south on Ogilby Road to its intersection with Interstate 8; east seven miles on Interstate 8 to its intersection with the Andrade-Algodones Road/Highway 186; south on Highway 186 to its intersection with the U.S. Mexico border at Los Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River zone) south and east of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; east along the Santa Maria River to where it crosses Highway 101–166 near the City of Santa Maria; north on Highway 101–166; east on Highway 166 to the junction with Highway 99; south on Highway 99 to the junction of Interstate 5; south on Interstate 5 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to where it intersects Highway 178 at Walker Pass; east on Highway 178 to the junction of Highway 395 at the town of Inyokern; south on Highway 395 to the junction of Highway 58; east on Highway 58 to the junction of Interstate 15; east on Interstate 15 to the junction with Highway 127; north on Highway 127 to the point of intersection with the California–Nevada State line.

Southern San Joaquin Valley Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance of State Zone: The remainder of California not included in the Northeastern, Colorado River, Southern, and the Southern San Joaquin Valley Zones.

Colorado (Pacific Flyway Portion)

Eastern Zone: Routt, Grand, Summit, Eagle, and Pitkin Counties, those portions of Saguache, San Juan, Hinsdale, and Mineral Counties west of the Continental Divide, that portion of Gunnison County outside the North Fork of the Gunnison River Valley (Game Management Units 521, 53, and 63), and that portion of Moffat County east of the northern intersection of Moffat County Road 29 with the Moffat-Routt County line south along Moffat County Road 29 to the intersection of Moffat County Road 29 and the Moffat-Routt County line (Elkhead Reservoir State Park).

Western Zone: The remainder of the Pacific Flyway portion of Colorado not included in the Eastern Zone.

Idaho

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 3: Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Shoshone, Twin Falls, and Washington Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Valley County.

Nevada

Northeast Zone: Elko and White Pine Counties.

Northwest Zone: Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: Clark and Lincoln Counties.

Moapa Valley Special Management Area: That portion of Clark County including the Moapa Valley to the confluence of the Muddy and Virgin Rivers.

Oregon

Zone 1: Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Gilliam, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington, and Yamhill, Counties.

Zone 2: The remainder of Oregon not included in Zone 1.

Utah

Zone 1: Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Uintah, Utah, Wasatch, and Weber Counties, and that part of Toole County north of I–80.

Zone 2: The remainder of Utah not included in Zone 1.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

West Zone: The remainder of Washington not included in the East Zone.

Wyoming (Pacific Flyway Portion)

Snake River Zone: Beginning at the south boundary of Yellowstone National Park and the Continental Divide; south along the Continental Divide to Union Pass and the Union Pass Road (U.S.F.S. Road 600); west and south along the Union Pass Road to U.S.F.S. Road 605; south along U.S.F.S. Road 605 to the Bridger-Teton National Forest boundary; along the national forest boundary to the Idaho State line; north along the Idaho State line to the south boundary of Yellowstone National Park; east along

the Yellowstone National Park boundary to the Continental Divide.

Balance of State Zone: The remainder of the Pacific Flyway portion of Wyoming not included in the Snake River Zone.

Geese

Atlantic Flyway

Connecticut

Early Canada Goose Seasons

South Zone: Same as for ducks.
North Zone: Same as for ducks.

Regular Seasons

AP Unit: Litchfield County and the portion of Hartford County west of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with Route 91 in Hartford, and then extending south along Route 91 to its intersection with the Hartford-Middlesex County line.

Atlantic Flyway Resident Population (AFRP) Unit: Starting at the intersection of I–95 and the Quinnipiac River, north on the Quinnipiac River to its intersection with I–91, north on I–91 to I–691, west on I–691 to the Hartford County line, and encompassing the rest of New Haven County and Fairfield County in its entirety.

NAP H–Unit: All of the rest of the State not included in the AP or AFRP descriptions above.

South Zone: Same as for ducks.

Maine

Same zones as for ducks.

Maryland

Early Canada Goose Seasons

Eastern Unit: Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; and that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State line.

Western Unit: Allegany, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties and that part of Anne Arundel County west of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County west of Route 3 and Route 301; and that part of Charles County west of Route 301 to the Virginia State line.

Regular Seasons

Resident Population (RP) Zone: Allegany, Frederick, Garrett, Montgomery, and Washington Counties; that portion of Prince George's County west of Route 3 and Route 301; that portion of Charles County west of Route 301 to the Virginia State line; and that portion of Carroll County west of Route 31 to the intersection of Route 97, and west of Route 97 to the Pennsylvania line.

AP Zone: Remainder of the State.

Massachusetts

NAP Zone: Central and Coastal Zones (see duck zones).

AP Zone: The Western Zone (see duck zones).

Special Late Season Area: The Central Zone and that portion of the Coastal Zone (see duck zones) that lies north of the Cape Cod Canal, north to the New Hampshire line.

New Hampshire

Same zones as for ducks.

New Jersey

AP Zone: North and South Zones (see duck zones).

RP Zone: The Coastal Zone (see duck zones).

Special Late Season Area: In northern New Jersey, that portion of the State within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with Route 287; then west along Route 287 to its intersection with Route 206 in Bedminster (Exit 18); then north along Route 206 to its intersection with Route 94: Then west along Route 94 to the toll bridge in Columbia; then north along the Pennsylvania State boundary in the Delaware River to the beginning point. In southern New Jersey, that portion of the State within a continuous line that runs west from the Atlantic Ocean at Ship Bottom along Route 72 to Route 70; then west along Route 70 to Route 206; then south along Route 206 to Route 536; then west along Route 536 to Route 322; then west along Route 322 to Route 55; then south along Route 55 to Route 553 (Buck Road); then south along Route 553 to Route 40; then east along Route 40 to route 55; then south along Route 55 to Route 552 (Sherman Avenue); then west along Route 552 to Carmel Road; then south along Carmel Road to Route 49; then east along Route 49 to Route 555; then south along Route 555 to Route 553; then east along Route 553 to Route 649; then north along Route 649 to Route 670; then east along Route 670 to Route 47; then north along Route 47 to Route 548; then east along Route 548 to Route 49; then east along Route 49 to Route 50; then south along Route 50 to Route 9; then south along Route 9 to Route 625 (Sea Isle City Boulevard); then east along Route 625 to the Atlantic Ocean; then north to the beginning point.

New York

Lake Champlain Goose Area: The same as the Lake Champlain Waterfowl Hunting Zone, which is that area of New York State lying east and north of a continuous line extending along Route 11 from the New York-Canada International boundary south to Route 9B, south along Route 9B to Route 9, south along Route 9 to Route 22 south of Keeseville, south along Route 22 to the west shore of South Bay along and around the shoreline of South Bay to Route 22 on the east shore of South Bay, southeast along Route 22 to Route 4, northeast along Route 4 to the New York-Vermont boundary.

Northeast Goose Area: The same as the Northeastern Waterfowl Hunting Zone, which is that area of New York State lying north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to Interstate 81, south along Interstate Route 81 to Route 31, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 22 at Greenwich Junction, north along Route 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

East Central Goose Area: That area of New York State lying inside of a continuous line extending from Interstate Route 81 in Cicero, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146

at Altamont, west along Route 146 to Albany County Route 252, northwest along Route 252 to Schenectady County Route 131, north along Route 131 to Route 7, west along Route 7 to Route 10 at Richmondville, south on Route 10 to Route 23 at Stamford, west along Route 23 to Route 7 in Oneonta, southwest along Route 7 to Route 79 to Interstate Route 88 near Harpursville, west along Route 88 to Interstate Route 81, north along Route 81 to the point of beginning.

West Central Goose Area: That area of New York State lying within a continuous line beginning at the point where the northerly extension of Route 269 (County Line Road on the Niagara-Orleans County boundary) meets the International boundary with Canada, south to the shore of Lake Ontario at the eastern boundary of Golden Hill State Park, south along the extension of Route 269 and Route 269 to Route 104 at Jeddo, west along Route 104 to Niagara County Route 271, south along Route 271 to Route 31E at Middleport, south along Route 31E to Route 31, west along Route 31 to Griswold Street, south along Griswold Street to Ditch Road, south along Ditch Road to Foot Road, south along Foot Road to the north bank of Tonawanda Creek, west along the north bank of Tonawanda Creek to Route 93, south along Route 93 to Route 5, east along Route 5 to Crittenden-Murrays Corners Road, south on Crittenden-Murrays Corners Road to the NYS Thruway, east along the Thruway 90 to Route 98 (at Thruway Exit 48) in Batavia, south along Route 98 to Route 20, east along Route 20 to Route 19 in Pavilion Center, south along Route 19 to Route 63, southeast along Route 63 to Route 246, south along Route 246 to Route 39 in Perry, northeast along Route 39 to Route 20A, northeast along Route 20A to Route 20, east along Route 20 to Route 364 (near Canandaigua), south and east along Route 364 to Yates County Route 18 (Italy Valley Road), southwest along Route 18 to Yates County Route 34, east along Route 34 to Yates County Route 32, south along Route 32 to Steuben County Route 122, south along Route 122 to Route 53, south along Route 53 to Steuben County Route 74, east along Route 74 to Route 54A (near Pulteney), south along Route 54A to Steuben County Route 87, east along Route 87 to Steuben County Route 96, east along Route 96 to Steuben County Route 114, east along Route 114 to Schuyler County Route 23, east and southeast along Route 23 to Schuyler County Route 28, southeast along Route 28 to Route 409 at Watkins Glen, south along Route 409 to Route 14, south along Route 14 to Route 224 at Montour Falls, east along Route 224 to Route 228 in Odessa, north along Route 228 to Route 79 in Mecklenburg, east along Route 79 to Route 366 in Ithaca, northeast along Route 366 to Route 13, northeast along Route 13 to Interstate Route 81 in Cortland, north along Route 81 to the north shore of the Salmon River to shore of Lake Ontario, extending generally northwest in a straight line to the nearest point of the international boundary with Canada, south and west along the international boundary to the point of beginning.

Hudson Valley Goose Area: That area of New York State lying within a continuous line extending from Route 4 at the New York-Vermont boundary, west and south along Route 4 to Route 149 at Fort Ann, west on Route 149 to Route 9, south along Route 9 to Interstate Route 87 (at Exit 20 in Glens Falls), south along Route 87 to Route 29, west along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, southeast along Route 146 to Main Street in Altamont, west along Main Street to Route 156, southeast along Route 156 to Albany County Route 307, southeast along Route 307 to Route 85A, southwest along Route 85A to Route 85, south along Route 85 to Route 443, southeast along Route 443 to Albany County Route 301 at Clarksville, southeast along Route 301 to Route 32, south along Route 32 to Route 23 at Cairo, west along Route 23 to Joseph Chadderdon Road, southeast along Joseph Chadderdon Road to Hearts Content Road (Greene County Route 31), southeast along Route 31 to Route 32, south along Route 32 to Greene County Route 23A, east along Route 23A to Interstate Route 87 (the NYS Thruway), south along Route 87 to Route 28 (Exit 19) near Kingston, northwest on Route 28 to Route 209, southwest on Route 209 to the New York-Pennsylvania boundary, southeast along the New York-Pennsylvania boundary to the New York-New Jersey boundary, southeast along the New York-New Jersey boundary to Route 210 near Greenwood Lake, northeast along Route 210 to Orange County Route 5, northeast along Orange County Route 5 to Route 105 in the Village of Monroe, east and north along Route 105 to Route 32, northeast along Route 32 to Orange County Route 107 (Quaker Avenue), east along Route 107 to Route 9W, north along Route 9W to the south bank of Moodna Creek, southeast along the south bank of Moodna Creek to the New Windsor-Cornwall town boundary, northeast along the New Windsor-Cornwall town boundary to the Orange-Dutchess County boundary (middle of the Hudson River), north along the county boundary to Interstate Route 84, east along Route 84 to the Dutchess-Putnam County boundary, east along the county boundary to the New York-Connecticut boundary, north along the New York-Connecticut boundary to the New York-Massachusetts boundary, north along the New York-Massachusetts boundary to the New York-Vermont boundary, north to the point of beginning.

Eastern Long Island Goose Area (NAP High Harvest Area): That area of Suffolk County lying east of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (RP Area): That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Sound Road (just east of Wading River Marsh); then south on Sound Road to North Country Road; then west on North Country Road to Randall Road; then south on Randall Road to Route 25A, then west on Route 25A to the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert

Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area): That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

South Goose Area: The remainder of New York State, excluding New York City.

North Carolina

Northeast Hunt Unit: Includes the following counties or portions of counties: Bertie (that portion north and east of a line formed by NC 45 at the Washington County line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

RP Hunt Zone: Remainder of the State.

Pennsylvania

Resident Canada Goose Zone: All of Pennsylvania except for SJBP Zone and the area east of route SR 97 from the Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, and south of I–80 to the New Jersey State line.

SJBP Zone: The area north of I–80 and west of I–79 including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

AP Zone: The area east of route SR 97 from Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, south of I–80 to New Jersey State line.

Rhode Island

Special Area for Canada Geese: Kent and Providence Counties and portions of the towns of Exeter and North Kingston within Washington County (see State regulations for detailed descriptions).

South Carolina

Canada Goose Area: Statewide except for the following area:

East of U.S. 301: That portion of Clarendon County bounded to the North by S–14–25, to the East by Hwy 260, and to the South by the markers delineating the channel of the Santee River.

West of U.S. 301: That portion of Clarendon County bounded on the North by S–14–26 extending southward to that portion of Orangeburg County bordered by Hwy 6.

Vermont

Same zones as for ducks.

Virginia

AP Zone: The area east and south of the following line—the Stafford County line from the Potomac River west to Interstate 95 at Fredericksburg, then south along Interstate 95 to Petersburg, then Route 460 (SE) to City of Suffolk, then south along Route 32 to the North Carolina line.

SJBP Zone: The area to the west of the AP Zone boundary and east of the following line: The ''Blue Ridge'' (mountain spine) at the West Virginia-Virginia Border (Loudoun County-Clarke County line) south to Interstate 64 (the Blue Ridge line follows county borders along the western edge of Loudoun-Fauquier-Rappahannock-Madison-Greene-Albemarle and into Nelson Counties), then east along Interstate Rt. 64 to Route 15, then south along Rt. 15 to the North Carolina line.

RP Zone: The remainder of the State west of the SJBP Zone.

Mississippi Flyway

Arkansas

Northwest Zone: Baxter, Benton, Boone, Carroll, Conway, Crawford, Faulkner, Franklin, Johnson, Logan, Madison, Marion, Newton, Perry, Pope, Pulaski, Searcy, Sebastian, Scott, Van Buren, Washington, and Yell Counties.

Illinois

Early Canada Goose Seasons

North September Canada Goose Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central September Canada Goose Zone: That portion of the State south of the North September Canada Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South September Canada Goose Zone: That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central September Canada Goose Zone: The remainder of the State between the south border of the Central September Canada Goose Zone and the North border of the South September Canada Goose Zone.

Regular Seasons

North Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc

Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: Same zone as for ducks.

South Central Zone: Same zone as for ducks.

Indiana

Same zones as for ducks.

Iowa

Early Canada Goose Seasons

Cedar Rapids/Iowa City Goose Zone: Includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; then south and east along County Road E2W to Highway 920; then north along Highway 920 to County Road E16; then east along County Road E16 to County Road W58; then south along County Road W58 to County Road E34; then east along County Road E34 to Highway 13; then south along Highway 13 to Highway 30; then east along Highway 30 to Highway 1; then south along Highway 1 to Morse Road in Johnson County; then east along Morse Road to Wapsi Avenue; then south along Wapsi Avenue to Lower West Branch Road; then west along Lower West Branch Road to Taft Avenue; then south along Taft Avenue to County Road F62; then west along County Road F62 to Kansas Avenue; then north along Kansas Avenue to Black Diamond Road; then west on Black Diamond Road to Jasper Avenue; then north along Jasper Avenue to Rohert Road; then west along Rohert Road to Ivy Avenue; then north along Ivy Avenue to 340th Street; then west along 340th Street to Half Moon Avenue; then north along Half Moon Avenue to Highway 6; then west along Highway 6 to Echo Avenue; then north along Echo Avenue to 250th Street; then east on 250th Street to Green Castle Avenue; then north along Green Castle Avenue to County Road F12; then west along County Road F12 to County Road W30; then north along County Road W30 to Highway 151; then north along the Linn-Benton County line to the point of beginning.

Des Moines Goose Zone: Includes those portions of Polk, Warren, Madison, and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; then south along R38 to Northwest 142nd Avenue; then east along Northwest 142nd Avenue to Northeast 126th Avenue; then east along Northeast 126th Avenue to Northeast 46th Street; then south along Northeast 46th Street to Highway 931; then east along Highway 931 to Northeast 80th Street; then south along Northeast 80th Street to Southeast 6th Avenue; then west along Southeast 6th Avenue to Highway 65; then south and west along Highway 65 to Highway 69 in Warren County; then south along Highway 69 to County Road G24; then west along County Road G24 to Highway 28; then southwest along Highway 28 to 43rd Avenue; then north along 43rd Avenue to Ford Street; then west along Ford Street to Filmore Street; then west along Filmore Street to 10th Avenue; then south along 10th Avenue to 155th Street in Madison County; then west along 155th Street to Cumming Road; then north along Cumming Road to Badger Creek Avenue; then north along Badger Creek Avenue to County Road F90 in Dallas County; then east along County Road F90 to County Road R22; then north along County Road R22 to Highway 44; then east along Highway 44 to County Road R30; then north along County Road R30 to County Road F31; then east along County Road F31 to Highway 17; then north along Highway 17 to Highway 415 in Polk County; then east along Highway 415 to Northwest 158th Avenue; then east along Northwest 158th Avenue to the point of beginning.

Cedar Falls/Waterloo Goose Zone: Includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, then south along County Road V49 to County Road D38, then west along County Road D38 to State Highway 21, then south along State Highway 21 to County Road D35, then west along County Road D35 to Grundy Road, then north along Grundy Road to County Road D19, then west along County Road D19 to Butler Road, then north along Butler Road to County Road C57, then north and east along County Road C57 to U.S. Highway 63, then south along U.S. Highway 63 to County Road C66, then east along County Road C66 to the point of beginning.

Regular Seasons

Same zones as for ducks.

Kentucky

Northeast Goose Zone: Bath, Menifee, Morgan (except the portion that lies within the Paintsville Lake Wildlife Management Area) and Rowan Counties except that no goose hunting is permitted on public land (U.S. Forest Service) and water within the block of land lying inside the boundaries of Hwy 801, Hwy 1274, Hwy 36, Hwy 211, Hwy 60, and Hwy 826.

Western Goose Zone: The Western Goose Zone includes Henderson County and the portion of Kentucky west of U.S. 60 from the Henderson-Union County line to U.S. 641; U.S. 641 to Interstate 24; Interstate 24 to the Purchase Parkway; and the Purchase Parkway.

Remainder of State: The remainder of Kentucky outside the Northeast and Western Goose Zones.

Louisiana

North Zone: That portion of the State north of the line from the Texas border at Hwy 190/12 east to Hwy 49, then south on Hwy 49 to I–10, then east on I–10 to I–12, then east on I–12 to I–10, then east on I–10 to the Mississippi State line.

South Zone: Remainder of the State.

Michigan

North Zone: Same as North duck zone.

Middle Zone: Same as Middle duck zone.

South Zone: Same as South duck zone.

Allegan County GMU: That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Minnesota

Same zones as for ducks.

Missouri

Same zones as for ducks.

Ohio

Same zones as for ducks.

Tennessee

Northwest Goose Zone: Lake, Obion, Weakley, and Dyer Counties, excluding that portion south of State Highway 104; and Gibson County, excluding that portion south of State Highway 104 and west of U.S. Highways 45 and 45W.

Remainder of State: That portion of Tennessee outside of the Northwest Goose Zone.

Wisconsin

Early Canada Goose Seasons

Early-Season Subzone A: That portion of the State encompassed by a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State 60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

Early-Season Subzone B: The remainder of the State.

Regular Seasons

Same zones as for ducks but in addition:

Horicon Zone: That portion of the State encompassed by a boundary beginning at the intersection of State 23 and State 73 and moves south along State 73 until the intersection of State 73 and State 60, then moves east along State 60 until the intersection of State 60 and State 83, and then moves north along State 83 until the intersection of State 83 and State 33 at which point it moves east until the intersection of State 33 and U.S. 45, then moves north along U.S. 45 until the intersection of U.S. 45 and State 23, at which point it moves west along State 23 until the intersection of State 23 and State 73.

Central Flyway

Colorado (Central Flyway Portion)

Northern Front Range Area: All areas in Boulder, Larimer, and Weld Counties from the Continental Divide east along the Wyoming border to U.S. 85, south on U.S. 85 to the Adams County line, and all lands in Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin, and Jefferson Counties.

North Park Area: Jackson County.

South Park and San Luis Valley Area: All of Alamosa, Chaffee, Conejos, Costilla, Custer, Fremont, Lake, Park, Rio Grande, and Teller Counties, and those portions of Saguache, Mineral and Hinsdale Counties east of the Continental Divide.

Remainder: Remainder of the Central Flyway portion of Colorado.

Eastern Colorado Late Light Goose Area: That portion of the State east of Interstate Highway 25.

Montana (Central Flyway Portion)

Zone 1: Same as Zone 1 for ducks and coots.

Zone 2: Same as Zone 2 for ducks and coots.

Nebraska

Dark Geese

Niobrara Unit: That area contained within and bounded by the intersection of the South Dakota State line and the eastern Cherry County line, south along the Cherry County line to the Niobrara River, east to the Norden Road, south on the Norden Road to U.S. Hwy 20, east along U.S. Hwy 20 to NE Hwy 14, north along NE Hwy 14 to NE Hwy 59 and County Road 872, west along County Road 872 to the Knox County Line, north along the Knox County Line to the South Dakota State line. Where the Niobrara River forms the boundary, both banks of the river are included in the Niobrara Unit.

East Unit: That area north and east of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, east to U.S. 275, south to U.S. 77, south to NE 91, east to U.S. 30, east to Nebraska-Iowa State line.

Platte River Unit: That area north and west of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, west along NE 91 to NE 11, north to the Holt County line, west along the northern border of Garfield, Loup, Blaine and Thomas Counties to the Hooker County line, south along the Thomas-Hooker County lines to the McPherson County line, east along the south border of Thomas County to the western line of Custer County, south along the Custer-Logan County line to NE 92, west to U.S. 83, north to NE 92, west to NE 61, south along NE 61 to NE 92, west along NE 92 to U.S. Hwy 26, south along U.S. Hwy 26 to Keith County Line, south along Keith County Line to the Colorado State line.

Panhandle Unit: That area north and west of Keith-Deuel County Line at the Nebraska-Colorado State line, north along the Keith County Line to U.S. Hwy 26, west to NE Hwy 92, east to NE Hwy 61, north along NE Hwy 61 to NE Hwy 2, west along NE 2 to the corner formed by Garden-Grant-Sheridan Counties, west along the north border of Garden, Morrill, and Scotts Bluff Counties to the intersection of the Interstate Canal, west to the Wyoming State line.

North-Central Unit: The remainder of the State.

Light Geese

Rainwater Basin Light Goose Area: The area bounded by the junction of NE Hwy. 92 and NE Hwy. 15, south along NE Hwy. 15 to NE Hwy. 4, west along NE Hwy. 4 to U.S. Hwy. 34, west along U.S. Hwy. 34 to U.S. Hwy. 283, north along U.S. Hwy. 283 to U.S. Hwy. 30, east along U.S. Hwy. 30 to NE Hwy. 92, east along NE Hwy. 92 to the beginning.

Remainder of State: The remainder of Nebraska.

New Mexico (Central Flyway Portion)

Dark Geese

Middle Rio Grande Valley Unit: Sierra, Socorro, and Valencia Counties.

Remainder: The remainder of the Central Flyway portion of New Mexico.

North Dakota

Missouri River Canada Goose Zone: The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; then north on ND Hwy 6 to I–94; then west on I–94 to ND Hwy 49; then north on ND Hwy 49 to ND Hwy 200; then west on ND Hwy 200; then north on ND Hwy 8 to the Mercer/McLean County line; then east following the county line until it turns south toward Garrison Dam; then east along a line (including Mallard Island) of Lake Sakakawea to U.S. Hwy 83; then south on U.S. Hwy 83 to ND Hwy 200; then east on ND Hwy 200 to ND Hwy 41; then south on ND Hwy 41 to U.S. Hwy 83; then south on U.S. Hwy 83 to I–94; then east on I–94 to U.S. Hwy 83; then south on U.S. Hwy 83 to the South Dakota border; then west along the South Dakota border to ND Hwy 6.

Western North Dakota Canada Goose Zone: Same as the High Plains Unit for ducks, mergansers and coots, excluding the Missouri River Canada Goose Zone.

Rest of State: Remainder of North Dakota.

South Dakota

Early Canada Goose Seasons

Special Early Canada Goose Unit: The Counties of Campbell, Marshall, Roberts, Day, Clark, Codington, Grant, Hamlin, Deuel, Walworth; that portion of Perkins County west of State Highway 75 and south of State Highway 20; that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction; that portion of Potter County east of U.S. Highway 83; that portion of Sully County east of U.S. Highway 83; portions of Hyde, Buffalo, Brule, and Charles Mix counties north and east of a line beginning at the Hughes-Hyde County line on State Highway 34, east to Lees Boulevard, southeast to State Highway 34, east 7 miles to 350th

Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, and north on U.S. Highway 281 to the Charles Mix-Douglas County boundary; that portion of Bon Homme County north of State Highway 50; those portions of Yankton and Clay Counties north of a line beginning at the junction of State Highway 50 and 306th Street/County Highway 585 in Bon Homme County, east to U.S. Highway 81, then north on U.S. Highway 81 to 303rd Street, then east on 303rd Street to 444th Avenue, then south on 444th Avenue to 305th Street, then east on 305th Street/Bluff Road to State Highway 19, then south to State Highway 50 and east to the Clay/Union County Line; McPherson, Edmunds, Kingsbury, Brookings, Lake, Moody, Miner, Faulk, Hand, Jerauld, Douglas, Hutchinson, Turner, Aurora, Beadle, Davison, Hanson, Sanborn, Spink, Brown, Harding, Butte, Meade, Oglala Lakota (formerly Shannon), Jackson, Mellette, Todd, Jones, Haakon, Corson, Ziebach, and McCook Counties; and those portions of Minnehaha and Lincoln counties outside of an area bounded by a line beginning at the junction of the South Dakota-Minnesota State line and Minnehaha County Highway 122 (254th Street) west to its junction with Minnehaha County Highway 149 (464th Avenue), south on Minnehaha County Highway 149 (464th Avenue) to Hartford, then south on Minnehaha County Highway 151 (463rd Avenue) to State Highway 42, east on State Highway 42 to State Highway 17, south on State Highway 17 to its junction with Lincoln County Highway 116 (Klondike Road), and east on Lincoln County Highway 116 (Klondike Road) to the South Dakota-Iowa State line, then north along the South Dakota-Iowa and South Dakota-Minnesota border to the junction of the South Dakota-Minnesota State line and Minnehaha County Highway 122 (254th Street).

Regular Seasons

Unit 1: Same as that for the September Canada goose season.

Unit 2: Remainder of South Dakota.

Unit 3: Bennett County.

Texas

Northeast Goose Zone: That portion of Texas lying east and north of a line beginning at the Texas-Oklahoma border at U.S. 81, then continuing south to Bowie and then southeasterly along U.S. 81 and U.S. 287 to I–35W and I–35 to the juncture with I–10 in San Antonio, then east on I–10 to the Texas-Louisiana border.

Southeast Goose Zone: That portion of Texas lying east and south of a line beginning at the International Toll Bridge at Laredo, then continuing north following I–35 to the juncture with I–10 in San Antonio, then easterly along I–10 to the Texas-Louisiana border.

West Goose Zone: The remainder of the State.

Wyoming (Central Flyway Portion)

Dark Geese

Zone G1: Big Horn, Converse, Hot Springs, Natrona, Park, and Washakie Counties.

Zone G1A: Goshen and Platte Counties.

Zone G2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone G3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Zone G4: Fremont County excluding those portions south or west of the Continental Divide.

Pacific Flyway

Arizona

Same zones as for ducks.

