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Presidential Documents

Title 3—

The President

Executive Order 13824 of February 26, 2018

President's Council on Sports, Fitness, and Nutrition

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to promote the economic, academic, and social benefits of youth sports, fitness, and nutrition, it is hereby ordered as follows:

Section 1. *Revocation.* Executive Order 13545 of June 22, 2010, is hereby revoked.

Sec. 2. *Amendment.* Executive Order 13265 of June 6, 2002, is hereby amended as follows:

(a) The title is revised to read as follows: ''President's Council on Sports, Fitness, and Nutrition.''

(b) The preamble is revised to replace the phrase, ''President's Council on Physical Fitness and Sports'' with ''President's Council on Sports, Fitness, and Nutrition.''

(c) Sections 1 through 5 are revised to read as follows:

''**Section 1**. *Purpose.* My Administration recognizes the benefits of youth sports participation, physical activity, and a nutritious diet in helping create habits that support a healthy lifestyle and improve the overall health of the American people. My Administration therefore aims to expand and encourage youth sports participation, and to promote the overall physical fitness, health, and nutrition of all Americans.

Good health, including physical activity and proper nutrition, supports Americans', particularly children's, well-being, growth, and development. Participating in sports allows children to experience the connection between effort and success, and it enhances their academic, economic, and social prospects. Many of America's leaders attribute their lifetime achievements to lessons learned through sports participation and athletic activity. Additionally, youth sports help working parents and guardians by providing their children opportunities to engage in productive, positive activities outside of school. Unfortunately, during the past decade youth participation in team sports has declined. As of 2016, only 37 percent of children played team sports on a regular basis, down from 45 percent in 2008. Particularly troubling is that sports participation disproportionately lags among young girls and children who are from economically distressed areas.

Sec. 2. *Policy.* (a) The Secretary of Health and Human Services (Secretary), in carrying out the Secretary's responsibilities for public health and human services, shall develop a national strategy to expand children's participation in youth sports, encourage regular physical activity, including active play, and promote good nutrition for all Americans. This national strategy shall focus on children and youth in communities with below-average sports participation and communities with limited access to athletic facilities or recreational areas. Through this national strategy, the Secretary shall seek to:

(i) increase awareness of the benefits of participation in sports and regular physical activity, as well as the importance of good nutrition;

(ii) promote private and public sector strategies to increase participation in sports, encourage regular physical activity, and improve nutrition;

(iii) develop metrics that gauge youth sports participation and physical activity to inform efforts that will improve participation in sports and regular physical activity among young Americans; and

(iv) establish a national and local strategy to recruit volunteers who will encourage and support youth participation in sports and regular physical activity, through coaching, mentoring, teaching, or administering athletic and nutritional programs.

Sec. 3. *The President's Council on Sports, Fitness, and Nutrition.* (a) There is hereby established the President's Council on Sports, Fitness, and Nutrition (Council).

(b) The Council shall be composed of up to 30 members recommended by the Secretary and appointed by the President. Members shall serve for a term of 2 years, shall be eligible for reappointment, and may continue to serve after the expiration of their terms until the appointment of a successor. The President may designate one or more of the members as Chair or Vice Chair.

Sec. 4. *Functions of the Council.* (a) The Council shall advise the President, through the Secretary, concerning progress made in carrying out the provisions of this order and shall recommend to the President, through the Secretary, actions to accelerate such progress.

(b) The Council shall recommend to the Secretary actions to expand opportunities at the national, State, and local levels for participation in sports and engagement in physical fitness and activity.

(c) The Council's performance of these functions shall take into account the Department of Health and Human Services' Physical Activity Guidelines for Americans, including consideration for youth with disabilities.

Sec. 5. *Administration.* (a) Each executive department and agency shall, to the extent permitted by law and subject to the availability of funds, furnish such information and assistance to the Secretary and the Council as they may request.

(b) The members of the Council shall serve without compensation for their work on the Council. Members of the Council may, however, receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707).

(c) To the extent permitted by law, the Secretary shall furnish the Council with necessary staff, supplies, facilities, and other administrative services. The expenses of the Council shall be paid from funds available to the Secretary.

(d) The Secretary shall appoint an Executive Director of the Council who shall serve as a liaison to the Secretary and the Advisor to the President on matters and activities pertaining to the Council.

(e) The Council may, with the approval of the Secretary, establish subcommittees as appropriate to aid in its work.

(f) The seal prescribed by Executive Order 10830 of July 24, 1959, as amended, shall be modified to reflect the name of the Council as established by this order.''

(d) Section 5 is relabeled as Section 6 and amended as follows:

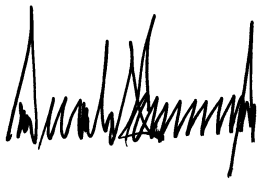
(a) A new subsection (d) is added to read: ''Nothing in this order shall be construed to impair or otherwise affect:

(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) A new subsection (e) is added to read: ''This order shall be implemented consistent with applicable law and subject to the availability of appropriations.''

(c) A new subsection (f) is added to read: ''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,
February 26, 2018.

[FR Doc. 2018–04414
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Rules and Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0826; Product Identifier 2016–SW–084–AD; Amendment 39–19204; AD 2018–01–12 R1]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; correction.

SUMMARY: We are revising airworthiness directive (AD) 2018–01–12 for Airbus Helicopters Model AS350B3 helicopters to correct an error. As published, AD 2018–01–12 referenced an incorrect monostable toggle switch part number (P/N) in the preamble and regulatory text. This document corrects the error. In all other respects, the original document remains the same.

DATES: This AD becomes effective March 2, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 20, 2018 (83 FR 2039, January 16, 2018).

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0826.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0826; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section.

FOR FURTHER INFORMATION CONTACT: George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *george.schwab@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

AD 2018–01–12, Amendment 39–19153 (83 FR 2039, January 16, 2018) applied to Airbus Helicopters Model AS350B3 helicopters with a dual hydraulic system installed. AD 2018–01–12 required revising the rotorcraft flight manual (RFM) to perform the yaw load compensator check (ACCU TST switch) after rotor shut-down instead of during preflight procedures and to state that the yaw servo hydraulic switch (collective switch) must be in the ''ON'' (forward) position before taking off. AD 2018–01–12 also required modifying the yaw servo hydraulic switch and replacing the bistable ACCU TST button with a monostable button.

We issued AD 2018–01–12 to prevent takeoff without hydraulic pressure in the tail rotor (T/R) hydraulic system, loss of T/R flight control, and subsequent loss of control of the helicopter.

As published, AD 2018–01–12 contained an incorrect P/N in the preamble and regulatory text. Specifically, the AD identified the Geneva Aviation P122 and P132 electrical console monostable toggle switch P/N as ''MS24658–16F.'' The correct P/N is ''MS24658–26F.''

Accordingly, we have determined that it is appropriate to take action to revise AD 2018–01–12 to correct the Geneva Aviation P122 and P132 electrical console monostable toggle switch P/N. This correction will ensure that it will be possible for operators to comply with the AD by referencing the correct P/N for replacing the toggle switch.

No other part of the preamble or regulatory information has been changed. The final rule is reprinted in its entirety for the convenience of affected operators.

Impact of the Correction

Since this action corrects an obvious error in referencing the P/N for a replacement part, it has no adverse economic impact and imposes no additional burden on any person. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Service Bulletin (SB) No. AS350–67.00.64, Revision 0, dated February 25, 2015. This service information specifies procedures to install a timer relay and an additional indicator light on the caution and warning panel. This modification provides an ''OFF'' status indication of the yaw servo hydraulic switch by flashing a newly installed ''HYD2'' indicator light on the caution and warning panel. Airbus Helicopters identifies performance of this SB as modification 074622.

We also reviewed Airbus Helicopters SB No. AS350–67.00.65, Revision 0, dated August 25, 2016. This service information specifies procedures to replace the bistable push button ACCU TST switch with a monostable push button switch. Airbus Helicopters identifies performance of this SB as modification 074719.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

We reviewed Airbus Helicopters SB No. AS350–67.00.66, Revision 1, dated October 22, 2015. This service information specifies inserting specific pages of the SB into the rotorcraft flight manual. These pages revise the preflight and post-flight hydraulic checks by moving the T/R yaw load compensator check from preflight to post-flight.

These pages also revise terminology within the flight manuals for the different engine configurations.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design.

Costs of Compliance

We estimate that this AD affects 86 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Revising an RFM takes about 0.5 work-hour for a cost of $43 per helicopter and $3,698 for the U.S. fleet. Installing a timer relay for the yaw servo hydraulic switch and an indicator light takes about 9 work-hours and parts cost about $2,224. Replacing the ACCU TST button takes about 1 work-hour and parts cost about $2,244.

Based on these figures, we estimate a total cost of $5,361 per helicopter and $461,046 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–01–12, Amendment 39–19153 (83 FR 2039, January 16, 2018), and adding the following new AD:

2018–01–12 R1 Airbus Helicopters: Amendment 39–19204; Docket No. FAA–2017–0826; Product Identifier 2016–SW–084–AD.

(a) Applicability

This AD applies to Model AS350B3 helicopters with a dual hydraulic system installed, certificated in any category.

Note 1 to paragraph (a) of this AD: The dual hydraulic system for Model AS350B3 helicopters is referred to as Airbus modification OP 3082 or OP 3346.

(b) Unsafe Condition

This AD defines the unsafe condition as lack of hydraulic pressure in a tail rotor (T/R) hydraulic system. This condition could result in loss of T/R flight control and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2018–01–12, Amendment 39–19153 (83 FR 2039, January 16, 2018).

(d) Effective Date

This AD becomes effective March 2, 2018.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Before further flight, insert a copy of this AD into the rotorcraft flight manual, Section 4 Normal Operating Procedures, or make pen and ink changes to the preflight and post-flight procedures as follows:

(i) Stop performing the yaw load compensator check (ACCU TST switch) during preflight procedures, and instead perform the yaw load compensator check during post-flight procedures after rotor shut-down.

(ii) The yaw servo hydraulic switch (collective switch) must be in the ''ON'' (forward) position before takeoff.

Note 2 to paragraph (f)(1)(ii) of this AD: The yaw servo hydraulic switch is also called the hydraulic pressure switch or hydraulic cut off switch in various Airbus Helicopters rotorcraft flight manuals.

(2) Within 350 hours time-in-service:

(i) Install a timer relay for the yaw servo hydraulic switch (collective switch) by following the Accomplishment Instructions, paragraph 3.B.2.b.1, 3.B.2.b.2, 3.B.2.b.3, 3.B.2.b.4, 3.B.2.b.5, or 3.B.2.b.6, as applicable to the configuration of your helicopter, of Airbus Helicopters Service Bulletin (SB) No. AS350–67.00.64, Revision 0, dated February 25, 2015 (AS350–67.00.64). If your helicopter has an automatic pilot system, also comply with paragraph 3.B.2.b.7 of AS350–67.00.64.

(ii) Install an indicator light on the caution and warning panel by following the Accomplishment Instructions, paragraph 3.B.2.c.1 or 3.B.2.c.2, as applicable to the configuration of your helicopter, of AS350–67.00.64.

(iii) For helicopters with a Geneva Aviation P122 or P132 electrical console installed, replace the ESN–11 HYD TEST (ACCU TST) switch with a monostable toggle switch part number MS24658–26F.

(iv) For helicopters without a Geneva Aviation P122 or P132 electrical console installed, replace the bistable ACCU TST button on the control panel with a monostable button as depicted in Figure 1 or Figure 3, as applicable to the configuration of your helicopter, of Airbus Helicopters SB No. AS350–67.00.65, Revision 0, dated August 25, 2016.

(3) After the effective date of this AD, do not install a bistable ACCU TST button on any helicopter.

(g) Special Flight Permits

A special flight permit may be issued for paragraph (f)(2) of this AD only.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(i) Additional Information

(1) Airbus Helicopters SB No. AS350–67.00.66, Revision 1, dated October 22, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0220, dated November 4, 2016. You may view the EASA AD on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0826.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 2910, Main Hydraulic System.

(k) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on February 20, 2018 (83 FR 2039, January 16, 2018).

(i) Airbus Helicopters Service Bulletin No. AS350–67.00.64, Revision 0, dated February 25, 2015.

(ii) Airbus Helicopters Service Bulletin No. AS350–67.00.65, Revision 0, dated August 25, 2016.

(4) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.*

(5) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on February 16, 2018.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–03722 Filed 3–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2017–F–5528]

Food Additives Permitted in Feed and Drinking Water of Animals; Silicon Dioxide as a Carrier for Flavors

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA, we, or the Agency) is amending the regulations for food additives permitted in feed and drinking water of animals to provide for the safe use of silicon dioxide as a carrier for flavors for use in animal feed. This action is in response to a food additive petition filed by Idemitsu Kosan, Cp. Ltd.

DATES: This rule is effective March 2, 2018. See section V of this document for information on the filing of objections. Submit either electronic or written objections and requests for a hearing on the final rule by April 2, 2018.

ADDRESSES: You may submit objections and requests for a hearing as follows. Please note that late, untimely filed objections will not be considered. Electronic objections must be submitted on or before April 2, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 2, 2018. Objections received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic objections in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Objections submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your objection, that information will be posted on *https://www.regulations.gov.*

• If you want to submit an objection with confidential information that you do not wish to be made available to the public, submit the objection as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper objections submitted to the Dockets Management Staff, FDA will post your objection, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–F–5528 for ''Food Additives Permitted in Feed and Drinking Water of Animals; Silicon Dioxide as a Carrier for Flavors for Use in Animal Feed.'' Received objections, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit an objection with confidential information that you do not wish to be made publicly available, submit your objections only as a written/paper submission. You should submit two

copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of objections. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your objections and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper objections received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Chelsea Trull, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl. (HFV–224), Rockville, MD 20855, 240–402–6729, *chelsea.trull@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of September 25, 2017 (82 FR 44542), FDA announced that we had filed a food additive petition (animal use) (FAP 2304) submitted by Idemitsu Kosan, Cp. Ltd., Agri-Bio Business Dept., 1—1 Marunouchi 3-Chome, Chiyoda-Ku, Tokyo 1000–8321, Japan. The petition proposed that the regulations for food additives permitted in feed and drinking water of animals be amended to provide for the safe use of silicon dioxide as a carrier for flavors for use in animal feed.

II. Conclusion

FDA concludes that the data establish the safety and utility of silicon dioxide as a carrier for flavors for use in animal feed and that the food additive regulations should be amended as set forth in this document. This is not a significant regulatory action subject to Executive Order 12866.

III. Public Disclosure

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and documents we considered and relied upon in reaching our decision to approve the petition will be made available for inspection at the Center for Veterinary Medicine by appointment with the information contact person (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 571.1(h), we will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

IV. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.32(r) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment, nor an environmental impact statement is required.

V. Objections and Hearing Requests

If you will be adversely affected by one or more provisions of this regulation, you may file with the Dockets Management Staff (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

Any objections received in response to the regulation may be seen in the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *https://www.regulations.gov.*

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

■ 1. The authority citation for part 573 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

■ 2. In § 573.940, add paragraphs (d) and (e) to read as follows:

§ 573.940 Silicon dioxide.

* * * * *

(d) It is used or intended for use in feed components, as a carrier as follows:

Feed component	Limitations (percent)
Flavors	50

(e) To ensure safe use of the additive, silicon dioxide is to be used in an amount not to exceed that reasonably required to accomplish its intended effect, and silicon dioxide from all sources cannot exceed 2 percent by weight of the complete feed.

Dated: February 26, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04275 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

30 CFR Parts 550 and 553

[Docket ID: BOEM–2017–0079; MMAA104000]

RIN 1010–AD99

Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Civil Penalties Inflation Adjustments

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule implements the 2018 adjustment of the level of the maximum civil monetary penalties contained in the Bureau of Ocean Energy Management (BOEM) regulations pursuant to the Outer Continental Shelf Lands Act (OCSLA), the Oil Pollution Act of 1990 (OPA), the Federal Civil

Penalties Inflation Adjustment Act Improvements Act of 2015 (FCPIA of 2015), and the Office of Management and Budget (OMB) guidance. The 2018 adjustment multiplier of 1.02041 accounts for one year of inflation spanning the period from October 2016 through October 2017.

DATES: This rule is effective on March 2, 2018.

FOR FURTHER INFORMATION CONTACT: Deanna Meyer-Pietruszka, Chief, Office of Policy, Regulation and Analysis, Bureau of Ocean Energy Management, at (202) 208–6352 or by email at *deanna.meyer-pietruszka@boem.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority
II. Calculation of 2018 Adjustments
III. Procedural Requirements
A. Regulatory Planning and Review (E.O. 12866, 13563, and 13771)
B. Regulatory Flexibility Act
C. Small Business Regulatory Enforcement Fairness Act
D. Unfunded Mandates Reform Act
E. Takings (E.O. 12630)
F. Federalism (E.O. 13132)
G. Civil Justice Reform (E.O. 12988)
H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)
I. Paperwork Reduction Act
J. National Environmental Policy Act
K. Effects on the Energy Supply (E.O. 13211)

I. Background and Legal Authority

The Outer Continental Shelf Lands Act (OCSLA) directs the Secretary of the Interior to adjust the OCSLA maximum civil penalty amount at least once every three years to reflect any increase in the Consumer Price Index to account for inflation (43 U.S.C. 1350(b)(1)). The Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 104–410) (FCPIA of 1990) requires that all civil monetary penalties, including the OCSLA maximum civil penalty amount, be adjusted at least once every four years.

Similarly, the Oil Pollution Act of 1990 (OPA) authorizes the Secretary of the Interior to impose civil penalties for failure to comply with financial responsibility regulations that implement OPA. The FCPIA of 1990 requires that all civil monetary penalties, including the OPA maximum civil penalty amount, be adjusted for inflation at least once every four years.

The FCPIA of 2015 requires Federal agencies to promulgate annual inflation adjustments for civil monetary penalties. Specifically, agencies are required to adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment through an interim final rulemaking (IFR) in 2016, and must make subsequent annual adjustments for inflation, beginning in 2017. Agencies were required to publish the first annual inflation adjustments in the **Federal Register** by no later than January 15, 2017, and must publish recurring annual inflation adjustments by no later than January 15 each subsequent year. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes.

BOEM last adjusted the levels of civil monetary penalties in BOEM regulations through a final rule, RIN 1010–AD95 [82 FR 10709], which was published on February 15, 2017.

The OMB Memorandum M–18–03, issued December 15, 2017, (Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015; *https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf*) explains agency statutory responsibilities for: Identifying applicable penalties and performing the annual adjustment; publishing revisions to regulations to implement the adjustment in the **Federal Register**; applying adjusted penalty levels; and performing agency oversight of inflation adjustments.

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

II. Calculation of 2018 Adjustments

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

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

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

For 2018, the FCPIA of 2015 requires that BOEM adjust the OPA maximum civil penalty amount. To accomplish this, BOEM multiplied the current OPA maximum civil penalty amount ($45,268) by the multiplying factor (45,268 × 1.02041 = $46,191.92). The FCPIA of 2015 requires that the resulting amount be rounded to the nearest $1.00 at the end of the calculation process. Accordingly, the adjusted OPA maximum civil penalty is $46,192.

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

CFR Citation	Description of the penalty	Current maximum penalty	Multiplier	Adjusted maximum penalty
30 CFR 550.1403	Failure to comply per day per violation	$42,704	1.02041	$43,576
30 CFR 553.51(a)	Failure to comply per day per violation	45,268	1.02041	46,192

III. Procedural Requirements

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

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

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to reduce uncertainty and to promote predictability and the use of the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. We have developed this rule in a manner consistent with these requirements, to the extent relevant and feasible given the limited discretion provided agencies in FCPIA.

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

B. Regulatory Flexibility Act

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

C. Small Business Regulatory Enforcement Fairness Act

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

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

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

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

D. Unfunded Mandates Reform Act

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

E. Takings (E.O. 12630)

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

F. Federalism (E.O. 13132)

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

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

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

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

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

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

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

I. Paperwork Reduction Act

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

J. National Environmental Policy Act

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

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

This rule is not a significant energy action under the definition in E.O.

13211. Therefore, a Statement of Energy Effects is not required.

List of Subjects

30 CFR Part 550

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Federal lands, Government contracts, Investigations, Mineral resources, Oil and gas exploration, Outer continental shelf, Penalties, Pipelines, Reporting and recordkeeping requirements, Rights-of-way, Sulfur.

30 CFR Part 553

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

Dated: February 12, 2018.

Joseph R. Balash,

Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, the BOEM amends 30 CFR parts 550 and 553 as follows:

PART 550—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 550 continues to read as follows:

Authority: 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334.

■ 2. Revise § 550.1403 to read as follows:

§ 550.1403 What is the maximum civil penalty?

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

PART 553—OIL SPILL FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES

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

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

■ 4. In § 553.51, revise paragraph (a) to read as follows:

§ 553.51 What are the penalties for not complying with this part?

(a) If you fail to comply with the financial responsibility requirements of OPA at 33 U.S.C. 2716 or with the requirements of this part, then you may be liable for a civil penalty of up to $46,192 per COF per day of violation (that is, each day a COF is operated without acceptable evidence of OSFR).

* * * * *

[FR Doc. 2018–04248 Filed 3–1–18; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0120]

Drawbridge Operation Regulation; Sloop Channel, Hempstead, New York

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 Meadowbrook State Parkway Bridge across the Sloop Channel, mile 12.8, at Hempstead, New York. This temporary deviation is necessary to allow the bridge to remain in the closed-to-navigation position to facilitate the machinery rehabilitation and spanlock replacement of the bridge. This deviation allows the bridge to remain in the closed position.

DATES: This deviation is effective from 7 a.m. on March 5, 2018 to 7 a.m. on May 9, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0120 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 Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514–4330, email *judy.k.leung-yee@uscg.mil.*

SUPPLEMENTARY INFORMATION: The owner of the bridge, the New York State Department of Transportation, requested a temporary deviation to facilitate the machinery rehabilitation and spanlock replacement of the bridge. The Meadowbrook State Parkway Bridge across the Sloop Channel, mile 12.8, has a vertical clearance in the closed position of 22 feet at mean high water and 25 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.799(h).

This temporary deviation allows the Meadowbrook State Parkway Bridge to remain in the closed position daily on Monday, Tuesday, and Wednesday between 7 a.m. and 7 p.m. as follows: March 5–7, 2018; and March 12–14, 2018. Additionally, the Meadowbrook State Parkway Bridge shall remain in the closed position between 7 a.m. Monday and 7 a.m. Wednesday as follows: April 30–May 2, 2018; and May 7–9, 2018. The majority of Meadowbrook State Parkway Bridge openings for the past three years between March and April occurred on Fridays, Saturdays and Sundays.

The waterway is transited by commercial and recreational traffic. The Coast Guard notified known waterway users and there were no objections to this temporary deviation. Vessels able to pass under the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

The Coast Guard will also inform waterway users of the closure through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the 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: February 26, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–04243 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0050]

RIN 1625–AA09

Drawbridge Operation Regulation; Sturgeon Bay, Sturgeon Bay, WI

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating regulation that governs the Bayview (State Route 42/57) Bridge, Mile 3.0, Maple-Oregon Bridge, Mile 4.17, and Michigan Street Bridge, Mile 4.3, all over the Sturgeon Bay Ship Canal in Sturgeon Bay, WI, by authorizing remote operation for all three drawbridges. The operating

schedules are not changing. The three drawbridges will be permanently remotely operated by a single tender.

DATES: This rule is effective April 2, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov.* Type USCG–2017–1047 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Lee Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, or *Lee.D.Soule@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
WI–DOT Wisconsin Department of Transportation

II. Background Information and Regulatory History

On February 21, 2017, we published an interim rule with request for comments entitled Drawbridge Operation Regulation; Sturgeon Bay, Sturgeon Bay, WI in the **Federal Register** (82 FR 11148). The comment period lasted between March 23 and December 1, 2017. We received three comments. A WI–DOT stakeholder and public involvement meeting was held in Sturgeon Bay, WI, on August 1, 2017. Additionally, the City of Sturgeon Bay conducted a Local Officials Meeting and a Community Protection Services Meeting, on April 11, 2017 and May 11, 2017, respectively, to align all city services with the remote drawbridge operation.

III. Legal Authority and Need for Rule

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

The operating schedules for the three drawbridges that cross Sturgeon Bay Ship Canal in Sturgeon Bay, WI are found under the existing regulation, 33 CFR 117.1101; Sturgeon Bay. All three drawbridges are bascule-type bridges with unlimited vertical clearance in the open position. In the closed position, the three drawbridges provide the following clearances: Bayview Bridge 42-feet, Maple-Oregon Bridge 25-feet, and Michigan Street Bridge 14-feet. Under the current regulations, from March 15 thru November 30, the Bayview Bridge opens on signal for vessels 24 hours per day, 7 days per week. Between December 1 and March 14 the Bayview Bridge will open for vessels if at least 12-hours advance notice is provided. Between March 15 and December 31, the Maple-Oregon Bridge will open for recreational vessels on the quarter-hour and three-quarter hour, 24 hours per day, 7 days per week. Between March 15 and December 31 the Michigan Street Bridge will open for vessels on the hour and half-hour, 24 hours per day, 7 days per week. Between January 1 and March 14 both the Maple-Oregon and the Michigan Street Bridges will open for vessels if at least 12-hours advance notice is provided. All three drawbridges open at any time for commercial vessels. Due to the close proximity of the Maple-Oregon and the Michigan Street Bridges, both are required to open simultaneously if requested by a commercial vessel and both shall open on signal at any time if at least 10 vessels have accumulated at either bridge waiting for an opening or vessels are seeking shelter from severe weather. This rule does not change any of the existing bridge schedules or conditions.

WI–DOT, owner of all three drawbridges, requested the Coast Guard authorize permanent remote operation of Bayview Bridge and Michigan Street Bridge, with operation from a single tender stationed at the middle bridge, Maple-Oregon Bridge, under the provisions of 33 CFR 117.42. The interim rule allowed testing of the remote operation arrangement throughout the 2017 navigation season to identify and fully evaluate any impacts during the testing period. Authorizing temporary remote operation of the Sturgeon Bay drawbridges provided an opportunity to evaluate the use of current technology to monitor and operate remote drawbridges due to the particular conditions on this waterway and the demonstrated historical record over time by the bridge owner, WI–DOT, to efficiently manage and operate their drawbridges within the Ninth Coast Guard District.

The Sturgeon Bay Ship Canal carries large (freighter) and smaller (tug/barge) commercial vessels, recreational vessels (including sailing vessels), vessels seeking emergency yard services, transient vessels, and vessels seeking shelter from severe weather. There are numerous commercial, recreational, and transient facilities along Sturgeon Bay Ship Canal, including a shipyard capable of servicing freighter size commercial vessels. Vessels may enter or exit the Ship Canal through east or west entrances, with some traffic passing through the entire waterway and requiring openings of all three drawbridges, and some traffic reaching facilities without requiring any drawbridge openings by entering the waterway from either the Lake Michigan or Green Bay sides.

Prior to the testing period authorized by the interim rule, WI–DOT provided data from the 2014 and 2015 seasons showing the number of commercial and recreational vessel traffic openings for each bridge. This data was published in the interim rule. For general comparison the total bridge openings of all three drawbridges during 2014 for all types of vessel traffic were 4,694 openings; during 2015 were 5,251 openings; and during 2017 (through November 30) were 4,945 openings.

WI–DOT gathered additional data throughout the 2017 navigation season and during the interim rule period, including vehicular and pedestrian traffic totals. The operating schedules for all three drawbridges were not changed during the 2017 testing period and will not be changed with this rule.

IV. Discussion of Comments, Changes and the Final Rule

The interim rule provided a comment period between March 23 and December 1, 2017. We received three comments from the general public. Two comments generally supported the effectiveness of the remote operation arrangement. One comment stated the single tender located at the central bridge (Maple-Oregon Bridge) 'should at the very least have visual contact with the bridge they are opening', citing the distance between the Maple-Oregon Bridge and the Bayview Bridge, approximately 1.3 miles apart. The Bayview Bridge offers greater vertical clearance for vessels in the closed position compared to Maple-Oregon Bridge, thereby requiring fewer drawbridge openings (488 openings at Bayview Bridge versus 1,439 openings at Maple-Oregon Bridge in 2017). The single tender at Maple-Oregon Bridge can visually see the Bayview Bridge with at least one mile of clear weather and has sufficient camera coverage for all approaches on the roadway or waterway (including thermal imaging during poor visibility) to safely operate the drawbridge for marine, vehicular and pedestrian traffic. No changes published in the interim rule have been revised in this final rule based on the comments received.

WI–DOT requested the Coast Guard authorize permanently operating the Bayview and Michigan Street Bridges with a single bridge tender operating

remote equipment from the Maple-Oregon Bridge, which is located between the Bayview and Michigan Street Bridges. In order to fulfill the required methods to receive and respond to bridge opening requests from vessels during the 2017 test period, as outlined in subpart A of 33 CFR part 117, WI–DOT employed the following equipment and protocols: Separate programmable logic controllers (PLC) designed for each bridge on fiber optic connections; digital camera coverage (with ability to pan and provide overlap video coverage) of all approaches from land and water; thermal imaging during severe weather or restricted visibility; two-way audio capability; VHF–FM marine radiotelephone; landline telephone; horn; signal lights; back-up and redundant systems; exclusive duties of bridge tenders; and signage at the bridges advising mariners of communication and signaling methods. WI–DOT developed protocols to suspend the remote operation arrangement and provide tenders at each drawbridge during emergencies or equipment failures, and during busy holidays or weekends (Memorial Day, July Fourth, Labor Day). WI–DOT provided a report documenting various data and observations, including: Frequency of bridge openings; vehicular traffic counts; vessel traffic counts (and type); pedestrian counts; frequency of equipment failure and temporary suspension of remote operation; frequency of restricted visibility; best practices; lessons learned; and other information useful for evaluating the remote operation arrangement.

The overall number of openings at all three drawbridges between 2015 and 2017 were comparable (5,251 versus 4,945, respectively). The data provided by WI–DOT following the test period also included: No reports of equipment failure or temporary suspension of remote operation due to equipment failure; no periods of restricted visibility that affected safe remote operation; twenty occasions where ten or more vessels were waiting for openings between Michigan Avenue and Maple-Oregon Street Bridges, requiring openings outside of scheduled times and as per the existing operating regulations; and no additional periods where traffic volume or conditions necessitated manning all three drawbridges outside of expected traffic increases (Memorial Day, July 4th, Labor Day). The following items are among other lessons learned and provided by WI–DOT: High-definition cameras provide the greatest clarity of all views and should be mounted to the bridge in a manner where minimum vibration is experienced; two separate power sources are provided for each structure for redundancy; designation of one tender as ''Head Drawtender'' to receive and respond to all possible issues related to tenders, including emergency response; involve local law enforcement and fire first responders early in the planning process to ensure effective communications and interconnectivity with responder systems; identifying local sources to service equipment during emergencies to minimize disruptions; and investigate WiFi options for hard wire systems for redundancy.

In addition to the successful test during the interim rule period, the established performance history of this particular bridge owner/operator was a significant factor in our evaluation of the safety and effectiveness of remote bridge operation. Strong consideration was given to this bridge owner due to no reported unreasonable delays to open drawbridges in the past ten years, timely bridge repairs when any drawbridge is rendered inoperable, no reported safety incidents, protocols to have tenders on all bridges within 30 minutes, if needed, and remote tenders having no other duties other than monitoring and operation of the drawbridges.

We determined that the particular conditions on this waterway, along with the protocols and the historical performance of the bridge owner, allow for the safe and efficient operation of the Sturgon Bay drawbridges via remote operation.

The existing operating schedules of the drawbridges will not be changed by this rule. This rule modifies the regulatory language by including the authorization to remotely operate the drawbridges under the provisions of 33 CFR 117.42.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the fact no changes to operating schedules are implemented with this action. The remote drawbridge operation is expected and designed to be transparent to vessels with no additional requirements or actions necessary to pass any of the three drawbridges.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you

wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

A Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.1101, add introductory text to read as follows:

§ 117.1101 Sturgeon Bay.

The draws of the Bayview (State Route 42/57) and Michigan Street bridges, miles 3.0 and 4.3, respectively, at Sturgeon Bay, are remotely operated by the tender at Maple-Oregon bridge, mile 4.17, and shall open as follows:

* * * * *

Dated: February 15, 2018.

J.M. Nunan,

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

[FR Doc. 2018–04299 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0091]

Drawbridge Operation Regulation; Petaluma River, Haystack Landing (Petaluma), CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Northwestern Pacific (SMART) railroad bridge across the Petaluma River, mile 12.4, at Haystack Landing (Petaluma), CA. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is appropriate. This test deviation will modify the existing regulation to add an advance notification requirement for obtaining bridge openings.

DATES: This deviation is effective from 6 a.m. on March 19, 2018 to 6 a.m. on June 17, 2018.

Comments and related materials must reach the Coast Guard on or before July 2, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0091 using Federal eRulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this test deviation, call or email Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516; email *Carl.T.Hausner@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Background, Purpose and Legal Basis

Sonoma-Marin Area Rail Transit (SMART) owns the Northwestern Pacific railroad bridge across the Petaluma River, mile 12.4, at Haystack Landing (Petaluma), CA. The bridge has a vertical clearance of 3.6 feet above mean high water in the closed-to-navigation position and unlimited vertical clearance in the open-to-navigation position, and currently operates under 33 CFR 117.187(a).

In 2015, SMART replaced the original swing bridge with a single leaf bascule bridge. Prior to 2015, the swing bridge was rarely used and was maintained in the fully open position. Commuter rail service began on August 25, 2017. Currently 32 trains cross the bridge each day. The Petaluma River supports commercial and recreational traffic. Due to an increase in said rail traffic, SMART has requested the drawspan remain in the closed-to-navigation position to avoid unnecessary bridge openings. The Coast Guard is publishing this temporary deviation to test the proposed schedule change SMART has

requested to determine whether a permanent change to the schedule is appropriate to better balance the needs of marine and rail traffic.

Under this temporary deviation, in effect from 6 a.m. on March 19, 2018 to 6 a.m. on June 17, 2018, the bridge shall open on signal from 3 a.m. to 11 p.m. if at least 2 hours notice is given to the drawtender. At all other times, the draw shall be maintained in the fully open position, except for the passage of trains or for maintenance. To request an opening, mariners can contact the drawtender via marine radio VHF–FM channel 16/9 or by telephone at (707) 890–8650. Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be required to open as soon as practicable for vessels engaged in emergency response. SMART will log dates and times of vessels requesting openings. There are no alternate routes for vessels transiting upstream of the bridge on the Petaluma River.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners and through direct outreach to local harbors, marinas, and water-based business of the temporary change in the operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the 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.

II. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and materials received during the comment period. Your comments 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 document as being available in this 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.

Dated: February 26, 2018.

Carl T. Hausner,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2018–04251 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0111]

Drawbridge Operation Regulation; Passaic River, Harrison, NJ

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 Route 280 Bridge across the Passaic River, mile 5.8, at Harrison, New Jersey. The deviation is necessary to perform work on the switch gear power source of the bridge. This deviation allows the bridge to undergo necessary maintenance for Route 21 interchange improvements. This deviation allows the bridge to remain closed during the maintenance period.

DATES: This deviation is effective from 12:01 a.m. on March 1, 2018, until 11:59 p.m. on March 7, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0111, 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 Judy K. Leung-Yee, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4336, email *Judy.K.Leung-Yee@uscg.mil*.

SUPPLEMENTARY INFORMATION: The owner of the bridge, the New Jersey Department of Transportation, requested a temporary deviation in order to perform work on the switch gear power source of the bridge.

The Route 280 Bridge across the Passaic River, mile 5.8, at Harrison, New Jersey is a vertical lift bridge with a vertical clearance of 35 feet at mean high water and 40 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.739(h).

This temporary deviation will allow the Route 280 Bridge to remain in the closed position from 12:01 a.m. on March 1, 2018, to 11:59 p.m. on March 7, 2018. The deviation will have negligible effect on navigation. The waterway is transited by recreational and commercial vessels. Coordination with waterway users has indicated no objection to the proposed closure of the draw. Vessels that can pass under the bridge without an opening may do so at all times. The bridge will not be able to open for emergencies. There is no alternate route for vessels to pass.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the 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: February 27, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–04249 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0031]

Drawbridge Operation Regulation; Curtis Creek, Baltimore, MD

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 CSX Swing Bridge which carries CSX railroad across the Curtis Creek, mile 1.4, at Baltimore, MD. The deviation is necessary to facilitate bridge maintenance. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: The deviation is effective from 8 a.m. on Monday, March 5, 2018, through 2:30 p.m. on Friday, March 30, 2018.

ADDRESSES: The docket for this deviation, [USCG–2018–0031] 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. Michael Thorogood, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6557, email *Michael.R.Thorogood@uscg.mil*.

SUPPLEMENTARY INFORMATION: The CSX Corporation, owner and operator of the CSX Swing Bridge that carries CSX railroad across the Curtis Creek, mile 1.4, at Baltimore, MD, has requested a temporary deviation from the current operating schedule to facilitate installation of railroad ties across the swing span of the drawbridge. The bridge has a vertical clearance of 13 feet above mean high water in the closed position and unlimited vertical clearance in the open position. The current operating schedule is set out in 33 CFR 117.5. Under this temporary deviation, the bridge will remain in the closed-to-navigation position from 8 a.m. to 2:30 p.m., Monday through Friday, March 5, 2018, through March 30, 2018.

Curtis Creek is used by a variety of vessels including U.S. government and public vessels, tug and barge traffic, 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-to-navigation position may do so at any time. The bridge will open on signal, if at least one hour notification is given. The bridge will be able to open for emergencies, if at least 15 minutes notification is given. The bridge may be contacted at (410) 354–5593 24 hours per day. There is no immediate alternative route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterway through our Local Notice and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the 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: February 26, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–04250 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0117]

RIN 1625–AA00

Safety Zone: Monte Foundation Snowfest Fireworks, Tahoe City, Lake Tahoe, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of Lake Tahoe near Commons Beach in support of the Monte Foundation Snowfest Festival Fireworks Display on March 2, 2018. This safety zone is established to ensure the safety of participants and spectators from the dangers associated with pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

DATES: This rule is effective from 7 a.m. to 8:15 p.m. on March 2, 2018.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2018–0117. To view documents mentioned in this preamble as being available in the docket, go to *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 rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Emily Rowan, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7443 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Acronyms

APA Administrative Procedure Act
COTP U.S. Coast Guard Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NOAA National Oceanic and Atmospheric Administration
NPRM Notice of Proposed Rulemaking
PATCOM U.S. Coast Guard Patrol Commander
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Since the Coast Guard received notice of this event on January 30, 2018, notice and comment procedures would be impracticable in this instance.

For similar reasons as those stated above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port (COTP) San Francisco has determined that potential hazards associated with the planned fireworks display on March 2, 2018, will be a safety concern for anyone within a 100-foot radius of the fireworks barge and anyone within a 350-feet radius of the fireworks firing site. Loading of the pyrotechnics onto the fireworks barge is scheduled to take place from 7:00 a.m. to 11:00 a.m. on March 2, 2018, at Lake Forest Boat Ramp in Tahoe City, CA. From 11:00 a.m. to 5:30 p.m. on March 2, 2018, the staged fireworks barge will remain at Lake Forest Boat Ramp until the start of its transit to the display

location. Towing of the barge from Lake Forest Boat Ramp to the display location is scheduled to take place from 5:30 p.m. to 7:30 p.m. on March 2, 2018 where it will remain until the conclusion of the fireworks display. This rule is needed to protect spectators, vessels, and other property from hazards associated with pyrotechnics.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 7:00 a.m. to 8:15 p.m. on March 2, 2018. During the loading, staging, transit, and until 30 minutes prior to the start of the fireworks display, the safety zone applies to the navigable waters around and under the fireworks barge within a radius of 100 feet. At 7:00 p.m. on March 2, 2018, 30 minutes prior to the commencement of the 12-minute fireworks display, the safety zone will increase in size and encompass the navigable water around and under the fireworks barge within a radius of 350 feet in approximate position 39°10′07″ N, 120°08′16″ W (NAD 83) for the Monte Foundation Snowfest Fireworks Display. The safety zone shall terminate at 8:15 p.m. on March 2, 2018.

The effect of the temporary safety zone is to restrict navigation in the vicinity of the fireworks loading, staging, transit, and firing site. Except for persons or vessels authorized by the COTP or the COTP's designated representative, no person or vessel may enter or remain in the restricted areas. These regulations are needed to keep spectators and vessels away from the immediate vicinity of the fireworks firing sites to ensure the safety of participants, spectators, and transiting vessels.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zone. Although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: Owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing, if these facilities or vessels are in the vicinity of the safety zone at times when this zone is being enforced. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) This rule will encompass only a small portion of the waterway for a limited period of time, and (ii) the maritime public will be advised in advance of these safety zones via Broadcast Notice to Mariners.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves safety zones of limited size and duration. It is categorically excluded from further review under Categorical Exclusion L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T11–915 to read as follows:

§ 165.T11–915 Safety Zone; Monte Foundation Snowfest Fireworks Display, Tahoe City, Lake Tahoe, CA.

(a) *Location.* This temporary safety zone is established in the navigable waters of Lake Tahoe near Commons Beach in Tahoe City, Lake Tahoe, CA as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18665. Starting at the Lake Forest Boat Ramp from 7 a.m. to 7 p.m. on March 2, 2018, during the loading, staging, transit, and arrival of the fireworks barge and until 30 minutes prior to the start of the fireworks display, the temporary safety zone applies to the navigable waters around and under the fireworks barge within a radius of 100 feet. At 7 p.m., 30 minutes prior to the commencement of the 12 minute fireworks display, scheduled to begin at 7:30 p.m. on March 2, 2018, the safety zone will expand to encompass the navigable waters around and under the fireworks barge within a radius of 350 feet in approximate position 39°10′07″ N, 120°08′16″ W (NAD 83).

(b) *Enforcement period.* The zone described in paragraph (a) of this section will be enforced from 7 a.m. until approximately 8:15 p.m. March 2, 2018. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which these zones will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

(c) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

(d) *Regulations.* (1) Under the general regulations in 33 CFR part 165, subpart C, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or the COTP's designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zones on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

Dated: February 23, 2018.

Patrick S. Nelson,

Captain, U.S. Coast Guard, Alternate Captain of the Port, San Francisco.

[FR Doc. 2018–04365 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[NPS–ROMO–24625; PPIMROMO6A PPMRSNR1Z.Y00000]

RIN 1024–AE31

Special Regulations, Areas of the National Park System, Rocky Mountain National Park; Bicycling

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service amends the special regulations for Rocky Mountain National Park to allow bicycle use on a 2-mile segment of the East Shore Trail located within the park. A portion of this 2-mile segment will require trail construction to accommodate bicycles and is therefore considered a new trail. National Park Service regulations require promulgation of a special regulation to designate new trails for bicycle use off park roads and outside developed areas.

DATES: This rule is effective on April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Larry Gamble, Chief of Planning and Project Stewardship, Rocky Mountain National Park, 1000 U.S. Highway 36, Estes Park, CO 80517. Phone (970) 586–1320. Email: *larry_gamble@nps.gov.*

SUPPLEMENTARY INFORMATION:

Background

Rocky Mountain National Park (park) was established in 1915 and is located in north central Colorado. The approximately 265,761-acre park contains spectacular scenery that includes majestic mountains, lakes, rivers, forests, meadows, and abundant wildlife. The East Shore Trail is a hiking and equestrian trail that runs roughly north/south along the east shore of Shadow Mountain Lake near the town of Grand Lake, Colorado. The entire trail is 6.2 miles long and ends at the southern boundary of the park. The East Shore Trailhead is located south of the town of Grand Lake. The trailhead and the first 0.7 miles of the trail are located on land administered by the U.S. Forest Service as part of the Arapaho National Recreation Area. Bicycle use is currently allowed only on this 0.7-mile section of the trail. The remaining 5.5 miles of the East Shore Trail are located within the park. Hiking and fishing access to the lake is allowed along the trail. This rule applies to the northernmost 2-mile segment of the East Shore Trail within the park extending north from Shadow

Mountain Dam to the park boundary. The 2-mile segment of the East Shore Trail corridor within the park is bounded on the west by Shadow Mountain Lake and on the east by designated wilderness.