California

Northeastern Zone: That portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to main street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line from the intersection of Highway 95 with the California-Nevada State line; south on Highway 95 through the junction with Highway 40; south on Highway 95 to Vidal Junction; south through the town of Rice to the San Bernardino-Riverside County line on a road known as ''Aqueduct Road'' also known as Highway 62 in San Bernardino County; southwest on Highway 62 to Desert Center Rice Road; south on Desert Center Rice Road/Highway 177 to the town of Desert Center; east 31 miles on Interstate 10 to its intersection with Wiley Well Road; south on Wiley Well Road to Wiley Well; southeast on Milpitas Wash Road to the Blythe, Brawley, Davis Lake intersections; south on Blythe Ogilby Road also known as County Highway 34 to its intersection with Ogilby Road; south on Ogilby Road to its intersection with Interstate 8; east seven miles on Interstate 8 to its intersection with the Andrade-Algodones Road/Highway 186; south on Highway 186 to its intersection with the U.S. Mexico border at Los Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River zone) south and east of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; east along the Santa Maria River to where it crosses Highway 101–166 near the City of Santa Maria; north on Highway 101–166; east on Highway 166 to the junction with Highway 99; south on Highway 99 to the junction of Interstate 5; south on Interstate 5 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to where it intersects Highway 178 at Walker Pass; east on Highway 178 to the junction of Highway 395 at the town of Inyokern; south on Highway 395 to the junction of Highway 58; east on Highway 58 to the junction of Interstate 15; east on Interstate 15 to the junction with Highway 127; north on Highway 127 to the point of intersection with the California-Nevada State line.

Imperial County Special Management Area: The area bounded by a line beginning at Highway 86 and the Navy Test Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Road; north on Weist Road to Flowing Wells Road; northeast on Flowing Wells Road to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Road; south on Frink Road to Highway 111; north on Highway 111 to Niland Marina Road; southwest on

Niland Marina Road to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

Balance of State Zone: The remainder of California not included in the Northeastern, Colorado River, and Southern Zones.

North Coast Special Management Area: Del Norte and Humboldt Counties.

Sacramento Valley Special Management Area: That area bounded by a line beginning at Willows south on I–5 to Hahn Road; easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes; northerly on CA 45 to the junction with CA 162; northerly on CA 45/162 to Glenn; and westerly on CA 162 to the point of beginning in Willows.

Colorado (Pacific Flyway Portion)

Same zones as for ducks.

Idaho

Canada Geese and Brant

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties.

Zone 3: Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Shoshone, Twin Falls, and Washington Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Bear Lake County; Bingham County within the Blackfoot Reservoir drainage; and Caribou County, except that portion within the Fort Hall Indian Reservation.

Zone 5: Valley County.

White-Fronted Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 3: Adams, Benewah, Blaine, Bonner, Boundary, Camas, Clearwater, Custer, Franklin, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Oneida, and Shoshone Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 5: Valley County.

Light Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County east of the west bank of the Snake River, west of the McTucker boat ramp access road, and east of the American Falls Reservoir bluff, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County below the American Falls Reservoir bluff, and within the Fort Hall Indian Reservation.

Zone 2: Franklin and Oneida Counties; Bingham County west of the west bank of the Snake River, east of the McTucker boat ramp access road, and west of the American Falls Reservoir bluff; Power County, except below the American Falls Reservoir bluff and those lands and waters within the Fort Hall Indian Reservation.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Adams, Benewah, Blaine, Bonner, Boundary, Camas, Clearwater, Custer, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, and Shoshone Counties.

Zone 5: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 6: Valley County.

Nevada

Same zones as for ducks.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific Flyway portion of New Mexico located north of I–40.

South Zone: The Pacific Flyway portion of New Mexico located south of I–40.

Oregon

Northwest Permit Zone: Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

Lower Columbia/N. Willamette Valley Management Area: Those portions of Clatsop, Columbia, Multnomah, and Washington Counties within the Northwest Special Permit Zone.

Tillamook County Management Area: That portion of Tillamook County beginning at the point where Old Woods Road crosses the south shores of Horn Creek, north on Old Woods Road to Sand Lake Road at Woods, north on Sand Lake Road to the intersection with McPhillips Drive, due west (~200 yards) from the intersection to the Pacific coastline, south along the Pacific coastline to a point due west of the western end of Pacific Avenue in Pacific City, east from this point (~250 yards) to Pacific Avenue, east on Pacific Avenue to Brooten Road, south and then east on Brooten Road to Highway 101, north on Highway 101 to Resort Drive, north on Resort Drive to a point due west of the south shores of Horn Creek at its confluence with the Nestucca River, due east (~80 yards) across the Nestucca River to the south shores of Horn Creek, east along the south shores of Horn Creek to the point of beginning.

Southwest Zone: Those portions of Douglas, Coos, and Curry Counties east of Highway 101, and Josephine and Jackson Counties.

South Coast Zone: Those portions of Douglas, Coos, and Curry Counties west of Highway 101.

Eastern Zone: Baker, Crook, Deschutes, Gilliam, Grant, Hood River, Jefferson, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties.

Klamath County Zone: Klamath County.

Harney and Lake County Zone: Harney and Lake Counties.

Malheur County Zone: Malheur County.

Utah

East Box Elder County Zone: Boundary begins at the intersection of the eastern boundary of Public Shooting Grounds Waterfowl Management Area and SR–83 (Promontory Road); east along SR–83 to I–15; south on I–15 to the Perry access road; southwest along this road to the Bear River Bird Refuge boundary; west, north, and then east along the refuge boundary until it

intersects the Public Shooting Grounds Waterfowl Management Area boundary; east and north along the Public Shooting Grounds Waterfowl Management Area boundary to SR–83.

Wasatch Front Zone: Boundary begins at the Weber–Box Elder County line at I–15; east along Weber County line to U.S.–89; south on U.S.–89 to I–84; east and south on I–84 to I–80; south on I–80 to U.S.–189; south and west on U.S.–189 to the Utah County line; southeast and then west along this line to the Tooele County line; north along the Tooele County line to I–80; east on I–80 to Exit 99; north from Exit 99 along a direct line to the southern tip of Promontory Point and Promontory Road; east and north along this road to the causeway separating Bear River Bay from Ogden Bay; east on this causeway to the southwest corner of Great Salt Lake Mineral Corporations (GSLMC) west impoundment; north and east along GSLMC's west impoundment to the northwest corner of the impoundment; north from this point along a direct line to the southern boundary of Bear River Migratory Bird Refuge; east along this southern boundary to the Perry access road; northeast along this road to I–15; south along I–15 to the Weber-Box Elder County line.

Southern Zone: boundary includes Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Wayne, and Washington Counties, and that part of Tooele County south of I–80.

Northern Zone: The remainder of Utah not included in the East Box Elder County, Wasatch Front, and Southern Zones.

Washington

Area 1: Skagit, Island, and Snohomish Counties.

Area 2A (Southwest Permit Zone): Clark, Cowlitz, and Wahkiakum Counties, and that portion of Grays Harbor County east of Highway 101.

Area 2B (Southwest Permit Zone): Pacific County and that portion of Grays Harbor County west of Highway 101.

Area 3: All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5: All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Brant

Pacific Flyway

California

Northern Zone: Del Norte, Humboldt, and Mendocino Counties.

Balance of State Zone: The remainder of the State not included in the Northern Zone.

Washington

Puget Sound Zone: Clallam, Skagit, and Whatcom Counties.

Coastal Zone: Pacific County.

Swans

Central Flyway

South Dakota: Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Campbell, Clark, Codington, Davison, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Kingsbury, Lake, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, and Walworth Counties.

Pacific Flyway

Montana (Pacific Flyway Portion)

Open Area: Cascade, Chouteau, Hill, Liberty, and Toole Counties and those portions of Pondera and Teton Counties lying east of U.S. 287–89.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

Utah

Open Area: Those portions of Box Elder, Weber, Davis, Salt Lake, and Toole Counties lying west of I–15, north of I–80, and south of a line beginning from the Forest Street exit to the Bear River National Wildlife Refuge boundary; then north and west along the Bear River National Wildlife Refuge boundary to the farthest west boundary of the Refuge; then west along a line to Promontory Road; then north on Promontory Road to the intersection of SR 83; then north on SR 83 to I–84; then north and west on I–84 to State Hwy 30; then west on State Hwy 30 to the Nevada-Utah State line; then south on the Nevada-Utah State line to I–80.

Doves

Alabama

South Zone: Baldwin, Barbour, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone: Remainder of the State.

Florida

Northwest Zone: The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone: Remainder of State.

Louisiana

North Zone: That portion of the State north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. 190 to Interstate Highway 12, east along Interstate Highway 12 to Interstate Highway 10, then east along Interstate Highway 10 to the Mississippi border.

South Zone: The remainder of the State.

Mississippi

North Zone: That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone: The remainder of Mississippi.

Texas

North Zone: That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas-Arkansas State line.

Central Zone: That portion of the State lying between the North and South Zones.

South Zone: That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to I–10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area in the South Zone: Same as the South Zone.

Band-Tailed Pigeons

California

North Zone: Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone: The remainder of the State not included in the North Zone.

New Mexico

North Zone: North of a line following U.S. 60 from the Arizona State line east to I–25 at Socorro and then south along I–25 from Socorro to the Texas State line.

South Zone: The remainder of the State not included in the North Zone.

Washington

Western Washington: The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Woodcock

New Jersey

North Zone: That portion of the State north of NJ 70.

South Zone: The remainder of the State.

Sandhill Cranes

Mississippi Flyway

Minnesota

Northwest Zone: That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Tennessee

Southeast Crane Zone: That portion of the State south of Interstate 40 and east of State Highway 56.

Remainder of State: That portion of Tennessee outside of the Southeast Crane Zone.

Central Flyway

Colorado

Open Area: The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas

Open Area: That portion of the State west of a line beginning at the Oklahoma border, north on I–35 to Wichita, north on I–135 to Salina, and north on U.S. 81 to the Nebraska border.

Montana

Regular Season Open Area: The Central Flyway portion of the State except for that area south and west of Interstate 90, which is closed to sandhill crane hunting.

Special Season Open Area: Carbon County.

New Mexico

Regular-Season Open Area: Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Special Season Open Areas

Middle Rio Grande Valley Area: The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area: Those portions of Santa Fe, Torrance, and Bernallilo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone: Area bounded on the south by the New Mexico-Mexico border; on the west by the New Mexico-Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to NM 26, east to NM 27, north to NM 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna County line, and south to the New Mexico-Mexico border.

North Dakota

Area 1: That portion of the State west of U.S. 281.

Area 2: That portion of the State east of U.S. 281.

Oklahoma

Open Area: That portion of the State west of I–35.

South Dakota

Open Area: That portion of the State west of U.S. 281.

Texas

Zone A: That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, then northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, then north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line.

Zone B: That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in the town of Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line, then south along the Texas-Oklahoma State line to the south bank of the Red River, then eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C: The remainder of the State, except for the closed areas.

Closed areas:

A. That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with I–35W in Fort Worth, then southwest along I–35 to its junction with U.S. Highway 290 East in Austin, then east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, then south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, then south on Interstate Highway 45 to State Highway 342, then to the shore of the Gulf of Mexico, and then north and east along the shore of the Gulf of Mexico to the Texas-Louisiana State line.

B. That portion of the State lying within the boundaries of a line beginning at the Kleberg-Nueces County line and the shore of the Gulf of Mexico, then west along the County line to Park Road 22 in Nueces County, then north and west along Park Road 22 to its junction with State Highway 358 in Corpus Christi, then west and north along State Highway 358 to its junction with State Highway 286, then north along State Highway 286 to its junction with Interstate Highway 37, then east along Interstate Highway 37 to its junction with U.S. Highway 181, then north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, then north and east along U.S. Highway 77 to its junction with U.S.

Highway 87 in Victoria, then south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, then north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, then south and east along the shore of Lavaca Bay to its junction with the Port Lavaca Ship Channel, then south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and then south and west along the shore of the Gulf of Mexico to the Kleberg-Nueces County line.

Wyoming

Regular Season Open Area: Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties.

Special Season Open Areas

Riverton-Boysen Unit: Portions of Fremont County.

Park and Big Horn County Unit: All of Big Horn, Hot Springs, Park, and Washakie Counties.

Johnson, Natrona, and Sheridan County Unit: All of Johnson, Natrona, and Sheridan Counties.

Pacific Flyway

Arizona

Zone 1: Beginning at the junction of the New Mexico State line and U.S. Hwy 80; south along the State line to the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to the junction with Arizona Hwy 77; northerly along Arizona Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I–10; east on I–10 to Bowie-Apache Pass Road; southerly on the Bowie-Apache Pass Road to Arizona Hwy 186; southeasterly on Arizona Hwy 186 to Arizona Hwy 181; south on Arizona Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Road; easterly on Rucker Canyon Road to the Tex Canyon Road; southerly on Tex Canyon Road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico State line.

Zone 2: Beginning at I–10 and the New Mexico State line; north along the State line to Arizona Hwy 78; southwest on Arizona Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Lower Eagle Creek Road (Pump Station Road) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I–10; easterly on I–10 to the New Mexico State line.

Idaho

Area 1: All of Bear Lake County and all of Caribou County except that portion lying within the Grays Lake Basin.

Area 2: All of Teton County except that portion lying west of State Highway 33 and south of Packsaddle Road (West 400 North) and north of the North Cedron Road (West 600 South) and east of the west bank of the Teton River.

Area 3: All of Fremont County except the Chester Wetlands Wildlife Management Area.

Area 4: All of Jefferson County.

Area 5: All of Bannock County east of Interstate-15 and south of U.S. Highway 30; and all of Franklin County.

Area 6: That portion of Oneida County within the boundary beginning at the intersection of the Idaho-Utah border and Old Highway 191, then north along Old Highway 191 to 1500 S, then west on 1500 S to Highway 38, then west on Highway 38 to 5400 W, then south on 5400 W to Pocatello Valley Road, then west and south on Pocatello Valley Road to 10000 W, then south on 10000 W to the Idaho-Utah border, then east along the Idaho-Utah border to the beginning point.

Montana

Zone 1 (Warm Springs Portion of Deer Lodge County): Those portions of Deer Lodge County lying within the following described boundary: Beginning at the intersection of I–90 and Highway 273, then westerly along Highway 273 to the junction of Highway 1, then southeast along said highway to Highway 275 at Opportunity, then east along said highway to East Side County road, then north along said road to Perkins Lake, then west on said lane to I–90, then north on said interstate to the junction of Highway 273, the point of beginning. Except for sections 13 and 24, T5N, R10W; and Warm Springs Pond number 3.

Zone 2 (Ovando-Helmville Area): That portion of the Pacific Flyway, located in Powell County lying within the following described boundary: Beginning at the junction of State Routes 141 and 200, then west along Route 200 to its intersection with the Blackfoot River at Russell Gates Fishing Access Site (Powell-Missoula County line), then southeast along said river to its intersection with the Ovando-Helmville Road (County Road 104) at Cedar Meadows Fishing Access Site, then south and east along said road to its junction with State Route 141, then north along said route to its junction with State Route 200, the point of beginning.

Zone 3 (Dillon/Twin Bridges/Cardwell Areas): Beaverhead, Gallatin, Jefferson, and Madison Counties.

Zone 4 (Broadwater County): Broadwater County.

Utah

Cache County: Cache County.

East Box Elder County: That portion of Box Elder County beginning on the Utah-Idaho State line at the Box Elder-Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder-Weber County line; east on the Box Elder-Weber County line to the Box Elder-Cache County line; north on the Box Elder-Cache County line to the Utah-Idaho State line.

Rich County: Rich County.

Uintah County: Uintah County.

Wyoming

Area 1 (Bear River): All of the Bear River and Ham's Fork River drainages in Lincoln County.

Area 2 (Salt River Area): All of the Salt River drainage in Lincoln County south of the McCoy Creek Road.

Area 3 (Eden Valley Area): All lands within the Bureau of Reclamation's Eden Project in Sweetwater County.

Area 5 (Uintah County Area): Uinta County.

All Migratory Game Birds in Alaska

North Zone: State Game Management Units 11–13 and 17–26.

Gulf Coast Zone: State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone: State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone: State Game Management Unit 10 (except Unimak Island).

Kodiak Zone: State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area: The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area: All of the municipality of Culebra.

Desecheo Island Closure Area: All of Desecheo Island.

Mona Island Closure Area: All of Mona Island.

El Verde Closure Area: Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas: All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

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Part III

Federal Communications Commission

47 CFR Parts 15, 73, 74, et al.
Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 73, 74, and 76

[GN Docket No. 16–142; FCC 17–158]

Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) authorizes television broadcasters to use the ''Next Generation'' broadcast television (Next Gen TV) transmission standard, also called ''ATSC 3.0'' or ''3.0,'' on a voluntary, market-driven basis. This authorization is subject to broadcasters continuing to deliver current-generation digital television (DTV) service, using the ATSC 1.0 transmission standard, also called ''ATSC 1.0'' or ''1.0,'' to their viewers.

DATES: Effective March 5, 2018, except for §§ 73.3801, 73.6029, and 74.782 which contain information collection requirements that are not effective until approved by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date for these sections. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register, as of March 5, 2018.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Evan Baranoff, *Evan.Baranoff@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–7142, or Matthew Hussey, *Matthew.Hussey@fcc.gov,* of the Office of Engineering and Technology, (202) 418–3619. Direct press inquiries to Janice Wise at (202) 418–8165. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* (R&O), FCC 17–158, adopted on November 16, 2017 and released on November 20, 2017. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *http://fjallfoss.fcc.gov/edocs_public/* or via the FCC's Electronic Comment Filing System (ECFS) website at *http://fjallfoss.fcc.gov/ecfs2/.* (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document incorporates by reference two ATSC 3.0 standards of the Advanced Television Systems Committee (ATSC): (1) ATSC A/321:2016 ''System Discovery & Signaling'' (A/321) and (2) A/322:2017 ''Physical Layer Protocol'' (A/322). These standards are available from ATSC, 1776 K Street NW, 8th Floor, Washington, DC 20006; or at the ATSC website: *www.atsc.org/standards/atsc-3-0-standards/.*

Synopsis

I. Authorizing Voluntary Deployment of ATSC 3.0

1. In this *Report and Order* (R&O), we authorize television broadcasters to use the ''Next Generation'' broadcast television (Next Gen TV) transmission standard, also called ''ATSC 3.0'' or ''3.0,'' on a voluntary, market-driven basis. This authorization is subject to broadcasters continuing to deliver current-generation digital television (DTV) service, using the ATSC 1.0 transmission standard, also called ''ATSC 1.0'' or ''1.0,'' to their viewers. ATSC 3.0 is the new TV transmission standard developed by Advanced Television Systems Committee as the world's first internet Protocol (IP)-based broadcast transmission platform. It merges the capabilities of over-the-air (OTA) broadcasting with the broadband viewing and information delivery methods of the internet, using the same 6 MHz channels presently allocated for DTV service. This new TV transmission standard promises to allow broadcasters to innovate, improve service, and use their spectrum more efficiently. It also has the potential to enable broadcasters to provide consumers with a more immersive and enjoyable television viewing experience on both home and mobile screens. In addition, ATSC 3.0 will allow broadcasters to offer enhanced public safety capabilities, such as geo-targeting of emergency alerts to tailor information to particular communities and emergency alerting capable of waking up sleeping devices to warn consumers of imminent emergencies, and advanced accessibility options. With today's action, we aim to facilitate private sector innovation and promote American leadership in the global broadcast industry.

A. Authorization of Voluntary Use of ATSC 3.0 Transmissions and Treatment Under the Act

2. The Commission in this R&O adopts the proposal in the Next Gen TV *Notice of Proposed Rulemaking* (*Next Gen TV NPRM*), 82 FR 13285 (March 10, 2017), to authorize ATSC 3.0 as an optional broadcast television transmission standard. All parties who commented on the issue support our proposal to authorize ATSC 3.0 on a voluntary, market-driven basis. Broadcasters will be permitted, but not required, to transmit ATSC 3.0 signals if they comply with the requirements in this Order and any other relevant rules and statutory provisions. Alternatively, broadcasters may choose to continue transmitting their signals solely in the currently authorized ATSC 1.0 transmission standard.

3. We conclude that stations transmitting ATSC 3.0 signals will be engaged in ''broadcasting'' within the meaning of the Communications Act (the ''Act''). The Act defines ''broadcasting'' as ''the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations,'' and a ''broadcast station'' as ''a radio station equipped to engage in broadcasting.'' We proposed to interpret the Act in this manner in the *Next Gen TV NPRM,* and no commenter objects to this reading of the statute. This conclusion applies to stations transmitting both an ATSC 1.0 and an ATSC 3.0 signal pursuant to the local simulcasting requirement we adopt in this Order and stations transmitting only an ATSC 3.0 signal. Accordingly, all of the restrictions and obligations that the Act imposes on television broadcasters, including obligations or restrictions on television broadcast licenses, licensees, stations, or services, will be applicable to broadcasters using the ATSC 3.0 transmission standard.

4. The Act includes, for example, restrictions on foreign ownership of broadcast licenses and licensees and

obligations for broadcasters to provide ''reasonable access'' to candidates for federal elective office and to afford ''equal opportunities'' to candidates for any public office. Television broadcasters also are subject to statutory obligations to make certain disclosures in connection with advertisements that discuss a ''political matter of national importance'' and to disclose the identity of program sponsors. In addition, among other requirements, the Act specifies that television broadcasters must air educational programming for children, limit the amount of commercial material they include in programming directed to children, restrict the airing of indecent programming, and comply with provisions relating to the rating of video programming.

5. The Commission has determined that the definition of ''broadcasting'' in the Act applies to services intended to be received by an indiscriminate public and has identified three indicia of a lack of such intent: (1) The service is not receivable on conventional television sets and requires a licensee or programmer-provided special antennae and/or signal converter so the signal can be received in the home; (2) the programming is encrypted in a way that ''makes it unusable by the public'' and that is not ''enjoyable without the aid of decoders''; and (3) the provider and the viewer are engaged in a private contractual relationship.[1] Based on the rules we adopt in this Order to permit the voluntary use of ATSC 3.0 and the descriptions of ATSC 3.0 transmissions in the record, we find that Next Gen TV service will be intended to be received by all members of the public. We are requiring Next Gen TV stations to provide one free, over-the-air video programming stream broadcast in ATSC 3.0. Thus, the programming on this stream will not require a private contractual agreement between the broadcaster and the viewers. Furthermore, although TV receivers capable of receiving ATSC 3.0 signals without the use of additional equipment are not yet available in the United States, ATSC 3.0 transmissions will be receivable eventually on conventional television sets. We expect that television receivers capable of receiving ATSC 3.0 signals will quickly become available as consumers realize the benefits of Next Gen TV. Accordingly, we conclude that Next Gen TV stations will be engaged in ''broadcasting'' as defined in the Act.

6. ATVA notes that at some point ATSC 3.0 service may include two-way, interactive service offerings to individual viewers (such as targeted advertising and localized content) and asserts that at some point these service offerings may become so individualized that they no longer constitute ''broadcasting'' within the meaning of the Act. ATVA suggests that the Commission ''consider where that point lies sooner rather than later to avoid uncertainty for broadcasters, MVPDs, and others.'' Given that the ATSC 3.0 standard is new and will be deployed on a voluntary basis, it is not yet known precisely what interactive services Next Gen TV broadcasters may offer or the extent to which differentiated content may be provided to individual viewers. Moreover, even if Next Gen TV broadcasters offer some two-way interactive services with individualized content, not all viewers may be interested in such individualized services, so we expect that Next Gen TV broadcasters will continue to provide an undifferentiated broadcast service to the general public. We therefore find that it is unnecessary to speculate at this time as to whether certain ATSC 3.0 service offerings may become so individualized that they would no longer meet the definition of ''broadcasting.'' [2]

B. Local Simulcasting

7. As originally proposed by Petitioners, and as we proposed in the *Next Gen TV NPRM,* we require Next Gen TV broadcasters to air a local simulcast of the primary video programming stream of their ATSC 3.0 channel in ATSC 1.0 format. We find that local simulcasting is a critical component of the Commission's authorization of ATSC 3.0 as a voluntary transmission standard. We discuss our local simulcasting requirement below, including what we mean by local simulcasting and the coverage area that must be served by the 1.0 simulcast signal. We also address issues related to the location and coverage area of ATSC 3.0 signals, waivers and exceptions to the simulcasting requirement, and licensing procedures for authorizing Next Gen TV broadcasters.

1. Local Simulcasting Requirement

8. Our local simulcasting requirement will be effectuated through partnerships that broadcasters that wish to provide Next Gen TV service must enter into with other broadcasters in their local markets. Specifically, Next Gen TV broadcasters must partner with another television station (*i.e.,* a temporary ''host'' station) in their local market to either: (1) Air an ATSC 3.0 channel at the temporary host's facility, while using their original facility to continue to provide an ATSC 1.0 simulcast channel, or (2) air an ATSC 1.0 simulcast channel at the temporary host's facility, while converting their original facility to the ATSC 3.0 standard in order to provide a 3.0 channel. In either case, Next Gen TV broadcasters must simulcast the primary video programming stream of their ATSC 3.0 channel in an ATSC 1.0 format, so that viewers will continue to receive ATSC 1.0 service.

9. We apply our local simulcasting requirement only to the primary video programming stream aired by Next Gen TV broadcasters on their ATSC 3.0 channels.[3] Next Gen TV stations may be able to transmit multiple streams of programming in ATSC 3.0, as many do today in ATSC 1.0. Although we encourage those Next Gen TV broadcasters that elect to air multiple streams of ATSC 3.0 programming to also simulcast more than a single programming stream, we will require them to simulcast only their primary stream in ATSC 1.0 format.[4] Commenters generally agree that any local simulcasting requirement should apply to a Next Gen TV station's primary stream. We give broadcasters discretion to select the primary stream for purposes of our local simulcasting requirement.[5] Because broadcasters have a strong incentive to provide continuity of service to existing viewers, we believe they will elect to simulcast the programming stream that viewers expect to be able to receive, such as a stream containing network

[1] Although NAB states that ''free Next Gen signals may be encrypted,'' it also maintains that ''viewers will not require special equipment supplied and programmed by the broadcaster to decode Next Gen signals.'' Programming that is encrypted must not require special equipment supplied and programmed by the broadcaster to decode.

[2] We note, however, that two-way communication may be subject to other provisions of the Communications Act and Commission rules, including those that govern the accessibility of advanced communications services by people with disabilities.

[3] We note that the term ''primary'' is also used in the carriage context to refer to the stream for which a station demands mandatory carriage. That stream generally contains network programming for network affiliates or the station's most popular programming for non-network stations.

[4] We also do not require Next Gen TV broadcasters that currently air multicast streams to continue to do so on their ATSC 1.0 simulcast channel. The provision of multicast channels is discretionary, and we decline to adopt rules requiring broadcasters who currently air such channels to continue to do so.

[5] This is consistent with our decision in the context of the transition from analog to digital television.

programming[6] or the stream that has the largest number of viewers for non-network stations.[7] We will monitor the deployment of ATSC 3.0 and the effectiveness of our local simulcasting requirement in protecting viewers and will reconsider our approach if necessary.

10. The Commission intends that the local simulcasting requirement be temporary.[8] The Commission will monitor the pace of the voluntary deployment of ATSC 3.0 both nationally and market-by-market, including the rollout of 3.0 service by television broadcasters, the penetration of ATSC 3.0-ready TV sets and other converter equipment, and the extent to which MVPDs have deployed 3.0 equipment. As we proposed in the *Next Gen TV NPRM,* we will determine in a later proceeding when it would be appropriate for the Commission to eliminate the requirement that broadcasters continue to provide an ATSC 1.0 signal.[9]

11. We find that local simulcasting is essential to the deployment of Next Gen TV service on a voluntary, market-driven basis for all stakeholders, and we agree with the many commenters who support a requirement that broadcasters implementing Next Gen TV must continue to air at least one ATSC 1.0 programming stream.[10] Local simulcasting is necessary because ATSC 3.0 service is not backward-compatible with existing TV sets or receivers, which have only ATSC 1.0 and analog tuners. This means that consumers will not be able to view ATSC 3.0 transmissions on their existing televisions without additional equipment. As the Petition recognized and as discussed in the *Next Gen TV NPRM,* local simulcasting is a means to address this challenge.[11] With local simulcasting, viewers will be able to continue to watch a Next Gen TV station's programming without having to purchase new TV sets or converter equipment to receive ATSC 3.0 service. Thus, as Petitioners explain, ''local simulcasting will permit uninterrupted service to continue as the American public embraces Next Generation TV reception equipment, and will permit this innovative new standard to be implemented without necessitating new simulcast channels from the Commission.''