In January 2014, the National Park Service (NPS) published the East Shore Trail Environmental Assessment (EA). The EA evaluates (i) the suitability of the trail for bicycle use; and (ii) life cycle maintenance costs, safety considerations, methods to prevent or minimize user conflict, and methods to protect natural and cultural resources and mitigate impacts associated with bicycle use on the trail. After a public review period, the Regional Director of the Intermountain Region signed a Finding of No Significant Impact (FONSI) in February 2015 that identified the preferred alternative (Alternative B) in the EA as the selected action.

The EA and FONSI, which contain a full description of the purpose and need for taking action, scoping, the alternatives considered, maps, and the environmental impacts associated with the project, may be viewed on the park's planning website at *http://parkplanning.nps.gov/romo,* by clicking on the link entitled ''East Shore Trail Rulemaking for Bicycle Use'' and then clicking on the link entitled ''Document List.''

Final Rule

This final rule implements the selected action in the FONSI and authorizes the Superintendent to designate bicycle use on a 2-mile segment of the East Shore Trail within the park. This segment of the trail extends north from Shadow Mountain Dam to the park boundary. To accommodate bicycle use, a 0.25-mile section of the existing trail will be rerouted to improve public safety, to avoid sensitive natural and cultural resources, and to provide for sustainability of the trail. NPS regulations at 36 CFR 4.30 require a rulemaking to implement the selected action because a portion of the rerouted trail will require construction and is located in an undeveloped area. Bicycle use will not be authorized by the Superintendent until the rerouted trail segments are completed. Rerouting is expected to be completed in 2018.

The rule adds a new paragraph (f) to 36 CFR 7.7—Special Regulations, Areas of the National Park System for Rocky Mountain National Park. The rule requires the Superintendent to notify the public when designating any portion of the trail for bicycle use and to identify the designation on maps available in the office of the Superintendent and other places convenient to the public. The rule authorizes the Superintendent to establish closures, conditions, or restrictions for bicycle use on designated routes after considering public health and safety, natural and cultural resource protection, and other management activities and objectives. Notice of any such closures, conditions, or restrictions must be provided to the public.

Summary of Public Comments

The NPS published the proposed rule in the **Federal Register** on December 1, 2015 (80 FR 75022). In the same document, the NPS also published notice of a written determination concluding that bicycle use on the 2-mile trail segment is consistent with the protection of the park area's natural, scenic and aesthetic values, safety considerations and management objectives, and would not disturb wildlife or park resources. The NPS accepted comments on the proposed rule and the written determination through the mail, hand delivery, and through the Federal eRulemaking Portal at *http://www.regulations.gov.* Comments were accepted through February 1, 2016. The NPS received 35 timely comments. A summary of comments and NPS responses is provided below. After considering the public comments and after additional review, the NPS did not make any changes to the rule or the written determination.

1. Comment: One commenter stated that bicycle use on the portion of the East Shore Trail that is part of the Continental Divide National Scenic Trail (CDNST) is inappropriate because such use is inconsistent with the park's general land and resource management plan.

NPS Response: This comment applies to the northernmost 0.9 mile segment of the East Shore Trail that may be designated for bicycle use under this rule. This segment of the trail is part of the CDNST that was established by Congress in the National Parks and Recreation Act, Public Law 95–625 (1978) (NPRA) in 1978. The NPRA amended the National Trails System Act of 1968, Public Law 90–543 (1968) (NTSA) which governs the administration of national scenic trails, including the CDNST. The management and use of the CDNST is governed by a Comprehensive Plan that was most recently amended in 2009. Section 5.b.(2) of the Comprehensive Plan allows for bicycle use on the CDNST if the use is consistent with the applicable land and resource management plan and will not substantially interfere with the nature and purposes of the CDNST.

The Rocky Mountain National Park Final Master Plan was adopted in January 1976 and remains the general land and resource management plan for the park. The framework for visitor use in the Master Plan establishes different zones within the park that, by virtue of their ease of access or facilities, fall into definable patterns of use. Management priorities defer to the basic character of a given zone to provide the visitor use experience for which the zone is most suited. The Master Plan allows for high-density use where necessary, and allows for the maintenance of natural conditions in more primitive portions of the park.

The more primitive portions of the park are those within designated wilderness, which comprises 95 percent of the park. The park's wilderness legislation excluded the East Shore Trail area from designated wilderness. Omnibus Public Land Management Act of 2009, Public Law 111–11. The East Shore Trail is located within the 5 percent of the park that—according to the Master Plan—could accommodate high-density use where appropriate. Although the trail is located outside designated wilderness, the EA and FONSI do not propose significant modifications to the East Shore Trail to accommodate high-density use, but instead propose modest improvements to accommodate low-density use, including bicycle use, on a single track trail. For these reasons, the NPS believes the decision to allow bicycle use on the segment of the East Shore Trail identified in the EA is consistent with the park's Master Plan.

The NPS also believes that bicycle use is consistent with Congressional intent for management of the East Shore Trail area. The NTSA—which governs the administration of the national trails system—lists ''trail biking'' as a potential use of national scenic trails. 16 U.SC. 1246(j). The NTSA states that ''other uses'' of the trail system—in addition to campsites, shelters, and related public use facilities—should be permitted if they do not substantially interfere with the purposes of the trail. The NTSA also states that reasonable efforts should be made to provide sufficient access opportunities to the CDNST and, to the extent practicable, avoid activities incompatible for the purposes for which such trails were established. 16 U.SC. 1246(c).

The Omnibus Public Land Management Act of 2009 directed the Secretary of the Interior, acting through the NPS, to establish a route for the East

Shore Trail to maximize the opportunity for sustained use of the trail without causing harm to affected resources or conflicts among users. Public Law 111–11, sec. 1954(a) (2009). Congress excluded the trail from designated wilderness and explicitly stated that the Secretary may allow nonmotorized bicycles on the trail. Public Law 111–11, sec. 1954 (e)(3) (2009).

2. Comment: One commenter stated that bicycle use on the portion of the East Shore Trail that is part of the CDNST is inappropriate because such use will substantially interfere with the nature and purposes of the CDNST, which are to (i) provide high-quality scenic, primitive hiking and horseback riding opportunities and (ii) conserve natural, historic, and cultural resources. Other commenters had similar concerns for the entire 2-mile segment of the East Shore Trail. These commenters were concerned that allowing bicycle use would conflict with hikers and equestrians by creating an unsafe environment. Other commenters stated that bicycles would adversely impact natural resources by disturbing wildlife and eroding soil.

NPS Response: The NPS believes that allowing bicycle use on the 2-mile segment of the East Shore Trail identified in the EA and FONSI is compatible with and will not substantially interfere with opportunities for high-quality scenic, primitive hiking and horseback riding. As long as the trail is not closed for management purposes (*e.g.,* hazard tree removal), hikers and equestrians are free to use the trail every day of the year. The NPS expects that many interactions between hikers, equestrians, and bicyclists will not result in a conflict. To the extent the NPS receives evidence of conflicts between bicyclists and other user groups, the NPS will implement the adaptive management strategy identified in the FONSI to reduce the frequency and magnitude of those conflicts. The most restrictive management action that may be taken to address visitor conflicts is to close the trail to bicycles. An intermediate step is to close the trails to bicycles every other day, which would provide hikers and equestrians an opportunity to use the trail without the potential for interaction with bicycles. If alternate bike days are implemented, it will be because of documented and verifiable conflicts or accidents involving bicyclists. If this occurs, it does not mean there has been substantial interference with the purposes of the CDNST. The adaptive management strategy in the FONSI is designed with low thresholds that trigger management actions in order to mitigate conflict. The number and severity of incidents that would trigger the NPS to adopt alternate bike days fall below the threshold of substantial interference with the provision of high-quality scenic, primitive hiking and horseback riding opportunities on the CDNST. Whatever impacts there may be on these opportunities, the impacts will only apply to a 0.9-mile segment of the CDNST where bicycle use is allowed within the park. This represents only 6 percent of the length of the CDNST in the park and 0.03 percent of the total length of the CDNST.

The NPS also believes that allowing bicycles on the 0.9-mile segment of the East Shore Trail that is also part of the CDNST is compatible with and will not substantially interfere with the conservation of natural, historic, and cultural resources along the CDNST corridor. The FONSI determined that the construction of the trail and bicycle use on the trail would not have a significant effect on the human environment. The EA and FONSI evaluated potential impacts to natural resources such as soils and wildlife, and cultural resources such as archeological sites and historic structures. The FONSI identified mitigation strategies that will be implemented to protect natural and cultural resources (pages 3–4). The FONSI identifies an adaptive management strategy to address resource damage from bicycles (page 5). Indicators such as loss of trail tread and expansion of off-trail resource damage will be met with trail armoring, increased trail maintenance, reevaluation of trail design, and—as the most restrictive measure—elimination of bicycle use on the trail.

3. Comment: One commenter stated that the NPS should not allow bicycle use on the East Shore Trail until the CDNST Interagency Leadership Council establishes a carrying capacity that is required by the NTSA and the Comprehensive Plan.

NPS Response: The CDNST crosses Federal lands administered by the U.S. Forest Service under the U.S. Department of Agriculture and the NPS and Bureau of Land Management under the U.S. Department of the Interior. Programs specific to the CDNST are developed and coordinated through the CDNST Interagency Leadership Council, consisting of Regional Foresters for the Forest Service, State Directors for the Bureau of Land Management, and a Regional Director for the NPS. The Council provides leadership and oversight to sustain the CDNST and ensures consistent, coordinated, and effective programs.

The NTSA states that the Comprehensive Plan for the CDNST will identify a carrying capacity for the trail and a plan for its implementation. 16 U.S.C. 1244(f). The Comprehensive Plan states that the policy of the Council is to establish a carrying capacity for the CDNST that accommodates its nature and purposes. The Comprehensive Plan states that NPS managers will utilize existing capacity estimates developed for general park or resource management plans. The Council has not yet established a carrying capacity for the CDNST and the NPS has not established a carrying capacity for the East Shore Trail in the park's Master Plan. Although there is no carrying capacity to guide management of the trail, the NPS believes it has complied with the management direction in the Comprehensive Plan that the carrying capacity determination will consider biophysical environmental needs and the social capacity factors needed to provide desired recreation experience opportunities. The EA and the FONSI evaluated the impacts of bicycle use on the natural environment and on the visitor experience on the trail. The adaptive management indicators, thresholds, and management actions that are a part of the decision to allow bicycles on a 2-mile section of the East Shore Trail are designed to avoid resource damage and conflicts among bicyclists and other park visitors.

4. Comment: One commenter stated that prior to considering actions that may degrade the CDNST corridor, the NPS must develop and implement a General Management Plan (GMP) that recognizes the CDNST as a Congressionally-designated area. This commenter further stated that the GMP must comply with the NTSA and the Comprehensive Plan for the CDNST, and that once programmatic direction is established in the GMP, CDNST site-specific protection and development plans should be established that provide for the values of the CDNST.

NPS Response: NPS is required by law to prepare a GMP for the preservation and use of each National Park System unit that includes (1) measures for the preservation of the area's resources; (2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs; (3) identification of and implementation of commitments for visitor carrying capacities for all areas of the System unit; and (4) indications of potential

modifications to the external boundaries of the System unit, and the reasons for the modifications. 54 U.S.C. 100502.

The park's Master Plan was adopted in January 1976 and serves as the GMP for the park. At this time, the Secretary of the Interior has not listed the park as needing a revised Master Plan. In May 2013, the NPS published a Foundation Document for the park which includes information on park purpose, significance, interpretive themes, and fundamental resources and values. One of the identified planning needs in the Foundation Document is a visitor use management plan that would address capacities of several areas of the park and determine where use should be limited, where it could be expanded, and strategies for managing use. The areas contemplated for a visitor use management plan could include high use areas like the Bear Lake Road corridor and the Alpine Visitor Center, which host hundreds of thousands of visitors each year. The plan will be developed over the course of the next few years and will be done through an open public process. It is unlikely that the proposed visitor use management plan would include areas of the park with relatively low visitation such as the East Shore Trail.

5. Comment: Several commenters stated that the East Shore Trail is incompatible with mountain biking, especially during the summertime when the trail is most popular with hikers. These commenters felt that bicycling on the East Shore Trail would disrupt the serene and quiet environment along the edge of the lake.

NPS Response: The NPS installed a trail counter on the East Shore Trail in 2013. The average daily use during the summer season (July through September) was 18 people. Saturdays were the busiest days on the East Shore Trail, with an average of 43 visitors each Saturday during the summer season. This is light trail use when compared to many other trails in the park. For example, the nearby East Inlet Trail averaged more than 550 visitors per day in 2003 when trail counters were last deployed at that location. This documented level of use suggests that bicyclists and hikers will be able to share the trail during the summer. The NPS will mitigate conflicts that arise through implementation of the adaptive management strategy. The East Shore Trail is located outside designated wilderness and lies adjacent to Shadow Mountain Lake where motorized use (motorboats and jet skis) are permitted. Noise generated by bicycles and bicyclists would not be substantially greater than that produced by hikers, and would be less than existing noise from motorized vessels on the nearby lake.

6. Comment: Several commenters stated that the East Shore Trail should be used only by hikers because flat hiking trails that serve people of all ages, especially older hikers, are rare. These commenters stated that it is important to maintain a balance for outdoor activities so that visitors of all skill levels can enjoy the park. These commenters stated that bicyclists have many other trails they can use outside the park.

NPS Response: There are many hiking trails on the west side of the park with grades and levels of difficulty that are similar to the East Shore Trail. Examples include the North Inlet Trail, East Inlet Trail, Kawuneeche Valley Trail, Colorado River Trail, and the Coyote Valley accessible trail. The East Shore Trail has been open to hiking, cross-country skiing, snowshoeing and equestrians since it was established after completion of the Shadow Mountain Reservoir. In 2009, Congress directed the Secretary of the Interior, acting through the NPS, to consider the use of bicycles use on the East Shore Trail. The NPS evaluated this use through a public planning process that resulted in the EA and FONSI. At the conclusion of that process, the NPS determined that bicycle use on the East Shore Trail is appropriate, and with carefully designed adaptive management measures could be sustained without causing unacceptable impacts. Mountain bike use on the East Shore Trail is a privilege and not a right. If unacceptable impacts occur from bicycle use, the NPS will follow the adaptive management strategy to mitigate those impacts with actions such as trail armoring and trail redesign.

7. Comment: One commenter cited a study finding that elk and deer exhibit higher probabilities of flight response during ATV and mountain bike activity, in contrast to lower probabilities observed during hiking and horseback riding.

NPS Response: Based on information provided by Colorado Parks and Wildlife (CPW), the NPS erroneously stated in the EA that bicycles moving through the area would have less impact on wildlife than hikers or equestrians because they would be in the area for a shorter period of time. The NPS agrees with the commenter that less time does not equate to less disturbance to wildlife. Bicycle use on the East Shore Trail would cause wildlife displacement, but is not expected to rise to the level of harming wildlife. Congress directed the NPS to maximize the opportunity for sustained use of the trail without causing harm to affected resources.

8. Comment: Several commenters asked how the NPS will pay for trail maintenance and repair, and how it will monitor trail activity in a manner that allows it to implement the adaptive management strategy.

NPS Response: The FONSI commits the NPS to increase law enforcement patrols to two times per week if there are five or more unique verifiable verbal or written complaints about conflicts with bicyclists from May through September in any year. The Headwaters Trails Alliance (HTA) will assist the NPS with keeping bicyclists informed about trail restrictions. Bike use on the trail will be a privilege and not a right. It is in the best interest of the bicycle riders to observe the rules put in place by the NPS to avoid restrictive management actions such as alternate bicycle days and completely closing the trail to bicycles.

The FONSI also commits the NPS to monitor the condition of the trail in accordance with an adaptive management strategy. Indicators such as loss of trail tread and expansion of off-trail resource damage will be met with management actions such as trail armoring and new trail design and edging. The HTA will provide funding to modify the trail to accommodate bike use in accordance with NPS trail standards. The HTA will also provide funding for trail maintenance that exceeds what the NPS would normally do for hiking and equestrian trails.

Compliance With Other Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory

objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771)

This final rule is considered an E.O. 13771 deregulatory action because it is an enabling regulation.

Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the economic analyses found in the report entitled ''Benefit-Cost and Regulatory Flexibility Analyses: East Shore Trail at Rocky Mountain National Park'' which is available online at *http://parkplanning.nps.gov/romo* by clicking on the link entitled ''East Shore Trail Rulemaking for Bicycle Use'' and then clicking on the link entitled ''Document List.''

Small Business Regulatory Enforcement Fairness Act

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

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

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

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

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rule only affects use of federally-administered lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. This rule:

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

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

Consultation With Indian tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the criteria in Executive Order 13175 and under the Department's tribal consultation policy and have determined that tribal consultation is not required because the rule will have no substantial direct effect on federally recognized Indian tribes. Nevertheless, the NPS mailed a letter on April 18, 2013 inviting input specifically from affiliated Native American tribes and offering to arrange a site visit. No response was received.

Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

The NPS prepared the EA to determine whether this rule will have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act is not required because of the FONSI. A copy of the EA and FONSI can be found online at *http://parkplanning.nps.gov/romo* by clicking on the link entitled ''East Shore Trail Rulemaking for Bicycle Use'' and then clicking on the link entitled ''Document List.''

Effects on the Energy Supply (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects in not required.

Drafting Information

The primary authors of this regulation are Larry Gamble of Rocky Mountain National Park and Jay Calhoun, Regulations Program Specialist, National Park Service.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service amends 36 CFR part 7 as set forth below:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

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

Authority: 54 U.S.C. 100101, 100751, 320102; Sec. 7.96 also issued under DC Code 10–137 and DC Code 50–2201.07.

■ 2. Add paragraph (f) to § 7.7 to read as follows:

§ 7.7 Rocky Mountain National Park.

(f) *Bicycle use on the East Shore Trail.* The Superintendent may designate all or portions of a 2-mile segment of the East Shore Trail, extending north from Shadow Mountain Dam to the park boundary, as open to bicycle use. A map showing portions of the East Shore Trail open to bicycle use will be available at park visitor centers and posted on the park website. The Superintendent will provide notice of all bicycle route designations in accordance with § 1.7 of this chapter. The Superintendent may limit, restrict, or impose conditions on bicycle use, or close any trail to bicycle

use, or terminate such conditions, closures, limits, or restrictions in accordance with § 4.30 of this chapter.

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.

[FR Doc. 2018–04309 Filed 3–1–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 36 and 42

RIN 2900–AQ22

Federal Civil Penalties Inflation Adjustment Act Amendments

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is providing public notice of inflationary adjustments to the maximum civil monetary penalties assessed or enforced by VA, as implemented by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, for calendar year 2018. VA may impose civil monetary penalties for false loan guaranty certifications. Also, VA may impose civil monetary penalties for fraudulent claims or written statements made in connection with VA programs generally. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, sets forth a formula that increases the maximum statutory amounts for civil monetary penalties and directs VA to give public notice of the new maximum amounts by regulation. Accordingly, VA is providing notice of the calendar year 2018 inflationary adjustments that increase maximum civil monetary penalties from $21,916 to $22,363 for false loan guaranty certifications and from $10,957 to $11,181 for fraudulent claims or written statements made in connection with VA programs generally.

DATES: *Effective Date:* This rule is effective March 2, 2018.

FOR FURTHER INFORMATION CONTACT: Michael Shores, Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–4921. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) (Pub. L. 114–74, sec. 701, 129 Stat. 599), which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, 104 Stat. 890), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act was codified in a note following 28 U.S.C. 2461. The 2015 Act requires agencies to publish annual adjustments for inflation, based on the percent change between the Consumer Price Index (CPI–U) for the month of October preceding the date of the adjustment and the prior year's October CPI–U. 28 U.S.C. 2461 note 4(b) and 5(b)(1).

Under 38 U.S.C. 3710(g)(4), VA is authorized to levy civil monetary penalties against private lenders that originate VA-guaranteed loans if a lender falsely certifies that they have complied with certain credit information and loan processing standards, as set forth by chapter 37, title 38 U.S.C. and part 36, title 38 CFR. Under section 3710(g)(4)(B), any lender who knowingly and willfully makes such a false certification shall be liable to the United States Government for a civil penalty equal to two times the amount of the Secretary's loss on the loan involved or to another appropriate amount, not to exceed $10,000, whichever is greater. VA implemented the penalty amount in 38 CFR 36.4340(k)(1)(i) and (k)(3). On June 22, 2016, VA provided public notice of the adjustment to the $10,000 figure, as imposed by the 2015 Act's ''catch up'' formula. See 81 FR 40523–40525; 81 FR 65551–65552, Sept. 23, 2016. The ''catch up'' formula imposed an adjustment from $10,000 to $21,563. See 38 CFR 36.4340(k)(1)(i) and (k)(3). VA did not publish the calendar year 2017 inflation adjustment. On December 16, 2016, the Office of Management and Budget (OMB) published Circular M–17–11. This circular stated that the inflation adjustment to the previously increased ''catch up'' figure was effectuated by multiplying the ''catch up'' figure by 1.01636. Consequently, the calendar year 2017 inflation revision imposed an adjustment from $21,563 to $21,916, rounded to the nearest dollar. On December 15, 2017, OMB issued Circular M–18–03. This circular reflects that the October 2016 CPI–U was 241.729 and the October 2017 CPI–U was 246.663, resulting in an inflation adjustment multiplier of 1.02041. Accordingly, the calendar year 2018 inflation revision imposes an adjustment from $21,916 to $22,363.