12. To avoid either forcing viewers to acquire new equipment or depriving them of television service, it is critical that broadcasters continue to provide service using the current ATSC 1.0 standard to deliver DTV service while the marketplace adopts devices compatible with the new 3.0 transmission standard. Television sets capable of receiving ATSC 3.0 signals are currently being developed in South Korea,[12] but are not yet commercially available in the United States. We recognize that 3.0 capable equipment likely will be produced for the U.S. market once the 3.0 standard is approved and that it will be possible for consumers to connect ATSC 3.0 converter devices to many existing newer television sets through HDMI ports. Nevertheless, without a local simulcasting requirement, many consumers would be forced to purchase new sets or other equipment in order to continue viewing over the air television.[13]

13. A simulcast mandate applicable to a Next Gen TV station's primary 3.0 video programming stream will also help ensure that MVPDs can continue to provide the 1.0 signals of Next Gen TV broadcasters to their subscribers. According to ATVA and NCTA, the equipment used by MVPDs today to receive, transmit, and provide broadcast signals to viewers via set-top boxes is incapable of providing an ATSC 3.0 signal in its native format to subscribers.[14] The continued provision of a 1.0 signal will help ensure that MVPDs can continue to carry the 1.0 signal of stations deploying 3.0 without necessitating MVPDs incur the expense of converting to 3.0 capable equipment or acquiring the equipment necessary to permit reception of an ATSC 3.0 signal and ''down converting'' that signal to a format compatible with legacy equipment, including set-top boxes.[15] In addition, the local simulcasting requirement will assist MVPDs, especially small and rural cable providers, that rely on OTA reception of broadcast signals to continue retransmitting to their subscribers an uninterrupted ATSC 1.0 OTA signal.

14. We disagree with those commenters who advocate that the Commission refrain from adopting a simulcast mandate on the ground that broadcasters already have incentives to ensure continuity of service to viewers and that they need flexibility to implement 3.0 service. While we recognize that broadcasters have a strong economic incentive to continue to reach their viewers absent a mandate to do so, we conclude that codifying and clarifying this obligation is necessary to provide certainty to consumers, broadcasters, MVPDs, and others who will be affected by the voluntary rollout of 3.0 service. Accordingly, we decline to make the simulcasting obligation a ''best efforts'' requirement, as advocated by ATBA, or a ''reasonable efforts'' requirement as proposed by ONE Media. We recognize, however, that some degree of flexibility is necessary to ensure that all stations are able to deploy 3.0 technology, including those that cannot find a simulcasting partner. As discussed below, we will permit LPTV and TV translator stations the option of deploying ATSC 3.0 service without simulcasting (*i.e.,* ''transition directly'' to ATSC 3.0)[16] without requesting a waiver from the Commission, in recognition of the

[6] We note that broadcasters may also have a contractual obligation, through their network affiliation agreements, to continue to provide certain programming to viewers in the current DTV standard.

[7] Broadcasters argue they have a strong economic incentive to continue to serve their viewers.

[8] We anticipate that Next Gen TV broadcasters that initiate 3.0 service at another location will ultimately return to their existing licensed facility and convert that facility from 1.0 to 3.0 technology.

[9] The commenters who address this issue agree that this issue should be handled in a separate proceeding. NAB agrees that stations should continue to transmit a 1.0 signal until the Commission determines that it is appropriate to sunset that requirement, but argues that the requirement that the 1.0 signal be substantially similar to the 3.0 signal should apply only for three years.

[10] Next Gen TV broadcasters may voluntarily air more than one ATSC 1.0 programming stream, but are required to air only one ATSC 1.0 simulcast channel.

[11] Indeed, the Petition asserted that ''the core of the voluntary, market-driven implementation of ATSC 3.0 will be local simulcasting.''

[12] According to ATVA, ATSC 3.0 receivers will become increasingly available in South Korea this year in advance of 4K Ultra HD broadcasts of the Winter Olympic Games in Korea in February 2018. In the United States, ATSC 3.0 is on the air for testing under FCC experimental authority in several markets including Baltimore, Cleveland, and Raleigh.

[13] Broadcasters themselves acknowledge the need to continue to provide ATSC 1.0 service while the marketplace adapts over time to ATSC 3.0 technology.

[14] NCTA claims that cable system costs to convert to 3.0 equipment could be ''significant.'' In addition, according to ATVA and NCTA, even if broadcast signals could be passed through in a native ATSC 3.0 format, because of their potentially higher resolution such signals would consume more capacity than signals in 1.0 format. The impact on capacity would be exacerbated by the need for systems carrying 3.0 signals to also carry and deliver those signals in 1.0 format because MVPD subscribers will continue to have television sets that cannot receive ATSC 3.0 signals for the foreseeable future. ATVA notes that these capacity issues pose a problem in particular for satellite carriers, whose spot beams may be full or nearly full, and small cable system operators, many of which do not have spare capacity to devote to carriage of additional signals in higher-resolution formats.

[15] ATVA and ACA note that MVPD equipment related to ATSC 3.0 reception is not yet commercially available.

[16] In the *Next Gen TV NPRM,* we referred to this practice as a ''flash-cut.''

unique difficulties these stations may face in locating a simulcasting partner and to permit these stations to serve as 3.0 ''host'' stations for other broadcasters. In addition, we will consider requests for waiver of the simulcast requirements on a case-by-case basis, including requests from full power and Class A stations to transition directly from ATSC 1.0 to ATSC 3.0. In the *Further Notice of Proposed Rulemaking* published December 20, 2017 (82 FR 60350), we also sought comment on whether we should permit Class A and NCE television stations to transition directly from ATSC 1.0 to ATSC 3.0 without seeking waivers or adopt a presumptive waiver standard for such stations.

15. We permit all television station classes to participate together in simulcast arrangements. Thus, a full power station could partner with one or more other full power stations or with one or more Class A, LPTV, or TV translator stations. We also permit NCE stations to participate in simulcast arrangements with commercial stations. Any Next Gen TV broadcaster that airs an ATSC 1.0 or ATSC 3.0 signal from a partner host station necessarily must operate that signal using the technical facilities of the host. For example, a Class A, LPTV, or TV translator station airing a 1.0 or 3.0 signal on a full power host station will necessarily operate its 1.0 or 3.0 ''guest'' signal using the technical facilities of the full power station, including the higher power limit specified in 47 CFR part 73.[17] Conversely, a full power station airing a 1.0 or 3.0 signal on a Class A, LPTV, or TV translator station must operate that signal at the Class A, LPTV, or TV translator's lower Part 74 power level.[18] Otherwise, stations airing a 1.0 or 3.0 signal on a partner host station will continue to be obligated to comply with the programming and other operational obligations of the station originating the signal (rather than those of the partner host station). Thus, a full power Next Gen TV broadcaster airing a 1.0 simulcast signal on a partner host simulcast station must continue to comply with the programming and operational obligations of a Part 73 licensee. Similarly a Class A station airing a 1.0 or 3.0 signal on a partner host station will continue to be obligated to comply with the programming and other operational obligations of a Class A licensee, including airing a minimum of 18 hours a day and an average of at least three hours per week of locally produced programming each quarter, as required by 47 CFR 73.6001.[19] A reserved-channel full power NCE licensee, whether it airs a channel on a commercial partner host station or serves as a partner host to a commercial guest channel, will retain its NCE status and must continue to comply with the rules applicable to NCE licensees. In either case, the NCE full power station's portion of the use of the 6 MHz channel will be reserved for NCE-only use.

16. Simulcast agreements must include provisions outlining each station's rights and responsibilities in the following areas: (i) Access to facilities, including whether each licensee will have unrestricted access to the shared transmission facilities; (ii) allocation of capacity within the shared channel; (iii) operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party's financial obligations, and any relevant notice provisions; (iv) the conditions under which the simulcast agreement may be terminated, assigned or transferred; and (v) how a guest's signal may be transitioned off the host station. License applicants must certify that the agreement contains such provisions. By requiring stations to address these issues in their simulcast agreements, we seek to avoid disputes that could lead to a disruption in service to the public and to ensure that each licensee is able to fulfill its independent obligation to comply with all pertinent statutory requirements and our rules.[20]

17. The provisions that we require in simulcast agreements are similar to those we have required in channel sharing agreements (CSAs).[21] We note that simulcast arrangements differ from CSAs in that the former are temporary and because, unlike channel sharing, each guest station can default back to its own licensed facility in the event the parties face irreconcilable differences. Further, unlike in the channel sharing context, the host station in a simulcast arrangement retains the right to resume use of the entire 6 MHz channel, subject to the terms of the simulcast agreement, without prior Commission approval.[22] We do not require that local simulcast agreements be submitted to the Commission as part of a license application, as these arrangements are intended to be temporary. We also conclude that such a requirement would be unnecessarily burdensome as Next Gen TV broadcasters may need to change to a new partner host station, and therefore enter into a new simulcast agreement, or modify existing agreements as the voluntary deployment of ATSC 3.0 becomes more widespread. We do, however, require that broadcasters that enter into local simulcast agreements maintain a written copy of such agreements and provide them to the Commission upon request.

2. Definition of Local Simulcasting

a. Programming on the 1.0 and 3.0 Channels

18. We require that, for the time being, the programming aired on the ATSC 1.0 simulcast channel be ''substantially similar'' to that of the primary video programming stream on the ATSC 3.0 channel. We define this requirement to mean that the programming on the 1.0 simulcast channel and the 3.0 primary stream must be the same, except for programming features that are based on the enhanced capabilities of ATSC 3.0, advertisements, and promotions for upcoming programs.[23] This approach

[17] *Compare* 47 CFR 73.622(h) with 47 CFR 74.735(b). An LPTV or TV translator station that airs a ''guest'' channel on a partner host full power or Class A station will obtain ''quasi'' primary interference protection for that channel for the duration of the simulcasting arrangement by virtue of the fact that the full power or Class A station is a primary licensee. Although the LPTV or TV translator will continue to be licensed with secondary interference protection status, the primary status of the host full power or Class A station will protect the ''guest'' channel aired on the partner host station from interference or displacement. This approach is consistent with our rules for channel sharing between stations with differing technical rules (full power and Class A television stations) in the context of the incentive auction and outside the incentive auction context.

[18] A full power or Class A ''guest'' station airing a channel on a partner host LPTV or TV translator station will be subject to displacement with respect to that channel because the host has secondary interference protection rights.

[19] In addition, a Class A licensee that airs a guest signal on a full power host station will continue to be subject to the restrictions set forth in 47 U.S.C. 336(f)(7)(B).

[20] We do not anticipate becoming involved in the resolution of stations' private contractual disputes regarding simulcast arrangements.

[21] We adopted similar provisions for full power and Class A television channel sharing arrangements entered into in conjunction with the incentive auction and outside the auction context, and for secondary-secondary CSAs.

[22] In addition, the guest station's companion channel aired on a partner host station will be considered part of the guest station's existing license and may not be assigned to a third party separately from the guest station's license.

[23] We also provide an exception for instances where broadcasters are able to obtain the rights to air the 1.0 version of a program but not the 3.0 version of that program. In such cases, broadcasters may air that program on their 1.0 simulcast stream and a different program on their 3.0 primary stream. This exception does not appear to significantly implicate the concern expressed by some that broadcasters would choose to obtain the rights to air the 3.0 version of a program and not the 1.0 version of that program so that the most desired

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will help ensure that viewers do not lose access to the broadcast programming they receive today, while still providing flexibility for broadcasters to innovate and experiment with new, innovative programming features using Next Gen TV technology. The substantially similar requirement will sunset in five years from its effective date (*i.e.,* the date it is published in the **Federal Register**) absent further action by the Commission via rulemaking to extend it.[24] While we conclude that this requirement is necessary in the early stages of ATSC 3.0 deployment, it could unnecessarily impede Next Gen TV programming innovations as the deployment of ATSC 3.0 progresses. We intend to monitor the ATSC 3.0 marketplace, and will extend the substantially similar requirement if necessary.

19. *Enhanced Capabilities.* We do not apply the requirement to certain enhanced capabilities that cannot reasonably be provided in ATSC 1.0 format.[25] These capabilities include ''hyper-localized'' content (*e.g.,* geo-targeted weather, targeted emergency alerts, and hyper-local news),[26] programming features or improvements created for the 3.0 service (*e.g.,* emergency alert ''wake up'' ability and interactive programming features), enhanced formats made possible by 3.0 technology (*e.g.,* 4K or HDR), and any personalization of programming performed by the viewer and at the viewer's discretion.[27] Further, because ATSC 3.0 technology may enable broadcasters to provide more tailored advertisements or promotions to individual viewers than ATSC 1.0 technology, we also do not apply the requirement to advertisements or promotions for upcoming programming.

20. *Time Shifting.* We do not consider programming that airs at a different time on the 1.0 simulcast channel than on the 3.0 primary channel to be substantially similar. Our goal in this regard is to ensure that popular programming continues to be aired on the 1.0 channel at the time viewers generally expect it to be aired.

21. The goal of our local simulcasting requirement is to preserve a station's existing service to viewers. To ensure that viewers are protected, it is important not only to require that television broadcasters continue to broadcast in the current ATSC 1.0 standard while ATSC 3.0 is being deployed, but also that they continue to air in ATSC 1.0 format the programming that viewers most want and expect to receive. We seek to ensure that broadcasters air their most popular, widely-viewed programming on their 1.0 simulcast channels so that viewers are not forced to purchase 3.0 capable equipment simply to continue to receive this programming rather than because they find the ATSC 3.0 technology particularly attractive.

22. We find that our approach provides both flexibility and clear guidance to broadcasters regarding their simulcasting obligation. We also note that it is consistent with the expectation expressed by broadcasters that Next Gen TV signals will contain programming that is ''substantially the same'' as the programming carried on the ATSC 1.0 signal, taking into account the ability to enhance the 3.0 programming using the capabilities made possible by the new television standard.[28]

23. We decline to adopt requirements regarding the format of the 1.0 simulcast signal.[29] We recognize that broadcasters may face spectrum constraints that could limit their ability to continue to provide HD programming or other enhanced formats on their 1.0 simulcast signals. Because simulcasting partnerships will require that more stations share the same amount of spectrum, stations may have less capacity for HD programming. Our existing rules do not require broadcasters to provide their signals in HD,[30] and we decline to adopt such rules for purposes of the voluntary deployment of ATSC 3.0 service.[31]

24. We recognize that if broadcasters that currently transmit in HD switch to standard definition (SD) in order to deploy ATSC 3.0 service, consumers may not receive HD signals.[32] This change could affect both OTA viewers and MVPD subscribers, as MVPDs often rely on OTA reception of broadcast signals to retransmit local programming to their subscribers.[33] Nevertheless, we expect that broadcasters will seek to provide the highest quality signals possible while they voluntarily deploy 3.0, as they do today.[34] That is, while we urge broadcasters to continue to provide high quality/HD service on their 1.0 simulcast channels to the extent possible, we will rely on broadcasters' market-based incentives to do so rather than mandating a specific format for simulcast channels.[35] For the same

programming could be made available solely on the 3.0 channel. We caution, however, that if this exception somehow is abused to lead to that outcome, the Commission will revisit it.

[24] Some commenters oppose an automatic sunset of the substantially similar requirement absent Commission action, but support Commission review of this requirement in a future rulemaking.

[25] While some of these capabilities may be theoretically possible within the ATSC 1.0 framework, they are not currently part of the ATSC 1.0 standards, are unlikely to be included in current consumer equipment, and as such cannot reasonably be provided via ATSC 1.0.

[26] ATSC 3.0 technology permits stations to simultaneously transmit different content to viewers. Thus, a station could simultaneously transmit a Washington, DC-focused news program to viewers in Washington, DC, a Virginia-focused news program to viewers in Virginia, and a Maryland-focused news program to viewers in Maryland. Viewers may also be able to select which of the three programs to view. In terms of its ATSC 1.0 simulcast, the station will determine what programming to air on its ATSC 1.0 programming stream in these circumstances (*i.e.,* one of the three programs or a broader newscast that includes elements of all three).

[27] We agree with NAB and ATVA that the local simulcasting requirement should not apply to ''content transmitted by means other than a real-time ATSC 3.0 broadcast transmission'' (*e.g.,* a link to programming available over the internet).

[28] ONE Media Comments at 9 (''During the simulcast period, we expect that Next Gen signals will include programming that is either substantially the same, or that is comparable to the programming carried on the ATSC 1.0 signal, taking into account the ability to enhance that programming using the 3.0 capabilities.'').

[29] Similarly, we decline to limit ATSC 1.0 host stations to transmitting only two HD video streams to avoid affecting the signal quality of the streams.

[30] DTV broadcasters are required only to transmit in SD.

[31] We also decline to require stations to disclose any planned change in signal quality as part of their simulcasting application or to permit the Commission to review and approve such changes, as advocated by Consumer Advocates. Our rules do not require HD service and we decline to consider the provision of such service as part of our review of simulcasting applications.

[32] A number of commenters express concern that a broadcaster serving as a host for the ATSC 1.0 simulcasts of other stations will degrade the HD quality of these streams as compared to their current HD programming, or no longer provide HD service at all on the 1.0 simulcasts, in order to minimize the bandwidth the host station must devote to simulcast signals and thereby maximize available space for other broadcast streams. Some commenters also express concern that broadcasters may deliberately degrade ATSC 1.0 signal quality in order to ''encourage'' ATSC 3.0 adoption.

[33] According to ATVA, many of its members rely on OTA delivery of broadcast signals for more than half of the stations they retransmit and all of its members rely on OTA delivery as a backup to their other method of receiving the signals they retransmit. Small rural MVPDs are more likely to rely exclusively on OTA delivery of TV signals. While MVPDs that rely on OTA delivery could mitigate signal quality issues by obtaining delivery through alternate means, such as fiber, DBS transport, or reception and transcoding/down conversion of the ATSC 3.0 signal, such methods may require significant expenditures that small MVPDs in particular are less able to afford. In addition, even if an ATSC 3.0 signal could be received OTA at the MVPD headend, the equipment necessary to receive that signal off-air and to transcode/down convert it is not yet commercially available.

[34] Most broadcasters who address this issue argue that mandating a specific format for the 1.0 or 3.0 streams during the voluntary deployment of ATSC 3.0 would hamper the deployment of 3.0 service.

[35] Pearl states that ''its members intend to keep their primary ATSC 1.0 signal in high definition during the transition'' because ''consumers expect this programming to be in high definition'' and ''network affiliation agreements as well as other programming agreements generally require network programming to be transmitted in HD.

reasons, we also decline to require broadcasters that choose to convert their ATSC 1.0 simulcast signal from HD to SD, or otherwise change the quality of the signal, to deliver a higher resolution signal to MVPDs.[36]

b. Coverage Requirements for the ATSC 1.0 Simulcast Signal

25. We next address the required coverage area for Next Gen TV stations that relocate their 1.0 simulcast signal to a temporary host station (and convert their existing facilities to ATSC 3.0). In particular, we address the extent to which the coverage area of the new 1.0 simulcast signal must overlap with the station's existing ATSC 1.0 coverage area. For full power broadcasters implementing Next Gen TV service in this manner, we require that the station's 1.0 simulcast channel retain and continue to cover the station's community of license and that it be assigned to the same DMA as the originating station.[37] In addition, in evaluating applications filed by stations seeking to air their ATSC 1.0 simulcast signal on a partner host station, we will consider any loss in signal coverage resulting from the simulcast arrangement in determining whether to grant the application. We will consider more favorably simulcast arrangements with a service loss of no more than five percent of the population served by the station and will provide expedited processing of such applications.

26. This coverage requirement is consistent with our goal to minimize disruption to viewers as a result of the voluntary deployment of ATSC 3.0. If a station moves its ATSC 1.0 signal to a simulcast host station with a different transmitter location, existing OTA viewers may no longer be able to receive the signal. In addition, MVPDs that lose OTA reception of the signal at their local headend may no longer be able to carry the station. By requiring stations to continue to provide an ATSC 1.0 signal that covers their current community of license and encouraging them to keep coverage loss to five percent or less of the population currently receiving a 1.0 signal over the air, we will limit the number of current viewers and MVPD headends that will lose access to the OTA 1.0 signal as a result of local simulcasting. Although we agree that broadcasters have a market incentive to continue to reach their viewers during the implementation of ATSC 3.0 service, we do not believe it is appropriate to rely solely on market incentives when it comes to the selection of 1.0 simulcast partners given the potential impact of service loss on OTA viewers as well as MVPDs. We also decline to permit Next Gen TV stations to arrange for the simulcast of their ATSC 1.0 signal on another broadcast facility ''serving a substantially similar community of license,'' as proposed by Petitioners, as that standard would appear to permit a station to temporarily cease providing 1.0 service to its own community of license and could result in a significant reduction or change in the station's coverage area.

27. *Signal Relocation.* Full power broadcasters implementing 3.0 service must continue to provide 1.0 service to the station's existing community of license and comply with our community of license signal requirement. A full power Next Gen TV station that seeks to move its 1.0 signal to a temporary simulcast host must choose a simulcast partner from whose transmitter site the Next Gen TV broadcaster will continue to meet the community of license signal requirement over its current community of license.[38] This approach ensures that full power Next Gen TV broadcasters continue to provide 1.0 service to the local community they were licensed to serve, consistent with the goals underlying Section 307(b) of the Communications Act to ensure the provision of service to local communities.

28. Class A, LPTV, and TV translator stations do not have a community of license signal requirement. For Class A stations that propose to broadcast their ATSC 1.0 signal from a temporary host facility, we will apply the existing 30-mile and contour overlap restrictions that apply to low power station moves. Thus, a Class A station that proposes to move its 1.0 signal in order to implement 3.0 service: (1) Must maintain overlap between the protected contour of its existing and proposed 1.0 signal; and (2) may not relocate its 1.0 simulcast signal more than 30 miles from the reference coordinates of the relocating station's antenna location.

29. As discussed below, we exempt LPTV and TV translator stations from our local simulcasting requirement and permit them to transition directly from ATSC 1.0 to ATSC 3.0 service. If an LPTV or TV translator station elects voluntarily to simulcast, however, and to move its 1.0 signal to a temporary simulcast host in order to implement 3.0 service on its existing facilities, we require that the station comply with the restrictions we adopt above with respect to such moves by a Class A station.[39] This approach is consistent with the goal of our local simulcasting requirement to protect existing viewers. We also note that LPTV and TV translator stations that elect to simulcast will benefit from the licensed simulcast approach we adopt herein that will, for example, permit them to partner with an NCE host station.[40] Thus, we conclude that these stations should meet the same coverage requirements with respect to their ATSC 1.0 signal as other low power stations if they elect to simulcast and to move their 1.0 signal as part of a local simulcasting arrangement.

30. *Expedited Processing.* We provide expedited processing to full power, Class A, LPTV, and TV translator applications if the 1.0 simulcast signal broadcast at the temporary host facility will serve at least 95 percent of the predicted population served by the originating station's 1.0 signal. The Commission has used a 95 percent population coverage threshold for purposes of expedited processing of applications both in the context of the DTV transition and the incentive auction repacking process, and we conclude that it is appropriate to adopt the same standard here.[41] We anticipate

[36] ATVA argues that the Commission should not rely on marketplace incentives because broadcasters might have competing economic incentives to take steps to try to drive consumers to buy new equipment for ATSC 3.0, including by degrading ATSC 1.0 signals. In light of broadcasters' representations that they will not take such action, and in the absence of any reliable record evidence to suggest that broadcasters are likely to behave in this manner, we decline to adopt additional restrictions, as requested by ATVA.

[37] We will consider stations that are not assigned to a DMA by Nielsen to be assigned to the DMA in which they are located.

[38] Under the Commission's rules, a full power television station must locate its transmitter at a site from which it can place a principal community contour over its entire community of license.

[39] We also require that an LPTV or TV translator station that elects to simulcast comply with the other simulcasting requirements we adopt herein, including the substantially similar programming requirement.

[40] We note that an LPTV or TV translator station could alternatively choose to enter into a multicasting arrangement with a commercial host station rather than seeking a license to simulcast.

[41] The Commission used a 95% population coverage threshold in the context of the DTV transition for purposes of providing expedited processing to applications for construction of facilities on broadcasters' final, post-DTV transition channels. In addition, in the post-incentive auction repack the Commission provided expedited processing to applications for authorization for repacked facilities that, *inter alia,* are no more than five percent smaller than those specified in the *Channel Reassignment PN* with respect to predicted population served. Just because an application qualifies for expedited processing does not necessarily mean that the application will be granted. Applications that receive expedited review but that are not readily grantable by the Commission may require further action by the

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that the Media Bureau generally will be able to process applications qualifying for expedited processing within 15 business days after public notice of the filing of such applications. Applications that do not qualify for expedited processing will be considered on a case-by-case basis. We expect generally to process applications that do not qualify for expedited processing within 60 business days after we give notice of the filing of the application in the Daily Digest. In addition to information regarding any population that will lose 1.0 service as a result of the simulcast arrangement, such applications must contain the following information: (1) Whether there is another possible simulcast partner(s) in the market that would result in less 1.0 service loss to existing viewers and, if so, why the Next Gen TV broadcaster chose to partner with a station creating a larger service loss; (2) what steps, if any, the station plans to take to minimize the impact of the 1.0 service loss (*e.g.,* providing ATSC 3.0 dongles, set-top boxes, or gateway devices to viewers in the loss area); and (3) the public interest benefits of the simulcast arrangement and a showing of why the station believes the benefit(s) of granting the application outweigh the harm(s).

31. Our approach appropriately balances the need to ensure continued provision of service to viewers while broadcasters voluntarily deploy ATSC 3.0 and permitting broadcasters sufficient flexibility to locate and select a simulcast partner. We believe that the vast majority of broadcasters in today's market should be able to find a simulcast partner that would enable them to qualify for expedited processing under this approach.[42] In markets where it may not be possible for a station seeking to implement ATSC 3.0 service to find a 1.0 simulcast partner that would meet the test for expedited processing, the Next Gen TV broadcaster could seek regular (versus expedited) Commission approval of its simulcasting arrangement with the required additional showings, or seek a waiver of the simulcasting requirement. Broadcasters also have the option to continue to provide 1.0 service on their existing facility while implementing 3.0 service on another station.[43]

32. For stations electing to move their 1.0 simulcast channel to a temporary host station, we decline to limit service loss to only 0.5 percent of the station's predicted population served, absent a waiver, as advocated by some commenters. In the context of the incentive auction, the Commission determined that no individual station reassignment made by the Commission pursuant to the repacking process would be permitted to reduce another station's population by more than 0.5 percent. This standard was chosen to implement a statutory requirement to ''make all reasonable efforts'' to preserve a station's population served during the repacking process. We find that a somewhat less strict standard, that restricts population loss to five percent absent a showing that a greater loss is warranted, is appropriate to permit broadcasters sufficient flexibility to locate a simulcast partner while also protecting viewers from undue service disruption.[44]

33. We also decline to require a station to demonstrate that it has made ''reasonable efforts'' to continue to air its ATSC 1.0 signal from its existing facility before permitting the station to simulcast that signal from a temporary host facility. Next Gen TV broadcasters have a market-based incentive to continue to serve their existing viewers, and the requirements we adopt herein provide additional incentives and protections to ensure continuity of service when possible. Our approach appropriately balances our goal of protecting existing viewers with the need to provide Next Gen TV broadcasters with flexibility to manage their deployment of ATSC 3.0 based on their station's and market's unique circumstances.

34. In addition, we decline to require that stations that transmit their ATSC simulcast 1.0 signal from a new host facility reach the headends of all MVPDs that rely on OTA delivery or to reimburse MVPDs for the costs associated with reception and processing of an ATSC 1.0 signal delivered from a new location.[45] We note that our ATSC 1.0 simulcast coverage requirement will help MVPDs that rely on OTA reception of TV signals, including many rural small MVPDs,[46] by encouraging stations to maintain ATSC 1.0 signal coverage to most of their existing service contour, thus helping to ensure that these signals continue to reach an MVPD's headend or local receive facility. The Communications Act requires must-carry stations to assume responsibility

station. We disagree with NAB that expedited processing should apply if a 1.0 simulcast signal aired on a host station covers the originating station's community of license, without reference to loss of predicted population served by the 1.0 signal. NAB claims that such an approach ''mirrors the coverage area standard the Commission used during the DTV transition.'' We agree with NCTA that NAB's analogy to the DTV transition is inapt. While the Commission permitted stations to construct initial DTV facilities that served only their community of license, that decision was temporary and was accompanied by a ''use-or-lose'' deadline for their final DTV facilities by which broadcasters were required either to replicate their analog coverage or lose DTV service protection to any unreplicated areas. Moreover, because viewers continued to receive analog service until the end of the DTV transition, the initial DTV build-out requirement to which NAB refers was not essential to preserve existing service to viewers. To ensure that existing viewers will continue to receive 1.0 service, the Commission is using the same processing standard for 1.0 simulcast signals that it used for final DTV facilities, not the standard used in the initial DTV build-out.

[42] Commission staff estimates that about 95% of full power stations are in a market where there is at least one other station in the market that could serve as a simulcast host station that would meet our community of license coverage requirement, and that 75% of such stations are in markets where they would have at least four other stations that could serve as a potential simulcast host station under this requirement. In addition, approximately 80% of full power and Class A stations are in markets where there is at least one other station that could serve as a simulcast host that would qualify under our expedited processing standard. We also note that ONE Media ''expect[s] the instances in which simulcasting is not feasible to be the rare exception.'' ONE Media attached a list of television markets that will have either one, two, or three stations (after accounting for stations cleared in the incentive auction).

For purposes of the community of license analysis, the staff did a pairwise study of the contours for all full-power and Class A stations, based on data from TVStudy, to count, for each station, the number of other stations' contours that contained a potential guest's community of license. For the expedited processing analysis, the staff looked at the service of all full-power and Class A stations, based on data from TVStudy, and did a pairwise study to count, for each station, the population of cells that are served by both the potential host station and the potential guest and compared that to the total population served by the potential guest.

[43] LPTV and TV translator stations also have the option to transition directly to ATSC 3.0 without simulcasting.

[44] We decline to adopt a rebuttable presumption that broadcasters that do not meet the 95% standard will have their simulcast applications denied by the Commission, as advocated by Consumer Advocates. We believe that this proposal would unduly restrict broadcasters' flexibility to find simulcast partners. As noted above, applicants that do not satisfy the 95% standard will be required to make a more detailed showing regarding their proposed simulcasting partnership than those that do meet the standard, and we conclude that this showing will enable Commission staff to adequately analyze these applications.

[45] These costs include the cost to deliver a signal by alternate means, such as fiber, as well as the cost of new receivers and antennas. If a Next Gen TV broadcaster changes to a new 1.0 simulcast host station, MVPDs could incur some of these costs more than once.

[46] According to ACA, small MVPDs, which are more likely to rely exclusively on OTA delivery of TV signals, are often located in rural areas on the edges of an existing service contour and are thus more likely to lose service. ACA Comments at 8. In addition, these MVPDs are less able to mitigate costs through fiber delivery than their small urban counterparts as they are less likely to be located in areas with existing fiber providers and thus more likely to require deployment of a more-expensive dedicated fiber strand or entire cable.

for delivery of a good-quality signal to MVPDs and, for retransmission consent stations, leaves allocation of responsibility to the parties. As discussed below, we decline to adopt rules at this time that alter the allocation of financial responsibility during retransmission consent negotiations for purposes of the voluntary deployment of ATSC 3.0.

c. Coverage Requirements for ATSC 3.0 Simulcast Signal

35. We provide more location and coverage flexibility to Next Gen TV broadcasters that elect to continue broadcasting in ATSC 1.0 from their existing transmitter location [47] and transmit an ATSC 3.0 signal from a temporary host location.[48] We will permit such broadcasters to establish 3.0 service anywhere within the same DMA as the broadcaster's existing station. We also will not consider the extent to which the population served by such stations overlaps with the population served by the existing ATSC 1.0 station.[49] By providing more latitude for the location of the 3.0 signal, we hope to encourage Next Gen TV broadcasters to initiate 3.0 service on another facility initially while maintaining their 1.0 signal at the station's existing location, when possible, thereby avoiding disruption to viewers and MVPDs. We accord this flexibility in order to facilitate the implementation of ATSC 3.0 and because we are less concerned about the provision of Next Gen TV 3.0 service to a station's existing viewers, particularly early in the voluntary deployment of ATSC 3.0, than we are with preserving ATSC 1.0 service to those viewers.

d. Simulcast Exceptions for LPTV and TV Translator Stations

36. We exempt LPTV and TV translator stations from our local simulcasting requirement and allow these stations to elect to transition directly to 3.0 service. LPTV and TV translator stations electing to transition directly must first file an application to convert their facilities to 3.0 operation. In addition, they must comply with the MVPD notification and consumer education requirements adopted herein.

37. We adopt this simulcast exception for LPTV and TV translator stations in recognition of the fact that they face unique challenges in locating a simulcast partner. As a practical matter, many are not located near another LPTV or TV translator station and they may not be attractive simulcast partners for full power stations because of their lower power and coverage area. In addition, because LPTV and TV translator stations are secondary, they are subject to displacement by primary full power and Class A stations, further reducing their desirability as partner host stations. Absent an exemption from our local simulcasting requirement, LPTV and TV translator stations could be denied the opportunity to implement ATSC 3.0 service until the Commission eliminates the simulcast requirement.[50]

38. We recognize that permitting LPTV and TV translator stations to transition directly to ATSC 3.0 could deprive those OTA viewers without ATSC 3.0 TV sets or converter equipment of the important programming these stations provide. MVPD subscribers could also be affected if MVPDs are not prepared to carry ATSC 3.0 signals on the date of a direct transition. Although we recognize that permitting LPTV and TV translator stations to transition directly may cause some consumer disruption, in light of the unique circumstances faced by LPTV and TV translator stations we conclude that providing these stations with the option to transition directly will best ensure that they are able to deploy ATSC 3.0 technology.

39. Exempting LPTV and TV translator stations from the local simulcasting requirement will have the added benefit of allowing these stations to serve as ''lighthouse'' stations, thereby providing an ATSC 3.0 host option for other full power, Class A, LPTV, and TV translator stations that wish to partner with them.[51] LPTV stations could, therefore, serve an important role in market-wide simulcast arrangements by permitting other stations to experiment with 3.0 service while maintaining ATSC 1.0 service on their existing facility. As noted above, our goal is to encourage Next Gen TV broadcasters to initiate 3.0 service on another facility initially while maintaining their 1.0 simulcast signal at the station's existing location, when possible, to help avoid disruption to viewers and MVPDs. LPTV stations that elect to transition directly and to serve as ATSC 3.0 host stations could thus play a significant role in facilitating the conversion to 3.0 technology.[52] While viewers without ATSC 3.0-capable equipment would lose access to LPTV and TV translator stations that elect to transition directly, these stations may also provide innovative 3.0 programming that could help drive consumer adoption of such equipment. Thus, on balance, we believe that the benefit of permitting these stations to transition directly outweighs the potential harm.

40. Finally, our decision to exempt LPTV and TV translator stations from our local simulcasting requirement will ensure that analog LPTV and TV translator stations and stations that have been displaced due to the post-incentive auction repacking process are not forced to build both an ATSC 1.0 and an ATSC 3.0 facility. The Commission has determined that LPTV and TV translator stations must complete their transition to digital service by July 13, 2021.[53] The Commission previously changed this deadline to ensure that analog LPTV and TV translator stations would not be forced to complete their digital conversion only to find that their newly constructed digital facilities were displaced as a result of the incentive auction repacking process, thus necessitating a significant additional expenditure to locate a new channel and modify their digital facilities accordingly.[54] Many digital LPTV stations will also be required to seek new channels and construct new facilities as a result of the incentive auction. By exempting LPTV and TV translator stations from the simulcasting requirement, we similarly avoid forcing

[47] By existing transmitter location, we mean a station's licensed transmitter site immediately prior to either implementation of ATSC 3.0 service or initiation of an ATSC 1.0 simulcast signal on a partner simulcast host station.

[48] A Next Gen TV broadcaster that converts to ATSC 3.0 operation on their existing facility must provide 3.0 service to their existing service area.

[49] We do not establish a separate community of license or coverage requirement for 3.0 ''guest'' signals because these broadcasters will continue to provide ATSC 1.0 service to their existing community of license.

[50] Other commenters oppose permitting LPTV stations to transition directly to ATSC 3.0.

[51] A full power station airing a channel on a partner LPTV host station would be limited to the LPTV reduced power level on that channel and would lose its primary interference protections.

[52] NAB does not object to permitting LPTV stations to transition directly to ATSC 3.0 and agrees that these stations can serve an important role in the deployment of Next Gen TV.

[53] In 2015, the Commission extended the deadline for analog LPTV and TV translator stations to complete their transition to digital service. Specifically, the Commission set a digital transition date for analog LPTV and TV translator stations of 12 months after the completion of the 39-month Post-Auction Transition Period (the 39-month period during which full power and Class A stations assigned to new channels in the Incentive Auction repacking process will transition to their new channels). The Commission has determined that the 39-month Post-Auction Transition Period will end on July 13, 2020. Accordingly, the deadline for analog LPTV and TV translator stations to transition to digital technology is July 13, 2021.

[54] Absent a change in the deadline to complete construction of their digital facilities, LPTV and TV translator stations displaced in the repacking process would have been required to find a new channel and modify their new digital facilities or cease operations if they were unable to find a new channel.

these stations to make significant expenditures in new ATSC 1.0 facilities by July 13, 2021 only later to be faced with a further expenditure of resources if the station chooses to convert those facilities to ATSC 3.0.[55]

41. We decline to restrict the ability of LPTV and TV translator stations affiliated with a broadcast network to directly transition, as advocated by ATVA.[56] We are not persuaded that there is any reasoned basis to give network affiliated stations less flexibility than other secondary stations in this respect.[57] These stations may face the same challenges finding a simulcast partner as other LPTV and TV translator stations, and we believe they should have the same opportunity to serve as potential ATSC 3.0 ''lighthouse'' stations.[58] We note that we are affording LPTV and TV translator stations with the opportunity to transition directly, but are not requiring them to do so.[59] Thus, any LPTV or TV translator station that wishes to deploy ATSC 3.0 service may elect to air both an ATSC 1.0 and ATSC 3.0 stream by partnering with another station rather than transitioning directly. Stations that transition directly could also consider taking steps to minimize the disruption to viewers, such as offering free converter devices (*e.g.,* an external tuner dongle, set-top box, or gateway device) that enable ATSC 1.0-only receivers to be upgraded to receive ATSC 3.0 transmissions. LPTV and TV translator stations that elect voluntarily to simulcast must comply with the simulcasting requirements we adopt herein, including the substantially similar programming requirement and the coverage requirements related to ATSC 1.0 and 3.0 signals. Applying these requirements to LPTV and TV translator stations that simulcast is consistent with the goal of our simulcasting requirement to protect existing viewers and is appropriate in light of the benefits these stations will receive as a result of their simulcast license.

e. Waiver of the Simulcasting and Local Coverage Requirements

42. We will consider requests for waiver of our local simulcasting and coverage requirements on a case-by-case basis. This includes requests from full power and Class A television stations to transition directly from ATSC 1.0 to ATSC 3.0 service on the station's existing facility without providing a 1.0 simulcast as well as requests to air a 1.0 simulcast channel from a host location that does not cover all or a portion of the station's community of license or from which the station can provide only a lower signal threshold over the community than that required by the rules.[60] We are inclined to consider favorably requests for waiver where the Next Gen TV station can demonstrate that it has no viable local simulcasting partner in its market and where the station agrees to make reasonable efforts to preserve 1.0 service to existing viewers in its community of license and/or otherwise minimize the impact on such viewers (for example, by providing free or low cost ATSC 3.0 converters to viewers). In the *Further Notice of Proposed Rulemaking,* we sought further comment on two issues related to waivers and exceptions: (1) Whether to provide further guidance on how we will evaluate requests for waiver of the local simulcasting requirement; and (2) whether we should exempt NCE and/or Class A stations (as a class) from our local simulcasting requirement or adopt a presumptive waiver standard for such stations.

43. Commenters, including both broadcasters and MVPDs, support waivers of the simulcasting requirement for broadcasters that are unable to enter into simulcasting arrangements. We are aware that some full power and Class A stations may face a unique challenge in meeting our local simulcasting requirement. For example, PTV notes that public television stations are often not sited based on DMA boundaries because many statewide networks licensed to state agencies or commissions are required to serve their entire state regardless of cross-state DMA boundaries. As a result, certain public stations may find it difficult to find a simulcast partner. Other stations in small markets and/or rural areas may face similar challenges in meeting our simulcasting requirement.[61] We also recognize that, as the implementation of Next Gen TV progresses and more stations convert to ATSC 3.0, it may become increasingly difficult for broadcasters to find suitable partners for local simulcasting. Our waiver standard is intended to facilitate the provision of a waiver in these circumstances to ensure that all stations have the opportunity to participate in the voluntary deployment of ATSC 3.0.

3. Licensing Issues

a. Licensed Simulcast Approach

44. We require that 1.0 and 3.0 channels aired on a partner host station be licensed as temporary second channels of the originating broadcaster. That is, the ATSC 1.0 and ATSC 3.0 signals of a Next Gen TV broadcaster will be two separately authorized companion channels under the broadcaster's single, unified license.[62] Next Gen TV broadcasters will be required to file an application and obtain Commission approval before a 1.0 simulcast channel or a 3.0 channel aired on a partner host station can go on the air, and before an existing 1.0 station can convert to 3.0 operation or back to 1.0 operation. However, as discussed further below, we adopt a streamlined ''one-step'' process for reviewing and approving such applications to minimize the burden on both Next Gen TV broadcasters and the Commission.[63]

45. The partner host and guest station(s) in a simulcast arrangement will continue to be licensed separately and each station will have its own call sign. Each licensee will be independently subject to all of the Commission's obligations, rules, and policies. The Commission retains the

[55] The LPTV Spectrum Rights Coalition supports permitting newly authorized LPTV stations not yet constructed to transition directly to ATSC 3.0.

[56] ATVA states, however, that it ''takes no position'' on whether a simulcasting requirement should apply to LPTV stations that are not carried by any MVPD, not required to be carried by any MVPD under the must-carry statute, and remain unaffiliated with any network. ATVA later expressed the view that any exemption from the simulcast requirement should be limited to stations other than the top-six rated stations.

[57] A Commission staff analysis of SNL Kagan data as of Apr. 15, 2017 shows that 42 of 258 LPTV stations are affiliated with a top-four broadcast network (ABC, CBS, NBC, and Fox).

[58] Network affiliates may also have contractual obligations that limit their ability to transition directly.

[59] We agree with ATVA that LPTV and TV translator stations should have the opportunity to convert to ATSC 3.0 and arrange for the simulcast of their ATSC 1.0 signal on a partner simulcast host station.

[60] The Commission may waive its rules if good cause is shown. We are not inclined to consider favorably requests to change community of license solely to enable simulcasting. We will, however, consider a waiver if necessary for a station to comply with the local simulcasting requirement, based on the facts presented. We note that the required showing to justify waiver of the community of license coverage requirement is different from the showing required by simulcast license applicants that do not qualify for expedited processing, discussed above.

[61] Single-station markets present the most obvious example of situations in which simulcasting may not be possible.

[62] The companion channel aired on a partner host station will be considered part of the guest station's license and may not be separately assigned to a third party.

[63] Normally, licensing is a two-step process. A broadcaster must first file an application for a construction permit (CP) and obtain approval from the Commission for the CP and then, once construction is complete, file an application for a license to cover the CP and wait for Commission approval of the license to cover. We will process applications seeking changes to facilities and licenses that require the filing of a construction permit pursuant to our existing processes.

right to enforce any violation of these requirements against one, more than one, or all parties to a simulcast agreement. As is always the case, the Commission would take into account all relevant facts and circumstances in any enforcement action, including the relevant contractual obligations of the parties involved.

46. We sought comment in the *Next Gen TV NPRM* on whether simulcasts should be separately licensed as second channels of the originating station or treated as multicast streams of the host station.[64] We conclude that a licensed simulcast approach is preferable to a multicast approach for several reasons. First, it will allow NCE stations to serve as hosts to commercial stations' simulcast programming. Section 399B of the Communications Act provides that ''[n]o public broadcast station may make its facilities available to any person for the broadcasting of any advertisement.'' [65] Under a multicast approach, an NCE station would be prohibited from hosting the simulcast programming of a commercial station on a multicast stream because the stream would be aired on the ''facilities'' of the NCE licensee. Under the licensed simulcast approach we adopt herein, however, the ''facilities'' are no longer exclusively the facilities of the NCE station, as each station has a right to use the facilities pursuant to its separate license and contractual rights. A commercial stream aired on a partner NCE station will be separately licensed and authorized to use the host's channel, therefore permitting an NCE station to serve as a host to a commercial stream.

47. Second, the licensed simulcast approach clarifies the carriage rights of simulcast signals. Because multicast signals are not entitled to carriage rights, treating simulcast signals as multicast channels under a host's license raises the question as to whether such signals have mandatory carriage rights. As discussed below, a Next Gen TV broadcaster's licensed ATSC 1.0 signal will be entitled to carriage whether aired on the Next Gen TV broadcaster's own facility or that of a simulcast host.

48. Third, the licensed simulcast approach makes it clear that the originating station (and not the host) is responsible for regulatory compliance regarding its 1.0 simulcast or 3.0 signal being aired on a host station and gives the Commission clear enforcement authority over the originating station in the event of a violation of our rules.

b. Licensing Procedure

49. We require that a Next Gen TV broadcaster file an application with the Commission, and receive approval, before: (1) Moving its 1.0 signal to a temporary simulcast host station or moving its 1.0 simulcast to a different host station, or discontinuing a 1.0 guest signal; (2) commencing the airing of a 3.0 channel on a 3.0 host station (that has already converted to 3.0 operation), moving its 3.0 channel to a different host station, or discontinuing a 3.0 guest signal; or (3) converting its existing station to 3.0 operation or from 3.0 back to 1.0. For all of these applications, we adopt a streamlined one-step process that will require the filing of only an application for modification of license (*i.e.,* without first filing an application for a construction permit), provided no other changes are being requested in the application that would require the filing of an application for a construction permit under the Commission's rules.[66] A broadcaster seeking to air a 1.0 signal on a simulcast host station or to air a 3.0 signal on a host station is required to file the appropriate license schedule to FCC Form 2100 identifying, among other information, the station serving as the host and the technical facilities of the host station. Where the broadcaster seeks to air its 1.0 signal on a simulcast host station, the broadcaster must also indicate on the application (1) the predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal, (2) the predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal that will lose the station's ATSC 1.0 service as a result of the simulcasting arrangement, including identifying areas of service loss by providing a contour overlap map,[67] and (3) whether the ATSC 1.0 simulcast signal aired on the host station will serve at least 95 percent of the predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal (that is, whether the application qualifies as a ''checklist'' application eligible for expedited processing). Alternatively, where a Next Gen TV broadcaster seeks to air a 3.0 signal on a partner host station, the broadcaster must indicate in the application the DMA of the originating broadcaster's facility and the DMA of the host station. The host station does not need to take action in connection with these applications if no technical changes are necessary to its facilities.[68] We anticipate that in most, if not all, cases, no such changes will be required.

50. While a full power station seeking to change its channel normally must first submit a petition to amend the DTV Table of Allotments, as we proposed in *the Next Gen TV NPRM* we do not apply this process in the context of licensed simulcasting. We conclude that amendments to the DTV table are not required for these channel changes as they are temporary and because stations may change locations and hosts multiple times while local simulcasting is required.

51. A broadcaster seeking to convert its existing station to 3.0 transmissions is required to file the appropriate license schedule to FCC Form 2100 and, absent a waiver of the local simulcasting requirement, simultaneously file on the appropriate license schedule to FCC Form 2100 an application to move its 1.0 signal to a simulcast host station. Absent a waiver, these broadcasters may not commence 3.0 operation on their existing facility before their 1.0 simulcast begins airing on the simulcast host station. If a broadcaster seeks to move its 3.0 or 1.0 simulcast signal to a different host station, it is required to file the appropriate license schedule to FCC Form 2100 and wait until it receives Commission approval of the application before airing the signal on the new host facility.

52. The Commission will act on all applications as quickly as possible.

[64] As proposed in the NPRM, we establish a new service group code of NGDTV in LMS to signify the various classes of ATSC 3.0 stations, including NGDTV for full-service 3.0, NGDTS for DTS/SFN 3.0, NGLPT for low-power translator 3.0 stations, NGDCA for Class A, and NGLPD for low-power 3.0 stations. This means 3.0 channels will receive a ''–NG'' suffix to their call signs (*e.g.,* WZYX–NG'') to contrast to their 1.0 simulcast channels which will keep their suffixes.

[65] The Act defines an advertisement as ''any message or other programming material which is broadcast or otherwise transmitted in exchange for any remuneration. . . .''

[66] In all other circumstances, a broadcaster must continue to follow existing Commission processes and rules for modifying their existing facility through the filing of a construction permit application followed by an application for license to cover. (identifying the changes to full power and Class A television station facilities that require the filing of a construction permit) and 74.751 (identifying the changes to LPTV and TV translator stations that require the filing of a construction permit application). Broadcasters must also continue to notify the Commission of modifications to their facilities that do not require the filing of a construction permit as otherwise required by the rules. By technical or facility changes, we are referring only to changes that are regulated by the Commission and not to other changes (*i.e.,* software) that are not regulated by the Commission.

[67] We therefore agree with ACA that stations must include with their applications a contour overlap map identifying the areas of service loss.

[68] A host station must first make any necessary changes to its facilities before a guest station may file an application to air an ATSC 1.0 or 3.0 signal on the host. The Commission will include a note on the host station's license identifying any ''guest'' ATSC 1.0 or ATSC 3.0 streams being transmitted on the station.

Applications will appear on the Media Bureau's Broadcast Applications Public Notice, which appears every day in the Daily Digest.[69] Grant of an application will also appear in the Daily Digest. We expect generally to process applications that qualify for expedited processing within 15 business days after we give notice of the filing of the application in the Daily Digest and within 60 business days after we give notice of the filing of the application in the Daily Digest for applications that do not qualify for expedited processing. A station may commence operations pursuant to its simulcast agreement only after grant of the necessary applications and consistent with any other restrictions placed on stations by the Commission.[70]

53. We will treat applications filed to implement simulcasting and the conversion of a station to ATSC 3.0 operation as applications for modification of license. While a change in channel is normally a major change under our rules, we conclude that it is appropriate to treat channel changes made to comply with the local simulcasting requirement as minor changes to a license because the guest will be assuming the authorized technical facilities of the host station, meaning that compliance with our interference and other technical rules would have been addressed in licensing the host station.[71] It also is appropriate to dispense with the requirement that broadcasters file an application for a construction permit in connection with ATSC 3.0 deployment-related changes that do not involve a change in the station's facilities that normally requires prior Commission approval [72] because simulcast arrangements will be temporary and may change over time as more stations convert to 3.0 technology.[73] In addition, we find that the streamlined one-step licensing process we adopt herein is warranted where approval is sought to air a 1.0 or 3.0 signal on an existing host facility operating at established parameters. Similarly, a streamlined process is appropriate for use in connection with a station converting from 1.0 to 3.0 operation where no technical changes requiring Commission approval to an existing, licensed facility are required.[74]

54. This one-step process is only slightly more burdensome for broadcasters than the simple notification procedure, with no Commission approval required, supported by several broadcast commenters. These commenters advocate that broadcasters simply notify the Commission of the station's simulcasting plans, either via a letter or on a form provided by the Commission. We believe that submission of an application followed by Commission review and approval is necessary to ensure compliance with Section 308 of the Communications Act and the local simulcasting and other requirements we adopt herein. Our streamlined one-step process provides sufficient flexibility to broadcasters that may need to modify their simulcasting arrangements as the deployment of ATSC 3.0 progresses. Finally, as noted above, while we require that broadcasters provide their simulcast agreements to the Commission upon request, we do not require them to be filed with their simulcast applications, thus further simplifying the application process. We delegate authority to the Media Bureau for the narrow purpose of amending FCC Form 2100 as necessary to implement the licensing process adopted herein.

55. In the event a station must make changes that require prior Commission approval as part of the deployment of ATSC 3.0 (*i.e.,* to convert a station from 1.0 to 3.0 technology or back to 1.0, to enable a station to serve as a host for a 1.0 simulcast signal, or to enable a station that has already converted to 3.0 technology to serve as a host for a 3.0 signal), we will use the existing two-step (construction permit and license to cover) application process to approve these changes.[75]

C. Temporary Use of Vacant Channels

56. We sought comment in the *Next Gen TV NPRM* on whether we should allow broadcasters to use available or vacant in-band channels to establish temporary host facilities for ATSC 1.0 or ATSC 3.0 channels for purposes of local simulcasting. We decline to authorize the use of available channels for this purpose in this Order as we conclude such action raises a number of issues that require further opportunity for comment and Commission consideration.

D. MVPD Carriage

57. We discuss in this section the MVPD carriage rights of broadcasters that choose to deploy ATSC 3.0 service. We conclude that a Next Gen TV broadcaster's 1.0 simulcast channel will retain mandatory carriage rights and its 3.0 channel will not have mandatory carriage rights while the Commission requires local simulcasting. ATSC 1.0 channels relocating to a temporary host facility can retain mandatory carriage rights which they were exercising at their original location, provided they continue to qualify for such rights at the host facility location; we do not permit those channels to gain new mandatory carriage rights as a result of their new location. In addition, we require must-carry Next Gen TV broadcasters and retransmission consent Next Gen TV broadcasters relocating their 1.0 simulcast channel to provide notice to affected MVPDs at least 90 days in advance of the move, and 120 days in advance if the move occurs during the incentive auction repacking period. We decline to adopt any additional rules regarding the carriage of ATSC 3.0 pursuant to retransmission consent. Such carriage will be voluntary, and we find that voluntary carriage issues are best left to marketplace negotiations between broadcasters and MVPDs. Finally, in the *Further Notice of Proposed Rulemaking,* we tentatively concluded that local simulcasting should not change the significantly viewed status of a Next Gen TV station.[76]

[69] Informal objections may be filed with respect to such applications.

[70] Stations will not be permitted to commence ATSC 3.0 or ATSC 1.0 simulcast (on a simulcast host facility) operations pursuant to automatic program test authority.

[71] We proposed to treat such channel changes as minor modifications in the *Next Gen TV NPRM.*

[72] While we proposed to require applicants to file a construction permit, we adopt a different approach for the reasons set forth above. In addition, while the Commission required stations seeking to channel share to apply for a construction permit, we conclude a more streamlined process is appropriate with respect to simulcasting arrangements because they are temporary.

[73] For example, stations may move from one 1.0 simulcast host to another as more stations in the market convert to 3.0 operations.

[74] A station can convert from ATSC 1.0 to ATSC 3.0 in most cases by simply changing the exciter. Most new transmitters available today are already ATSC 3.0 compatible. The interference characteristics of both standards are functionally identical.

[75] For example, if a full power host station needs to install a new antenna that would normally require the filing of an application for a construction permit, the station must follow the Commission's usual two-step licensing process. For example, if the host station needs to adjust its omnidirectional antenna no more than two meters above or four meters below its authorized values, it must file only a license modification application. Stations may make such minor license modifications when applying to convert their facility from ATSC 1.0 to 3.0 under the one-step process.

[76] Until we address this issue raised in the *Further Notice of Proposed Rulemaking,* we impose a freeze on the filing of any requests to change the significantly viewed status of Next Gen TV stations moving their 1.0 simulcast channel. We note that we need not address here how local simulcasting may impact the ability of stations to exercise their network nonduplication and syndicated-exclusivity rights (exclusivity rules). Because we do not allow Next Gen TV stations to change their communities of license, exclusivity zones of protection should not change. To the extent a station files for a community of license change solely to enable

1. Mandatory Carriage of Next Gen TV Stations

58. The Communications Act establishes slightly different thresholds for mandatory carriage depending on whether the television station is full power or low-power, or commercial or noncommercial, and also depending on whether carriage is sought from a cable operator or satellite carrier. The carriage rights of commercial stations on cable systems are set forth in Section 614 of the Act.[77] The carriage rights of full power NCE stations on cable systems are set forth in Section 615 of the Act.[78] The carriage rights of full power stations (both commercial and NCE) on satellite carriers are set forth in Section 338 of the Act.[79]

a. Only 1.0 Has Mandatory Carriage Rights

59. We adopt the proposal in the *Next Gen TV NPRM*[80] that MVPDs must continue to carry Next Gen TV broadcasters' ATSC 1.0 signals, pursuant to their statutory mandatory carriage obligations, and that MVPDs will not be required to carry broadcasters' ATSC 3.0 signals during the period when local simulcasting is required. Most commenters, including Petitioners, other broadcasters, MVPDs and Consumer Groups support this result.

60. We interpret the Communications Act to accord mandatory carriage rights to the signals of ATSC 1.0 simulcast channels, including those that are hosting another 1.0 channel and those that are guest licensees at a temporary host location. Thus, stations broadcasting in the mandatory ATSC 1.0 transmission standard will retain carriage rights. Nothing in the Act requires a station to occupy an entire 6 MHz channel in order to be eligible for must-carry rights; rather, the station must simply be a licensee eligible for carriage under the applicable provision of the Act. Under our local simulcasting rules, guest and host 1.0 simulcast stations will be separately licensed and authorized to operate on the same 6 MHz channel (*i.e.,* the host's original channel). Therefore, each 1.0 station may properly assert mandatory carriage rights under the Act because each will be ''licensed and operating on a channel'' that is ''regularly assigned to its community'' by the Commission. This interpretation of the Act is consistent with our decisions authorizing broadcast channel sharing, in which the Commission found that both licensees of a shared channel would have carriage rights.[81] No commenters oppose this conclusion.