Under 31 U.S.C. 3802, VA can impose monetary penalties against any person who makes, presents, or submits a claim or written statement to VA that the person knows or has reason to know is false, fictitious, or fraudulent, or who engages in other covered conduct. The statute permits, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than $5,000 for each claim. 31 U.S.C. 3802(a)(1) and (2). VA implemented the penalty amount in 38 CFR 42.3(a)(1) and (b)(1). That amount was subsequently increased to $5,500. See 61 FR 56449–56450, Nov.1, 1996. On June 22, 2016, VA provided public notice of the adjustment to the $5,500 figure, as imposed by the 2015 Act's ''catch up'' formula. See 81 FR 40523–40525; 81 FR 65551–65552, Sept. 23, 2016. The ''catch up'' formula imposed an adjustment from $5,500 to $10,781. See 38 CFR 42.3(a)(1)(iv) and (b)(1). VA did not publish the calendar year 2017 inflation adjustment. Circular M–17–11 stated that the inflation adjustment to the previously increased ''catch up'' figure was effectuated by multiplying the ''catch up'' figure by 1.01636. Consequently, the calendar year 2017 inflation revision imposed an adjustment from $10,781 to $10,957. Circular M–18–03 reflects an inflation adjustment multiplier of 1.02041. Therefore, the calendar year 2018 inflation revision imposes an adjustment from $10,957 to $11,181.

Accordingly, VA is revising 38 CFR 36.4340(k)(1)(i) and (k)(3) and 38 CFR 42.3(a)(1) and (b)(1) to reflect the 2018 inflationary adjustments for civil monetary penalties assessed or enforced by VA.

Administrative Procedure Act

The Secretary of Veterans Affairs finds that there is good cause under 5 U.S.C. 553(b)(B) and (d)(3) to dispense with the opportunity for prior notice and public comment and to publish this rule with an immediate effective date. The 2015 Act requires agencies to make annual adjustments for inflation to the allowed amounts of civil monetary penalties ''notwithstanding section 553 of title 5, United States Code.'' 28 U.S.C. 2461 note 4(a) and (b). The penalty adjustments, and the methodology used to determine the adjustments, are set by the terms of the 2015 Act. VA has no discretion to make changes in those areas. Therefore, an opportunity for prior notice and public comment and a delayed effective date is unnecessary.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory

alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action'' requiring review by OMB, unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.'' This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on state, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), imposes certain requirements on Federal agency rules that are subject to the notice and comment requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553(b). This final rule is exempt from the notice and comment requirements of the APA because the 2015 Act directed the Department to issue the annual adjustments without regard to section 553 of the APA. Therefore, the requirements of the RFA applicable to notice and comment rulemaking do not apply to this rule. Accordingly, the Department is not required either to certify that the final rule would not have a significant economic impact on a substantial number of small entities or to conduct a regulatory flexibility analysis.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.114, Veterans Housing Guaranteed and Insured Loans.

List of Subjects

38 CFR Part 36

Condominiums, Housing, Individuals with disabilities, Loan programs—housing and community development, Loan programs—Veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

38 CFR Part 42

Administrative practice and procedure, Claims, Fraud, Penalties.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on February 23, 2018, for publication.

Dated: February 23, 2018.

Jeffrey Martin,

Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR parts 36 and 42 as set forth below:

PART 36—LOAN GUARANTY

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501 and 3720.

§ 36.4340 [Amended]

■ 2. In § 36.4340, amend paragraphs (k)(1)(i) introductory text and (k)(3) by removing ''$21,563'' and adding, in its place, ''$22,363.''

PART 42—STANDARDS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

■ 3. The authority citation for part 42 continues to read as follows:

Authority: Pub. L. 99–509, secs. 6101–6104, 100 Stat. 1874, codified at 31 U.S.C. 3801–3812.

§ 42.3 [Amended]

■ 4. In § 42.3, amend paragraphs (a)(1)(iv) and (b)(1)(ii) by removing ''$10,781'' and adding, in its place, ''$11,181.''

[FR Doc. 2018–04241 Filed 3–1–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180104009–8201–01]

RIN 0648–BH49

Emergency Measures To Address Overfishing of Atlantic Shortfin Mako Shark

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

ACTION: Interim final rule, emergency action; request for comments.

SUMMARY: NMFS is taking emergency action through this interim final rule, in response to a new stock assessment for North Atlantic shortfin mako sharks to implement measures required by International Commission for the Conservation of Atlantic Tunas (ICCAT)

Recommendation 17–08. Based on the results of the stock assessment, on December 13, 2017, NMFS determined the North Atlantic shortfin mako shark stock to be overfished, with overfishing occurring. The emergency management measures will reduce shortfin mako shark landings in commercial and recreational shark fisheries, with retention allowed only in certain limited circumstances. The emergency management measures are expected to meet the United States' obligations in relation to ending overfishing, but are not expected to result in significant economic impacts.

DATES: Effective March 2, 2018 through August 29, 2018. Comments must be received on May 7, 2018. A public hearing will be held at the Highly Migratory Species (HMS) Advisory Panel meeting on March 7, 2018, from 11 a.m.–12:15 p.m., EST. For specific location and webinar information, please see the **SUPPLEMENTARY INFORMATION** section of this document and the HMS AP meeting website at: *https://www.fisheries.noaa.gov/event/march-2018-hms-advisory-panel-meeting.*

ADDRESSES: Copies of the Environmental Assessment and other supporting documents for this emergency action are available from the HMS Management Division website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species.*

Written comments, identified by NOAA–NMFS–2018–0010, may be submitted to the HMS Management Division by either of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0010,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to NMFS, Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910. Mark the outside of the envelope ''Comments on Atlantic Shortfin Mako Emergency Rule.''

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 generally will be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), 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).

FOR FURTHER INFORMATION CONTACT: Tobey Curtis at 978–281–9273 or Guy DuBeck or Lauren Latchford at 301–427–8503.

SUPPLEMENTARY INFORMATION:

Background

The North Atlantic shortfin mako shark (*Isurus oxyrinchus*) is a highly migratory species that ranges across the entire North Atlantic Ocean and is caught by fishermen from numerous countries. These sharks are a small but valued component of U.S. recreational and commercial shark fisheries, which are managed under the 2006 Consolidated Atlantic HMS Fishery Management Plan and its amendments. In recent years, U.S. catch represents only approximately 11 percent of the species' total catch in the North Atlantic by all reporting countries. International measures are, therefore, critical to the species' effective conservation and management.

In August 2017, ICCAT's Standing Committee on Research and Statistics (SCRS) conducted a new benchmark stock assessment on the North Atlantic shortfin mako stock. At its November 2017 annual meeting, ICCAT accepted this stock assessment and determined the stock to be overfished, with overfishing occurring. On December 13, 2017, based on this assessment, NMFS issued a status determination finding the stock to be overfished and experiencing overfishing using domestic criteria. The assessment specifically indicated that biomass (B_{2015}) is substantially less than the biomass at maximum sustainable yield (B_{MSY}) for eight of the nine models used for the assessment (B_{2015}/B_{MSY} = 0.57–0.85). In the ninth model, spawning stock fecundity (SSF) was less than SSF_{MSY} (SSF_{2015}/SSF_{MSY} = 0.95). Additionally, the assessment indicated that fishing mortality (F_{2015}) was greater than F_{MSY} (1.93–4.38), with a combined 90-percent probability from all models that the population is overfished, with overfishing occurring.

The 2017 assessment estimated that total North Atlantic shortfin mako catches across all ICCAT parties are currently between 3,600 and 4,750 mt per year, and that total catches would have to be at 1,000 mt or below (72–79 percent reductions) to prevent further population declines and that catches of 500 t or less currently are expected to stop overfishing and begin to rebuild the stock. The projections indicate that a total allowable catch of 0 mt would produce a greater than 50 percent probability of rebuilding the stock by the year 2040, which is approximately equal to one mean generation time. Research indicates that post-release survival rates of Atlantic shortfin mako sharks are high (70 percent); however, the assessment could not determine if requiring live releases alone would reduce landings sufficiently to end overfishing and rebuild the stock.

Based on this information, ICCAT adopted new management measures for Atlantic shortfin mako (Recommendation 17–08), which the United States must implement as necessary and appropriate under the Atlantic Tunas Convention Act. These measures largely focus on maximizing live releases of Atlantic shortfin mako sharks, allowing retention only in certain limited circumstances, increasing minimum size limits, and improving data collection in ICCAT fisheries. In November 2018, ICCAT will review the catches from the first six months of 2018 and decide whether these measures should be modified. In 2019, the SCRS will evaluate the effectiveness of these measures in ending overfishing and beginning to rebuild the stock. SCRS will also provide rebuilding information that reflects rebuilding timeframes of at least two mean generation times. Also in 2019, ICCAT will establish a rebuilding plan that will have a high probability of avoiding overfishing and rebuilding the stock to B_{MSY} within a timeframe that takes into account the biology of the stock.

Emergency Management Measures

NMFS is implementing emergency measures in HMS recreational and commercial fisheries consistent with Recommendation 17–08 to address overfishing and to provide meaningful information reflective of the new measures for the six-month reporting requirement in the Recommendation. Management measures in the emergency rule are as follows:

• Commercial fishermen on vessels deploying pelagic longline gear, which are required to have a functional electronic monitoring system on board under current regulations, must release all live shortfin mako sharks with a minimum of harm, while giving due consideration to the safety of crew members. Commercial fishermen using pelagic longline gear can only retain a shortfin mako shark if it is dead at haulback.

• Commercial fishermen using gear other than pelagic longline commercial gear (*e.g.,* bottom longline, gillnet, handgear, etc.) must release all shortfin mako sharks, whether they are dead or alive.

• Recreational fishermen (fishermen with HMS Angling or Charter/Headboat permits, and fishermen with Atlantic Tunas General category and Swordfish General Commercial permits when participating in a registered HMS tournament) must release any shortfin mako sharks smaller than the minimum size of 83 inches (210 cm) fork length (FL). This minimum size is an increase from the current minimum size of 54 inches FL. This measure is more conservative than what was specifically recommended in Recommendation 17–08, which suggested separate minimum size limits for males (180 cm FL) and females (210 cm FL). NMFS is implementing a single minimum size limit of 83 inches (210 cm) FL due to recent analyses conducted by NMFS (but were not available during the ICCAT meeting) that indicate the lower minimum size limit for males would not sufficiently reduce total shortfin mako shark landings to levels that the stock assessment estimates are required to end overfishing (refer to the EA; see **ADDRESSES**). Furthermore, confirming the sex of a large and potentially active shortfin mako shark prior to its landing can be challenging for fishermen and may have safety implications. Therefore, a single minimum size limit for the species is simpler to implement and enforce, and is more consistent with the objectives of this action.

NMFS is soliciting public comment on this interim final rule and will take into consideration any comments received and any testimony at the public hearing, as it evaluates whether any modifications to the emergency measures are needed. These emergency measures will be effective until August 29, 2018, with a possible extension of up to an additional 186 days. These measures will be replaced by long-term measures, which will be considered through notice and comment rulemaking for an upcoming fishery management plan amendment, accompanied by an Environmental Impact Statement (EIS). The Notice of Intent to Prepare an Environmental Impact Statement for that fishery management plan amendment will publish in the same issue of the **Federal Register** as this interim final rule.

These emergency measures are expected to reduce shortfin mako landings in the HMS commercial fisheries and the ex-vessel revenues from those landings by approximately 75 percent. Thus, the commercial fisheries could cumulatively experience revenue losses of approximately $281,000 per year, 97 percent of which would be lost by the pelagic longline fishery. Lost revenues would have greater social and economic impacts on fishing communities with higher shortfin mako shark landings, including Wanchese, NC, Fairhaven/New Bedford, MA, and Barnegat Light, NJ. Shortfin mako sharks are a minor source of economic revenue to the overall HMS commercial fishery, but may be an important source of seasonal revenue to some individual fishermen. The socioeconomic impacts associated with these reductions in revenue are not expected be significant overall, however, as shortfin mako sharks comprise less than 1 percent of total ex-vessel revenues in the pelagic longline fishery on average, and an even smaller fraction of total fisheries revenues in the potentially-affected fishing communities. Therefore, socioeconomic impacts on the commercial fishery are expected to be slightly negative.

These emergency measures would also reduce recreational landings of shortfin mako sharks by approximately 83 percent. However, as catch-and-release practices would still be permitted, a significant reduction in recreational fishing or charter/headboat activity is not expected. However, the reduced opportunities to catch and land a shortfin mako shark of legal size may slightly reduce demand and revenues for charters and tournaments that target this species. Approximately five percent of charter vessels and seven percent of headboat vessels in the U.S. Atlantic target pelagic sharks, including shortfin mako, with the majority of these businesses located off the northeast United States. According to NMFS Northeast Fisheries Science Center tournament data, the larger minimum size limit may not significantly limit the ability of tournaments to land shortfin mako sharks, because most of the largest shortfin mako sharks landed at tournaments in recent years have been above the 83 inches FL minimum size limit. However, it is likely that fewer vessels will be able to catch a shortfin mako shark of legal size, within or outside of tournaments. Therefore, the socioeconomic impacts associated with recreational shark fishing effort (fuel, bait, fishing supply expenditures, tournament participation, etc.) are expected to be slightly negative.

Public Hearing

Comments on this interim final rule may be submitted via *http://www.regulations.gov* or mail, and comments may also be submitted at the public hearing. NMFS solicits comments on this interim final rule by May 7, 2018. During the comment period, NMFS will hold one public hearing for this interim final rule.

TABLE 1—DATE, TIME, AND LOCATION OF THE UPCOMING PUBLIC HEARING

Venue	Date/time	Meeting locations	Location contact information
Public Hearing	March 7, 2018, 11 a.m.–12:15 p.m.	Silver Spring, MD	HMS AP Meeting, Sheraton Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Classification

This emergency interim final rule is promulgated pursuant to section 305(c) of the Magnuson-Stevens Act, and NMFS has determined that it is consistent with that Act and other applicable laws. NMFS policy guidelines for the use of emergency rules (August 21, 1997; 62 FR 44421) specify the following three criteria that define what an emergency situation is: (1) The emergency results from recent, unforeseen events or recently discovered circumstances; (2) the emergency presents serious conservation or management problems in the fishery; and (3) if the emergency action is being implemented without prior public comment, the emergency can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

This action meets the NMFS guidelines and criteria for emergency

rulemaking. The action is needed to address recently discovered circumstances including the 2017 ICCAT stock assessment and Recommendation 17–08 for North Atlantic shortfin mako shark in November and NMFS's determination that the stock is overfished and overfishing is occurring in December (Criteria 1). The stock assessment conclusions differ significantly and unexpectedly from the most recent previous assessments, which had indicated that the stock was not overfished or experiencing overfishing. The new assessment indicates that dramatic immediate reductions in fishing mortality are needed to end overfishing of this stock, and this action is needed to address this serious conservation problem (Criteria 2). Finally, the immediate benefits to the shortfin mako shark resource and our need to meet obligations under the Magnuson-Stevens Act and Atlantic Tunas Convention Act outweigh the value of the advance notice and public comments provided under the normal rulemaking process (Criteria 3). Without an emergency rule to implement these measures, the reported U.S. catches at the end of the ICCAT six-month reporting period (ending at the end of June 2018) would reflect catches under the existing management practices and thus not reflect whether the new measures were effective to address overfishing. Any resulting action based on such information could disadvantage U.S. fishermen in the long-term.

Pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries finds good cause to waive the otherwise applicable requirements for both notice-and-comment rulemaking and a 30-day delay in effectiveness for this interim final, emergency rule implementing North Atlantic shortfin mako shark management measures. The recent unforeseen circumstances described above, and need for expedient action, make it impracticable to provide prior notice-and-comment opportunity and a 30-day delay. The new stock assessment for Atlantic shortfin mako sharks was completed in August 2017 and accepted in November by ICCAT and December 2017 by NMFS, revealing that the North Atlantic shortfin mako shark stock is overfished, with overfishing occurring. ICCAT developed Recommendation 17–08 at its annual meeting in November 2017, which the United States must implement as necessary and appropriate under the Atlantic Tunas Convention Act. It would be potentially harmful to the long-term sustainability of the resource to implement these measures through notice-and-comment rulemaking because immediate reductions in fishing mortality are needed to address overfishing and begin to rebuild the stock and data will be re-evaluated as soon as November 2018 to determine whether additional measures are needed. Unless the new measures are in place, they cannot be properly evaluated for effectiveness in the fall and ICCAT will not be able to determine whether additional measures are immediately needed. Additionally, affected fishing vessel owners should not require time to adjust to these regulations, as the regulations do not constitute substantive operational changes, such as changes to equipment that might require time for purchasing and installation, or changes to practices that might require special training. Here, the rule only affects the landing of a particular species, and thus vessel owners should be able to understand and implement the changes immediately. Furthermore, the agency requested voluntary implementation of these measures earlier this year, so fishermen have already been notified of these management changes.

For the reasons outlined, NMFS finds it impracticable and contrary to the public interest to provide prior opportunity to comment on the Atlantic shortfin mako shark emergency measures. As noted above, NMFS is soliciting public comment on this interim final rule and will take into consideration any comments received and any testimony at the public hearing, as it evaluates whether any modifications to the emergency measures are needed. In addition, there will be multiple opportunities for public participation and notice-and-comment rulemaking as NMFS develops a long-term fishery management amendment to rebuild North Atlantic shortfin mako sharks.

This action is being taken pursuant to the emergency provision of the Magnuson-Stevens Act and is exempt from OMB review.

This rule is exempt from the otherwise applicable requirement of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because the rule is issued without opportunity for prior public comment.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: February 27, 2018.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

* * * * *

■ 2. In § 635.20 suspend paragraph (e)(2) and add paragraphs (e)(6) and (7) to read as follows:

§ 635.20 Size limits.

* * * * *

(e) * * *

(6) All sharks, except as otherwise specified in this subsection below, landed under the recreational retention limits specified at § 635.22(c)(2) must be at least 54 inches (137 cm) FL.

(7) All North Atlantic shortfin mako sharks landed under the recreational retention limits specified at § 635.22(c)(2) must be at least 83 inches (210 cm) fork length.

* * * * *

■ 3. In § 635.21, add paragraphs (a)(4) and (c)(1)(iv) to read as follows:

§ 635.21 Gear operation and deployment restrictions.

(a) * * *

(4) Any person issued a commercial shark permit must release all shortfin mako sharks, alive or dead, caught on any gear other than pelagic longline gear.

* * * * *

(c) * * *

(1) * * *

(iv) Has pelagic longline gear on board, persons aboard that vessel are required to release unharmed, to the extent practicable, any shortfin mako shark that is alive at the time of haulback. Any shortfin mako shark that is dead at the time of haulback may be retained provided the electronic monitoring system is installed and functioning in accordance with § 635.9.

* * * * *

■ 4. In § 635.24, suspend paragraphs (a)(4)(i) and (iii), and add paragraphs (a)(4)(v) and (vi) to read as follows:

§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.

* * * * *

(a) * * *

(4) * * *

(v) A person who owns or operates a vessel that has been issued a directed shark LAP may retain, possess, or land pelagic sharks if the pelagic shark fishery is open per §§ 635.27 and 635.28. Shortfin mako sharks may only be retained by persons using pelagic longline gear, and only if each shark is dead at the time of haulback per § 635.21(c)(1).

(vi) Consistent with paragraph (a)(4)(ii) of this section, a person who owns or operates a vessel that has been issued an incidental shark LAP may retain, possess, land, or sell no more than 16 SCS and pelagic sharks, combined, per vessel per trip, if the respective fishery is open per §§ 635.27 and 635.28. Of those 16 SCS and pelagic sharks per vessel per trip, no more than 8 shall be blacknose sharks. Shortfin mako sharks may only be retained by persons using pelagic longline gear, and only if each shark is dead at the time of haulback per § 635.21(c)(1).

* * * * *

■ 5. In § 635.71, add paragraphs (d)(27) through (29) to read as follows:

§ 635.71 Prohibitions.

* * * * *

(d) * * *

(27) Land a shortfin mako shark that was caught with gear other than pelagic longline as specified at § 635.21(a).

(28) Retain, land, or possess a shortfin mako shark that was caught with pelagic longline gear and was alive at haulback as specified at § 635.21(c)(1).

(29) As specified at § 635.21(c)(1), retain, land, or possess a shortfin mako shark that was caught with pelagic longline gear when the electronic monitoring system was not installed and functioning in accordance with the requirements at § 635.9.

* * * * *

[FR Doc. 2018–04262 Filed 3–1–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 42
Friday, March 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 39

[Docket No. FAA–2018–0163; Product Identifier 2017–NM–168–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 757 airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the longitudinal lap splices of the fuselage skin are subject to widespread fatigue damage (WFD). This proposed AD would require repetitive inspections of the longitudinal lap splices of the fuselage skin for cracking and protruding fasteners, and applicable corrective actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 16, 2018.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0163.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–0163; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: David Truong, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *david.truong@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0163; Product Identifier 2017–NM–168–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as widespread fatigue damage. It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be

mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

The longitudinal lap splices of the fuselage skin on Model 757 airplanes have been determined to be susceptible to WFD. No cracking was found on the fatigue test article, but WFD analysis has identified the need for more frequent repetitive inspections. Existing maintenance planning data (MPD) inspections are not sufficient to detect widespread fatigue cracks before they become critical. Currently, there have been no reports of WFD cracking on airplanes in service. Any fatigue cracking of the longitudinal lap splices of the fuselage skin could go undetected and grow in length. This condition could result in reduced structural integrity of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017. The service information describes procedures for visual and eddy current inspections of the longitudinal lap splices of the fuselage skin for cracking and protruding head fasteners.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0163.

Costs of Compliance

We estimate that this proposed AD affects 509 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	367 work-hours × $85 per hour = $31,195.	$0	$31,195 per inspection cycle	$15,878,255 per inspection cycle.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2018–0163; Product Identifier 2017–NM–168–AD.

(a) Comments Due Date

We must receive comments by April 16, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that the longitudinal lap splices of the fuselage skin are subject to widespread fatigue damage. We are issuing this AD to address fatigue cracking of the longitudinal lap splices of the fuselage skin, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as required by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD, where Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, specifies contacting Boeing, and specifies that action as RC: This AD requires using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (h)(2) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

(1) For more information about this AD, contact David Truong, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *david.truong@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Renton, Washington, on February 22, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–04229 Filed 3–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. FDA–2018–D–0075]

The Declaration of Added Sugars on Honey, Maple Syrup, and Certain Cranberry Products; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft guidance for industry entitled ''The Declaration of Added Sugars on Honey, Maple Syrup, and Certain Cranberry Products: Guidance for Industry.'' The draft guidance, when finalized, will advise food manufacturers of our intent to exercise enforcement discretion related to the use in the Nutrition Facts label of a symbol ''†'' immediately after the added sugars percent Daily Value information on certain foods. The symbol would lead the reader to truthful and non-misleading statements outside the Nutrition Facts label to provide additional information regarding the added sugars present in particular foods.

DATES: Submit either electronic or written comments by May 1, 2018 to ensure that we consider your comment before we take further action.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–0075 for ''The Declaration of Added Sugars on Honey, Maple Syrup, and Certain Cranberry Products: Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Office of Nutrition and Food Labeling, Nutrition Programs Staff, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Claudine Kavanaugh, Office of Foods and Veterinary Medicine, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–1450.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a draft guidance for industry entitled ''The Declaration of Added Sugars on Honey, Maple Syrup and Certain Cranberry Products: Guidance for Industry.'' We are issuing the draft guidance consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternate approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

The draft guidance is intended to advise food manufacturers of our intent to exercise enforcement discretion related to the use in the Nutrition Facts label of a symbol ''†'' immediately after the added sugars percent Daily Value information on certain foods. The symbol would lead the reader to truthful and non-misleading statements outside the Nutrition Facts label to provide additional information regarding the added sugars present in particular foods. The draft guidance would explain that we intend to consider exercising our enforcement discretion for the use of this symbol on single ingredient packages and/or containers of pure honey or pure maple syrup, and certain dried cranberry and cranberry juice products that are sweetened with added sugars, and that contain total sugars at levels no greater than comparable products with endogenous (inherent) sugars, but no added sugars.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

III. Other Issues for Consideration

We invite interested persons to comment on topics related to the draft guidance. However, we are particularly interested in responses to the following questions:

1. The draft guidance is intended to advise food manufacturers of our intent to exercise enforcement discretion related to the use in the Nutrition Facts label of a symbol ''†'' immediately after the added sugars percent Daily Value information on certain foods. Should we use a different symbol? If so, what symbol should we use and what is the rationale for using an alternative? Also, should the placement or location of the symbol be elsewhere on the Nutrition Facts label? For example, should the symbol appear after ''Includes X g Added Sugars'' instead? Please explain where the symbol should appear and your reasons for placing the symbol elsewhere on the label.

2. We are considering giving an additional year to come into compliance with the changes required by the final rule for the labeling of packages or containers of pure honey and maple syrup, and for the dried cranberry and cranberry juice products described in this draft guidance. Consumers will likely become more acclimated and educated on having an added sugars declaration on the Nutrition Facts label during this time period, based in part on other products in the marketplace bearing the new Nutrition Facts label. Should FDA consider this period of enforcement discretion given that, in the **Federal Register** of October 2, 2017 (82 FR 45753), FDA has proposed to extend the Nutrition Facts label compliance date from July 26, 2018, to January 1, 2020, for manufacturers with $10 million or more in annual food sales and from July 26, 2019, to January 1,

2021, for manufacturers with less than $10 million in annual food sales? Please explain your reasoning.

Dated: February 27, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04281 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0014]

RIN 1625–AA08

Special Local Regulation; Black Warrior River, Tuscaloosa, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary special local regulation on the Black Warrior River extending the entire width of the river from mile marker 338.5 to mile marker 339.5 in Tuscaloosa, AL. The proposed rulemaking is needed to protect the persons participating in the USA Triathlon Collegiate National Championships marine event. This proposed rulemaking restricts transit into, through and within the regulated area unless specifically authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 2, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0014 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 LT Kyle D. Berry, Sector Mobile, Waterways Management Division, U.S. Coast Guard; telephone 251–441–5940, email *kyle.d.berry@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Mobile
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
PATCOM Patrol Commander
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On November 31, 2017, the marine event sponsor for the annual USA Triathlon Collegiate National Championships marine event submitted an application for a marine event permit. The Captain of the Port Sector Mobile (COTP) has determined a special local regulation is needed to protect the persons participating in and viewing the USA Triathlon Collegiate National Championships marine event.

The purpose of this proposed rulemaking is to restrict transit into, through and within the regulated area on the Black Warrior River extending the entire width of the river from mile marker 338.5 to mile marker 339.5 in Tuscaloosa, AL during the USA Triathlon Collegiate National Championships. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

III. Discussion of Proposed Rule

The Coast Guard proposes to establish a temporary special local regulation on the Black Warrior River extending the entire width of the river from mile marker 338.5 to mile marker 339.5 in Tuscaloosa, AL. The proposed rulemaking is needed to needed to protect the persons participating in the USA Triathlon Collegiate National Championships marine event. This proposed rulemaking restricts transit into, through and within the regulated area unless specifically authorized by the COTP. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM would be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''. All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the regulated area.

Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer would be operated at a minimum safe navigation speed in a manner which will not endanger participants in the regulated area or any other vessels. No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel. Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

The COTP or a designated representative may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property. The COTP or a designated representative would terminate enforcement of the special local regulations at the conclusion of the event.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on size, location, and duration of the proposed rulemaking. The proposed special local regulation on the Black Warrior River would extend the entire width of the river from mile marker 338.5 to mile marker 339.5 in Tuscaloosa, AL from 4 a.m. on April 27, 2018 through 6 p.m. on April 28, 2018. Additionally, the Coast Guard will issue Broadcast Notices to Mariners via VHF–FM marine channel 16 about the regulation so that waterway users may plan accordingly for transits during this restriction. The rule also allows vessels to seek permission from the COTP or a designated representative to enter the regulated area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed 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 rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation on the Black Warrior River extending the entire width of the river from mile marker 338.5 to mile marker 339.5. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration (REC) supporting this determination would be available in the docket where indicated under **ADDRESSES**.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.35T08–0014 to read as follows:

§ 100.35T08–0014 Special Local Regulation; Black Warrior River, Tuscaloosa, AL

(a) *Regulated area.* All navigable waters of the Black Warrior River between mile markers 338.5 and 339.5 in Tuscaloosa, AL.

(b) *Enforcement period.* This section will be enforced from April 27, 2018 through April 28, 2018.

(c) *Special local regulations.* (1) In accordance with the general regulations in § 100.801 of this part, entry into, transit within or through, or exit from this area is prohibited unless authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

(2) All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the Captain of the Port (COTP) Mobile to patrol the regulated area.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer will be operated at a minimum safe navigation speed in a manner which will not endanger participants in the regulated area or any other vessels.

(4) No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

(6) The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(7) The COTP or a designated representative may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The COTP or a designated representative will terminate enforcement of the special local regulations at the conclusion of the event.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: February 2, 2018.

M.R. McLellan,

Captain, U.S. Coast Guard Captain of the Port Sector Mobile.

[FR Doc. 2018–04254 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–1076]

RIN 1625–AA08

Special Local Regulation; Miami Grand Prix of the Seas, Biscayne Bay, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation (SLR) for certain navigable waters of Biscayne Bay, Miami, FL for the Miami Grand Prix of the Sea. This action is necessary to provide for the safety of the public, spectators, vessels, and marine environment from potential hazards during high-speed, offshore-style boat and Personal Water Craft (PWC) races during the Miami Grand Prix of the Sea. This SLR is necessary to provide for the safety of the public, spectators, vessels, and marine environment during the Miami Grand Prix of the Sea. The SLR would establish two regulated areas, a safety zone and no anchoring zone. Non-participant persons and vessels would be prohibited from entering, transiting, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Miami (COTP) or a designated representative. All vessels would be prohibited from anchoring in the no anchoring zone. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 2, 2018.

ADDRESSES: You may submit comments on the Federal eRulemaking Portal at *http://www.regulations.gov* using docket number USCG–2017–1076 in the ''Search'' feature. 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 Petty Officer Mara J. Brown, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone 305–535–4317, email *Mara.J.Brown@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

Powerboat P1–USA, LLC has notified the Coast Guard it will be hosting the Miami Grand Prix of the Sea from 8:00 a.m. to 5:00 p.m. from April 20, 2018 through 22, 2018. The event will consist of 28-foot offshore-style powerboats and 200 to 300 Horsepower PWC racing inside the Miami Marine Stadium basin. Approximately 90 participants are scheduled to race in this event.

The purpose of this rulemaking is to establish a SLR to ensure the safety of

personnel, vessels, and marine environment before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

III. Discussion of Proposed Rule

The COTP Miami proposes to establish a SLR from April 20 through 22, 2018 from 7:00 a.m. to 6:00 p.m.

The SLR would establish two regulated areas, a safety zone and no anchoring zone, that includes certain waters of Biscayne Bay and the Miami Marine Stadium basin. The duration of the zones is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled event. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around the regulated area, which may affect a small, designated area of Biscayne Bay. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 notifying boaters of the regulated area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management 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 a regulation that would prohibit persons and vessels from transiting or anchoring in the regulated areas during the event. Normally such actions are categorically excluded from further review under paragraphs L61 and of the DHS Instruction Manual Implementation of the National Environmental Policy Act DHS Instruction Manual 023–01–001–01, Rev 01. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

Marine safety; Navigation (water); Waterways; Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. Add § 100.T07–1076 to read as follows:

§ 100.T07–1076 Special Local Regulation; Miami Grand Prix of the Seas; Biscayne Bay, Miami, FL.

(a) *Location:* The following regulated areas are established as a SLR in Biscayne Bay; Virginia Key; Miami, FL. Coordinates listed are based on North American Datum 1983.

(1) *Safety Zone:* All waters of a Biscayne Bay encompassed within the following points. Starting at Point 1 in position 25°45′12″ N, 080°11′01″ W; thence north along the Intracoastal Waterway to Point 2 in position 25°45′31″ N, 080°11′02″ W; thence southeast to Point 3 at the Marine Stadium northern jetty in position 25°46′06″ N, 080°10′22″ W; thence southeast along the Marine Stadium basin shoreline to Point 4 in position 25°44′21″ N, 080°09′45″ W; thence northwest along Marine Stadium basin shoreline to starting point. No persons/vessels, except participating vessels, may enter, transit, anchoring in, or remaining within the safety zone.

(2) *No Anchor Zone:* All waters of Biscayne Bay extending approximately 650 yards southwest, northwest and northeast from the perimeter of the portion of the safety zone that extends beyond the Miami Marine Stadium basin. No vessels may anchor within the no anchor zone.

(b) *Definition.* (1) The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, State, and Local officers designated by or assisting the COTP Miami in the enforcement of the regulated areas.

(2) The term ''Patrol Commander'' means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the respective Coast Guard Sector Commander to enforce these regulations.

(3) The term ''spectators'' means all persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(c) *Regulations.* (1) All non-participant vessels or persons are prohibited from entering, transiting, anchoring in, or remaining within the regulated area unless authorized by the COTP or a designated representative.

(2) Persons and vessels desiring to enter, transit, anchor in, or remain within the regulated area may contact the COTP Miami by telephone at (305) 535–4472 or a designated representative via VHF–FM radio on channel 16, to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Miami or a designated representative.

(3) The Coast Guard will provide notice of the regulated area through Broadcast Notice to Mariners via VHF–FM channel 16 or by on-scene designated representatives.

(d) *Enforcement Period:* This rule will be enforced daily from 7:00 a.m. to 6:00 p.m. on April 20, 2018 through April 22, 2018.

Dated: February 16, 2018.

Megan M. Dean,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2018–04298 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 2

[NPS–WASO–24836; PPWOVPADU0/PPMPRLE1Y.Y00000]

RIN 1024–AE44

Transporting Bows and Crossbows Across National Park System Units

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service proposes to allow individuals to carry or possess a bow or crossbow within the National Park System when accessing otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible.

DATES: Comments on the proposed rule and the notice of determination must be received by 11:59 p.m. EST on May 1, 2018.

ADDRESSES: You may submit comments, identified by Regulation Identifier Number (RIN) 1024–AE44, by either of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or hand deliver to:* NPS Regulations Program Office; 1849 C Street NW, MS–2472, Washington, DC 20240.
- *Instructions:* Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions received must include the words ''National Park Service'' or ''NPS'' and must include the docket number or RIN (1024–AE44) for this rulemaking. Comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.
- *Docket:* For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jay Calhoun, NPS Regulations Program,

1849 C Street NW, Washington, DC 20240. Phone: (202) 513–7112. Email: *waso_regulations@nps.gov.*

SUPPLEMENTARY INFORMATION:

Background

National Park Service (NPS) regulations at 36 CFR 2.4(b)(3) allow bows and crossbows that are not ready for immediate use to be possessed by individuals in NPS-administered areas within a mechanical mode of conveyance. This provides regulatory relief for transient individuals passing through park areas in vehicles and other forms of mechanical transport. This proposed rule would extend this relief to individuals transporting bows and crossbows on foot or horseback when accessing otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible. Possessing bows and crossbows in this manner would be subject to applicable state laws and would not be allowed if the individual is otherwise prohibited by law from possessing a bow or crossbow.

This rule would recognize and address the difficulties faced by some individuals attempting to access private property or other lands and waters adjacent to NPS-administered areas. In some cases, the use of mechanical transport to access these adjacent lands and waters is impracticable. As a result, individuals must traverse NPS areas on foot or horseback to reach these lands and waters but under existing regulations cannot do so with bows and crossbows without first obtaining a permit from the park Superintendent. This rule would remove the permit requirement in order to carry or possess bows or crossbows for this purpose. This rule would not change the regulations in 36 CFR part 2 governing the use of a bow or crossbow in park areas.

Compliance With Other Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

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

Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771)

This rule is an E.O. 13771 deregulatory action because, once finalized, it would impose less than zero costs by removing a regulatory permit requirement that imposes unnecessary costs upon individuals seeking to safely access remote lands and waters. The costs associated with the requirement to obtain a permit before transporting a bow or crossbow across NPS lands or waters outside of a mechanical conveyance would be eliminated.

Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the economic analyses found in the report entitled ''Benefit-Cost and Regulatory Flexibility Analyses: Cost-Benefit and Regulatory Flexibility Analyses:

Transporting Bows and Crossbows Across National Park System Units'' that is available to the public upon request.

Small Business Regulatory Enforcement Fairness Act

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

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

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

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

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of federally-administered lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. This rule:

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

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

Consultation With Indian Tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. The NPS has evaluated this rule under the criteria in Executive Order 13175 and under the Department's tribal consultation policy and has determined that tribal consultation is not required because the rule will have no substantial direct effect on federally recognized Indian tribes.

Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. The NPS may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the NPS intends to categorically exclude this rule under 516 DM 12.5(A)(10). This rule will modify existing NPS regulations in a manner that does not increase public use to the extent of compromising the nature and character of the National Park System or causing physical damage to it. The rule will not conflict with adjacent ownerships or lands uses, or cause a nuisance to adjacent owners or occupants. We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

Effects on the Energy Supply (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects in not required.

Clarity of This Rule

The NPS is required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule the NPS publishes must:

(a) Be logically organized;

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

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

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that the NPS has not met these requirements, send the NPS comments by one of the methods listed in the **ADDRESSES** section. To better help the NPS revise the rule, your comments should be as specific as possible. For example, you should identify the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section of this document.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the NPS in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 2 as set forth below:

PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

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

Authority: 54 U.S.C. 100101, 100751, 320102.

■ 2. Amend § 2.4 as follows:

■ a. Redesignate paragraph (b)(3) as paragraph (b)(3)(i).

■ b. Add paragraph (b)(3)(ii).

■ c. Revise paragraph (e) introductory text.

The addition and revision to read as follows:

§ 2.4 Weapons, traps and nets.

* * * * *

(b) * * *

(3) * * *

(ii) An individual may carry or possess an unloaded bow or crossbow when accessing otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible if:

(A) The individual is not otherwise prohibited by law from possessing the bow or crossbow; and

(B) The possession of the bow or crossbow is in compliance with the law of the State in which the park area is located.

(e) The superintendent may issue a permit to carry or possess a weapon that is not otherwise authorized, a trap, or a net under the following circumstances:

* * * * *

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.

[FR Doc. 2018–04247 Filed 3–1–18; 8:45 am]

BILLING CODE 4310–EJ–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2009–0436; FRL–9974–69—Region 1]

Air Plan Approval; Rhode Island; Enhanced Motor Vehicle Inspection and Maintenance Program; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is reopening the public comment period for the proposed approval of Rhode Island's enhanced motor vehicle inspection and maintenance program State Implementation Plan (SIP) revision. The proposed rule published in the **Federal Register** on November 14, 2017. Written comments on the proposed rule were to be submitted to EPA on or before December 14, 2017. The purpose of this document is to reopen the comment period for an additional 30 days. This extension of the comment period is provided to allow the public additional time to provide comment on the November 14, 2017 proposed rule.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2009–0436 at *www.regulations.gov,* or via email to *garcia.ariel@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video,

etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA Region 1 Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05–2), Boston, MA 02109–3912, telephone number: (617) 918–1660, email: *garcia.ariel@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: In the withdrawal of direct final rule published in the **Federal Register** on January 9, 2018 (83 FR 984), EPA stated the intent to institute an extended comment period for the November 14, 2017 proposed rule (82 FR 52682) by publishing a notice of data availability.

Extension of Comment Period: The adverse comment received on EPA's direct final rule requested that EPA hold a new public comment period, because EPA did not make all relevant documents available in the docket at *www.regulations.gov.* EPA has made available all documents, which are compatible with the electronic docket system, at the docket identified by Docket ID No. EPA–R01–OAR–2009–0436 at *www.regulations.gov.* All other documents, including emissions modeling files submitted as part of Rhode Island's enhanced motor vehicles inspection and maintenance program SIP revision, are available for public review by visiting the EPA New England Regional Office or by contacting the contact listed in the **FOR FURTHER INFORMATION CONTACT** section. This reopening of comment period also serves as the notice of data availability referenced in the January 9, 2018 withdrawal of direct final rule.

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: February 21, 2018.

Alexandra Dapolito Dunn,

Regional Administrator, EPA New England.

[FR Doc. 2018–04264 Filed 3–1–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 17–287, 11–42, and 09–197; Report No. 3087]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for Reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's rulemaking proceeding by Joe Redcloud on behalf of Oceti Sakowin Tribal Utility Authority, and John J. Heitmann on behalf of Telrite Corporation d/b/a Life Wireless; i-wireless, LLC; and AmeriMex Communications Corp. d/b/a SafetyNet Wireless.

DATES: Oppositions to the Petitions must be filed on or before March 19, 2018. Replies to an opposition must be filed on or before March 27, 2018.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jessica Campbell, phone: 202–418–3609, *jessica.campbell@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3087, released February 22, 2018. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. They also may be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. because no rules are being adopted by the Commission.

Subject: Bridging the Digital Divide for Low Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, FCC 17–155, published at 83 FR 2075, January 16, 2018, in WC Docket Nos. 17–287, 11–42, and 09–097. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 2.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–04359 Filed 3–1–18; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 83, No. 42
Friday, March 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

Submission for OMB Review; Comment Request

February 27, 2018

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725—17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by April 2, 2018. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Field Crops Objective Yield.

OMB Control Number: 0535–0088.

Summary of Collection: The primary function of the National Agricultural Statistics Service (NASS) is to prepare and issue current official State and national estimates of crop and livestock production. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. This statute specifies the ''The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . . and shall distribute them among agriculturists''. Data collected provides yield estimates for corn, cotton, potatoes, soybeans and winter wheat. In addition NASS has been contacted by several state cooperators to conduct projected yield studies for citrus, almonds, hazelnuts and walnuts. These fruit and nut surveys will be conducted through cooperative agreements with the states and will be totally funded by the individual states. The yield estimates for all of these crops are extremely important because they are used in conjunction with price data to estimate production and in making policy decisions in agricultural sectors.

Need and Use of the Information: NASS will collect information on sample fields of, corn, cotton, potatoes, soybeans, and winter wheat. The information will be used by USDA to anticipate loan receipts and pricing of loan stocks for grains. Farmers and businesses use the production estimates in marketing decisions to evaluate expected prices and to determine when to sell. The fruit and nut data will be used by the State Departments of Agriculture and commodity marketing boards to make informed decisions concerning the stocks and marketing of these commodities.

Description of Respondents: Farms and businesses or other for-profit operations.

Number of Respondents: 15,850.

Frequency of Responses: Reporting: Monthly during growing season or annually.

Total Burden Hours: 5,456.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–04292 Filed 3–1–18; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Forest Service

Humboldt-Toiyabe National Forest; Nevada; Humboldt-Toiyabe Integrated Invasive Plant Treatment Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Humboldt-Toiyabe National Forest is preparing an Environmental Impact Statement (EIS) to evaluate the effects of controlling and eradicating non-native invasive plants and restoring native vegetation on national forest lands in Nevada. The EIS will analyze actions to be implemented on known infested areas, as well as on infested areas that may be discovered over the next 15 years using a variety of tools, methods, and products.

DATES: Comments concerning the scope of the analysis must be received in writing by April 16, 2018. The Draft Environmental Impact Statement is expected in September 2018, and the Final Environmental Impact Statement is expected in May 2019.

ADDRESSES: Electronic comments are encouraged. Electronic comments should be submitted through the comment section at *https://www.fs.usda.gov/project/?project=53031.* Mail comments to Humboldt-Toiyabe National Forest: Attn: Integrated Invasive Plant Treatment EIS, 1200 Franklin Way, Sparks, Nevada 89431.

FOR FURTHER INFORMATION CONTACT: For additional information concerning this project, please contact James Winfrey, Interdisciplinary Team Leader, at 775–355–5308 or *ht_invasive_plant_treatment@fs.fed.us.* Information about

this EIS will be posted on the internet at: *https://www.fs.usda.gov/project/?project=53031.* This website will be used to post all public documents during the environmental review process and announce opportunities for public participation and comment.

SUPPLEMENTARY INFORMATION: Invasive plants have been identified as a major threat to the biological diversity and ecological integrity in and near the Humboldt-Toiyabe National Forest (HTNF). Invasive plants displace native plants; reduce habitat and forage for wildlife and livestock; diminish populations of threatened, endangered, and sensitive species; alter soil properties and productivity; change the intensity and frequency of wildfires; and impact recreation opportunities.

The HTNF encompasses approximately 5.6 million acres across the state of Nevada, with land in Carson, Clark, Douglas, Elko, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Washoe, and White Pine counties. There are approximately 28,500 acres identified as being infested with invasive, non-native, and/or State-listed noxious weeds. These invasive plant infestations have a high potential to expand on lands within and adjacent to the HTNF, degrading desired plant communities and the values provided by those communities.