61. We also conclude that Next Gen TV broadcasters will have mandatory carriage rights for their 1.0 signals and not their 3.0 signals while the Commission requires local simulcasting. Most commenters agree with this result, even though they may differ on how to achieve it. Thus, a Next Gen TV broadcaster will choose between must carry or retransmission consent for its ATSC 1.0 signal, but may only pursue carriage via retransmission consent for its ATSC 3.0 signal. This approach is consistent with the framework used during the DTV transition. In that context, the Commission found that, with regard to licensees that were simultaneously broadcasting analog and digital signals, analog signals would have mandatory carriage rights during the DTV transition and digital signals would not. That is, a broadcaster would choose between must carry or retransmission consent for its analog signal but could only pursue carriage via retransmission consent for its digital signal. The Commission concluded that the Communications Act did not require cable operators to carry both the digital and analog signals (also referred to as ''dual carriage'') of a DTV broadcaster during the DTV transition when television stations were still broadcasting analog signals.[82]

62. We make the analogous finding here that the Act does not require carriage of both an ATSC 1.0 and an ATSC 3.0 signal of the same broadcaster.[83] Because of the local simulcasting requirement, there will be a redundancy of basic content between the 1.0 and the 3.0 signals. If we imposed a must carry requirement for both signals, cable operators could be required to carry double the number of television signals of virtually identical content. Moreover, at the initial stages of the voluntary deployment of 3.0, consumers likely will not have the equipment to allow them to display the 3.0 signals. Requiring carriage of such signals therefore would not further the objective of must-carry requirements to promote the availability of OTA broadcasting. Thus, we agree with

simulcasting, we will consider the impact on the exclusivity rules on a case-by-case basis.

[77] Pursuant to 47 U.S.C. 534(a), ''[e]ach cable operator shall carry, on the cable system of that operator, the signals of local commercial television stations . . . as provided by this section.'' The term ''local commercial television station'' means ''any full power television broadcast station, other than a qualified noncommercial educational television station . . . licensed and operating on a channel regularly assigned to its community by the Commission that, with respect to a particular cable system, is within the same television market as the cable system.'' ''Television market'' is defined by Commission's rules as a Designated Market Area (DMA). The must-carry rights of low power stations, including Class A stations, on cable systems are set forth in Section 614(c) of the Act. Under very narrow circumstances, such stations can become ''qualified'' and eligible for must carry. Among the several requirements for reaching ''qualified'' status with respect to a particular cable operator, the station must be ''located no more than 35 miles from the cable system's headend.''

[78] 47 U.S.C. 535(a) provides that ''each cable operator of a cable system shall carry the signals of qualified noncommercial educational television stations in accordance with the provisions of this section.'' A qualified noncommercial educational station can be considered ''local,'' and thus eligible for mandatory carriage on a cable system, in one of two ways. It may either be licensed to a principal community within 50 miles of the system's headend, or place a ''Grade B'' (noise-limited service contour) signal over the headend.

[79] A full power ''television broadcast station'' is entitled to request carriage by a satellite carrier any time that carrier relies on the statutory copyright license in 17 U.S.C. 122 to retransmit the signal of any other ''local'' station (*i.e.,* one located in the same DMA). 47 U.S.C. 338(a)(1) (''[e]ach satellite carrier providing . . . secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station shall carry upon request the signals of all television broadcast stations located within that local market. . .''). This is commonly referred to as the ''carry one, carry all'' requirement. A ''television broadcast station'' is defined as ''an over-the-air commercial or noncommercial television broadcast station licensed by the Commission.'' Low-power stations, including Class A stations, do not have satellite carriage rights.

[80] We note that the Petitioners state that MVPDs ''should not be obligated to carry'' a Next Gen TV broadcaster's ATSC 3.0 signal and that MVPDs could satisfy their obligation to carry a Next Gen TV station's signal by carrying the station's ATSC 1.0 signal.

[81] 47 U.S.C. 534, 535, and 338 accord carriage rights to licensees without regard to whether they occupy a full 6 MHz channel or share a channel with another licensee. Nothing in the Communications Act requires a station to occupy an entire 6 MHz channel in order to be eligible for must-carry rights; rather, the station must simply be a licensee eligible for carriage under the applicable provision of the Communications Act. 47 U.S.C. 534 defines a ''local commercial television station'' as any commercial full power station ''licensed and operating on a channel regularly assigned to its community by the Commission . . . .''

[82] The Commission explained that the Communications Act is ambiguous on the issue of dual carriage and concluded that mandating dual carriage was not necessary either to advance the governmental interests identified by Congress in enacting the must carry statute or to effectuate the DTV transition. The Commission observed that doubling the carriage rights of must carry stations would substantially increase the burdens on cable operators' free speech. The Commission concluded, in the absence of a clear statutory requirement for dual carriage, it would not impose such burdens on cable operators' free speech.

[83] As the Commission found in the DTV transition context, we likewise find here that the Communications Act is ambiguous on the issue of dual carriage of 1.0 and 3.0 signals and conclude that mandating dual carriage is not necessary to either advance the governmental interests identified by Congress in enacting the must carry statute or to effectuate voluntary 3.0 deployment.

NCTA and other MVPD commenters that ''requiring carriage of the 3.0 signal *in addition to* the 1.0 signal would result in virtually no incremental viewership of broadcast programming while seriously compounding the burden on cable operators' available bandwidth.''

63. In addition, a Next Gen TV broadcaster will not be able to exercise mandatory carriage rights with respect to its 3.0 signal *instead of* its 1.0 signal, nor will it have mandatory carriage rights even if its 3.0 signal is the *only* signal being broadcast. In other words, under no circumstances will we recognize mandatory carriage rights for 3.0 signals while the Commission requires local simulcasting.[84] The Act does not specify whether there can be mandatory carriage rights in circumstances where a broadcaster has made a voluntary choice to stop broadcasting using the mandatory transmission standard. In addition, the Act gives the Commission discretion to ''establish any changes in the signal carriage requirements'' for purposes of advancements in technology.[85] We find that mandating any MVPD carriage of the 3.0 signal at this time would be antithetical to a voluntary and market-driven 3.0 deployment for all stakeholders and would not advance the interests under the must-carry regime.[86] The record shows that MVPDs would need to purchase new equipment to receive 3.0 signals and down convert them to 1.0 so they can redistribute them to their subscribers. If MVPDs were required to receive *and* redistribute the 3.0 signals (without down conversion) to subscribers, then MVPDs would also face burdens on system capacity. Thus, allowing a broadcaster to demand mandatory carriage of its 3.0 signal *instead of* its 1.0 signal would impose significantly greater costs and burdens on MVPDs. We find that it would not be reasonable to interpret the Act in a manner that would compel MVPDs to incur these added costs.

64. Although the Commission did recognize mandatory carriage rights for digital-only stations during the DTV transition, that transition was mandated by statute. By contrast, the decision to broadcast a 3.0 signal is strictly voluntary, and it remains uncertain if all broadcasters will ultimately choose to provide 3.0 service. We disagree with ONE Media that we should accord mandatory carriage rights to a 3.0-only station if that station could not find a viable simulcast partner. Even in circumstances where a station is unable to find a 1.0 simulcast partner, deployment of 3.0 service is a voluntary choice on the part of the broadcaster and 3.0 carriage would require MVPDs to incur the significant costs and burdens described above. Given that 3.0 deployment is intended to be voluntary for all stakeholders, we find that a broadcaster's decision to operate only in ATSC 3.0 must not require MVPDs to incur costs associated with receiving and processing the 3.0 signals before the MVPD is ready and willing to do so.

65. In support of its argument that 3.0-only stations should be entitled to mandatory carriage rights, ONE Media also contends that ''ATSC 3.0 decoders will be readily available by the time stations initiate 3.0 broadcasts.'' [87] Even assuming this is true, carriage of an ATSC 3.0 signal would still require the MVPDs to buy such 3.0 decoders. Although some MVPDs may choose to purchase 3.0 decoders if it becomes a more effective and/or less costly way to redistribute must-carry signals to their subscribers, we find that MVPDs must not be required to do so as a result of the voluntary deployment of ATSC 3.0. We also disagree with NAB that a 3.0-only station could ''retain the same carriage rights it would have at its location if it were transmitting using ATSC 1.0, but must arrange for the delivery of its signal to any MVPDs required to carry the station's signal in a format the MVPD is capable of receiving.'' We agree with ATVA that broadcasters cannot secure mandatory carriage rights ''by promising to deliver signals 'in a format the MVPD is capable of receiving.' '' As explained by ATVA, ''[b]roadcasters can, of course, deliver signals *for which they have must carry rights* using alternative means. But if a broadcaster transmits only in ATSC 3.0, there is no off-air signal for which the broadcaster has must-carry rights. How a broadcaster chooses to deliver that signal has no legal relevance.''

b. Rights of Relocated 1.0 Simulcast Channel

66. Having established that mandatory carriage rights will attach only to an ATSC 1.0 signal, we now turn to the issue of whether, and, if so, to what extent, 1.0 mandatory carriage rights move to the temporary host location, if the broadcaster opts to relocate its 1.0 simulcast channel to a host's facility.[88] We find that, to assert 1.0 mandatory carriage rights, the 1.0 channel must continue to qualify for such rights at the temporary location from which it will transmit the 1.0 signal; however, we interpret the statute to not allow such a temporary move to provide the station with new or expanded carriage rights not previously held and exercised by the 1.0 station. Our conclusion here interprets the must-carry statute to minimize the burdens on MVPDs to only those necessary to advance the interests of the must-carry regime. Allowing expansion of 1.0 mandatory carriage rights through local simulcasting also would be inconsistent with the purpose of our local simulcasting requirement, which is to maintain 1.0 service to existing viewers.[89]

67. A Next Gen TV broadcaster's 1.0 mandatory carriage rights will be determined based on the location from which the 1.0 signal is being transmitted.[90] We recognize that, in

[84] As discussed above, we require Next Gen TV stations to simulcast, except for LPTV stations and TV translator stations. 47 U.S.C. 534(h)(2)(D) requires LPTV stations to deliver a ''good quality'' over-the-air signal to the cable headend, which the LPTV station cannot cure through alternate means. We interpret a ''good quality'' to not include a 3.0 signal at the present time given the lack of receive equipment and the MVPD costs to receive it. Thus, a 3.0-only LPTV station could not qualify for mandatory carriage.

[85] 47 U.S.C. 534(b)(4)(B) requires the Commission ''to ensure cable carriage of such broadcast signals of local commercial television stations which have been changed . . . .'' However, until there is widespread adoption of 3.0 technology by OTA viewers, mandatory carriage of 3.0 signals would not serve the goals of promoting OTA broadcasting. In addition, MVPDs currently are not capable of receiving and retransmitting the 3.0 signal and will incur significant costs to obtain such capabilities when 3.0 technology does become available.

[86] In T*urner II,* a majority of the Supreme Court recognized that the must-carry provisions serve the important and interrelated governmental interests of: (1) '' 'preserving the benefits of free, over-the-air broadcast television,' '' and (2) promoting '' 'the widespread dissemination of information from a multiplicity of sources.' ''

[87] The Independent Television Group (ITG) also expresses concern that not providing stations with ATSC 3.0 must-carry rights ''will frustrate and delay adoption [of ATSC 3.0] in small and medium markets.'' ITG, thus, suggests that the Commission ''defer a decision on carriage rights'' until after consumer equipment becomes available rather than for the duration of the mandatory local simulcasting period. As explained herein, we find that a broadcaster's decision to operate in ATSC 3.0 must not require MVPDs to incur costs associated with receiving and processing the 3.0 signals before the MVPD is ready and willing to do so.

[88] In the *Next Gen TV NPRM,* based on the proposed approach in the *Channel Sharing Outside Auction Context NPRM,* the Commission proposed that a broadcaster's mandatory carriage rights would track its relocated ATSC 1.0 simulcast channel. Under the approach we adopt here (*i.e.,* declining to require carriage of 3.0 signal)), a Next Gen TV broadcaster's mandatory carriage rights will not change as a result of the Next Gen TV deployment if the 1.0 simulcast channel remains at the Next Gen TV broadcaster's existing facility (assuming no changes to the existing facility).

[89] Our conclusion is also consistent with the Commission's recent order authorizing channel sharing outside the auction context.

[90] Full-power commercial stations generally are entitled to mandatory carriage throughout their local market area, so a shift in coverage area,

certain situations, stations may no longer qualify for mandatory carriage rights at a temporary host location; however, we find that it would be inconsistent with the must-carry statute and unduly burdensome for MVPDs to require them to carry a 1.0 signal based on carriage rights at a different location from that which the signal is being broadcast. Because full-power commercial stations must remain within their DMA [91] and must retain and continue to serve their current communities of license with their 1.0 simulcast channel, their carriage rights are unlikely to change.[92] By contrast, the 1.0 cable carriage rights of NCE, Class A and LPTV stations may be affected in certain situations. For example, an NCE station that qualifies for carriage based on its contour encompassing the cable headend cannot continue to qualify for carriage rights at the temporary host location if the shift in contour means the station can no longer cover the cable headend.[93] Similarly, Class A and LPTV stations may no longer qualify for cable carriage at the temporary location if the change in transmitter location means the station will be located more than 35 miles from the cable system's headend, or if the shift in coverage area means the station can no longer deliver a good quality 1.0 signal to the cable headend.

68. We disagree with Petitioners and other broadcasters that, in 1.0 channel relocation situations, 1.0 mandatory carriage rights could and should remain unchanged and be determined based on the original facility. Petitioners argue that, under a licensed simulcast approach, which we adopt above, because both the 1.0 and 3.0 signal will be under the same license, the broadcaster can designate its 1.0 channel as its ''primary video stream'' entitled to mandatory carriage rights, even if that signal is relocated to a new location. This argument does not recognize that the 1.0 and 3.0 signals are each a distinct signal transmitted on separate channels and are not two programming streams transmitted together on the same channel.[94] Although the 1.0 signal is a separately authorized channel under the originating station's license, it is not on, or otherwise considered part of, the same channel as the originating station's 3.0 signal.

69. To minimize carriage burdens on MVPDs that could result from a 1.0 station's temporary move, we also interpret the statute to not allow a station's temporary move to a 1.0 host facility to provide the station with new or expanded mandatory carriage rights. Allowing a 1.0 simulcast channel to gain new or expanded mandatory carriage rights due to the temporary and voluntary relocation of the 1.0 signal to a host station's facility could pose significant burdens on MVPDs that would not advance the interests of the must-carry regime nor the purpose of local simulcasting. In the channel sharing context, the Commission determined that carriage rights would be based on the shared location and observed that certain stations may gain carriage on some cable systems, but lose carriage on others, as a result of the movements of their facilities or the changes in their communities of license. Unlike the channel sharing context, Next Gen TV broadcasters are not relinquishing the station at their original channel, but rather will continue to operate on it and will ultimately return to it when the local simulcasting requirement ends. Moreover, broadcasters may need to relocate 1.0 simulcast channels multiple times while local simulcasting is required, thus further burdening MVPDs if carriage rights could expand at every move. Finally, any expansion of 1.0 service due to such relocations will be temporary and will not serve to maintain existing 1.0 service or to preserve over-the-air broadcast viewership. Therefore, we find that a guest licensee's 1.0 simulcast channel moved to a temporary host facility may assert mandatory carriage rights only if it (1) qualified for, and has been exercising, mandatory carriage rights at its original location and (2) continues to qualify for mandatory carriage at the host facility, including (but not limited to) delivering a good quality 1.0 signal to the cable system principal headend or satellite carrier local receive facility, or agreeing to be responsible for the costs of delivering such 1.0 signal to the MVPD.[95]

70. *Market Modification.* The relocation of a 1.0 simulcast channel to a temporary host facility (even though it would remain within the station's DMA) raises the possibility that the station may be able to reach new communities outside of its DMA. We are unlikely to rule favorably on a request by a full power commercial station that relocates

community of license, or transmitter of a full-power commercial station is unlikely to change which cable systems must carry the station, provided there is no change in DMA and the station agrees to bear the costs to deliver a good quality signal to the cable operator. Noncommercial educational (NCE) stations' cable carriage rights are determined based on whether the relevant cable headend is located within 50 miles of the station's community of license or if the headend is located within the station's noise limited service contour (NLSC). NCE station's satellite carriage rights, however, are based on their local market area. Cable carriage rights of a Class A and LPTV station depend on, among other things, if (i) it is not located in the same county or other political subdivision (of a State) as a full-power station; (ii) its transmitter is within 35 miles of the cable system's principal headend; and (iii) it delivers a good quality signal to that headend (although, unlike NCE and full power commercial stations, it will have no right to improve the quality of its signal to meet the signal quality threshold). Class A and LPTV stations do not have satellite carriage rights. Therefore, a change in coverage area, community of license, or transmitter location could affect which cable systems must carry an NCE, Class A or LPTV station.

[91] We agree with ATVA that 1.0 simulcast channels must remain within their same DMA to avoid complications with carriage rights. Consistent with the channel sharing context, we find that disallowing DMA changes would minimize the potential impact of local simulcasting on MVPDs because carriage rights on a particular MVPD system generally depend on the station's DMA. ''Because satellite and cable carriage rights on a particular MVPD system generally depend on the station's DMA, prohibiting moves that would result in a change of DMA will minimize the potential impact of channel sharing on MVPDs.'' We also agree with ATVA that ''[p]ermitting an ATSC 1.0 signal to move to a different local market could trigger additional copyright royalties as well''.

[92] We note that a full-power commercial station's priority for cable carriage with respect to other in-market stations affiliated with the same network may be affected if we allow the station to change its 1.0 channel's community of license via a waiver. Based on existing carriage rules, in the event the 1.0 simulcast channel does not reach the cable headend or satellite local receive facility, the Next Gen TV broadcaster must deliver a good quality 1.0 signal to the MVPD either over-the-air or by alternate means, or must agree to bear the costs associated with the delivery of such good quality 1.0 signal to the MVPD.

[93] In addition, we note that an NCE station that qualifies for mandatory carriage because the relevant cable headend is located within 50 miles of its community of license cannot continue to qualify for mandatory carriage at the temporary host location if the station is allowed to change its community of license via a waiver to outside of the 50 miles from the headend.

[94] We note that the reference to a broadcaster's ''primary video stream'' in the DTV context relates to the question of whether multicast streams should be entitled to mandatory carriage and not the question of whether the analog and digital signal should be carried (dual carriage) during the DTV transition. As discussed above, we are not treating a 1.0 simulcast signal as a multicast stream, but rather as a second companion channel of the Next Gen TV licensee, based on the DTV transition context.

[95] Under our existing must-carry rules, broadcasters are required to bear the costs of delivering a good quality signal to MVPDs. The rules, however, do not apply to the costs on MVPDs of receiving and redistributing the signal to their subscribers and so MVPDs generally assume these costs. Such costs are generally viewed as the costs of doing business as MVPDs. MVPDs, however, ask us to require Next Gen TV broadcasters to reimburse MVPDs for the costs associated with the reception and processing of 1.0 simulcasts. We decline to do so. We agree with PTV that receiving and redistributing broadcast signals are ''a basic cost of doing business for an MVPD.'' We recognize that we reimbursed such costs to MVPDs in the incentive auction context. The reimbursement of MVPDs in connection with the incentive auction was mandated by statute. 47 U.S.C. 1452(b)(4)(A)(ii). The costs incurred due to local simulcasting will occur on a market-driven basis and are properly borne by the MVPDs.

its 1.0 simulcast channel to modify its market [96] to add new communities outside of its DMA based on a temporary shift in its 1.0 service contour.[97] This approach is consistent with our conclusion above that stations will not be able to expand the mandatory carriage rights of an ATSC 1.0 signal by relocating to a temporary 1.0 host facility. As discussed above, any expansion of 1.0 service due to such relocations will be temporary and will not serve to maintain existing 1.0 service or to preserve over-the-air broadcast viewership.[98] In addition, because 1.0 service relocations will be temporary, we will disfavor a request by a cable system or satellite carrier to modify a 1.0 simulcast station's market to delete communities based on the temporary shift in the 1.0 station's service contour.

2. Notice to MVPDs About Relocation of 1.0 Simulcast Channel

71. We require all Next Gen TV broadcasters relocating their 1.0 simulcast channel (*e.g.,* moving to a temporary host facility, subsequently moving to a different host, or returning to its original facility) to provide notice to those MVPDs that: (1) No longer will be required to carry the station's 1.0 signal due to the relocation; or (2) currently carry the station's 1.0 signal from the existing location and will continue to be obligated to carry the station's 1.0 signal from the new location.[99] The *Next Gen TV NPRM* sought comment on what appropriate notice to MVPDs would be, noting that the Petition proposed that must-carry broadcasters should give notice to MVPDs at least 60 days in advance of relocating their 1.0 simulcast channel to a temporary host facility. As suggested by AT&T, we require all broadcasters to give notice to MVPDs: (1) At least 120 days in advance of relocating their 1.0 simulcast channel to a temporary host facility if the relocation occurs during the post-incentive auction transition period; [100] and (2) at least 90 days in advance of relocating their 1.0 simulcast channel to a temporary host facility if the relocation occurs after the post-incentive auction transition period. The 90-day notice requirement is consistent with the rules adopted by the Commission in the channel sharing context, and we are persuaded by AT&T and other MVPDs that additional time is needed during the 39-month repacking period because of the added complications and burdens during that period.[101] If the anticipated date of the 1.0 service relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date for 1.0 service relocation.

72. Consistent with the channel sharing context and AT&T's proposal, the notice must contain the following information: (1) Date and time of the 1.0 channel change; (2) the 1.0 channel occupied by the station before and after commencement of local simulcasting; (3) modification, if any, to antenna position, location, or power levels; (4) stream identification information, including program numbers for each programming stream; and (5) engineering staff contact information. If any of this information changes, an amended notification must be sent. Stations may choose whether to provide notice via a letter notification [102] or electronically via email, if pre-arranged with the relevant MVPD.

3. Retransmission Consent Issues

73. Beyond the notice requirement mentioned above, we do not adopt any rules related to voluntary carriage of 3.0 signals through retransmission consent at this time. The *Next Gen TV NPRM* sought comment on issues related to the voluntary carriage of ATSC 3.0 signals through the retransmission consent process. MVPD commenters express the concern that Next Gen TV broadcasters could use the retransmission consent process to compel carriage of 3.0 signals before consumer demand and market circumstances warrant. To address those concerns, they request that we require parties to (1) negotiate for carriage of 3.0 signals separately from carriage of 1.0 signals, (2) nullify existing contractual clauses that would require MVPDs to carry 3.0 signals, and (3) in the event of a good faith complaint, subpoena negotiation-related documents under a protective order to overcome any non-disclosure provisions.[103] NTCA requests that we prohibit carriage of ATSC 3.0 signals via retransmission consent. Broadcasters, on the other hand, urge us to allow the marketplace to resolve voluntary carriage issues without adopting any new retransmission consent rules.

74. We conclude that it is premature to address any issues that may arise with respect to the voluntary carriage of ATSC 3.0 signals before broadcasters begin transmitting in this new voluntary standard.[104] Therefore, we decline to

[96] Market modification is a process established by statute that allows the Commission to modify the boundaries of a particular full power commercial station's local television market assignment for cable or satellite carriage purposes. Each full power commercial television station is assigned to a local market defined by the Designated Market Area (DMA) in which it is located, as determined by the Nielsen Company (Nielsen). Sections 338(l) and 614(h)(1)(C) of the Communications Act permit the Commission, in response to a written request to add communities to, or delete communities from, a station's local market to better reflect marketplace conditions. 47 U.S.C. 338(l)(1), 534(h)(1)(C). The Commission determines whether to grant a market modification based on consideration of five statutory factors that allow petitioners to demonstrate that a particular station provides or does not provide local service to a specific community. Full power commercial television stations and cable systems may file cable market modification petitions and full power commercial television stations, satellite carriers, and county governments may file satellite market modification petitions. We note that market modifications are not available to NCE, Class A or LPTV stations.

[97] We note that the scope of a station's signal is only one aspect of our analysis under factor two, which is one of five statutory factors which the Commission must consider in deciding whether to grant or deny a market modification request. Whether a full power commercial station loses its ability to exercise its carriage rights in particular communities depends on whether a market modification is sought and the application of these statutory factors and other relevant considerations. In this context, the temporary nature of local simulcasting and the availability of a 3.0 signal in the community at issue are appropriate additional considerations for evaluating a station's local connection to the community.

[98] In other words, we conclude that any increase in mandatory carriage obligations on MVPDs would not be warranted to advance the interests of the must-carry regime or local simulcasting. Local simulcasting is intended to preserve 1.0 viewership, not permanently expand such viewership.

[99] Our rules here are similar to those adopted by the Commission in the channel sharing context outside of the incentive auction. In this regard, as the notice provision in the channel sharing context applies to all broadcasters, we agree with ATVA that this notice requirement for local simulcasting must apply to all broadcasters. We also agree with ATVA that a ''single set of rules for all broadcasters would promote efficiency and prevent consumer disruption.''

[100] The Commission has determined that the 39-month Post-Auction Transition Period will end on July 13, 2020.

[101] We are not persuaded by NCTA that six months' advance notice is generally warranted, but we will consider waivers requesting additional time if good cause is shown. We note that ONE Media disagreed with any advance notice requirement, but their position was premised on mandatory carriage rights remaining at the original facility, which we decided will not occur in 1.0 relocation situations.

[102] Letter notifications to MVPDs must be sent by certified mail, return receipt requested to the MVPD's address in the FCC's Online Public Inspection File (OPIF), if the MVPD has an online file. For cable systems that do not have an online file, notices must be sent to the cable system's official address of record provided in the system's most recent filing in the FCC's Cable Operations and Licensing System (COALS). For MVPDs with no official address in OPIF or COALS, the letter must be sent to the MVPD's official corporate address registered with their State of incorporation.

[103] Although commenters argue that we have the legal authority to adopt retransmission consent rules related to carriage, no commenter argues that the statute compels us to adopt such rules.

[104] ACA requests that the Commission ''clarify that cable operators and broadcasters can lawfully agree in retransmission consent agreements to the downconversion of ATSC 3.0 signals, notwithstanding the 'material degradation' provisions in the Communications Act.'' Letter from Ross J. Lieberman, American Cable Ass'n, to Marlene H. Dortch, Secretary, FCC, GN Docket No.

adopt any new rules regarding retransmission consent in this proceeding and will allow these issues at the outset to be addressed through marketplace negotiations. We make clear, however, that MVPDs are under no statutory or regulatory obligation to carry any 3.0 signals and remind parties of the statutory requirement that they negotiate in good faith.

E. FCC Public Interest Obligations and Other FCC Rules

75. In this section, we address several additional topics related to the voluntary deployment of Next Gen TV. First, we explain that Next Gen TV broadcasters are subject to our broadcast rules. Second, we decline to adopt a requirement that television broadcast receivers include ATSC 3.0-compatible receivers. Third, we require broadcasters to notify the public about their deployment of Next Gen TV service. Fourth, we decline to change the fees that we charge broadcasters that offer ancillary services at this time.[105] And finally, we reiterate that the Commission will not use the TV Broadcaster Relocation Fund to reimburse costs associated with ATSC 3.0 capability.

1. Applicability of Public Interest Obligations and Other Broadcast Rules to Next Gen TV

76. We require Next Gen TV broadcasters to comply with all of our broadcast rules, including, but not limited to, our rules regarding foreign ownership, political broadcasting, children's programming, equal employment opportunities, public inspection file, indecency, sponsorship identification, contests, the CALM Act, the Emergency Alert System (EAS), and accessibility for people with disabilities. As television stations engaged in ''broadcasting'' under the Act, Next Gen TV stations will be public trustees with a responsibility to serve the ''public interest, convenience, and necessity.'' In the Petition, Petitioners suggest that broadcasters implementing ATSC 3.0 should remain subject to all relevant Commission rules, and commenters overwhelmingly support applying the same public interest obligations that apply to broadcasters transmitting under the current ATSC 1.0 standard to those transmitting using the ATSC 3.0 standard. We agree and conclude that all of our broadcast rules that currently apply when a broadcaster is providing a free, over-the-air video stream broadcast in ATSC 1.0 will apply equally when it is providing a free, over-the-air video stream broadcast in ATSC 3.0.[106]

77. With respect to accessibility of Next Gen TV programming, we emphasize that broadcasters that choose to deploy ATSC 3.0 are expected to comply fully with all relevant Part 79 requirements. Among other requirements, these rules require television broadcasters to ensure that all new, nonexempt English language and Spanish language programming distributed on their channels is closed captioned; that closed captioning contained in all programming received from video programming providers is passed through; and that local emergency information is accessible to persons who are deaf or hard of hearing and to persons who are blind or have visual disabilities. These rules also require local TV station affiliates of ABC, CBS, Fox and NBC located in the top 60 TV markets to provide a specified number of hours per calendar quarter of video-described prime time and/or children's programming.[107] In addition, Next Gen TV receivers and other equipment with ATSC 3.0 tuners must comply with all applicable Part 79 rules, including closed captioning decoder requirements, video description and emergency information accessibility requirements, and requirements for user interfaces, programming guides, and menus.[108]

78. As the Consumer Groups recommend, we clarify that MVPDs that agree to carry ATSC 3.0 signals must comply with 47 CFR 79.1(c), which spells out the requirements for video programming distributors to pass through and maintain the quality of closed captions. We also clarify that the use of image overlays or rasterized textual content will not relieve Next Gen TV broadcasters of their obligation to provide textual closed captions in accordance with Part 79 of the Commission's rules.