Forestlands are also threatened by ''potential invaders,'' invasive plants that have not been found on the HTNF but are known to occur in adjacent lands, counties, or states. Infestations can be controlled and eradicated, and native vegetation can be restored, through the use of specific management practices. A clear and comprehensive integrated invasive plan management strategy would allow for the implementation of timely and effective invasive plant management and prevention for projects and programs on the HTNF. In the absence of an aggressive invasive plant management program, the number, density, and distribution of invasive plants on the forest will continue to increase.

Purpose and Need for Action

The purpose of this analysis is to update current management to provide for integrated and timely management of invasive species, now and in the future, with the goal of promoting healthy and thriving native plant communities across the HTNF. The proposal is in response to an underlying need to implement management direction as described in the Regulatory Framework section below.

The need for comprehensive and aggressive management of invasive plant species is multifaceted:

Invasive plants are diminishing the natural resource values of the forest: Forest resources are negatively impacted by existing and expanding invasive plant infestations. Invasive species are known to out-compete native plants, which can reduce productivity and biodiversity, cause habitat loss, and have economic impacts.

There must be a timely response to new infestations, new invasive plant species, and landscape-scale disturbances: On the HTNF, invasive plants are spread by use of transportation systems, livestock grazing, and off-road fire suppression activities. They are also spread by wild animals, wind, and water. Wildland fires are frequent on HTNF lands, and afterwards the burned areas typically become more densely infested with invasive plants such as cheatgrass and non-native thistles. The forest needs the flexibility to treat expanded and/or newly identified infestations in a timely manner, based on local site conditions and identified Forest priorities.

Existing and future invasive plant populations in the HTNF require active and adaptive management: Invasive plant infestations already exist throughout the HTNF, and without management they will increase in density and distribution. Active and adaptive integrated pest management is necessary to contain invasive plants within existing boundaries, reduce infestation densities, and retard the establishment of new infestations. Control efforts should be focused on infestations that can realize the greatest resource benefits: those with the highest risk of spread, those that have not become established, and those with the best likelihood of control success.

Rehabilitation and restoration of infested areas can inhibit the spread and establishment of invasive plants: Appropriate rehabilitation efforts are a critical component of a fully functional invasive plant management program. The goals of rehabilitating degraded areas may include preventing new infestations, preventing the reoccurrence of eradicated infestations, and/or reducing the density and spread of existing infestations. Post-fire rehabilitation efforts may incorporate one or more of the established control techniques outlined in the proposed action.

Federal, State, and Forest Service laws, regulation, policy and direction relating to invasive plant management must be implemented and followed: Implementing invasive species laws and policies requires aggressive invasive plant management. This analysis would identify the strategies that the HTNF would use to comply with laws and policies pertaining to invasive plant management.

Proposed Action

The HTNF proposes to implement adaptive and integrated invasive plant treatments on current and future infested areas using tools and products currently available, and those that may become available in the next 15 years. Activities would be implemented with partners at the federal, state, and local level where opportunities exist. To provide for ''Early Detection Rapid Response'' (EDRR), the Forest would design a plan that allows treatment of invasive plant infestations located outside of currently identified infested areas. Infestations outside of currently identified areas may include new sites that arise in the future, or sites that currently exist, but have not been identified in Forest inventories to date. The intent of EDRR is to allow timely control, so that new infestations can be treated when they are small, preventing establishment and spread, while reducing the costs and potential side effects of treatment.

Proposed control methods would be based on integrated pest management principles and methods known to be effective for each target species. They include, but are not limited to, manual mechanical techniques, such as mowing and pulling; biological control agents, such as pathogens, insects, and controlled grazing; prescribed fire; and herbicides (including aerial and ground-based application methods) that target specific invasive plant species. Restoration actions include planting, seeding, and fertilizing using a variety of equipment and methods. Control, eradication, and restoration methods could be employed alone or in combination to achieve the most effective results. Treatments over a number of years may be necessary to achieve control, eradication, and restoration goals.

Treatment methods would be based on the extent, location, type, and character of an infestation and would be implemented using project design features developed to reduce or eliminate potential adverse effects.

Restoration activities would be designed and implemented based on the conditions found in and around infested areas. Both active and passive (allowing plants on site to fill in a treated area) revegetation would be considered. Restoration techniques would be assessed and implemented in order to

promote native plant communities that are resistant to infestation by invasive plants.

Lead and Cooperating Agencies

The Forest Service will be the lead federal agency in accordance with *40 Code of Federal Regulations (CFR) 1501.5(b)* and is responsible for the preparation of the EIS. The Forest Service is in the process of inviting other federal, state, and local agencies to participate as cooperating agencies. At this time, these include the Bureau of Land Management, Natural Resource Conservation Service, U.S. Fish and Wildlife Service, Nevada Departments of Wildlife, Nevada Department of Agriculture and local Conservation Districts. Scoping will determine if any other cooperating agencies are needed.

Responsible Official

The responsible official for this EIS is William A. Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest Supervisor's Office, 1200 Franklin Way, Sparks, Nevada 89431.

Decision To Be Made

The Forest Supervisor will decide whether to treat invasive plants and conduct restoration activities on the Nevada portion of the HTNF, and if so, what methods and strategies (including adaptive management and EDRR) will be used to contain, control, or eradicate invasive plants.

Permits or Licenses Required

A permit from the State of Nevada would be required prior to use of prescribed fire. Pesticide applicators would be certified as required by the Nevada Department of Agriculture, and all other permits required by regulatory agencies would be obtained prior to implementation.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. The Forest Service will be seeking information, comments, and assistance from federal, state, and local agencies, American Indian Tribes, as well as other individuals and organizations that may be interested in, or affected by, the proposed project. Comments on the proposed project should be in writing and should be specific to the proposed action, describing as clearly and completely as possible any issues or concerns the commenter has with the proposal. Comments received, including the names and addresses of those who comment, will become part of the public record for this EIS, and will be available on request for public inspection (see *40 CFR 1501.7* and *1508.22; Forest Service Handbook* 1909.15, Section 21). For full consideration, scientific articles or other items cited in support of comments should be submitted in their entirety by the commenter. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

Comments that would be most useful are those concerning developing or refining the proposed action, site specific concerns, and those concerns that can help us develop treatments that would be responsive to our goal to control, contain, or eradicate invasive plants.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Public meetings are anticipated to be held following publication of the Draft Environmental Impact Statement.

Dated: January 9, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–04306 Filed 3–1–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–14–2018]

Foreign-Trade Zone (FTZ) 158—Vicksburg/Jackson, Mississippi, Notification of Proposed Production Activity, International Converter, (Insulation Facer), Iuka, Mississippi

International Converter (IC) submitted a notification of proposed production activity to the FTZ Board for its facility in Iuka, Mississippi. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 23, 2018.

The applicant indicates that it will be submitting a separate application for FTZ designation at the IC facility under FTZ 158. The facility is used for the production of insulation facer using a wet-bond or dry-bond lamination process. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt IC from customs duty payments on the foreign-status materials/components used in export production. For foreign-status components subject to antidumping/countervailing duty (AD/CVD) investigations/orders, the applicant only requests authority to use such components in the company's export production. On its domestic sales, for the foreign-status materials/components noted below not subject to AD/CVD orders/investigations, IC would be able to choose the duty rates during customs entry procedures that apply to: Printed duplex insulation facer consisting of paper backed with aluminum foil; not printed duplex insulation facer consisting of paper backed with aluminum foil; printed triplex insulation facer, consisting of paper with aluminum foil on either side; not printed triplex insulation facer, consisting of paper with aluminum foil on either side; printed quadlaminate insulation facer, consisting of paper with aluminum foil on either side, and fabric scrim on one outer layer; and, not printed quadlaminate insulation facer, consisting of paper with aluminum foil on either side, and fabric scrim on one outer layer (duty rate ranges from duty-free to 3.7%). IC has indicated that all scrap/waste from the lamination process would be exported. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Aluminum foil in rolls, 0.00025 inches thick; aluminum foil in rolls, 0.00027 inches thick; aluminum foil in rolls, 0.000285 inches thick; and, nonwoven polyethylene terephthalate scrim fabric, in rolls, 33.84 grams per square meter (duty rate ranges from duty-free to 5.8%). The request indicates that the aluminum foil is subject to AD and CVD investigations if imported from a certain country. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status (19 CFR 146.41). As noted above, the request indicates that any aluminum foil subject to an AD/CVD investigation/order would be used only in production for export.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 11, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: February 27, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–04290 Filed 3–1–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–39–2018]

Foreign-Trade Zone 78—Nashville, Tennessee; Application for Subzone; CEVA Freight LLC; Mount Juliet and Lebanon, Tennessee

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Metropolitan Government of Nashville and Davidson County, grantee of FTZ 78, requesting subzone status for the facilities of CEVA Freight LLC, located in Mount Juliet and Lebanon, Tennessee. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on February 26, 2018.

The proposed subzone would consist of: Site 1 (32.92 acres), three buildings located at 12002, 12008 and 12014 Volunteer Boulevard, Mount Juliet; and, *Site 2* (1.70 acres), one building at 1442C Toshiba Dr., Lebanon. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 78.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

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 11, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 26, 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: February 26, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–04289 Filed 3–1–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–13–2018]

Foreign-Trade Zone (FTZ) 138—Franklin County, Ohio; Notification of Proposed Production Activity; International Converter (Insulation Facer); Caldwell, Ohio

International Converter (IC) submitted a notification of proposed production activity to the FTZ Board for its facility in Caldwell, Ohio. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 23, 2018.

The applicant indicates that it will be submitting a separate application for FTZ designation at the IC facility under FTZ 138. The facility is used for the production of insulation facer using a wet-bond or dry-bond lamination process. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt IC from customs duty payments on the foreign-status materials/components used in export production. For foreign-status components subject to antidumping/countervailing duty (AD/CVD) investigations/orders, the applicant only requests authority to use such components in the company's export production. On its domestic sales, for the foreign-status materials/components noted below not subject to AD/CVD orders/investigations, IC would be able to choose the duty rates during customs entry procedures that apply to: Printed duplex insulation facer consisting of paper backed with aluminum foil; not printed duplex insulation facer consisting of paper backed with aluminum foil; printed triplex insulation facer, consisting of paper with aluminum foil on either side; not printed triplex insulation facer, consisting of paper with aluminum foil on either side; printed quadlaminate insulation facer, consisting of paper with aluminum foil on either side, and fabric scrim on one outer layer; and, not printed quadlaminate insulation facer, consisting of paper with aluminum foil on either side, and fabric scrim on one outer layer (duty rate ranges from duty-free to 3.7%). IC has indicated that all scrap/waste from the lamination process would be exported. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: aluminum foil in rolls, 0.00025 inches thick; aluminum foil in rolls, 0.00027 inches thick; aluminum foil in rolls, 0.000285 inches thick; and, nonwoven polyethylene terephthalate scrim fabric, in rolls, 33.84 grams per square meter (duty rate ranges from duty-free to 5.8%). The request indicates that the aluminum foil is subject to AD and CVD investigations if imported from a certain country. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status (19 CFR 146.41). As noted above, the request indicates that any aluminum foil subject to an AD/CVD investigation/order would be used only in production for export.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 11, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the

''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: February 27, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–04288 Filed 3–1–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–928]

Uncovered Innerspring Units From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: For the final results of this review, the Department of Commerce (Commerce) continues to apply adverse facts available (AFA) to PT Sunhere Buana International's (PT Sunhere) exports of uncovered innerspring units (innersprings) from the People's Republic of China (China).

DATES: Applicable March 2, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0413.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 2017, Commerce published the *Preliminary Results* of the eighth administrative review of innersprings from China, for the period of review (POR), February 1, 2016, through January 31, 2017.[1] We invited parties to submit comments on the *Preliminary Results,* but we received no comments. Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is uncovered innerspring units composed of a series of individual metal springs joined together in sizes corresponding to the sizes of adult mattresses (*e.g.,* twin, twin long, full, full long, queen, California king and king) and units used in smaller constructions, such as crib and youth mattresses The product is currently classified under subheading 9404.29.9010 and has also been classified under subheadings 9404.10.0000, 9404.29.9005, 9404.29.9011, 7326.20.0070, 7326.20.0090, 7320.20.5010, 7320.90.5010, or 7326.20.0071 of the Harmonized Tariff Schedule of the United States (HTSUS).[2] The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the order is dispositive.[3]

Analysis of Comments Received

As noted above, we received no comments on the *Preliminary Results.*

Changes Since the Preliminary Results

As no parties submitted comments on the *Preliminary Results,* Commerce has not modified its analysis from that presented in the *Preliminary Results,* and no decision memorandum accompanies this **Federal Register** notice. Further, Commerce has made no changes to the application of AFA to PT Sunhere's exports of China-origin innersprings.[4] As noted in the *Preliminary Results,* in selecting an AFA rate, Commerce's practice has been to assign non-cooperative respondents the highest margin determined for any party in the LTFV investigation or in any administrative review;[5] thus, we assigned PT Sunhere's exports of China-origin innersprings an individual rate of 234.51 percent based on total AFA, which is the highest rate on the record in this proceeding.[6]

Assessment Rates

We have not calculated any assessment (or cash deposit) rates in this administrative review, because we applied AFA to PT Sunhere. Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this administrative review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For PT Sunhere's Chinese-origin merchandise, the cash deposit rate will be 234.51 percent); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.,* 234.51 percent); and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of its 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). However, because Commerce applied AFA to PT Sunhere, there are no calculations to disclose.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties

[1] *See Uncovered Innerspring Units from the People's Republic of China: Preliminary Results and Rescission, in Part, of the Antidumping Duty Administrative Review; 2016–2017,* 82 FR 51602 (November 7, 2017) and accompanying Preliminary Decision Memorandum (PDM) (collectively, *Preliminary Results*).

[2] Based on a recommendation by CBP, on September 6, 2017, Commerce added HTS 7326.20.0090 to the scope. *See* Memo to the File, from Kenneth Hawkins, Case Analyst, ''Request from Customs and Border Protection to Update the ACE AD/CVD Case Reference File, Uncovered Innersprings from the People's Republic of China (A–570–928) and South Africa (A–791–821),'' dated September 6, 2017.

[3] For a full description of the scope of the Order, *see* PDM at 3–4.

[4] PT Sunhere is not a Chinese exporter of subject merchandise. *See* PDM at 1. As such, we are not treating PT Sunhere as a part of the China-wide entity, but rather have assigned a rate to PT Sunhere as a market economy reseller.

[5] *See* PDM at 6; *Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 71 FR 69546 (December 1, 2006) and accompanying IDM at Comment 1.

[6] *See Uncovered Innerspring Units from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 56338 (September 19, 2014).

occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: February 23, 2018.

Prentiss Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2018–04287 Filed 3–1–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG043

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, March 21, 2018 at 9 a.m.

ADDRESSES: The meeting will be held at the Hotel Providence, 139 Mathewson Street, Providence, RI 02903; phone: (401) 861–8000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Advisory Panel will receive an update on measures expected to be adopted in Framework Adjustment 29. They will also review the general workload for 2018 based on Council priorities and initial progress on these work items. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: February 27, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04312 Filed 3–1–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG045

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, March 22, 2018 at 9 a.m.

ADDRESSES: The meeting will be held at the Hotel Providence, 139 Mathewson Street, Providence, RI 02903; phone: (401) 861–8000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will receive an update on measures expected to be adopted in Framework Adjustment 29. They will also review the general workload for 2018 based on Council priorities and initial progress on these work items. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: February 27, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04313 Filed 3–1–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG007

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Pelagic Longline Fishery Management

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

ACTION: Notice of intent (NOI) to prepare a draft environmental impact analysis and hold scoping meetings; notice of availability of scoping document; request for comments.

SUMMARY: NMFS announces its intent to prepare a draft environmental impact analysis to assess the potential effects of alternative measures under the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) for management of the pelagic longline fishery. This notice announces a public process for determining the scope of issues to be addressed and for identifying the significant issues relating to the management of Atlantic HMS, with a focus on area-based management measures and weak hook management measures that were implemented to reduce dead discards of bluefin tuna in the pelagic longline fishery. NMFS would use the scoping process and the draft environmental impact analysis to develop a regulatory action applicable to the pelagic longline fishery. The scoping process and draft environmental impact analysis are intended to determine if existing area-based and weak hook management measures are the best means of achieving the current management objectives and providing flexibility to adapt to fishing variability in the future, consistent with the 2006 Consolidated HMS FMP, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Atlantic Tunas Convention Act (ATCA), and other relevant Federal laws. NMFS is also announcing the availability of a scoping document describing potential measures for inclusion in a future regulatory action. NMFS will hold scoping meetings to gather public comment on potential management options for area based and weak hook requirements. The time and location details of the scoping meetings are available in the **SUPPLEMENTARY INFORMATION** section of this notice. NMFS is requesting comments on the NOI to develop environmental impact assessments. NMFS also requests comments on the management options described in the scoping document concerning bluefin area-based management and weak hook measures that were implemented to minimize bluefin tuna bycatch and/or interactions, and relevant options that would meet the purpose and need for this action.

DATES: Written comments on this NOI and the scoping document must be received on or before May 1, 2018. NMFS also will host an operator-assisted public hearing conference call and webinar March 15, 2018, from 2 to 4 p.m. EDT, providing an opportunity for individuals from all geographic areas to participate in a scoping meeting. See **SUPPLEMENTARY INFORMATION** for further details, including public scoping meeting dates and locations.

ADDRESSES: You may submit comments, identified by ''NOAA–NMFS–2018–0035'', by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-00035,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Craig Cockrell, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, or to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted to *http://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).

The public hearing conference call information is phone number 800–988–9546; participant passcode 27079. Participants are strongly encouraged to log/dial in 15 minutes prior to the meeting. NMFS will show a brief presentation via webinar followed by public comment. To join the webinar, go to: *https://noaaevents2.webex.com/noaaevents2/onstage/g.php?MTID=e7fc24f346f6d54043131fad6e040d4bd;* meeting number: 992 830 164; password: noaa. Participants who have not used WebEx before will be prompted to download and run a plug-in program that will enable them to view the webinar.

The scoping document is available by sending your request to Craig Cockrell at the mailing address specified above, or by calling the phone numbers indicated below. The scoping document, the 2006 Consolidated HMS FMP, and FMP amendments also may be downloaded from the HMS website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species.*

FOR FURTHER INFORMATION CONTACT: Craig Cockrell 301–427–8503 or Jennifer Cudney 727–824–5399, or online at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species.*

SUPPLEMENTARY INFORMATION:

Background

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of HMS, including bluefin tuna, by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. The pelagic longline fishery for Atlantic HMS primarily targets swordfish, yellowfin tuna, and bigeye tuna in various areas and seasons. In 1997, NMFS determined that the western Atlantic bluefin tuna stock was overfished. In addition, the 1998 International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendation on western Atlantic bluefin tuna required that Contracting Parties, including the United States, minimize dead discards of bluefin tuna to the extent practicable, and set a country-specific dead discard allowance. Given the status of bluefin tuna and recommendations from ICCAT, at that time, NMFS analyzed a range of different time/area options for locations with high bluefin tuna bycatch in the 1999 FMP for Atlantic tunas, sharks, and swordfish (1999 HMS FMP), and subsequently implemented the Northeastern United States Pelagic Longline Closed Area, which is effective annually from June 1 through June 30, in the final rule implementing the 1999 HMS FMP (64 FR 29090, May 28, 1999) to reduce bluefin tuna dead discards in the pelagic longline fishery. In 2006, NMFS finalized the 2006 Consolidated Atlantic HMS FMP, which was intended to simplify management and better coordinate domestic conservation and management of Atlantic HMS. This Consolidated HMS FMP also carried

forward many of the objectives of the 1999 FMP for Atlantic tunas, sharks and swordfish (*e.g.,* reduce dead discard and post-release mortality of Atlantic HMS in directed and non-directed fisheries; reduce bycatch and bycatch mortality). In the 2006 Consolidated HMS FMP, NMFS also recognized the importance of western Atlantic bluefin tuna spawning grounds in the Gulf of Mexico and considered alternatives that would provide additional protection or incentives to dissuade fishermen from keeping incidentally caught bluefin. Weak hooks have been mandatory in the Gulf of Mexico pelagic longline fishery since 2011 (76 FR 18653, April 5, 2011). Weak hooks straighten under pressure and research conducted from 2007–2015 showed weak hook use could decrease bluefin tuna catch by 46 to 56.5 percent in the Gulf of Mexico. Continued reductions of bluefin tuna catch in the Gulf of Mexico pelagic longline fishery have been observed since the implementation of weak hooks. Amendment 7 to the 2006 Consolidated HMS FMP (79 FR 71510, December 2, 2014) implemented several measures for the pelagic longline fishery including, but not limited to, gear restricted areas, individual bluefin tuna quotas (IBQ), and catch reporting of each pelagic longline set using vessel monitoring systems.

Since implementation of Amendment 7 in 2015, NMFS has noted decreased bluefin tuna landings and dead discards concurrent with the new focus on vessel accountability in fishing practices. However, effort within the pelagic longline fishery has also decreased and quotas established for target species (*e.g.,* swordfish) are not being met. We presented a range of potential management issues and options for consideration at recent Advisory Panel meetings that might: (1) Optimize the ability of permit categories to harvest target species and still meet goals consistent with rebuilding and management plans and other species management objectives; and (2) revitalize the target longline fisheries, including increased swordfish landings within existing quotas. We specifically received comments from pelagic longline participants and other interested parties, including comments at the Spring and Fall 2017 Atlantic HMS Advisory Panel meetings, to examine whether older fleet-wide measures such as gear requirements, area restrictions, or time/area closures may no longer be necessary to reduce bluefin tuna bycatch and still meet the objectives of the Amendment 7. The HMS Advisory Panel expressed support for the continued development of management options to be presented at the Spring 2018 Advisory Panel meeting.

Scoping Process

NMFS encourages participation, by all persons affected or otherwise interested in bluefin tuna area-based and weak hook management measures, in the process to determine the scope and significance of issues to be analyzed in a draft environmental impact analysis and regulatory action. All such persons are encouraged to submit written comments (see **ADDRESSES**), or comment at one of the scoping meetings or public webinar. Persons submitting comments are welcome to address the specific measures in the scoping document.

NMFS intends to hold scoping meetings in the geographic areas that may be affected by these measures, including locations on the Atlantic and Gulf of Mexico coasts, and will consult with the regional fishery management councils in the Atlantic and Gulf of Mexico. After scoping has been completed and public comment gathered and analyzed, NMFS will determine if it is necessary to proceed with preparation of a draft environmental impact analysis and proposed rule, which would include additional opportunities for public comment. The scope of the draft environmental impact analysis would consist of the range of actions, alternatives, and impacts to be considered. Alternatives may include, but are not limited to, the following: Not amending the current regulations (*i.e.,* taking no action); developing a regulatory action that contains management measures such as those described in the scoping document; or other reasonable courses of action. This scoping process also will identify, and eliminate from further detailed analysis, issues that may not meet the purpose and need of the action. NMFS expects to present the scoping document at the Spring 2018 HMS Advisory Panel meeting, the scheduled scoping meetings and webinar, and the regional fishery management councils, as listed in Table 1.

TABLE 1—LOCATIONS, DATES, AND TIMES OF UPCOMING SCOPING MEETINGS AND COUNCIL PRESENTATIONS

Date	Time	Meeting location	Address
March 8, 2018	TBD	HMS Advisory Panel Meeting.	Sheraton Silver Spring Hotel, 8777 Georgia Ave., Silver Spring, MD 20910.
March 13, 2018	2:00–4:00 p.m	Public Webinar	Teleconference line: 800–988–9546, Participant pass code: 27079, Webinar Link: *https://noaaevents2.webex.com/noaaevents2/onstage/g.php?MTID=e7fc24f346f6d54043131fad6e040d4bd*, Event number: 992 830 164, Event password: noaa.
March 15, 2018	4:00 p.m.–8:00 p.m	Panama City, FL	National Marine Fisheries Service, Southeast Fisheries Science Center, 3500 Delwood Beach Road, Saint Panama City, FL 32408.
March 21, 2018	4:00 p.m.–8:00 p.m	Manteo, NC	Commissioners Meeting Room, Dare County Administration Building, 954 Marshall Collins Dr., Manteo, NC 27954.
April 2, 2018	5:00 p.m.–7:00 p.m	Houma, LA	Terrebonne Parish Main Library, Large Conference Room, 151 Library Drive, Houma, LA 70360.
April 12, 2018	4:00 p.m.–8:00 p.m	Manahawkin, NJ	Stafford Branch Public Library, 129 N Main St., Manahawkin, NJ 08050.
April 18, 2018	5:00 p.m.–7:00 p.m	Gloucester, MA	National Marine Fisheries Service, Grater Atlantic Regional Office, 55 Great Republic Dr., Gloucester, MA 01930.

The public is reminded that NMFS expects participants at public scoping meetings and on conference calls to conduct themselves appropriately. At the beginning of the scoping meetings and conference call, a representative of NMFS will explain the ground rules (*e.g.,* all comments are to be directed to the Agency; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The meeting locations will be physically accessible

to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Craig Cockrell at 301–427–8503, at least 7 days prior to the meeting. A NMFS representative will attempt to structure the meeting so that all attending members of the public will be able to comment if they so choose, regardless of the controversial nature of the subject matter. If attendees do not respect the ground rules they will be asked to leave the scoping meeting or conference call.

Because the rulemakings overlap for some gear types, the public scoping meetings being held in Panama City, FL, Manteo, NC, and Manahawkin, NJ will be held in conjunction with public scoping meetings for Amendment 11 to the 2006 Consolidated Atlantic HMS FMP (shortfin mako shark management measures). The Amendment 11 presentation will likely be given first unless polling of the audience indicates another approach is appropriate. After each presentation, public comment for that issue will be received. Meeting attendees interested in this issue are encouraged to show up at the beginning of the meeting to help determine the order of the presentations. The second presentation will not start any later than 6 p.m.

The process of developing a regulatory action is expected to take approximately two years. In addition to future HMS Advisory Panel input, public comment and future analyses, there are other relevant events anticipated that may impact the development of this regulatory action, including implementation of a quota rule for Atlantic bluefin tuna and North Atlantic albacore, the three-year review of the IBQ program, and the ICCAT annual meeting in November 2018.

Until the draft environmental impact analysis and proposed rule are finalized or until other regulations are put into place, the current regulations remain in effect.

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: February 27, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–04315 Filed 3–1–18; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies 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: April 1, 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 additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s):
7045–00–NIB–0012—Pack, Power, Portable, 12000mAh, Black
7045–00–NIB–0013—Pack, Power, Portable, 6000mAh, Black
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: General Services Administration, New York, NY
Distribution: A-List

Services

Service Type: Records Management Service
Mandatory for: US Navy, Military Sealift Command, Naval Station Norfolk, 471 East C Street, Norfolk, VA
Mandatory Source of Supply: VersAbility Resources, Inc., Hampton, VA
Contracting Activity: Dept of the Navy, MSC NORFOLK,

Service Type: Base Supply Center
Mandatory for: US Army, Picatinny Arsenal, Phipps Road, Picatinny Arsenal, NJ
Mandatory Source of Supply: Central Association for the Blind & Visually Impaired, Utica, NY
Contracting Activity: Dept of the Army, W6QK ACC–PICA

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):
8440–00–160–6843—Scarf, Air Force, Men's, Gray
8440–00–823–7520—Scarf, Air Force, Men's, Olive Green
8440–01–005–2558—Scarf, Air Force, Men's, Blue
8440–01–523–5765—Scarf, Air Force, Men's, Black
Mandatory Source of Supply: ASPIRO, Inc., Green Bay, WI
Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s):
6530–00–290–8292—Urinal, Incontinent
6530–00–NIB–0061—Catheter, External, Male, Self-Adhering, Pop-on
6530–00–NIB–0062—Catheter, External, Male, Self-Adhering, Pop-on
6530–00–NIB–0063—Catheter, External, Male, Self-Adhering, Pop-on
6530–00–NIB–0064—Catheter, External, Male, Self-Adhering, Pop-on
6530–00–NIB–0065—Catheter, External, Male, Self-Adhering, Pop-on
Mandatory Source of Supply: The Lighthouse for the Blind, St. Louis,
Contracting Activity: Department of Veterans Affairs, Strategic Acquisition Center

NSN(s)—Product Name(s):
7520–01–483–8900—Paper Cutter, Rotary, Wood Base, Gray, 28.5″ Cutting Length
7520–01–483–8901—Paper Cutter, Rotary, Wood Base, Gray, 37.5″ Cutting Length
7520–01–483–8902—Paper Cutter, Rotary, Metal Base, Gray, 18″ Cutting Length
7520–01–483–8904—Paper Cutter, Rotary, Metal Base, Blue, 12″ Cutting Length
Mandatory Source of Supply: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s): 8475–01–142–5648—Nape Strap
Mandatory Source of Supply: Cambria County Association for the Blind and Handicapped, Johnstown, PA
Contracting Activity: Defense Logistics Agency Troop Support

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2018–04318 Filed 3–1–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes a product and a service from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* April 1, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 1/26/2018 (83 FR 18), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the product and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the product and service 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 product and service deleted from the Procurement List.

End of Certification

Accordingly, the following product and service are deleted from the Procurement List:

Product

NSN—Product Name: 8415–01–494–4605 Cover, Parachutists' and Ground Troops' Helmet, All Services, Snow Camouflage, ML

Mandatory Source of Supply: Mount Rogers Community Services Board, Wytheville, VA

Contracting Activity: Defense Logistics Agency Troop Support

Service

Service Type: Custodial Service

Mandatory for: GSA PBS Region 5, Federal Building and U.S. Courthouse 201 N Vermilion Street, Danville, IL

Mandatory Source of Supply: Challenge Unlimited, Inc., Alton, IL

Contracting Activity: Public Buildings Service, Acquisition Management Division

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2018–04321 Filed 3–1–18; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Friday, March 9, 2018.

PLACE: Three Lafayette Centre, 1155 21st Street NW, Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Examinations matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2018–04441 Filed 2–28–18; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Reserve Forces Policy Board will take place.

DATES: The Reserve Forces Policy Board (RFPB) will hold a meeting on Wednesday, March 7, 2018 from 7:55 a.m. to 3:50 p.m. The portion of the meeting from 7:55 a.m. to 1:50 p.m. will be closed to the public. The portion of the meeting from 2:00 p.m. to 3:50 p.m. will be open to the public.

ADDRESSES: The RFPB meeting address is the Pentagon, Room 3E863, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Alexander Sabol, (703) 681–0577 (Voice), 703–681–0002 (Facsimile), *Alexander.J.Sabol.Civ@Mail.Mil* (Email). Mailing address is Reserve Forces Policy Board, 5113 Leesburg Pike, Suite 601, Falls Church, VA 22041. Website: *http://rfpb.defense.gov/.* The most up-to-date changes to the meeting agenda can be found on the website and the **Federal Register**.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Reserve Forces Policy Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on March 7, 2018, of the Reserve Forces Policy Board. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to obtain, review, and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve Components.

Agenda: The RFPB will hold a meeting from 7:55 a.m. to 3:50 p.m. The portion of the meeting from 7:55 a.m. to 1:50 p.m. will be closed to the public and will consist of remarks to the RFPB from following invited speakers: the National Defense University (NDU), Center for Strategic Research, Distinguished Research Fellow will discuss NDU's review of the National Defense Strategy and the integration of the Reserve Components' forces within the strategy; the Under Secretary of the

Air Force will discuss the Air Force's posture, the status on the Report of the National Commission on the Structure of the Air Force recommendations, and plans to adapt the Total Air Force to meet future challenges; the Institute for Defense Analysis (IDA) will continue briefing the findings of the current IDA study on the Reserve Components performance during Operation Enduring Freedom; the Under Secretary of Defense for Personnel and Readiness will discuss the Under Secretary of Defense for Personnel and Readiness' goals, and updates on Reserve Component personnel system reforms currently under consideration; the Special Assistant to the Director of the Army National Guard will discuss the Army National Guard goals, readiness objectives, and challenges for the ''Operational Reserve'' as part of the Total Force; and the Assistant Secretary of Defense for Homeland Defense and Global Security will discuss the role of the National Guard and Reserve in meeting future challenges related to Homeland Defense. The portion of the meeting from 2:00 p.m. to 3:50 p.m. will be open to the public and will consist of briefings from the following: The Chair of the RFPB's Subcommittee on Supporting & Sustaining Reserve Component Personnel will provide an update to the RFPB on the subcommittee's proposed recommendations to the Secretary of Defense concerning the OUSD P&R Duty Status Reform proposal and the co-sponsored National Guard Bureau's and OASD Manpower & Reserve Affairs Reserve Integration's study on Reserve Component Travel Pay; the Chair of the RFPB's Subcommittee on Enhancing DoD's Role in the Homeland will provide an update to the RFPB on the subcommittee's proposed recommendations to the Secretary of Defense concerning the Department of Defense support of civil authorities, FEMA requirements, the integration of the Reserve Component DoD's Cyber Mission Force, and other Homeland issues; and a member of the Subcommittee on Ensuring a Ready, Capable, Available and Sustainable Operational Reserve will provide an update to the RFPB on the subcommittee's proposed recommendations to the Secretary of Defense concerning the Air Reserve Component (ARC2 Mission) innovation for utilization and process improvements of the Reserves within the US Air Force.

Meeting Accessibility: Pursuant to section 10(a)(1) of the FACA and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public from 2:00 p.m. to 3:50 p.m. Seating is on a first-come, first-served basis. All members of the public who wish to attend the public meeting must contact Mr. Alex Sabol, the Designated Federal Officer, not later than 12:00 p.m. on Tuesday, March 6, 2018, as listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance at 1:30 p.m. to provide sufficient time to complete security screening to attend the beginning of the Open Meeting at 2:00 p.m. on March 7. To complete the security screening, please be prepared to present two forms of identification. One must be a picture identification card. In accordance with section 10(d) of the FACA, 5 U.S.C. 552b(c), and 41 CFR 102–3.155, the DoD has determined that the portion of this meeting scheduled to occur from 7:55 a.m. to 1:50 p.m. will be closed to the public. Specifically, the Under Secretary of Defense (Personnel and Readiness), in coordination with the Department of Defense FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it is likely to disclose classified matters covered by 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit written statements to the RFPB about its approved agenda or at any time on the RFPB's mission. Written statements should be submitted to the RFPB's Designated Federal Officer at the address, email, or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the RFPB until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the RFPB members before the meeting that is the subject of this notice. Please note that since the RFPB operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the RFPB's website.

Dated: February 27, 2018.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–04314 Filed 3–1–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Lead of a Career and Technical Education Network: Research Networks Focused on Critical Problems of Education Policy and Practice Program

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice; correction.

SUMMARY: On January 22, 2018, we published in the **Federal Register** a notice to fund the Lead of a Career and Technical Education Network under the Research Networks Focused on Critical Problems of Education Policy and Practice Program, Catalog of Federal Domestic Assistance number 84.305N. This correction notice modifies the original notice to provide information on a grantee's authority to award subgrants to institutions of higher education, public and private non-profit organizations, and agencies identified in an approved application.

DATES: March 2, 2018.

FOR FURTHER INFORMATION CONTACT: Dr. Corinne Alfeld, Institute of Education Sciences, U.S. Department of Education, Potomac Center Plaza, 550 12th Street SW, Washington, DC 20202 or by email: *Corinne.Alfeld@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** notice of January 22, 2018 (83 FR 2967), on page 2967 in the third column under the heading *III. Eligibility Information,* immediately following paragraph 2. *Cost Sharing or Matching,* we add the following paragraph:

3. *Eligible Subgrantees:* (a) Under 34 CFR 75.708(b) and (c) a grantee may award subgrants to directly carry out project activities described in its application to the following types of entities: institutions of higher education, public and private non-profit organizations, and agencies.

(b) The grantee may award subgrants to entities identified in an approved application.

Program Authority: 20 U.S.C. 2324(d)(4); 20 U.S.C. 9501 *et seq.*

Accessible Format: Individuals with disabilities can obtain this document and a copy of the Request for Applications in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 27, 2018.

Thomas Brock,

Commissioner of the National Center for Education Research, Delegated the Duties of the Director of the Institute of Education Sciences.

[FR Doc. 2018–04327 Filed 3–1–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Expanding Opportunity Through Quality Charter Schools Program (CSP)—Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter Schools

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2018 for CSP—Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter Schools, Catalog of Federal Domestic Assistance (CFDA) numbers 84.282B and 84.282E.

DATES:

Applications Available: March 2, 2018.

Date of Pre-Application Webinar: Thursday, March 8, 2018, 1:00 p.m., Washington, DC time.

Deadline for Transmittal of Applications: April 16, 2018.

Deadline for Intergovernmental Review: June 15, 2018.

Pre-Application Webinar Information: The Department will hold a pre-application meeting via webinar for prospective applicants on Thursday, March 8, 1:00 p.m., Washington, DC time. Individuals interested in attending this meeting are encouraged to pre-register by emailing their name, organization, and contact information with the subject heading ''DEVELOPER GRANTS PRE-APPLICATION MEETING'' to *CharterSchools@ed.gov.* There is no registration fee for attending this meeting.

For further information about the pre-application meeting, contact Eddie Moat, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W259, Washington, DC 20202–5970. Telephone: (202) 401–2266 or by email: *eddie.moat@ed.gov.*

ADDRESSES: The addresses pertinent to this competition—including the addresses for obtaining and submitting an application—can be found under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Eddie Moat, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W259, Washington, DC 20202–5970. Telephone: (202) 401–2266 or by email: *eddie.moat@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The major purposes of the CSP are to expand opportunities for all students, particularly traditionally underserved students, to attend *charter schools* and meet challenging State academic standards; provide financial assistance for the planning, program design, and initial implementation of public *charter schools;* increase the number of *high-quality charter schools* available to students across the United States; evaluate the impact of *charter schools* on student achievement, families, and communities; share best practices between *charter schools* and other public schools; encourage States to provide facilities support to *charter schools;* and support efforts to strengthen the *charter school* authorizing process.

CSP—Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter Schools (Developer Grants) are intended to support charter schools that serve early childhood, elementary school, or secondary school students by providing grant funds to eligible applicants for the opening of new charter schools (CFDA number 84.282B) and for the replication and expansion of *high-quality charter schools* (CFDA number 84.282E). Eligibility for a grant under this competition is limited to *charter school developers* in States that do not currently have a CSP State Entity grant (CFDA number 84.282A) under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Eligibility in a State with a CSP State Educational Agency (SEA) grant under the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB) (CFDA number 84.282A) is limited to *charter school developers* applying for grants for the replication and expansion of *high-quality charter schools* (CFDA number 84.282E) and only if the Department has not approved an amendment to the SEA's approved grant application authorizing the SEA to make subgrants for replication and expansion. *Charter schools* that receive financial assistance through Developer Grants provide programs of elementary or secondary education, or both, and may also serve students in *early childhood education programs* or postsecondary students.

Background: This notice invites applications from eligible applicants for two types of grants: (1) Grants to Charter School Developers for the Opening of New Charter Schools (CFDA number 84.282B) and (2) Grants to Charter School Developers for the Replication and Expansion of High-Quality Charter Schools (CFDA number 84.282E). Under this competition, each CFDA number, 84.282B and 84.282E, constitutes its own funding category. The Secretary intends to award grants under each CFDA number for applications that are of sufficient quality. Information pertaining to each type of grant is provided in subsequent sections of this notice.

The ESSA, enacted in December 2015, reauthorized and amended the ESEA. The amendments included significant changes affecting the CSP, including the

Developer Grants competition.[1] Consequently, this notice contains definitions, application requirements, and selection criteria from the ESEA, as amended by the ESSA,[2] as well as priorities, definitions, application requirements, and selection criteria that we are establishing in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Eligible applicants are those that are qualified based on the requirements set forth in this notice. For more information on eligibility, please see section III.1. of this notice.

All *charter schools* receiving CSP funds must meet the definition of a *charter school* in section 4310(2) of the ESEA, including the requirements that a *charter school* comply with various non-discrimination laws, including the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, section 444 of GEPA, and part B of the Individuals with Disabilities Education Act (IDEA) (*i.e.,* rights afforded to *children with disabilities* and their parents), and applicable State laws.

Priorities: This notice includes three competitive preference priorities. We are establishing Competitive Preference Priorities 1, 2, and 3 for the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

Competitive Preference Priorities: These priorities are competitive preference priorities.

For CFDA number 84.282B, under 34 CFR 75.105(c)(2)(i), we award up to an additional four points to an application depending on how well the application addresses Competitive Preference Priority 1 and up to an additional four points to an application that meets Competitive Preference Priority 2. The maximum number of points an application for CFDA number 84.282B can receive under these priorities is eight.

For CFDA number 84.282E, under 34 CFR 75.105(c)(2)(i), we award up to an additional two points to an application depending on how well the application addresses Competitive Preference Priority 1, up to an additional two points to an application that meets Competitive Preference Priority 2, and an additional two points to an application that meets Competitive Preference Priority 3. The maximum number of points an application for CFDA number 84.282E can receive under these priorities is six.

These priorities are:

Competitive Preference Priority 1—Supporting High-Need Students by Increasing Access to High-Quality Educational Choice. (Up to four points under CFDA number 84.282B, and up to two points under CFDA number 84.282E).

Background: This priority focuses on projects serving *children with disabilities,* English learners (ELs), students in federally recognized Indian Tribes, and students served by *rural local educational agencies.* With respect to children with disabilities, the priority is intended to support projects that would serve these students at rates that are equal to or greater than those of surrounding public schools. With respect to *ELs,* it is intended to promote projects that would similarly serve these students at rates that are equal to or greater than those of surrounding public schools in communities with high concentrations of these students. The Department encourages applicants addressing this priority to include surrounding public schools' rates of enrollment for children with disabilities and ELs in their applications.

The Department believes that *charter schools* can provide critically needed options for both *children with disabilities* and *ELs.* Moreover, research indicates that *charter schools* show gains on State assessments for *children with disabilities* in mathematics, and for *ELs* in mathematics and reading that are higher than those for their counterparts in traditional public schools.[3] In addition, a secondary study by the National Center for Special Education in Charter Schools analyzing data from the Department's Civil Rights Data Collection for 2011–2012 found a narrowing, but still existing, gap in enrollment of *children with disabilities* in *charter schools* compared to traditional public schools.[4]

In addition, the Department understands that students who are members of federally recognized Indian Tribes and their communities face unique challenges. Therefore, through this priority the Department encourages applicants to use *charter schools* as part of the efforts to strengthen public education for Native American communities. Furthermore, the Department recognizes that rural schools confront a particular set of challenges and seeks to support rural education leaders in using *charter schools,* as appropriate, as part of their overall efforts to improve educational outcomes.

Priority: This priority is for projects that are designed to increase access to educational choice and improve academic outcomes and learning environments for one or more of the following groups of students:

(i) Students in communities served by *rural local educational agencies*

(ii) *Children with disabilities*

(iii) *English learners*

(iv) Students who are members of federally recognized Indian Tribes.

Note: Applicants may choose to respond to one or more of the priority areas and are not required to respond to each priority area in order to receive the maximum available points under this competitive preference priority.

Competitive Preference Priority 2—Dual or Concurrent Enrollment Programs and Early College High Schools (Up to four points under CFDA number 84.282B, and up to two points under CFDA number 84.282E).

Background: This priority is for projects that offer a program enabling secondary school students to begin earning credit toward a postsecondary degree or credential prior to high school graduation. Research has shown that dual or concurrent enrollment programs and *early college high schools* have positive effects including boosting college access and degree attainment, especially for students typically underrepresented in higher education.[5]

Priority: The extent to which the proposed project is designed to increase student access to, participation in, and completion of *dual or concurrent enrollment programs* or *early college high schools.*

Competitive Preference Priority 3—Single School Operators. (Zero or two points under CFDA number 84.282E)

Background: This priority is specifically for applications for Grants to Charter School Developers for the

[1] Prior to enactment of the ESSA, the ESEA, as amended by NCLB, authorized CSP Grants to Non-State Educational Agency Eligible Applicants for Planning, Program Design, and Initial Implementation and for Dissemination (Non-SEA Grants). Under the ESSA, this authority has been substantially revised and, as a result, the name of this competition differs from previous years.