2. Next Gen TV Tuner Mandate

79. We revise our rules to make clear that there is no Next Gen TV tuner mandate. TV receivers capable of receiving ATSC 3.0 signals are not yet available in the U.S. Without revising our existing rules, television receivers would be required to include ATSC 3.0 tuners when broadcasters begin transmitting ATSC 3.0 signals. Specifically, 47 CFR 15.117(b), the rule implementing the Commission's authority under the 1962 All Channel Receiver Act (ACRA), provides that ''TV broadcast receivers shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service.'' Section 303(s) of the Act, as codified by ACRA, grants the Commission ''from time to time, as public convenience, interest, or necessity requires'' the ''authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting.'' This provision leaves it to the Commission's discretion when to require that television receivers be capable of receiving all television broadcast frequencies. We conclude that a tuner mandate is unnecessary at this time given that the deployment of ATSC 3.0 will be voluntary and market-driven and that broadcasters will continue to transmit ATSC 1.0 signals indefinitely. We agree with commenters that consumer demand will drive the inclusion of ATSC 3.0 tuners in television receivers. Accordingly, we are revising 47 CFR 15.117(b) to make clear that this rule does not apply to ATSC 3.0.

80. We are not persuaded by ATBA's argument that a Next Gen TV tuner mandate for all television receivers, as well as smartphones and other mobile devices designed to receive and display television signals, is critical to the preservation of LPTV service. ATBA asserts that repacking following the incentive auction will displace thousands of LPTV stations and the

16–142 et al., at 1 (filed Nov. 9, 2017). *See* 47 U.S.C. 534(b)(4)(A), 535(g)(2). As we state above, 3.0 signals do not have must-carry rights, and an MVPD's decision as to whether or not to carry an ATSC 3.0 signal via retransmission consent can be resolved through marketplace negotiations.

[105] We note that three commenters expressed concern about today's action implicating consumer privacy, but none offered any evidence or substantiation to support their speculative assertions about such harm or any alternatives to address the alleged harm. In the absence of such evidence, we decline to alter today's action to address their conclusory assertions.

[106] We note that the public interest obligations and other broadcast rules will apply to all ATSC 3.0 video programming streams, except that Next Gen TV broadcasters will be required to use A/322 only with respect to the primary video programming stream. Given that the local simulcasting requirement adopted herein is temporary, we will not apply the broadcast ownership rules in any situation where airing an ATSC 3.0 signal or an ATSC 1.0 simulcast on a temporary host station's facility would result in a potential violation of those rules.

[107] Currently, commercial television broadcast stations that are affiliated with ABC, CBS, Fox, and NBC and located in the top 60 TV markets must provide 50 hours of video description per calendar quarter during prime time or children's programming. Beginning July 1, 2018, covered stations must also provide an additional 37.5 hours of video description per calendar quarter between 6 a.m. and midnight.

[108] NAB asserts that the ATSC 3.0 standard includes the accessibility tools necessary to comply with the Commission's rules and that Next Gen TV devices will fully meet their accessibility obligations.

more flexible characteristics of Next Gen TV may allow displaced LPTV stations to find spectrum in places where a displacement channel would otherwise be impossible. ATBA further asserts that LPTV stations may wish to be early adopters of Next Gen TV to distinguish their service and ensuring that Next Gen TV tuners are in all receive devices will enhance the service that LPTV stations can provide to the public. Although we are exempting LPTV stations from the local simulcasting requirement and allowing them to transition directly to ATSC 3.0 service, we do not believe that a Next Gen TV tuner mandate is necessary to ensure the survival of the LPTV service. As discussed above, we expect that once broadcasters begin transmitting in ATSC 3.0, consumer demand for the advanced features of Next Gen TV will propel the manufacture and distribution of TV receivers with ATSC 3.0 tuners. We also agree with commenters that the incorporation of ATSC 3.0 tuners into smartphones and other mobile devices should be driven by consumer demand.

81. We agree with commenters that it is unnecessary to require that all TV receivers sold after a specified date have an HDMI port to permit attachment of a converter device, such as an external tuner dongle, set-top box, or gateway device, that would enable the receivers to be easily upgradeable to receive ATSC 3.0 transmissions. The Public Interest Groups observe that in the past three years in which *Consumer Reports* has been testing new televisions, all of the tested devices contained at least one HDMI port. The Public Interest Groups assert that a consumer would be hard-pressed to purchase a new television today or in the future that did not have an HDMI port. Moreover, NAB suggests that an HDMI port requirement could be counterproductive and harmful to consumers, locking manufacturers into an unnecessary cost associated with a specific technology regardless of marketplace developments.

3. On-Air Notice to Consumers About Deployment of ATSC 3.0 Service and ATSC 1.0 Simulcasting

82. As discussed below, we are adopting consumer education requirements modeled on the consumer education requirements adopted in connection with the incentive auction for broadcasters that will transition to new channels post-auction. Consumer education will be crucial to the successful deployment of Next Gen TV service and simulcasting of ATSC 1.0 service. Consumers will need to be informed if stations they view will be changing channels and encouraged to rescan their receivers for new channel assignments. Although we agree that broadcasters will be motivated to inform viewers of the availability and features of Next Gen TV and how to continue to receive their ATSC 1.0 signals during simulcasting, we conclude that consumer education requirements are needed to ensure that broadcasters provide adequate notice to viewers and to minimize any potential disruption to viewers.

83. All stations that relocate their ATSC 1.0 signals (*e.g.,* moving to a host station's facility, subsequently moving to a different host, or returning to its original facility) must air daily on-air consumer education PSAs or crawls,[109] beginning 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. Stations will have the option of choosing between PSAs and crawls or may air a mix of PSAs and crawls. Stations will also have the discretion to choose the timeslots in which their PSAs or crawls will air. Crawls must be provided in the same language as a majority of the programming carried by the station.[110] Although we are not mandating specific language, crawls must provide all pertinent information to consumers.

84. We conclude that this will ensure that viewers are apprised of the potential impact of the voluntary deployment of ATSC 3.0 service on them. PSAs must also be provided in the same language as a majority of the programming carried by the station, provide all pertinent information to consumers, and be closed captioned.[111]

85. We will also require LPTV stations and any other stations that transition directly to ATSC 3.0 to provide on-air notifications to ensure that viewers are aware that they will no longer be able to receive the signals of these stations in ATSC 1.0 and that they may need to obtain new equipment to receive the ATSC 3.0 transmissions of these stations. Stations that transition directly to ATSC 3.0 must provide on-air notifications beginning 30 days prior to the date that they terminate their ATSC 1.0 operations. Such crawls or PSAs must provide all pertinent information to consumers. To the extent that such equipment is available, we encourage stations to include in their on-air notices and on their websites information about the availability of external tuner dongles and gateway devices that can be used to upgrade viewers' TV receivers to receive ATSC 3.0 transmissions. These stations must otherwise comply with the same on-air notification requirements set forth above for stations that relocate their ATSC 1.0 signals.

86. The Commission will support broadcasters' consumer education efforts by, among other things, responding to consumer questions regarding the deployment of Next Gen TV and ATSC 1.0 simulcasting and providing consumer assistance on rescanning TVs. In addition, the Commission will update its website (*www.fcc.gov*) to provide additional information and guidance to consumers on Next Gen TV.

4. Ancillary and Supplementary Services

87. We decline to reexamine the fee that broadcasters must pay to offer ancillary and supplemental services at this time, as requested by several commenters. Broadcasters currently must remit an annual fee equal to five percent of the gross revenues derived from any ancillary or supplementary services for which viewers must pay a subscription fee, or for which the broadcaster directly or indirectly receives compensation from a third party in exchange for the transmission of material provided by the third party (other than commercial advertisements used to support broadcasting for which a fee is not required). Under Section 336 of the Act, the Commission is required to set the ancillary services fee so as to (1) recover for the public a portion of the value of the public spectrum made available for ancillary or supplemental use by broadcasters, (2) avoid unjust enrichment of broadcasters, and (3) recover for the public an amount that equals the amount that would have been recovered at auction. In addition, the Commission must adjust the ancillary services fee periodically to ensure that these requirements continue to be met. Some commenters suggest that a higher fee may be warranted to ensure compliance with the statutory directive, while others assert that the fee should be reduced to ensure that it does not thwart innovation by Next Gen TV broadcasters.

88. We conclude that it would be premature at this time to adjust the fee associated with ancillary services. It is

[109] A ''crawl'' is ''text that advances very slowly across the bottom or top of the screen.'' Stations may use alternative forms of crawls, including a text ''flipper,'' which is a message on the screen that flips to a new line of text instead of crawling across the screen.

[110] The crawls should not block any closed captioning or emergency information.

[111] We recognize that our rules exempt PSAs that are shorter than 10 minutes in duration from the captioning requirements. Given the importance of the information to be included in these PSAs, however, we expressly require that these PSAs be closed captioned regardless of their duration.

not clear from the record which ATSC 3.0-based services and features will be ''ancillary services'' within the meaning of our rules or which such services will be feeable. Moreover, we note that compared to other revenue sources, ancillary services today remain an insignificant portion of total station revenue. Once Next Gen TV broadcasters have implemented ancillary and supplementary services, the Commission will be in a better position to assess whether adjustment of the ancillary services fee is warranted and may revisit this issue.

5. Interplay With Post-Incentive Auction Transition/Repack

89. Authorizing the deployment of Next Gen TV on a voluntary basis concurrently with the post-incentive auction transition is likely to create efficiencies for repacked stations that want to upgrade to ATSC 3.0. In particular, commenters point out that the incremental cost of adding Next Gen TV capability as part of a station's equipment reconfiguration or upgrade during the repack process will be significantly less than the cost of upgrading equipment twice, once for the repack and once for the deployment of ATSC 3.0 service. We reiterate that all requests for reimbursement from the TV Broadcaster Relocation Fund (Reimbursement Fund), including those for ATSC 3.0 capable equipment, will be evaluated consistent with the standards set forth in the *Incentive Auction Report and Order.* In that order, the Commission recognized that replacement of equipment eligible for reimbursement from the Reimbursement Fund ''necessarily may include improved functionality,'' but stated ''[w]e do not . . . anticipate providing reimbursement for new, optional features in equipment unless the station or MVPD documents that the feature is already present in the equipment that is being replaced. Eligible stations and MVPDs may elect to purchase optional equipment capability or make other upgrades at their own cost, but only the cost of the equipment without optional upgrades is a reimbursable expense.'' Thus, for example, broadcasters will be allowed to seek reimbursement for equipment that facilitates ATSC 3.0 capability (such as higher transmitter power or horizontal/elliptical antenna polarization), but any costs associated with the ATSC 3.0 capability will not be reimbursable (*i.e.,* broadcasters will be responsible for the difference between the cost of the ATSC 3.0-capable equipment and the equipment needed to broadcast using the ATSC 1.0 standard).[112] We will also monitor the filing of license applications filed by stations that seek to deploy ATSC 3.0 and the Media Bureau may seek information it deems necessary from broadcasters to ensure this voluntary transition does not negatively impact or delay the mandatory post-incentive auction transition.

F. Technical Issues

90. In this section, we resolve technical issues that the authorization of ATSC 3.0 raises. First, we incorporate certain parts of the ATSC 3.0 standard by reference into our rules. Next, we adopt our proposal to calculate Next Gen TV interference to DTV signals using the methodology and planning factors specified OET–69. Finally, we conclude that broadcast television stations may operate ATSC 3.0 Single Frequency Networks pursuant to our current rules that authorize Distributed Transmission Systems.

1. Incorporation by Reference of Technical Standards

91. We incorporate two parts of the ATSC 3.0 ''physical layer'' standard into our rules: (1) ATSC A/321:2016 ''System Discovery & Signaling'' (A/321), which is the standard used to communicate the RF signal type that the ATSC 3.0 signal will use, and (2) A/322:2017 ''Physical Layer Protocol'' (A/322), which is the standard that defines the waveforms that ATSC 3.0 signals may take. With respect to A/322, we apply the standard only to a Next Gen TV station's primary free over-the-air video programming stream and incorporate it by reference into our rules for a period of five years from the date of publication in the **Federal Register**.[113] We do not incorporate any other of the ATSC 3.0 standards; broadcasters are authorized, but not required, to use any other elements of ATSC 3.0. The ATSC 3.0 standards are reasonably available because they are available on the ATSC website at: *www.atsc.org/standards/atsc-3-0-standards/* and from ATSC at their office: 1776 K Street NW, 8th Floor, Washington, DC 20006.

92. The ATSC 3.0 suite of standards is split into multiple parts under a unifying parent standard. The ATSC 3.0 standards are structured into three layers: (1) The physical layer, (2) the management and protocols layer, and (3) the applications and presentation layer. Each of the standards fits into only one layer, making it possible to develop and update each part independently. The physical layer includes the definition of the radio frequency (RF) waveform used in ATSC 3.0, as well as the coding and error correction that determine the robustness of the signal to noise and interference. The management and protocols layer organizes data bits into streams and files and establishes the protocol for the receiver to direct those streams to the proper destinations. The applications and presentation layer includes audio and video compression technologies, captions and descriptive audio, emergency alerts, parental controls, and interactive applications. It also specifies how the station is displayed to viewers.

93. *A/321.* We adopt our proposal to incorporate by reference and make mandatory for Next Gen TV broadcasting the ATSC A/321 standard. Commenters broadly support this action. As the entry point to the physical layer of the ATSC 3.0 standards, A/321 defines a brief robust ''bootstrap'' signal followed by a window for data transmission that is periodic and contains information to help Next Gen TV receivers quickly locate and understand the RF formats of the data portions of the Next Gen TV signal. The bootstrap signal can indicate that the remainder of the signal is one of many different RF signal types.[114] This gives the broadcast industry the ability to later define additional signal types while using a consistent bootstrap signal that can indicate to Next Gen TV receivers that they can ignore portions of the signal that are not compatible with that particular receiver. The bootstrap further serves to split the overall signal into segments that can follow different standards and/or use different robustness parameters. The bootstrap signal also includes data that can wake a receiver from standby mode to receive and display emergency information. By incorporating and making mandatory the A/321 standard, we ensure that the RF waveforms of the bootstrap portion of broadcasters' Next Gen TV signals will be fully defined.

94. *A/322.* We also incorporate by reference the ATSC A/322 standard and require that broadcasters' primary free over-the-air Next Gen TV video

[112] NAB asserts that ''current generation equipment that will be deployed during repacking is, in many cases, already Next Gen compatible, or capable of being easily upgraded to be Next Gen-compatible. To the extent there are any cost differences between equipment that is Next Gen-compatible and equipment that is not, NAB has stated that it is committed to assisting the FCC in ensuring that repacking funds are not directed to unwarranted or unnecessary upgrades.''

[113] As we discuss below in paragraphs 100–101, this requirement will sunset at the end of the five-year period unless extended by the Commission via rulemaking.

[114] At the time of this Order, only one such signal type is standardized and mentioned within the record, and it is described by ATSC A/322.

programming stream adhere to the standard, for a period of five years from the effective date of the rule incorporating this standard. In the *Next Gen TV NPRM,* we sought comment on whether to incorporate this component of the physical layer into our rules. Some commenters, including CTA, urge us to incorporate A/322 to provide certainty to television receiver manufacturers and consumers that their televisions will be able to receive Next Gen TV signals. They suggest that A/322 is necessary to complete the definition of the interference environment of Next Gen TV as well as to protect consumers and other stakeholders from purchasing equipment that is unable to receive over-the-air broadcasts. Some broadcasters, however, claim that if we require them to adhere to A/322, they will not be able to innovate and offer services other than fixed television broadcasting. In an effort to balance our goals of protecting consumers while promoting innovation, we conclude that requiring Next Gen TV broadcasters to adhere to A/322 for an appropriate transitional period, and only on their primary video programming stream, appropriately addresses the concerns raised in the record and will best serve the public interest.

95. Requiring Next Gen TV broadcasters to broadcast their primary video programming stream in accordance with A/322 for a limited period will benefit consumers and other stakeholders. As LG explains, device manufacturers and MVPDs may not be able to reliably predict what signal modulation a broadcaster is using unless broadcasters are required to follow A/322. This uncertainty could cause manufacturers to inadvertently build equipment that cannot receive Next Gen TV broadcasts or could render MVPDs unable to receive and retransmit the signals of Next Gen TV stations. These outcomes would harm consumers. We note that although NAB was originally opposed to the Commission adopting A/322, more recently it has acknowledged that ''adopting the full physical layer of the Next Gen standard, including A/322'' may ''ensure that consumer electronics manufacturers can build television receivers with confidence.'' One of the primary reasons we adopted the ATSC 1.0 standard for DTV was ''to ensure that all affected parties have sufficient confidence and certainty in order to promote the smooth introduction of a free and universally available digital broadcast television service.'' [115] We similarly find here that adopting A/322, with the limitations set forth herein, is necessary to ensure adequate certainty with respect to the voluntary deployment of ATSC 3.0.

96. We are persuaded, however, that it is not appropriate at this time to require broadcasters to adhere to A/322 indefinitely. As the record indicates, the ATSC 3.0 standard could evolve, and stagnant Commission rules could prevent broadcasters from taking advantage of that evolution. NAB proposes, with respect to the one free over-the-air video programming stream that Next Gen TV broadcasters will be required to provide, ''that broadcasters rely on both components of the physical layer, that is, A/321 and A/322,'' and that the ''requirement to incorporate A/322 sunset automatically after a period of three years unless extended by the Commission following a rulemaking proceeding.'' We agree with the basic principle of NAB's proposal. In particular, we agree that the Commission ''. . . can provide the certainty the consumer electronics industry desires with the flexibility broadcasters seek while minimizing regulatory burdens'' by incorporating A/322 into our rules for a transitional period. After that transitional period, the requirement will sunset if it is not reinstated by the Commission via rulemaking before the end of the transitional period.[116]

97. We conclude that five years, rather than three years, is the appropriate amount of time to require broadcasters to use the A/322 standard for their primary video programming stream. Three years, as proposed by NAB, would sunset the requirement within (or only shortly after) the incentive auction repacking period and likely before many stations have had a reasonable opportunity to implement Next Gen TV broadcasting. We find that a time and scope-limited adoption of A/322 strikes an appropriate balance of all interests reflected in the record. Our approach will let broadcasters develop new ancillary services outside the boundaries of A/322. It will also establish a period of certainty for manufacturers, MVPDs, and consumers that will prevent broadcasting standards from splintering and will speed the overall adoption of ATSC 3.0. Requiring Next Gen TV broadcasters to use A/322 only with respect to the primary video programming stream leaves significant ability for broadcasters to innovate with regard to ancillary services. Thus, we conclude that the requirement that broadcasters adhere to the A/322 standard requirement will sunset five years from its effective date (*i.e.,* the date it is published in the **Federal Register**), unless the Commission extends the requirement via rulemaking.

98. We find that the benefits of requiring broadcasters' primary video programming stream to adhere to A/322 outweigh the burdens, particularly because A/322 gives broadcasters many choices. As commenters explain, the A/322 standard enables a significant amount of broadcaster flexibility, allowing broadcasters to choose from tens of thousands of different robustness operating points. The parameters that determine these operating points allow broadcasters to customize the payload, interference susceptibility, and mobile performance of their primary video signal, and allow broadcasters to design their signals to support a range that extends all the way from very robust mobile video to very high quality Ultra-High Definition and High Dynamic Range video. In addition, we are not adopting at this time any of the other ATSC 3.0 standards, so broadcasters that choose to deploy Next Gen TV service will have considerable flexibility to innovate.

99. We disagree with suggestions, however, that incorporating A/322 into our rules is necessary to make interference calculations more certain and predictable. LG and others assert that A/321 defines only a small portion of the ATSC 3.0 RF waveform, but an engineering study performed by MSW showed that the A/322 waveform is sufficiently noise-like to be considered in the interference environment in the same the way the DTV waveform is. So we expect that any coded orthogonal frequency-division multiplexing signal likely to be used by broadcasters,[117] as accommodated by the A/321 bootstrap signal, will be noise-like. We agree with

[115] The issues we address here are similar to those faced in the Fourth DTV Report and Order. At that time, we based our decision to adopt and incorporate the ATSC 1.0 standard upon four goals: (1) To ensure that all affected parties have sufficient confidence and certainty in order to promote the smooth introduction of a free and universally available digital broadcast television service; (2) to increase the availability of new products and services to consumers through the introduction of digital broadcasting; (3) to ensure that our rules encourage technological innovation and competition; and (4) to minimize regulation and assure that any regulations we do adopt remain in effect no longer than necessary.

[116] We will also use this period to monitor how the marketplace handles patent royalties for essential patents, but we will not require reasonable and non-discriminatory (RAND) licensing at this time. With no evidence of patent licensing issues, we believe it is premature to impose regulations on the private licensing marketplace.

[117] Coded orthogonal frequency-division multiplexing, or COFDM, is the scheme used to modulate ATSC 3.0 signals. It replaces the 8–VSB modulation scheme upon which the ATSC 1.0 standard relies.

NAB's suggestion that ''. . . the Commission should seek to minimize regulatory burdens by requiring only that any digital transmissions are randomized and noise like and do not cause harmful interference by staying within the constraints of Section 73.622(h) of the Commission's rules.'' Therefore, ATSC 3.0 signals are prohibited from causing harmful interference under 47 CFR 73.622(h) regardless of whether we require broadcasters to adhere to A/322.

100. Although ONE Media argues that requiring broadcasters to adhere to A/322 will limit the mobile reception performance of the ATSC 3.0 standard, the record suggests that this concern is overstated. LG performed mobile reception tests pursuant to an ATSC 3.0 experimental license, and the report resulting from those tests indicates that the ATSC 3.0 standard, including A/322, allows for ''[h]ighly reliable in-vehicle mobile reception.'' Although the Commission has limited data to rely on at this time, it appears that the performance of the ATSC 3.0 standard will allow broadcasters to confidently implement mobile services, even while they adhere to A/322. Moreover, because we require broadcasters to adhere to A/322 only with respect to the primary video programming stream that the Next Gen TV broadcaster transmits, broadcasters will be able to innovate outside the bounds of A/322 with the rest of the spectrum they are licensed to use.

2. Service and Interference Protections

101. In this section, we adopt the service and interference protection rules that we proposed in the *Next Gen TV NPRM.* In the *NPRM,* we raised three potential interference issues with respect to the adoption of the ATSC 3.0 transmission standard: (1) Interference caused by ATSC 3.0 signals to ATSC 1.0 (DTV) signals, (2) interference caused by DTV or ATSC 3.0 signals to other ATSC 3.0 signals, and (3) interference-related concerns arising with respect to ATSC 3.0 signals and non-television services that operate within or adjacent to the TV band. We proposed to use the same technical parameters as we use for DTV signals when evaluating interference caused by or from an ATSC 3.0 signal. We also proposed to update our rules to allow updated population inputs when evaluating a broadcaster's application for a new or modified facility.

a. Interference Protection of ATSC 1.0 (DTV) Signals

102. As we proposed in the *Next Gen TV NPRM,* we will use our existing methodology and planning factors to calculate how ATSC 3.0 signals will interfere with ATSC 1.0 signals. In the *NPRM,* we proposed to apply the methodology and planning factors specified in OET Bulletin No. 69 to calculate interference from ATSC 3.0 to DTV signals, and we sought comment on whether DTV operations would be sufficiently protected by the OET Bulletin No. 69 methodology and planning factors when applied to interference predictions from ATSC 3.0 signals. The Petition included laboratory measurements that suggested that RF emission mask and effective radiated power limits for the ATSC 3.0 signal could remain unchanged from existing limits for DTV signals. Based on those measurements, we proposed to calculate interference from ATSC 3.0 signals in accordance with 47 CFR 73.622, 73.623 and 74.703 and as implemented by OET Bulletin No. 69. We solicited specific measurement results in response to the Petitioners' claim that ATSC 3.0 and DTV signals should be considered equivalent in terms of potential interference to DTV signals, but received no additional reports or measurements to either support or refute the claim that ATSC 3.0 signals could be treated the same as DTV signals when considering interference from ATSC 3.0 to DTV signals. However, all commenters who addressed the issue supported our proposed approach, and no alternative methodologies or planning factors were proposed. We accordingly adopt the use of the methodology and planning factors specified in Sections 73.622, 73.624 and 74.703 of the Commission's rules and in OET Bulletin No. 69 to calculate interference from ATSC 3.0 to DTV signals, and we make no modifications to these rules or to the RF emission mask and effective radiated power limits.

b. Service and Interference Protection of ATSC 3.0 Signals

103. We also adopt our proposals regarding service and interference protection of ATSC 3.0 signals; we will use the same methodology and planning factors defined for DTV when defining the service area of an ATSC 3.0 signal and define the ATSC 3.0 interference criteria for co- and adjacent channel interfering signals at the same levels as specified in OET Bulletin No. 69 for DTV signals. The DTV transmission standard has fixed transmission and error correction parameters and a single associated minimum signal strength threshold (or signal-to-noise-ratio/SNR threshold) for service. The minimum SNR threshold is used as a basis for determining where a DTV broadcast television station's signal can be received. Whether a DTV broadcast television station is considered to have service and receive protection from interference is determined in part by this threshold. The minimum expected signal level for an ATSC 3.0 signal is much more dynamic. The ATSC 3.0 standard enables broadcasters to choose from multiple modulation and error correction parameters, which have the effect of allowing them to adjust data rates and corresponding minimum SNR thresholds. Further, ATSC 3.0 enables broadcasters to transmit multiple program streams with different parameters simultaneously. This means that, as a practical matter, the actual area where the signal of a television station broadcasting an ATSC 3.0 signal can be received may not necessarily match up to the same area defined by the single minimum SNR threshold of DTV. The SNR threshold for the ATSC 3.0 transmission standard will be variable and station-specific, enabling tradeoffs depending on each station's programming offerings and quality of service goals. In consideration of the dynamic nature of ATSC 3.0 transmission standard, our rules will maintain the status quo for interference protection and allow us to calculate the coverage areas of ATSC 3.0 stations with certainty. We discuss each aspect of Service and Protection of ATSC 3.0 signals below.

(i) Preservation of Service

104. We require Next Gen TV broadcasters to offer at least one free ATSC 3.0 video programming stream comparable to a DTV signal and to provide a signal with a chosen modulation/coding scheme that requires a SNR of no more than would be required of a DTV signal.[118] This requirement will preserve service to existing OTA viewers, all else being equal (*i.e.,* an ATSC 3.0 transmission from the same antenna, location, and power level, received by equipment with the same performance as a DTV transmission will cover the same area as a comparable DTV signal).

105. We adopt our proposal to mandate Next Gen TV broadcasters to offer at least one free ATSC 3.0 video programming stream that requires a SNR of no more than 15 dB (streams requiring a lower SNR would also

[118] OET Bulletin No. 69 defines service of a DTV signal as those locations where the SNR is 15 or greater. This would be the same threshold applied to the free ATSC 3.0 video programming stream to achieve a ''DTV-equivalent'' service.

qualify).[119] By adopting this requirement, we guarantee that any station beginning ATSC 3.0 operation will continue to provide at least one free video programming stream to viewers within the ATSC 1.0-equivalent service area who choose to upgrade their receiver equipment to the Next Gen TV standard. Generally, commenters support this approach, but AT&T and ATVA suggest that the proposal ''does not go far enough.'' We believe that mandating a lower threshold for ATSC 3.0 signals, as suggested by AT&T and ATVA, is unnecessary because a lower threshold would potentially encompass a larger audience than an equivalent DTV signal.[120] At the same time, to the extent that broadcasters want to offer a video programming stream in the manner suggested by AT&T and ATVA, a signal with a 0 dB minimum SNR would satisfy our requirement because 0 dB is less than the 15 dB service threshold ceiling for minimum SNR being adopted here. Therefore, we adopt a SNR that balances the need for OTA viewers throughout an ATSC 3.0 station's contour to receive television broadcast services when stations choose to voluntarily transmit ATSC 3.0 signals with the desire of broadcasters to flexibly offer various programming streams in ATSC 3.0 in addition to the minimum single free program stream required for DTV signals by 47 CFR 73.624.

(ii) Next Gen TV Service Area

106. We will use the methodology and planning factors defined in OET Bulletin No. 69 to define an ATSC 3.0 ''DTV-equivalent'' service area in which the ATSC 3.0 signal is protected from interference, as we proposed in the *Next Gen TV NPRM.* Historically, we have relied upon this methodology and these planning factors to determine service for DTV with satisfactory results, and many commenters support the proposal. ONE Media is the only commenter that does not support the proposal, suggesting that, ''except for cases in which other Commission rules require reference to a service area (*e.g.,* community of license coverage), the Commission should abandon efforts to define service areas and instead should provide broadcasters flexibility to deploy in whatever manner the market demands.'' We elect not to adopt ONE Media's proposal because such a significant shift would not align with the Commission's current goal to minimize the potential impact to viewers of stations that voluntarily choose to switch to ATSC 3.0.

(iii) Interference Protection

107. We will use a protection threshold for Next Gen TV signals that would provide an equivalent level of protection as provided to a DTV signal, as we proposed in the *Next Gen TV NPRM.* Under this approach, an ATSC 3.0 signal will be protected from co-channel and adjacent channel interference as defined in OET Bulletin No. 69.[121] Commenters generally support the proposal to use the OET–69 thresholds to protect ATSC 3.0 signals from interference. TV White space proponents generally oppose any protections that would allow broadcasters to expand their service areas beyond the existing DTV service area definition. NAB states that ''the Commission need not consider modifications to the methodology or planning factors in OET–69.'' One Ministries requests that we ''relax the adjacent channel D/U ratio for all receivers (not just ATSC 3.0 receivers) to be 33 dB or higher,'' but no other commenters discuss this issue. Public Interest Groups support maintaining the existing interference protections and oppose any expansion of the service area.

108. We have not been given sufficient information to conclude, nor do we have any reason to believe, that ATSC 3.0 receivers will perform any differently than DTV receivers perform today. In addition, as discussed above, the measurement tests provided by the Petitioners, while performed on DTV receivers, demonstrate that the adjacent channel emissions of ATSC 3.0 signals are equivalent, and therefore are not expected to reduce the sensitivity of ATSC 3.0 receivers. Adopting the same interference protection requirements as we have today will provide regulatory certainty while broadcasters voluntarily deploy ATSC 3.0. Nevertheless, if we receive additional information or conduct our own receiver tests, we may revisit whether either the co-channel or adjacent channel interference protection criteria for ATSC 3.0 should be any different from the interference protections provided for DTV in OET Bulletin No. 69.

c. Interference Protection Affecting Other Services

109. We do not revise our current interference-related rules with respect to the other services in the TV band or adjacent bands. In the *Next Gen TV NPRM,* we sought comment on whether there would be any interference-related issues that arise with respect to services and operations in the TV Band other than those of full-power, Class A, LPTV and TV translator stations, as well as whether there could be any such issues in other adjacent bands. The record reflects that as long as the emission mask, power limits, and the methodology and protection criteria in OET Bulletin No. 69 are maintained, no rule changes are necessary to protect full-power, Class A, LPTV and TV translator services. National Public Radio (NPR) raised concerns about potential interference between ATSC 3.0 transmissions on TV channel 6 and FM band operations. But as the Petitioners explain, the ATSC 3.0 emission mask will remain unchanged,[122] and therefore we see no need to require additional protections for TV channel 6 adjacent to the FM broadcast service. We also reject the Wi-Fi Alliance's requests to protect only the primary video programming stream of ATSC 3.0 signals and avoid requirements to protect single frequency networks (SFNs). White space devices (WSDs) must protect the television service, as defined by current rules, regardless of how many streams are being offered or which stream is primary, just as WSDs are required to protect the multiple DTV programming streams that many television stations offer today. In addition, to the extent that a DTV station makes a request today to deploy a distributed transmission system (DTS) or SFN, WSDs must continue to protect those licensed service areas. No comments were filed with respect to potential interference-related issues pertaining to LPAS or unlicensed wireless microphones operating in the TV bands, or with respect to WMTS or RAS

[119] The single free ATSC 3.0 video programming stream must comply with the ATSC A/322 standard for a period of five years from the date of publication in the **Federal Register**.

[120] Additionally, if an HD video stream requires about 3 Mbps with ATSC 3.0, then assuming the entire signal uses the 15 dB SNR value and thus about 25 Mbps is available in total, then most of the capacity of the signal would remain available, therefore making the impact of this requirement minimal.

[121] The threshold levels at which interference is considered to occur are: (i) For co-channel stations, the D/U ratio is + 15 dB. This value is only valid at locations where the signal-to-noise ratio is 28 dB or greater. At the edge of the noise-limited service area, where the signal-to-noise (S/N) ratio is 16 dB, this value is + 23 dB. At locations where the S/N ratio is greater than 16 dB but less than 28 dB, D/U values are computed from the following formula: $D/U = 15 + 10\log10[1.0/(1.0-10-x/10)]$ Where x = S/N–15.19 (minimum signal to noise ratio) (ii) For interference from a lower first-adjacent channel, the D/U ratio is −28 dB. (iii) For interference from an upper first-adjacent channel, the D/U ratio is −26 dB.

[122] Specifically, the report indicates that RF emission mask characteristics will remain unchanged for Next Gen TV, that effective radiated power limits for stations may be retained to maintain protections for co-channel and adjacent channel interference, and that its modulation characteristics are inherently noise-like.

services in the adjacent band, and therefore, as proposed, we do not adopt any changes to those rules.

d. Station Interference Protection Population Inputs

110. We adopt the rule change we proposed in the *Next Gen TV NPRM* to evaluate interference that will result from applications for new or modified facilities using the latest official U.S. Census figures.[123] The Commission has calculated the degree of permissible interference to populations served based on the 2000 U.S. Census population data with one exception: For purposes of the incentive auction and repacking process, the Commission uses 2010 U.S. Census population data for interference calculations. We conclude that it is most reasonable to rely on the most up-to-date U.S. Census information for these calculations, an approach that the D.C. Circuit upheld in its decision to allow the Commission to apply 2010 U.S. census population during the incentive auction. We update our rules to permit the Media Bureau to use the most recent U.S. Census statistics. We direct the Media Bureau to announce when updated U.S. Census statistics have been incorporated into our licensing systems and the date upon which such updated inputs will be applied at least 60 days before they are used for application processing purposes. Thus, after the repacking process is complete, any broadcast television service or interference calculations will be based on 2010 U.S. Census statistics, until after 2020, when the next U.S. Census statistics are scheduled to become available and the Media Bureau subsequently announces the date of application of such data.

3. Next Gen TV Single Frequency Networks (SFNs)

111. As proposed in the *Next Gen TV NPRM,* we conclude that broadcast television stations may operate ATSC 3.0 Single Frequency Networks (SFNs) pursuant to our current rules authorizing Distributed Transmission Systems (DTS). Commenters support the authorization of SFNs for Next Gen TV broadcasters, and emphasize the importance of such networks to the successful deployment of ATSC 3.0 broadcasting. We also adopt our proposal to require that all transmitters under a single DTS license follow the same broadcast television transmission standard. Finally, as proposed, we decline to adopt a synchronization standard specific to ATSC 3.0.

112. As explained in the *Next Gen TV NPRM,* broadcasters traditionally have used a single transmission site, and have provided fill-in service using separately licensed secondary transmission sites that typically use different RF channels. However, a broadcaster using a DTS provides television service to its area by two or more transmission sites using an identical signal on the same RF channel, synchronized to manage self-interference.[124] The rules established in the *DTS Report and Order* describe the authorized service area, maximum service area, station reference point, coverage determination, protection from interference, and application requirements for DTS stations.

113. Commenters claim that broadcasters that deploy ATSC 3.0 will have the ability to efficiently form SFNs, which for the purposes of broadcast television is a term that is synonymous with DTS. No commenters oppose the idea that broadcasters that opt to deploy ATSC 3.0 should be able to use SFNs. MWG points out that ATSC 3.0 ''uses a form of modulation that is designed to support SFNs in DTS-style operations,'' and that ''. . . with ATSC 3.0, signals from several transmitters can be allowed to overlap, and the overlap can be compensated. Indeed, the overlap can help to improve reception.'' The record thus suggests that providing broadcasters with the ability to use SFNs has the potential to make Next Gen TV services more robust.

114. We adopt our tentative conclusion in the *Next Gen TV NPRM* that the rules the Commission already has established to authorize a DTS station generally are adequate to authorize an ATSC 3.0 SFN station. Several commenters request that we amend the service area rules applicable to DTS to enable Next Gen TV stations to expand the area that an ATSC 3.0 SFN license could cover. Other commenters oppose changes to the current service area rules without further public comment. The record generally does not address the technical complexities that could be raised if we adopt this proposal or the effect that changes to authorized DTS service areas could have on any of our other rules that depend on station service areas. While we recognize that the changes suggested by commenters could potentially facilitate Next Gen TV deployment, no commenters state that the proposed changes are necessary for broadcasters to begin using SFNs with the ATSC 3.0 standard. As such, we find that the record does not support changes to the authorized service areas for Next Gen TV SFNs, and we decline to make any such changes at this time. The Commission will monitor the deployment of ATSC 3.0 in the marketplace and will reconsider this issue in the future if appropriate.[125]

115. We also adopt our tentative conclusion that there is no need to implement a specific synchronization standard for ATSC 3.0 SFNs. In the *DTS Report and Order,* the Commission found that it was not necessary for a DTS station to use a specific synchronization system as long as (1) the synchronization used by a station is effective in minimizing interference within the system, (2) the station otherwise provides service to the population within its service area consistent with Commission rules, and (3) the station complies with the technical standard adopted by the Commission. Thus, although ATSC had developed the A/110 ''ATSC Standard for Transmitter Synchronization,'' the Commission determined that it was not necessary to incorporate this standard into our rules and that DTS stations should have flexibility with regard to transmitter synchronization. We agree with commenters that we should take the same approach for ATSC 3.0 SFNs, and note that no commenters contested our proposal to adopt this approach. As MWG explains, ''there are many ways in which such synchronization can be obtained, and while the ATSC has developed an approach to transmitter synchronization that is being standardized to facilitate interoperation of equipment obtained from different manufacturers, there is no reason for the Commission to constrain the choices that a broadcaster can make.'' [126]

[123] The Bureau will incorporate the statistics as they become available and it is able to incorporate the statistics into the Commission's licensing processing systems.

[124] Radio waves require a certain amount of time to travel any given distance. In the case of a DTS network, this means that a location in the service area of the station will most likely receive the signals from the different transmitters at different times, because the transmitters are different distances away from that location. TV receivers are typically designed to handle a certain range of time differences to accommodate signal reflections. If a received DTS time difference falls outside that range, to the receiver the signals appear to be co-channel interference. Because the timing difference is predictable based on distance, precise synchronization of the signals from the different transmitters allows a station to offset the broadcast times with high precision, so that the areas where large timing differences occur can be redirected to low-impact regions.

[125] We note that stations that are interested in pursuing a change to their DTS service area may file for waiver of our DTS rules pursuant to our general waiver standard.

[126] We also note that the A/322 standard, which we incorporate into our rules, does not include a

Continued

116. Finally, we adopt our proposed rule to require all DTS transmitters under the same license to follow the same digital television broadcasting transmission standard. No one commented on this proposal. This simple measure is meant to ensure that stations do not attempt to mix ATSC 1.0 and ATSC 3.0 transmissions within a DTS network. Doing so would introduce significant self-interference within the station's service area and would be harmful to consumers.

II. Procedural Matters

A. Final Paperwork Reduction Act Analysis

117. This document contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).[127] The requirements will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the information collection requirements contained in this proceeding. The Commission will publish a separate document in the **Federal Register** at a later date seeking these comments. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002 (SBPRA),[128] we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

B. Congressional Review Act

118. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office, pursuant to the Congressional Review Act.[129]

C. Final Regulatory Flexibility Analysis

119. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rulemaking* in this proceeding. The Federal Communications Commission (Commission) sought written public comment on the proposals in the NPRM, including comment on the IRFA. The Commission received one comment on the IRFA, while some other commenters discussed the effect of the proposals on smaller entities, as discussed below. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

120. *Need for, and Objectives of, the Report and Order.* In summary, we authorize television broadcasters to use the ''Next Generation'' broadcast television (Next Gen TV) transmission standard, also called ''ATSC 3.0'' or ''3.0,'' on a voluntary, market-driven basis. This authorization is subject to broadcasters continuing to deliver current-generation digital television (DTV) service, using the ATSC 1.0 transmission standard, also called ''ATSC 1.0'' or ''1.0,'' to their viewers. The Report and Order adopts rules that will afford broadcasters flexibility to deploy Next Gen TV service, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

121. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* NTCA was the only party to file comments in direct response to the IRFA. NTCA's comments focused on two key burdens it says will be imposed on its members and other small MVPDs as a result of broadcasters' voluntary deployment of ATSC 3.0 service. First, NTCA contends that small MVPDs will bear the significant costs associated with 3.0 carriage (even if carriage of 3.0 signals is not mandatory) because broadcasters will be able to use their market power to compel small MVPDs to carry 3.0 signals through the retransmission consent process. To address this issue, NTCA requests that we prohibit carriage of ATSC 3.0 signals via retransmission consent. Second, NTCA contends that small MVPDs will bear costs associated with carriage of 1.0 simulcast signals which are moved to a host station's facility. Finally, NTCA argues that the IRFA is ''deficient'' because ''it provides no estimates of expenses or burdens that small MVPDs may encounter as a result of ATSC 1.0 simulcasting.''

122. The R&O responds to these arguments proffered by NTCA and other small MVPDs. First, the R&O makes clear that MVPDs are under no statutory or regulatory obligation to carry any 3.0 signals.[130] Because MVPDs are not obligated by rule or law to carry ATSC 3.0 signals, any costs to MVPDs of 3.0 carriage are voluntary. Thus, the rules adopted do not impose direct costs on MVPDs. In addition, the R&O concludes that it is premature to address any issues that may arise with respect to the voluntary carriage of ATSC 3.0 signals before broadcasters begin transmitting in ATSC 3.0.[131] Therefore, the R&O declines to adopt any new rules regarding retransmission consent in this proceeding and will allow these issues at the outset to be addressed through marketplace negotiations. Second, the R&O observes that, under the existing must-carry rules, broadcasters are required to bear the costs of delivering a good quality 1.0 signal to MVPDs. This remains true for stations relocating their 1.0 simulcast channel to a host facility. The existing rules, however, do not apply to the costs on MVPDs of receiving and redistributing the signal to their subscribers and so MVPDs generally assume these costs. Such costs are generally viewed as the costs of doing business as MVPDs. The R&O does not change this understanding. The R&O finds that the costs incurred due to local simulcasting will occur on a market-driven basis and are properly borne by the MVPDs. Finally, we disagree with NTCA's claim that the IRFA was deficient, but respond to this claim in Section F. of this FRFA because it relates to the sufficiency of the alternatives considered to minimize costs and burdens on small MVPDs.

123. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

124. *Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.* The types of small entities that may be affected by the R&O fall within the following categories: (1) Wired Telecommunications Carriers; Cable Companies and Systems (Rate Regulation); (2) Cable System Operators (Telecom Act Standard); (3) Direct Broadcast Satellite Service; (4) Satellite Master Antenna Television (SMATV) Systems, also known as Private Cable Operators (PCOs); (5) Home Satellite Dish (HSD) Service, (6) Open Video Services; (7) Wireless Cable Systems—Broadband Radio Service and

synchronization standard, nor does it implicate any specific synchronization standards.

[127] The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 109 Stat. 163 (1995) (codified in Chapter 35 of title 44 U.S.C.).

[128] The Small Business Paperwork Relief Act of 2002 (SBPRA), Public Law 107–198, 116 Stat. 729 (2002) (codified in Chapter 35 of title 44 U.S.C.). *See* 44 U.S.C. 3506(c)(4).

[129] *See* 5 U.S.C. 801(a)(1)(A).

[130] The Report and Order also reminds parties of the statutory requirement that they negotiate in good faith.

[131] We note that no data is available to quantify the costs associated with ATSC 3.0 carriage. *See* ATVA Comments at 10 (''Unlike the costs associated with ATSC 1.0 simulcasts, MVPDs cannot yet quantify the costs associated with ATSC 3.0 carriage. Much of the necessary equipment does not yet exist.''). Although ATVA speculates that ''broadcasters will insist on ATSC 3.0 carriage once the Commission adopts ATSC 3.0 rules,'' ATVA representatives explain that to date, they have generally been able to reach agreements that delayed immediate carriage of ATSC 3.0.

Educational Broadband Service; (8) Incumbent Local Exchange Carriers (ILECs) and Small Incumbent Local Exchange Carriers; Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing; (9) Audio and Video Equipment Manufacturing; (10) and Television Broadcasting.

125. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements.* Because the deployment of ATSC 3.0 service by Next Gen TV stations is purely voluntary, the rules related to the provision of 3.0 service apply only to stations who choose to participate. That is, there are no new mandatory reporting, recordkeeping, or other compliance requirements for stations that choose not to participate. For broadcasters that choose to deploy ATSC 3.0 service, there are reporting, recordkeeping, or other compliance requirements. Stations that elect to broadcast using the Next Gen TV standard must (1) provide one free, over-the-air video stream broadcast in ATSC 3.0; (2) air a local simulcast of the primary video programming stream of their ATSC 3.0 channel in ATSC 1.0 format; must file an application to modify its license with the Commission, and receive prior Commission approval, before: (a) Moving its 1.0 signal to a temporary simulcast host station or moving its 1.0 simulcast to a different host station; (b) commencing the airing of a 3.0 channel on a 3.0 host station (that has already converted to 3.0 operation) or moving its 3.0 channel to a different host station; or (c) converting its existing station to 3.0 technology or from 3.0 back to 1.0; and (4) file the appropriate schedule(s) to FCC Form 2100 and must provide a copy of the local simulcasting agreement to the Commission upon request.

126. *Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered.* The Commission considered but declined to adopt certain alternatives suggested by MVPDs to (1) negotiate for carriage of 3.0 signals separately from carriage of 1.0 signals; (2) nullify existing contractual clauses that would require MVPDs to carry 3.0 signals; (3) in the event of a good faith complaint, subpoena negotiation-related documents under a protective order to overcome any non-disclosure provisions; (4) prohibit carriage of ATSC 3.0 signals via retransmission consent.

127. The R&O declines to adopt a Next Gen TV (ATSC 3.0) tuner mandate. In deciding to rely on market forces in lieu of the alternative of a tuner mandate, the Order lessens potential burdens that equipment manufacturers, including small entities, otherwise might face. When making this determination, the Commission considered arguments raised by parties like ATBA who supported the alternative of a tuner mandate for all television receivers, including smartphones and other mobile devices, but ultimately agreed with those commenters who argued consumer demand will drive the inclusion of ATSC 3.0 tuners in television receivers.

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

129. *It is ordered,* pursuant to the authority found in Sections 1, 4, 7, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 614, and 615 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535, this Report and Order *is hereby adopted,* effective thirty (30) days after the date of publication in the **Federal Register**.

130. *It is further ordered* that the Commission's rules *are hereby amended* as set forth in Appendix B and *will become effective* 30 days after publication in the **Federal Register**, except for 47 CFR 73.3801, 73.6029, and 74.782 which contain new or modified information collection requirements that require approval by the OMB under the PRA and which shall become effective after the Commission publishes a notice in the **Federal Register** announcing OMB approval and the effective date of the rules.

131. *It is further ordered* that, pursuant to 47 U.S.C. 155(c), the Chief, Media Bureau, is granted delegated authority for the narrow purpose of amending FCC Form 2100 as necessary to implement the licensing process adopted herein.

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

List of Subjects

47 CFR Part 15

Communications equipment, Computer technology.

47 CFR Part 73

Communications equipment, Incorporation by reference, Television.

47 CFR Part 74

Communications equipment, Television.

47 CFR Part 76

Cable television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons stated in the preamble, the Federal Communications Commission amends 47 CFR parts 15, 73, 74, and 76 as set forth below:

PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 2. Amend § 15.117 by revising paragraph (b) to read as follows:

§ 15.117 TV broadcast receivers.

* * * * *

(b) TV broadcast receivers shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service that broadcast digital signals using the DTV transmission standard in § 73.682(d) of this chapter, but need not be capable of receiving analog signals or signals using the Next Gen TV transmission standard in § 73.682(f) of this chapter.

* * * * *

PART 73—RADIO BROADCAST SERVICES

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

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

■ 4. Amend § 73.616 by revising paragraph (e)(1) introductory text and adding paragraph (g) to read as follows:

§ 73.616 Post-transition DTV station interference protection.

* * * * *

(e) * * *

(1) For evaluating compliance with the requirements of this paragraph, interference to populations served is to be predicted based on the most recent official decennial U.S. Census population data as identified by the Media Bureau in a Public Notice issued not less than 60 days prior to use of the data for a specific year in application processing, and otherwise according to the procedure set forth in OET Bulletin No. 69: ''Longley-Rice Methodology for Evaluating TV Coverage and

Interference'' (February 6, 2004) (incorporated by reference, see § 73.8000), including population served within service areas determined in accordance with § 73.622(e), consideration of whether F(50,10) undesired signals will exceed the following desired-to-undesired (D/U) signal ratios, assumed use of a directional receiving antenna, and use of the terrain dependent Longley-Rice point-to-point propagation model. Applicants may request the use of a cell size other than the default of 2.0 km per side, but only requests for cell sizes of 1.0 km per side or 0.5 km per side will be considered. The threshold levels at which interference is considered to occur are:

* * * * *

(g) The interference protection requirements contained in this section apply to television station operations under both the DTV transmission standard in § 73.682(d) and the Next Gen TV transmission standard in § 73.682(f).

■ 5. Amend § 73.624 by adding paragraph (b)(3) to read as follows:

§ 73.624 Digital television broadcast stations.

* * * * *

(b) * * *

(3) DTV licensees or permittees that choose to broadcast an ATSC 3.0 signal (using the Next Gen TV transmission standard in § 73.682(f)) shall transmit at least one free over the air video programming stream on that signal that requires at most the signal threshold of a comparable received DTV signal. DTV licensees or permittees that choose to broadcast an ATSC 3.0 signal (using the Next Gen TV transmission standard in § 73.682(f)) shall also simulcast the primary video programming stream on its ATSC 3.0 signal by broadcasting an ATSC 1.0 signal (using the DTV transmission standard in § 73.682(d)) from another broadcast television facility within its local market in accordance with the local simulcasting requirement in §§ 73.3801, 73.6029 and 74.782 of this chapter.

* * * * *

■ 6. Amend § 73.626 by adding paragraph (g) to read as follows:

§ 73.626 DTV distributed transmission systems.

* * * * *

(g) All transmitters operating under a single DTS license must follow the same digital broadcast television transmission standard.

■ 7. Amend § 73.682 by adding paragraph (f) to read as follows:

§ 73.682 TV transmission standards.

* * * * *

(f) *Next Gen TV broadcast television transmission standard authorized.* (1) As an alternative to broadcasting only an ATSC 1.0 signal using the DTV transmission standard set forth in paragraph (d) of this section, DTV licensees or permittees may choose to broadcast an ATSC 3.0 signal using the Next Gen TV transmission standard set forth in this paragraph (f), provided it also broadcasts a simulcast signal in ATSC 1.0 (using the DTV transmission standard in § 73.682(d)).

(2) Effective March 5, 2018, transmission of Next Gen TV broadcast television (ATSC 3.0) signals shall comply with the standards for such transmissions set forth in ATSC A/321:2016, ''System Discovery and Signaling'' (March 23, 2016) (incorporated by reference, see § 73.8000). To the extent that virtual channels (specified in the DTV transmission standard referenced in ATSC A/65C:2006 in paragraph (d) of this section) are used in the transmission of Next Gen TV broadcasting, major channel numbers shall be assigned as required by ATSC A/65C:2006 Annex B (incorporated by reference, see § 73.8000). In addition, until February 2, 2023, such signals shall also comply with the standards set forth in ATSC A/322:2017 ''Physical Layer Protocol'' (June 6, 2017) (incorporated by reference, see § 73.8000) with respect to the transmission of at least one free over the air primary video programming stream.

■ 8. Add § 73.3801 to subpart H to read as follows:

§ 73.3801 Full power television simulcasting during the ATSC 3.0 (Next Gen TV) transition.

(a) *Simulcasting arrangements.* For purposes of compliance with the simulcasting requirement in paragraph (b) of this section, a full power television station may partner with one or more other full power stations or with one or more Class A, LPTV, or TV translator stations in a simulcasting arrangement for purposes of airing either an ATSC 1.0 or ATSC 3.0 signal on a host station's (*i.e.,* a station whose facilities are being used to transmit programming originated by another station) facilities. Noncommercial educational television stations may participate in simulcasting arrangements with commercial stations.

(1) A full power television station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a Class A host station must comply with the rules governing power levels and interference applicable to Class A stations, and must comply in all other respects with the rules and policies applicable to full power television stations set forth in this part.

(2) A full power television station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a low power television or TV translator host station must comply with the rules of part 74 of this chapter governing power levels and interference applicable to low power television or TV translator stations, and must comply in all other respects with the rules and policies applicable to full power television stations set forth in this part.

(3) A full power noncommercial educational television (NCE) station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a commercial television host station must comply with the rules applicable to NCE licensees.

(b) *Simulcasting requirement.* A full power television station that chooses to air an ATSC 3.0 signal must simulcast the primary video programming stream of that signal in an ATSC 1.0 format. This requirement does not apply to any multicast streams aired on the ATSC 3.0 channel.

(1) The programming aired on the ATSC 1.0 simulcast signal must be ''substantially similar'' to that aired on the ATSC 3.0 primary video programming stream. For purposes of this section, ''substantially similar'' means that the programming must be the same except for advertisements, promotions for upcoming programs, and programming features that are based on the enhanced capabilities of ATSC 3.0. These enhanced capabilities include:

(i) Hyper-localized content (*e.g.,* geo-targeted weather, targeted emergency alerts, and hyper-local news):

(ii) Programming features or improvements created for the ATSC 3.0 service (*e.g.,* emergency alert ''wake up'' ability and interactive program features);

(iii) Enhanced formats made possible by ATSC 3.0 technology (*e.g.,* 4K or HDR); and

(iv) Personalization of programming performed by the viewer and at the viewer's discretion. (2) For purposes of paragraph (b)(1) of this section, programming that airs at a different time on the ATSC 1.0 simulcast signal than on the primary video programming stream of the ATSC 3.0 signal is not considered ''substantially similar.''

(c) *Coverage requirements for the ATSC 1.0 simulcast signal.* For full power broadcasters that elect temporarily to relocate their ATSC 1.0 signal to the facilities of a host station for purposes of deploying ATSC 3.0

service (and that convert their existing facilities to ATSC 3.0), the ATSC 1.0 simulcast signal must continue to cover the station's entire community of license (*i.e.,* the station must choose a host from whose transmitter site the Next Gen TV station will continue to meet the community of license signal requirement over its current community of license, as required by § 73.625) and the host station must be assigned to the same Designated Market Area (DMA) as the originating station (*i.e.,* the station whose programming is being transmitted on the host station).

(d) *Coverage requirements for ATSC 3.0 signals.* For full power broadcasters that elect to continue broadcasting in ATSC 1.0 on the station's existing facilities and transmit an ATSC 3.0 signal on the facilities of a host station, the ATSC 3.0 signal must be established on a host station assigned to the same DMA as the originating station.

(e) *Simulcasting agreements.* (1) Simulcasting agreements must contain provisions outlining each licensee's rights and responsibilities regarding:

(i) Access to facilities, including whether each licensee will have unrestrained access to the host station's transmission facilities;

(ii) Allocation of bandwidth within the host station's channel;

(iii) Operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party's financial obligations, and any relevant notice provisions;

(iv) Conditions under which the simulcast agreement may be terminated, assigned or transferred; and

(v) How a guest station's (*i.e.,* a station originating programming that is being transmitted using the facilities of another station) signal may be transitioned off the host station.

(2) Broadcasters must maintain a written copy of any simulcasting agreement and provide it to the Commission upon request.

(f) *Licensing of simulcasting stations and stations converting to ATSC 3.0 operation.* (1) Each station participating in a simulcasting arrangement pursuant to this section shall continue to be licensed and operated separately, have its own call sign, and be separately subject to all applicable Commission obligations, rules, and policies. ATSC 1.0 and ATSC 3.0 signals aired on the facilities of a host station will be licensed as temporary second channels of the originating station. The Commission will include a note on the originating station's license identifying any ATSC 1.0 or ATSC 3.0 signal being aired on the facilities of a host station. The Commission will also include a note on a host station's license identifying any ATSC 1.0 or ATSC 3.0 guest signal(s) being aired on the facilities of the host station.

(2) *Application required.* A full power broadcaster must file an application (FCC Form 2100) with the Commission, and receive Commission approval, before:

(i) Moving its ATSC 1.0 signal to the facilities of a host station, moving that signal from the facilities of an existing host station to the facilities of a different host station, or discontinuing an ATSC 1.0 guest signal;

(ii) Commencing the airing of an ATSC 3.0 signal on the facilities of a host station (that has already converted to ATSC 3.0 operation), moving its ATSC 3.0 signal to the facilities of a different host station, or discontinuing an ATSC 3.0 guest signal; or

(iii) Converting its existing station to transmit an ATSC 3.0 signal or converting the station from ATSC 3.0 back to ATSC 1.0 transmissions.

(3) *Streamlined process.* With respect to any application in paragraph (f)(2) of this section, a full power broadcaster may file only an application for modification of license, provided no other changes are being requested in such application that would require the filing of an application for a construction permit as otherwise required by the rules (*see, e.g.,* § 73.1690).

(4) *Host station.* A host station must first make any necessary changes to its facilities before a guest station may file an application to air a 1.0 or 3.0 signal on such host.

(5) *Expedited processing.* An application filed in accordance with the streamlined process in paragraph (f)(3) of this section will receive expedited processing provided, for stations requesting to air an ATSC 1.0 signal on the facilities of a host station, the station will provide ATSC 1.0 service to at least 95 percent of the predicted population within the noise limited service contour of its original ATSC 1.0 facility.

(6) *Required information.* (i) An application in paragraph (f)(2) of this section must include the following information:

(A) The station serving as the host, if applicable;

(B) The technical facilities of the host station, if applicable;

(C) The DMA of the originating broadcaster's facility and the DMA of the host station, if applicable; and

(D) Any other information deemed necessary by the Commission to process the application.

(ii) If an application in paragraph (f)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station, the broadcaster must, in addition to the information in paragraph (f)(6)(i), also indicate on the application:

(A) The predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal;

(B) The predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal that will lose the station's ATSC 1.0 service as a result of the simulcasting arrangement, including identifying areas of service loss by providing a contour overlap map; and

(C) Whether the ATSC 1.0 simulcast signal aired on the host station will serve at least 95 percent of the population in paragraph (f)(6)(ii)(A) of this section.

(iii)(A) If an application in paragraph (f)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station and does not meet the 95 percent standard in paragraph (f)(6)(ii) of this section, the application must contain, in addition to the information in paragraphs (f)(6)(i) and (ii) of this section, the following information:

(*1*) Whether there is another possible host station(s) in the market that would result in less service loss to existing viewers and, if so, why the Next Gen TV broadcaster chose to partner with a host station creating a larger service loss;

(*2*) What steps, if any, the station plans to take to minimize the impact of the service loss (*e.g.,* providing ATSC 3.0 dongles, set-top boxes, or gateway devices to viewers in the loss area); and

(*3*) The public interest benefits of the simulcasting arrangement and a showing of why the benefit(s) of granting the application would outweigh the harm(s).

(B) These applications will be considered on a case-by-case basis.

(g) *Consumer education for Next Gen TV stations.* (1) Commercial and noncommercial educational stations that relocate their ATSC 1.0 signals (*e.g.,* moving to a host station's facility, subsequently moving to a different host, or returning to its original facility) are required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. Stations that transition directly to ATSC 3.0 will be required to air daily PSAs or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.

(2) *PSAs.* Each PSA must be provided in the same language as a majority of the programming carried by the transitioning station and be closed-captioned.

(3) *Crawls.* Each crawl must be provided in the same language as a majority of the programming carried by the transitioning station.

(4) *Content of PSAs or crawls.* For stations relocating their ATSC 1.0 signals or transitioning directly to ATSC 3.0, each PSA or crawl must provide all pertinent information to consumers.

(h) *Notice to MVPDs.* (1) Next Gen TV stations relocating their ATSC 1.0 signals (*e.g.,* moving to a temporary host station's facilities, subsequently moving to a different host, or returning to its original facility) must provide notice to MVPDs that:

(i) No longer will be required to carry the station's ATSC 1.0 signal due to the relocation; or

(ii) Carry and will continue to be obligated to carry the station's ATSC 1.0 signal from the new location.

(2) The notice required by this section must contain the following information:

(i) Date and time of any ATSC 1.0 channel changes;

(ii) The ATSC 1.0 channel occupied by the station before and after commencement of local simulcasting;

(iii) Modification, if any, to antenna position, location, or power levels;

(iv) Stream identification information; and

(v) Engineering staff contact information.

(3) If any of the information in paragraph (h)(2) of this section changes, an amended notification must be sent.

(4)(i) Next Gen TV stations must provide notice as required by this section:

(A) At least 120 days in advance of relocating their ATSC 1.0 signals if the relocation occurs during the post-incentive auction transition period; or

(B) At least 90 days in advance of relocating their ATSC 1.0 signals if the relocation occurs after the post-incentive auction transition period (*see* 47 CFR 27.4).

(ii) If the anticipated date of the ATSC 1.0 signal relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.

(5) Next Gen TV stations may choose whether to provide notice as required by this section either by a letter notification or electronically via email if the relevant MVPD agrees to receive such notices by email. Letter notifications to MVPDs must be sent by certified mail, return receipt requested to the MVPD's address in the FCC's Online Public Inspection File (OPIF), if the MVPD has an online file. For cable systems that do not have an online file, notices must be sent to the cable system's official address of record provided in the system's most recent filing in the FCC's Cable Operations and Licensing System (COALS). For MVPDs with no official address in OPIF or COALS, the letter must be sent to the MVPD's official corporate address registered with their State of incorporation.

■ 9. Add § 73.6029 to subpart J to read as follows:

§ 73.6029 Class A television simulcasting during the ATSC 3.0 (Next Gen TV) transition.

(a) *Simulcasting arrangements.* For purposes of compliance with the simulcasting requirement in paragraph (b) of this section, a Class A television station may partner with one or more other Class A stations or with one or more full power, LPTV, or TV translator stations in a simulcasting arrangement for purposes of airing either an ATSC 1.0 or ATSC 3.0 signal on a host station's (*i.e.,* a station whose facilities are being used to transmit programming originated by another station) facilities.

(1) A Class A television station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a full power host station must comply with the rules of Part 73 of this chapter governing power levels and interference, and must comply in all other respects with the rules and policies applicable to Class A television stations, as set forth in this subpart.

(2) A Class A television station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a low power television or TV translator host station must comply with the rules of part 74 of this chapter governing power levels and interference that are applicable to low power television or TV translator stations, and must comply in all other respects with the rules and policies applicable to Class A television stations, as set forth in this subpart.

(b) *Simulcasting requirement.* A Class A television station that chooses to air an ATSC 3.0 signal must simulcast the primary video programming stream of that signal in an ATSC 1.0 format. This requirement does not apply to any multicast streams aired on the ATSC 3.0 channel.

(1) The programming aired on the ATSC 1.0 simulcast signal must be ''substantially similar'' to that aired on the ATSC 3.0 primary video programming stream. For purposes of this section, ''substantially similar'' means that the programming must be the same except for advertisements, promotions for upcoming programs, and programming features that are based on the enhanced capabilities of ATSC 3.0. These enhanced capabilities include:

(i) Hyper-localized content (*e.g.,* geo-targeted weather, targeted emergency alerts, and hyper-local news):

(ii) Programming features or improvements created for the ATSC 3.0 service (*e.g.,* emergency alert ''wake up'' ability and interactive program features);

(iii) Enhanced formats made possible by ATSC 3.0 technology (*e.g.,* 4K or HDR); and

(iv) Personalization of programming performed by the viewer and at the viewer's discretion.

(2) For purposes of paragraph (b)(1) of this section, programming that airs at a different time on the ATSC 1.0 simulcast signal than on the primary video programming stream of the ATSC 3.0 signal is not considered ''substantially similar.''

(c) *Coverage requirements for the ATSC 1.0 simulcast signal.* For Class A broadcasters that elect temporarily to relocate their ATSC 1.0 signal to the facilities of a host station for purposes of deploying ATSC 3.0 service (and that convert their existing facilities to ATSC 3.0), the station:

(1) Must maintain overlap between the protected contour (§ 73.6010(c)) of its existing signal and its ATSC 1.0 simulcast signal;

(2) May not relocate its ATSC 1.0 simulcast signal more than 30 miles from the reference coordinates of the relocating station's existing antenna location; and

(3) Must select a host station assigned to the same DMA as the originating station (*i.e.,* the station whose programming is being transmitted on the host station).

(d) *Coverage requirements for ATSC 3.0 signals.* For Class A broadcasters that elect to continue broadcasting in ATSC 1.0 from the station's existing facilities and transmit an ATSC 3.0 signal on the facilities of a host station, the ATSC 3.0 signal must be established on a host station assigned to the same DMA as the originating station.

(e) *Simulcasting agreements.* (1) Simulcasting agreements must contain provisions outlining each licensee's rights and responsibilities regarding:

(i) Access to facilities, including whether each licensee will have unrestrained access to the host station's transmission facilities;

(ii) Allocation of bandwidth within the host station's channel;

(iii) Operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party's financial

obligations, and any relevant notice provisions;

(iv) Conditions under which the simulcast agreement may be terminated, assigned or transferred; and

(v) How a guest station's (*i.e.,* a station originating programming that is being transmitted using the facilities of a host station) signal may be transitioned off the host station.

(2) Broadcasters must maintain a written copy of any simulcasting agreement and provide it to the Commission upon request.

(f) *Licensing of simulcasting stations and stations converting to ATSC 3.0 operation.* (1) Each station participating in a simulcasting arrangement pursuant to this section shall continue to be licensed and operated separately, have its own call sign, and be separately subject to all applicable Commission obligations, rules, and policies. ATSC 1.0 and ATSC 3.0 signals aired on the facilities of a host station will be licensed as temporary second channels of the originating station. The Commission will include a note on the originating station's license identifying any ATSC 1.0 or ATSC 3.0 signal being aired on the facilities of a host station. The Commission will also include a note on a host station's license identifying any ATSC 1.0 or ATSC 3.0 guest signal(s) being aired on the facilities of the host station.

(2) *Application required.* A Class A broadcaster must file an application (FCC Form 2100) with the Commission, and receive Commission approval, before:

(i) Moving its ATSC 1.0 signal to the facilities of a host station, moving that signal from the facilities of an existing host station to the facilities of a different host station, or discontinuing an ATSC 1.0 guest signal;

(ii) Commencing the airing of an ATSC 3.0 signal on the facilities of a host station (that has already converted to ATSC 3.0 operation), moving its ATSC 3.0 signal to the facilities of a different host station, or discontinuing an ATSC 3.0 guest signal; or

(iii) Converting its existing station to transmit an ATSC 3.0 signal or converting the station from ATSC 3.0 back to ATSC 1.0 transmissions.

(3) *Streamlined process.* With respect to an application in paragraph (f)(2) of this section, a Class A broadcaster may file only an application for modification of license provided no other changes are being requested in such application that would require the filing of an application for a construction permit as otherwise required by the rules (*see, e.g.,* § 73.1690).

(4) *Host station.* A host station must first make any necessary changes to its facilities before a guest station may file an application to air a 1.0 or 3.0 signal on such host.

(5) *Expedited processing.* An application filed in accordance with the streamlined process in paragraph (f)(3) of this section will receive expedited processing provided, for stations requesting to air an ATSC signal on the facilities of a host station, the station will provide ATSC 1.0 service to at least 95 percent of the predicted population within the noise limited service contour of its original ATSC 1.0 facility.

(6) *Required information.* (i) An application in paragraph (f)(2) of this section must include the following information:

(A) The station serving as the host, if applicable;

(B) The technical facilities of the host station, if applicable;

(C) The DMA of the originating broadcaster's facility and the DMA of the host station, if applicable; and

(D) Any other information deemed necessary by the Commission to process the application.

(ii) If an application in paragraph (f)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station, the broadcaster must, in addition to the information in paragraph (f)(6)(i), also indicate on the application:

(A) The predicted population within the protected contour served by the station's original ATSC 1.0 signal;

(B) The predicted population within the protected contour served by the station's original ATSC 1.0 signal that will lose the station's ATSC 1.0 service as a result of the simulcasting arrangement, including identifying areas of service loss by providing a contour overlap map; and

(C) Whether the ATSC 1.0 simulcast signal aired on the host station will serve at least 95 percent of the population in paragraph (f)(6)(ii)(A) of this section.

(iii)(A) If an application in paragraph (f)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station and does not meet the 95 percent standard in paragraph (f)(6)(ii) of this section, the application must contain, in addition to the information in paragraphs (f)(6)(i) and (ii) of this section, the following information:

(*1*) Whether there is another possible host station(s) in the market that would result in less service loss to existing viewers and, if so, why the Next Gen TV broadcaster chose to partner with a host station creating a larger service loss;

(*2*) What steps, if any, the station plans to take to minimize the impact of the service loss (*e.g.,* providing ATSC 3.0 dongles, set-top boxes, or gateway devices to viewers in the loss area); and

(*3*) The public interest benefits of the simulcasting arrangement and a showing of why the benefit(s) of granting the application would outweigh the harm(s).

(B) These applications will be considered on a case-by-case basis.

(g) *Consumer education for Next Gen TV stations.* (1) Class A stations that relocate their ATSC 1.0 signals (*e.g.,* moving to a host station's facilities, subsequently moving to a different host, or returning to its original facility) will be required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. Stations that transition directly to ATSC 3.0 will be required to air daily PSAs or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.

(2) *PSAs.* Each PSA must be provided in the same language as a majority of the programming carried by the transitioning station and be closed-captioned.

(3) *Crawls.* Each crawl must be provided in the same language as a majority of the programming carried by the transitioning station.

(4) *Content of PSAs or crawls.* For stations relocating their ATSC 1.0 signals or transitioning directly to ATSC 3.0, each PSA or crawl must provide all pertinent information to consumers.

(h) *Notice to MVPDs.* (1) Next Gen TV stations relocating their ATSC 1.0 signals (*e.g.,* moving to a temporary host station's facilities, subsequently moving to a different host, or returning to its original facility) must provide notice to MVPDs that:

(i) No longer will be required to carry the station's ATSC 1.0 signal due to the relocation; or

(ii) Carry and will continue to be obligated to carry the station's ATSC 1.0 signal from the new location.

(2) The notice required by this section must contain the following information:

(i) Date and time of any ATSC 1.0 channel changes;

(ii) The ATSC 1.0 channel occupied by the station before and after commencement of local simulcasting;

(iii) Modification, if any, to antenna position, location, or power levels;

(iv) Stream identification information; and

(v) Engineering staff contact information.

(3) If any of the information in paragraph (h)(2) of this section changes, an amended notification must be sent.

(4)(i) Next Gen TV stations must provide notice as required by this section:

(A) At least 120 days in advance of relocating their ATSC 1.0 signals if the relocation occurs during the post-incentive auction transition period; or

(B) At least 90 days in advance of relocating their ATSC 1.0 signals if the relocation occurs after the post-incentive auction transition period.

(ii) If the anticipated date of the ATSC 1.0 signal relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.

(5) Next Gen TV stations may choose whether to provide notice as required by this section either by a letter notification or electronically via email if the relevant MVPD agrees to receive such notices by email. Letter notifications to MVPDs must be sent by certified mail, return receipt requested to the MVPD's address in the FCC's Online Public Inspection File (OPIF), if the MVPD has an online file. For cable systems that do not have an online file, notices may be sent to the cable system's official address of record provided in the system's most recent filing in the FCC's Cable Operations and Licensing System (COALS). For MVPDs with no official address in OPIF or COALS, the letter must be sent to the MVPD's official corporate address registered with their State of incorporation.

■ 10. Amend § 73.8000 by adding paragraphs (b)(6) and (7) to read as follows:

§ 73.8000 Incorporation by reference.

* * * * *

(b) * * *

(6) ATSC A/321:2016, ''System Discovery and Signaling'' (March 23, 2016), IBR approved for § 73.682.

(7) ATSC A/322:2017 ''Physical Layer Protocol'' (June 6, 2017), IBR approved for § 73.682.

* * * * *

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 11. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336 and 554.

■ 12. Add § 74.782 to subpart G to read as follows:

§ 74.782 Low power television and TV translator simulcasting during the ATSC 3.0 (Next Gen TV) transition.

(a) *Simulcasting arrangements.* While broadcasters are voluntarily deploying ATSC 3.0, a low power television (LPTV) or TV translator station may partner with one or more other LPTV or TV translator stations or with one or more full power or Class A stations in a simulcasting arrangement for purposes of airing either an ATSC 1.0 or ATSC 3.0 signal on a host station's (*i.e.,* a station whose facilities are being used to transmit programming originated by another station) facilities.

(1) An LPTV or TV translator station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a full power host station must comply with the rules of part 73 of this chapter governing power levels and interference, and must comply in all other respects with the rules and policies applicable to low power television or TV translator stations set forth in this part.

(2) An LPTV or TV translator station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a Class A host station must comply with the rules governing power levels and interference applicable to Class A television stations, and must comply in all other respects with the rules and policies applicable to LPTV or TV translator stations as set forth in Part 74 of this chapter.

(b) *Simulcasting requirement.* An LPTV or TV translator station that elects voluntarily to simulcast while broadcasters are voluntarily deploying ATSC 3.0 must simulcast the primary video programming stream of their ATSC 3.0 signal in an ATSC 1.0 format. This requirement does not apply to any multicast streams aired on the ATSC 3.0 channel.

(1) The programming aired on the ATSC 1.0 simulcast signal must be ''substantially similar'' to that aired on the ATSC 3.0 primary video programming stream. For purposes of this section, ''substantially similar'' means that the programming must be the same except for advertisements, promotions for upcoming programs, and programming features that are based on the enhanced capabilities of ATSC 3.0. These enhanced capabilities include:

(i) Hyper-localized content (*e.g.,* geo-targeted weather, targeted emergency alerts, and hyper-local news):

(ii) Programming features or improvements created for the ATSC 3.0 service (*e.g.,* emergency alert ''wake up'' ability and interactive program features);

(iii) Enhanced formats made possible by ATSC 3.0 technology (*e.g.,* 4K or HDR); and

(iv) Personalization of programming performed by the viewer and at the viewer's discretion.

(2) For purposes of paragraph (b)(1) of this section, programming that airs at a different time on the ATSC 1.0 simulcast signal than on the primary video programming stream of the ATSC 3.0 signal is not considered ''substantially similar.''

(c) *Transitioning directly to ATSC 3.0.* LPTV and TV translator stations may transition directly from ATSC 1.0 to ATSC 3.0 operation without simulcasting.

(d) *Coverage requirements for the ATSC 1.0 simulcast channel.* For LPTV and TV translator stations that elect voluntarily to simulcast and temporarily to relocate their ATSC 1.0 signal to the facilities of a host station for purposes of deploying ATSC 3.0 service (and that convert their existing facilities to ATSC 3.0), the station:

(1) Must maintain overlap between the protected contour of its existing facilities and its ATSC 1.0 simulcast signal;

(2) May not relocate its ATSC 1.0 simulcast signal more than 30 miles from the reference coordinates of the relocating station's existing antenna location; and

(3) Must select a host station assigned to the same Designated Market Area as the originating station (*i.e.,* the station whose programming is being transmitted on the host station).

(e) *Coverage requirements for ATSC 3.0 signals.* For LPTV and TV translator stations that elect voluntarily to simulcast and to continue broadcasting in ATSC 1.0 from the station's existing facilities and transmit an ATSC 3.0 signal from a host location, the ATSC 3.0 signal must be established on a host station assigned to the same DMA as the originating station.

(f) *Simulcasting agreements.* (1) Simulcasting agreements must contain provisions outlining each licensee's rights and responsibilities regarding:

(i) Access to facilities, including whether each licensee will have unrestrained access to the host station's transmission facilities;

(ii) Allocation of bandwidth within the host station's channel;

(iii) Operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party's financial obligations, and any relevant notice provisions;

(iv) Conditions under which the simulcast agreement may be terminated, assigned or transferred; and

(v) How a guest's station's (*i.e.,* a station originating programming that is

being transmitted using the facilities of a host station) signal may be transitioned off the host station.

(2) LPTV and TV translators must maintain a written copy of any simulcasting agreement and provide it to the Commission upon request.

(g) *Licensing of simulcasting stations and stations converting to ATSC 3.0 operation.* (1) Each station participating in a simulcasting arrangement pursuant to this section shall continue to be licensed and operated separately, have its own call sign, and be separately subject to all applicable Commission obligations, rules, and policies. ATSC 1.0 and ATSC 3.0 signals aired on the facilities of a host station will be licensed as temporary second channels of the originating station. The Commission will include a note on the originating station's license identifying any ATSC 1.0 or ATSC 3.0 signal being aired on the facilities of a host station. The Commission will also include a note on a host station's license identifying any ATSC 1.0 or ATSC 3.0 guest signal(s) being aired on the facilities of the host station.

(2) *Application required.* An LPTV or TV translator broadcaster must file an application (FCC Form 2100) with the Commission, and receive Commission approval, before:

(i) Moving its ATSC 1.0 signal to the facilities of a host station, moving that signal from the facilities of an existing host station to the facilities of a different host station, or discontinuing an ATSC 1.0 guest signal;

(ii) Commencing the airing of an ATSC 3.0 signal on the facilities of a host station (that has already converted to ATSC 3.0 operation), moving its ATSC 3.0 signal to the facilities of a different host station, or discontinuing an ATSC 3.0 guest signal; or

(iii) Converting its existing station to transmit an ATSC 3.0 signal or converting the station from ATSC 3.0 back to ATSC 1.0 transmissions.

(3) *Streamlined process.* With respect to an application in paragraph (g)(2) of this section, an LPTV or TV translator broadcaster may file only an application for modification of license provided no other changes are being requested in such application that would require the filing of an application for a construction permit as otherwise required by the rules (*see, e.g.,* §§ 74.751 and 74.787).

(4) *Host station.* A host station must first make any necessary changes to its facilities before a guest station may file an application to air a 1.0 or 3.0 signal on such host.

(5) *Expedited processing.* An application filed in accordance with the streamlined process in paragraph (g)(3) of this section will receive expedited processing provided, for LPTV and TV translator stations seeking voluntarily to simulcast and to air an ATSC 1.0 signal on the facilities of a host station, the station will provide ATSC 1.0 service to at least 95 percent of the predicted population within the protected contour of its original ATSC 1.0 facility.

(6) *Required information.* (i) An application in paragraph (g)(2) of this section must include the following information:

(A) The station serving as the host, if applicable;

(B) The technical facilities of the host station, if applicable;

(C) The DMA of the originating broadcaster's facility and the DMA of the host station, if applicable; and

(D) Any other information deemed necessary by the Commission to process the application.

(ii) If an application in paragraph (g)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station, the LPTV or TV translator broadcaster must also indicate on the application:

(A) The predicted population within the protected contour served by the station's original ATSC 1.0 signal;

(B) The predicted population within the protected contour served by the station's original ATSC 1.0 signal that will lose the station's ATSC 1.0 service as a result of the simulcasting arrangement, including identifying areas of service loss by providing a contour overlap map; and

(C) Whether the ATSC 1.0 simulcast signal aired on the host station will serve at least 95 percent of the population in paragraph (g)(6)(ii)(A) of this section.

(iii) If an application in paragraph (g)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station and does not meet the 95 percent standard in paragraph (g)(6)(ii) of this section, the application must contain, in addition to the information in paragraphs (g)(6)(i) and (ii) of this section, the following information:

(A) Whether there is another possible host station(s) in the market that would result in less service loss to existing viewers and, if so, why the Next Gen TV broadcaster chose to partner with a host station creating a larger service loss;

(B) What steps, if any, the station plans to take to minimize the impact of the service loss (*e.g.,* providing ATSC 3.0 dongles, set-top boxes, or gateway devices to viewers in the loss area); and

(C) The public interest benefits of the simulcasting arrangement and a showing of why the benefit(s) of granting the application would outweigh the harm(s). These applications will be considered on a case-by-case basis.

(h) *Consumer education for Next Gen TV stations.* (1) LPTV and TV translator stations that elect voluntarily to simulcast and that relocate their ATSC 1.0 signals (*e.g.,* moving to a host station's facilities, subsequently moving to a different host, or returning to its original facility) will be required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. LPTV and TV translator stations that transition directly to ATSC 3.0 will be required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.

(2) *PSAs.* Each PSA must be provided in the same language as a majority of the programming carried by the transitioning station and be closed-captioned.

(3) *Crawls.* Each crawl must be provided in the same language as a majority of the programming carried by the transitioning station.

(4) *Content of PSAs or crawls.* For stations relocating their ATSC 1.0 signals or transitioning directly to ATSC 3.0, each PSA or crawl must provide all pertinent information to consumers.

(i) *Notice to MVPDs.* (1) Next Gen TV stations relocating their ATSC 1.0 simulcast signals (*e.g.,* moving to a temporary host station's facilities, subsequently moving to a different host, or returning to its original facility) must provide notice to MVPDs that:

(i) No longer will be required to carry the station's ATSC 1.0 signal due to the relocation; or

(ii) Carry and will continue to be obligated to carry the station's ATSC 1.0 signal from the new location.

(2) The notice required by this section must contain the following information:

(i) Date and time of any ATSC 1.0 channel changes;

(ii) The ATSC 1.0 channel occupied by the station before and after commencement of local simulcasting;

(iii) Modification, if any, to antenna position, location, or power levels;

(iv) Stream identification information; and

(v) Engineering staff contact information.

(3) If any of the information in paragraph (f)(2) of this section changes, an amended notification must be sent.

(4)(i) Next Gen TV stations must provide notice as required by this section:

(A) At least 120 days in advance of relocating their ATSC 1.0 simulcast signals if the relocation occurs during the post-incentive auction transition period; or

(B) At least 90 days in advance of relocating their 1.0 simulcast signals if the relocation occurs after the post-incentive auction transition period.

(ii) If the anticipated date of the ATSC 1.0 service relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.

(5) Next Gen TV stations may choose whether to provide notice as required by this section either by a letter notification or electronically via email if the relevant MVPD agrees to receive such notices by email. Letter notifications to MVPDs must be sent by certified mail, return receipt requested to the MVPD's address in the FCC's Online Public Inspection File (OPIF), if the MVPD has an online file. For cable systems that do not have an online file, notices must be sent to the cable system's official address of record provided in the system's most recent filing in the FCC's Cable Operations and Licensing System (COALS). For MVPDs with no official address in OPIF or COALS, the letter must be sent to the MVPD's official corporate address registered with their State of incorporation.

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 13. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 14. Amend § 76.56 by adding paragraph (h) to read as follows:

§ 76.56 Signal carriage obligations.

* * * * *

(h) *Next Gen TV carriage rights.* (1) A broadcast television station that chooses to deploy Next Gen TV service, see § 73.682(f) of this chapter, may assert mandatory carriage rights under this section only with respect to its ATSC 1.0 signal and may not assert mandatory carriage rights with respect to its ATSC 3.0 signal.

(2) With respect to a Next Gen TV station that moves its 1.0 simulcast signal to a host station's (*i.e.,* a station whose facilities are being used to transmit programming originated by another station) facilities, the station may assert mandatory carriage rights under this section only if it:

(i) Qualified for, and has been exercising, mandatory carriage rights at its original location; and

(ii) Continues to qualify for mandatory carriage at the host station's facilities, including (but not limited to) delivering a good quality 1.0 signal to the cable system principal headend, or agreeing to be responsible for the costs of delivering such 1.0 signal to the cable system.

■ 15. Amend § 76.66 by adding paragraph (o) to read as follows:

§ 76.66 Satellite broadcast signal carriage.

* * * * *

(o) *Next Gen TV carriage rights.* (1) A broadcast television station that chooses to deploy Next Gen TV service, see § 73.682(f) of this chapter, may assert mandatory carriage rights under this section only with respect to its ATSC 1.0 signal and may not assert mandatory carriage rights with respect to its ATSC 3.0 signal.

(2) With respect to a Next Gen TV station that moves its 1.0 simulcast signal to a host station's (*i.e.,* a station whose facilities are being used to transmit programming originated by another station) facilities, the station may assert mandatory carriage rights under this section only if it:

(i) Qualified for, and has been exercising, mandatory carriage rights at its original location; and

(ii) Continues to qualify for mandatory carriage at the host station's facilities, including (but not limited to) delivering a good quality 1.0 signal to the satellite carrier local receive facility, or agreeing to be responsible for the costs of delivering such 1.0 signal to the satellite carrier.

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FEDERAL REGISTER PAGES AND DATE, FEBRUARY

CFR PARTS AFFECTED DURING FEBRUARY

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.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**

In the **List of Public Laws** printed in the *Federal Register* on January 31, 2018, H.R. 4641, a private bill, was assigned incorrectly as P.L. 115-122. It has now been assigned a private law number. The last public law number assigned was P.L. 115-121.

Last List January 31, 2018

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