[2] All references to the ESEA in this notice are to the ESEA, as amended by the ESSA, unless otherwise noted.

[3] Center for Research on Education Outcomes (2013). ''National Charter School Study 2013,'' available online at *http://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf.*

[4] National Center for Special Education in Charter Schools (2015). ''Key Trends in Special Education in Charter Schools,'' available online at *www.ncsecs.org/resources//.*

[5] Please see the following link for a study from the Institute of Education Sciences (IES): *https://ies.ed.gov/ncee/wwc/InterventionReport/671.*

Replication and Expansion of High-Quality Charter Schools (CFDA number 84.282E). Under this priority, we give preference to applicants that currently operate a single *charter school.* We are including this priority to encourage applications from *developers* that currently operate a single *charter school* but seek to *replicate* or *expand* it.

Priority: Applications submitted under CFDA number 84.282E that provide evidence that the applicant currently operates one, and only one, *charter school.*

Application Requirements: Applications for grants under CFDA numbers 84.282B and 84.282E must address the following application requirements. An applicant may choose to respond to these requirements in the context of its responses to the selection criteria in section V.1 of this notice. The source of each requirement is listed in parentheses. Where no source is provided, we establish the requirement, for FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter schools (CFDA numbers 84.282B and 84.282E).

Applicants for grants under CFDA number 84.282B or 84.282E must provide the following:

(a) A description of the roles and responsibilities of the eligible applicant, partner organizations, and *charter management organizations,* including the administrative and contractual roles and responsibilities of such partners (Section 4303(f)(1)(C)(i)(I) of the ESEA);

(b) A description of the quality controls agreed to between the eligible applicant and the *authorized public chartering agency* involved, such as a contract or performance agreement, how a school's performance in the State's accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school's charter, and how the SEA and the *authorized public chartering agency* involved will reserve the right to revoke or not renew a school's charter based on financial, structural, or operational factors involving the management of the school (Section 4303(f)(1)(C)(i)(II) of the ESEA);

(c) A description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each *charter school* that will receive funds (Section 4303(f)(1)(C)(i)(IV) of the ESEA);

(d) A description of the eligible applicant's planned activities and expenditures of funds to support the activities described in section 4303(b)(1) of the ESEA, and how the eligible applicant will maintain financial sustainability after the end of the grant period (Section 4303(f)(1)(C)(i)(V) of the ESEA);

(e) A description of how the eligible applicant will support the use of effective parent, family, and community engagement strategies to operate each *charter school* that will receive funds under this program (Section 4303(f)(1)(C)(i)(VI) of the ESEA);

(f) A description of how the eligible applicant has considered and planned for the transportation needs of students for each school that will receive funds (Section 4303(f)(1)(E) of the ESEA);

(g) A description of how each school that will receive funds will support all students once they are enrolled to promote retention, including by reducing the overuse of discipline practices that remove students from the classroom;

(h) A description of how each school that will receive funds will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions (Section 4303(f)(2)(A) of the ESEA);

(i) A description of how the applicant will ensure that each *charter school* that will receive funds will recruit, enroll, and retain students, including *children with disabilities,* ELs, and other *educationally disadvantaged students,* including the lottery and enrollment procedures that will be used for each *charter school* if more students apply for admission than can be accommodated, and, if the applicant proposes to use a weighted lottery, how the weighted lottery complies with section 4303(c)(3)(A) of the ESEA;

(j) A description of how the applicant will ensure that all eligible *children with disabilities* receive a free appropriate public education in accordance with part B of the IDEA;

(k) A description of how each school that will receive funds meets the definition of *charter school* under section 4310(2) of the ESEA as well as how the autonomy and flexibility granted to each charter school that will receive funds is consistent with the definition of a *charter school;*

(l) If an applicant proposes to open a new *charter school* (CFDA number 84.282B) or proposes to *replicate* or *expand* a *charter school* (CFDA number 84.282E) that provides a single-sex educational program, the applicant must demonstrate that the proposed single-sex educational programs are in compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, *et seq.*) (''Title IX'') and its implementing regulations, including 34 CFR 106.34.

(m) A request and justification for any waivers of Federal statutory or regulatory requirements over which the Secretary exercises administrative authority, except any such requirement relating to the elements of a *charter school* in section 4310(2) of the ESEA, that the applicant believes are necessary to implement its proposed project (Section 4303(d)(5));

(n) A complete *logic model* for the grant project. The *logic model* must include the applicant's objectives for implementing a new *charter school* or replicating or expanding a *high-quality charter school* with funding under this competition; and

(o) The applicant's most recent available independently audited financial statements prepared in accordance with generally accepted accounting principles.

Grants for the Replication and Expansion of High-Quality Charter Schools (CFDA number 84.282E).

In addition to the preceding application requirements, applicants for CFDA number 84.282E must address the following application requirements.

(a) For each *charter school* currently operated or managed by the applicant, provide—

(1) Information that demonstrates that the school is treated as a separate school by its authorized public chartering agency and the State, including for purposes of accountability and reporting under Title I, Part A of the ESEA;

(2) Student assessment results for all students and for each subgroup of students described in section 1111(c)(2) of the ESEA;

(3) Attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates; and

(4) Information on any significant compliance and management issues encountered within the last three school years by the existing *charter school* being operated or managed by the eligible entity, including in the areas of student safety and finance.

Project Director's Meeting: Applicants approved for funding under either CFDA number 84.282B or 84.282E must attend a two-day meeting for project directors during each year of the project. An applicant may include the cost of

attending this meeting in its proposed budget.

Definitions: The following definitions, where cited, are from 34 CFR 75.225 and 77.1, and sections 4310 and 8101 of the ESEA. We establish the definition of *educationally disadvantaged student* and *rural local educational agency* for FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

Ambitious means promoting continued, meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used to describe a *performance target,* whether a *performance target* is *ambitious* depends upon the context of the relevant *performance measure* and the *baseline* for that measure. (34 CFR 77.1)

Authorized public chartering agency means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a *charter school.* (Section 4310(1) of the ESEA)

Baseline means the starting point from which performance is measured and targets are set. (34 CFR 77.1)

Charter management organization means a nonprofit organization that operates or manages a network of *charter schools* linked by centralized support, operations, and oversight. (Section 4310(3) of the ESEA)

Charter school means a public school that—

(a) In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;

(b) Is created by a *developer* as a public school, or is adapted by a *developer* from an existing public school, and is operated under public supervision and direction;

(c) Operates in pursuit of a specific set of educational objectives determined by the school's *developer* and agreed to by the *authorized public chartering agency;*

(d) Provides a program of elementary or secondary education, or both;

(e) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(f) Does not charge tuition;

(g) Complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*), section 444 of GEPA (20 U.S.C. 1232g) (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'') and part B of the IDEA;

(h) Is a school to which parents choose to send their children, and that—

(1) Admits students on the basis of a lottery, consistent with section 4303(c)(3)(A) of the ESEA, if more students apply for admission than can be accommodated; or

(2) In the case of a school that has an affiliated *charter school* (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated *charter school* and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated *charter school* and the enrolling school, admits students on the basis of a lottery as described in paragraph (1);

(i) Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

(j) Meets all applicable Federal, State, and local health and safety requirements;

(k) Operates in accordance with State law;

(l) Has a written performance contract with the *authorized public chartering agency* in the State that includes a description of how student performance will be measured in *charter schools* pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the *authorized public chartering agency* and the *charter school;* and

(m) May serve students in *early childhood education programs* or postsecondary students. (Section 4310(2) of the ESEA)

Child with a disability has the same meaning given that term in section 602 of the IDEA. (Section 8101(4) of the ESEA)

Developer means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a *charter school* project will be carried out. (Section 4310(5) of the ESEA)

Dual or concurrent enrollment program means a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that—

(a) Is transferable to the institutions of higher education in the partnership; and

(b) Applies toward completion of a degree or recognized educational credential as described in the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*). (Section 8101(15) of the ESEA)

Early childhood education program means (a) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 *et seq.*), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding; (b) a State licensed or regulated child care program; or (c) a program that (i) serves children from birth through age six that addresses the children's cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and (ii) is (I) a State prekindergarten program; (II) a program authorized under section 619 or part C of the IDEA; or (III) a program operated by a local educational agency. (Section 8101(16) of the ESEA)

Early college high school means a partnership between at least one local educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant's family. (Section 8101(17) of the ESEA)

Educationally disadvantaged students means students in the categories described in section 1115(c)(2) of the ESEA, which include economically disadvantaged children, *children with disabilities,* migrant children, *ELs,* neglected or delinquent children, and homeless children.

English learner, when used with respect to an individual, means an individual—

(a) Who is aged 3 through 21;

(b) Who is enrolled or preparing to enroll in an elementary school or secondary school;

(c)(1) Who was not born in the United States or whose native language is a language other than English;

(2)(i) Who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(ii) Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(3) Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(d) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(1) The ability to meet the challenging State academic standards;

(2) The ability to successfully achieve in classrooms where the language of instruction is English; or

(3) The opportunity to participate fully in society. (ESEA section 8101(20))

Expand, when used with respect to a *high-quality charter school,* means to significantly increase enrollment or add one or more grades to the high-quality charter school. (Section 4310(7) of the ESEA)

High-quality charter school means a charter school that—

(a) Shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

(b) Has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

(c) Has demonstrated success in significantly increasing student academic achievement, including graduation rates, where applicable, for all students served by the *charter school;* and

(d) Has demonstrated success in increasing student academic achievement, including graduation rates, where applicable, for each of the subgroups of students, as defined in section 1111(c)(2), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student. (Section 4310(8) of the ESEA)

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes (34 CFR 77.1)

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance. (34 CFR 77.1)

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project. (34 CFR 77.1)

Replicate, when used with respect to a *high-quality charter school,* means to open a new charter school, or a new campus of a *high-quality charter school,* based on the educational model of an existing *high-quality charter school,* under an existing charter or an additional charter, if permitted or required by State law. (Section 4310(9) of the ESEA)

Rural local educational agency means a local educational agency (LEA) that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title V, Part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's website at *www2.ed.gov/nclb/freedom/local/reap.html.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, selection criteria, definitions, and requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under section 4305(a)(2) of the ESEA, and, therefore, this competition qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on certain priorities, requirements, definitions, and selection criteria, as specified in this notice, in accordance with section 437(d)(1) of GEPA. These priorities, requirements, definitions, and selection criteria will apply to the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Program Authority: Title IV, part C of the ESEA (20 U.S.C. 7221–7221j).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $500,000,000 for the CSP program for FY 2018, of which we intend to use an estimated $15,000,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $150,000–250,000 per school per year.

Estimated Average Size of Awards: $200,000 per school per year.

Maximum Award: See *Reasonable and Necessary Costs* in section III.4 for information regarding the maximum amount of funds that may be awarded per new school.

Estimated Number of Awards: 30–45.

Note: The Department is not bound by any estimates in this notice. The estimated range and average size of awards are based on a single 12-month budget period. We may use FY 2018 funds to support multiple 12-month budget periods for one or more grantees.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Eligible applicants are *developers* that have—

(a) Applied to an authorized public chartering authority to operate a *charter school;* and

(b) Provided adequate and timely notice to that authority. (Section 4310(6) of the ESEA).

Additionally, the *charter school* must be located in a State with a State statute

specifically authorizing the establishment of *charter schools* (section 4310(2) of the ESEA) and in which a State entity currently does not have a CSP State Entity grant (CFDA number 84.282A) under section 4303 of the ESEA.[6] (Section 4305(a)(2) of the ESEA). In accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1), we further establish that eligibility in a State with a CSP SEA grant (CFDA 84.282A) under the ESEA, as amended by NCLB, is limited to grants for replication and expansion[7] (CFDA 84.282E) and only if the Department has not approved an amendment to the SEA's approved grant application authorizing the SEA to make subgrants for replication and expansion.[8]

As a general matter, the Secretary considers *charter schools* that have been in operation for more than five years to be past the initial implementation phase and, therefore, ineligible to receive CSP funds under CFDA number 84.282B to support the opening of a new *charter school* or under CFDA number 84.282E for the replication of a *high-quality charter school;* however, such schools may receive CSP funds under CFDA number 84.282E for the expansion of a *high-quality charter school.*

Note: If an applicant has applied to an *authorized public chartering agency* to operate a new school and has not yet been approved, it should include information in its application addressing the plan and timeline to receive notification from the authorizer on the final decision. Additionally, an applicant should delineate any costs in its proposed budget that are projected to be incurred prior to the date the applicant's *charter school* application is approved by the *authorized public chartering agency.*

2. *Audits:* All grantees must ensure that the *charter schools* they operate or manage conduct independent, annual audits of their financial statements prepared in accordance with generally accepted accounting principles, and ensure that any such audits are publicly reported. (Section 4303(f)(2)(E)(ii) of the ESEA).

3. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

4. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

5. *Reasonable and Necessary Costs:* The Secretary may elect to impose maximum limits on the amount of grant funds that may be awarded per new *charter school* created or *replicated,* per *charter school expanded,* or per new school seats created.

For this competition, the maximum limit of grant funds that may be awarded per new, replicated, or expanded *charter school* is $1,250,000.

In accordance with 2 CFR 200.404, applicants must ensure that all costs included in the proposed budget are reasonable and necessary in light of the goals and objectives of the proposed project. Any costs determined by the Secretary to be unreasonable or unnecessary will be removed from the final approved budget.

A *charter school* that previously has received CSP funds for replication or expansion or for planning or initial implementation of a *charter school* under CFDA number 84.282A or 84.282M (as administered under the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB)) may not use funds under this grant for the same purpose. However, such *charter school* may be eligible to receive funds under this competition to expand the *charter school* beyond the existing grade levels or student count. Likewise, a *charter school* that receives funds under this competition is ineligible to receive funds for the same purpose under section 4303(b)(1) or 4305(b) of the ESEA, including opening and preparing for the operation of a new *charter school,* opening and preparing for the operation of a *replicated high-quality charter school,* or expanding a *high-quality charter school* (*i.e.,* CFDA number 84.282A or 84.282M).

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003).

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for this competition, an application may include business information that the applicant considers proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

4. *Funding Restrictions:* Grantees must use the grant funds to open and prepare for the operation of a new *charter school;* to open and prepare for the operation of a *replicated high-quality charter school;* or to *expand* a *high-quality charter school,* as applicable. Grant funds must be used to carry out allowable activities, described in section 4303(h) of the ESEA, which include the following:

(a) Preparing teachers, school leaders, and specialized instructional support personnel, including through paying costs associated with—

(i) Providing professional development; and

(ii) Hiring and compensating, during the applicant's planning period specified in the application for funds, one or more of the following:

(A) Teachers.

(B) School leaders.

(C) Specialized instructional support personnel.

(D) Acquiring supplies, training, equipment (including technology), and educational materials (including developing and acquiring instructional materials).

(E) Carrying out necessary renovations to ensure that a new school building

[6] States in which a State entity currently has an approved CSP State Entity grant application under section 4303 of the ESEA are Indiana, Maryland, Minnesota, Mississippi, New Mexico, Oklahoma, Rhode Island, Texas, and Wisconsin. We will not consider applications from applicants in these States under either CFDA 84.282B or 84.282E.

[7] States in which the SEA currently has an approved CSP SEA grant application under the ESEA, as amended by NCLB (*i.e.,* a grant award made in fiscal year 2016 or earlier), include Arizona, California, Colorado, District of Columbia, Florida, Georgia, Illinois, Louisiana, Massachusetts, Nevada, New York, Ohio, Oregon, South Carolina, Tennessee, and Washington. We will not consider applications from applicants in these States for grants for the opening of new charter schools submitted under CFDA number 84.282B.

[8] The Department is currently reviewing amendment requests from SEAs with grants under the ESEA, as amended by NCLB, that would authorize the SEA to make subgrants for replication and expansion (for more information please see *https://innovation.ed.gov/files/2017/12/CSP-ESSA-Flexibilities-FAQ-2017.pdf*). The Department will post the names of SEAs receiving approval for this flexibility on its website at *https://innovation.ed.gov/what-we-do/charter-schools/charter-schools-program-non-state-educational-agencies-non-sea-planning-program-design-and-initial-implementation-grant/.*

complies with applicable statutes and regulations, and minor facilities repairs (excluding construction).

(F) Providing one-time, startup costs associated with providing transportation to students to and from the *charter school.*

(G) Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.

(H) Providing for other appropriate, non-sustained costs related to the opening of new *charter schools,* or the *replication* or *expansion* of *high-quality charter schools,* as applicable, when such costs cannot be met from other sources.

A grant awarded by the Secretary under this competition may be for a period of not more than five years, of which the grantee may use not more than 18 months for planning and program design. (Section 4303(d)(1)(B) of the ESEA). We establish that applicants may only propose to support one charter school per grant application, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the narrative to no more than 50 pages, and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for applicants submitting applications under CFDA numbers 84.282B and 84.282E are listed in paragraphs (a) and (b) of this section, respectively. These selection criteria, where cited, are based on section 4303 of the ESEA and 34 CFR 75.210. We are establishing the remaining selection criteria for the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1). The maximum possible score for addressing all of the criteria in each section is 100 points. The maximum possible score for addressing each criterion is indicated in parentheses following the criterion.

In evaluating an application for a Developer Grant, the Secretary considers the following criteria:

(a) *Selection Criteria for Grants for the Opening of New Charter Schools (CFDA number 84.282B).*

(i) *Contribution in Assisting Educationally Disadvantaged Students (up to 15 points).*

The significance of the contribution the proposed project will make in expanding educational opportunities for *educationally disadvantaged students* and enabling those students to meet challenging State academic standards. In determining the significance of the contribution the proposed project will make, the Secretary considers the quality of the plan to ensure that the charter school the applicant proposes to open will recruit and enroll *educationally disadvantaged students* and serve those *students* at rates comparable to surrounding public schools.

(ii) *Quality of the Project Design (34 CFR 75.210(c)(1)and (c)(2)(i) and (ii)) (up to 30 points).*

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable (up to 15 points); and

(2) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs (up to 15 points).

(iii) *Quality of Project Personnel (34 CFR 75.210(e)(1), (e)(2), and (e)(3)(ii)) (up to 20 points).*

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (up to 2 points); and

(2) The qualifications, including relevant training and experience, of key project personnel (up to 18 points).

(iv) *Quality of the Management Plan (34 CFR 75.210(g)(1) and (g)(2)(i)) (up to 20 points).*

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(v) *Continuation Plan (Section 4303(f)(1)(A)(vi)(II) of the ESEA) (up to 15 points).*

The extent to which the eligible applicant is prepared to continue to operate *charter schools* that would receive grant funds in a manner consistent with the eligible applicant's application once the grant funds under this program are no longer available.

(b) *Selection Criteria for Replication and Expansion Grants (CFDA number 84.282E).*

(i) *Contribution in Assisting Educationally Disadvantaged Students (15 points).*

The significance of the contribution the proposed project will make in expanding educational opportunities for *educationally disadvantaged students* and enabling those students to meet challenging State academic standards. In determining the significance of the contribution the proposed project will make, the Secretary considers the quality of the plan to ensure that the charter school the applicant proposes to replicate or expand will recruit and enroll *educationally disadvantaged students* and serve those *students* at rates comparable to surrounding public schools.

(ii) *Quality of the Project Design (34 CFR 75.210(c)(1) and (c)(2)(i) and (ii)) (up to 30 points).*

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of

the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable (up to 15 points); and

(2) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs (up to 15 points).

(iii) *Quality of Project Personnel (34 CFR 75.210(e)(1) and (e)(3)(ii)) (up to 10 points).*

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (up to 1 point);

(2) The qualifications, including relevant training and experience, of key project personnel (up to 9 points).

(iv) *Quality of the Management Plan (34 CFR 75.210(g)(1) and (g)(2)(i)) (up to 10 points).*

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(v) *Quality of the Eligible Applicant (20 points).*

The extent to which the applicant demonstrates that the *charter school* to be *replicated* or *expanded* is a *high-quality charter school,* including:

(1) The degree to which the applicant has demonstrated success in increasing academic achievement, including graduation rates where applicable, for all students and for each of the subgroups of students described in section 1111(c)(2) of the ESEA, attending the *charter schools* the applicant operates or manages. These subgroups of students include: Economically disadvantaged students, students from major racial and ethnic groups, *children with disabilities,* and students who are *ELs.*

(2) The extent to which the academic achievement results (including annual student performance on statewide assessments and annual student attendance and retention rates, and where applicable and available, student academic growth, high school graduation rates, college attendance rates, and college persistence rates) for *educationally disadvantaged students* served by the *charter schools* operated or managed by the applicant have exceeded the average academic achievement results for such students in the State.

(3) The extent to which *charter schools* operated or managed by the applicant have been closed; have had a charter revoked due to noncompliance with statutory or regulatory requirements; have had their affiliation with the applicant revoked or terminated, including through voluntary disaffiliation; have had any significant issues in the area of financial or operational management; have experienced significant problems with statutory or regulatory compliance that could lead to revocation of the school's charter; and have had any significant issues with respect to student safety.

(vi) *Continuation Plan (Section 4303(f)(1)(A)(vi)(II) of the ESEA) (up to 15 points).*

The extent to which the eligible applicant is prepared to continue to operate *charter schools* that would receive grant funds in a manner consistent with the eligible applicant's application once the grant funds under this program are no longer available.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved

application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. For additional information on the open licensing requirements please refer to 2 CFR 3474.20(c).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:*

(a) *Program Performance Measures.* The goal of the CSP is to support the creation and development of a large number of *high-quality charter schools* that are free from State or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging State performance standards, and are open to all students. The Secretary has two performance indicators to measure progress toward this goal: (1) The number of *charter schools* in operation around the Nation, and (2) the percentage of fourth- and eighth-grade *charter school* students who are achieving at or above the proficient level on State assessments in mathematics and reading/language arts. Additionally, the Secretary has established a third measure to examine the efficiency of the CSP: Federal cost per student in implementing a successful school (defined as a school in operation for three or more consecutive years).

These three measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project. The evaluation must serve to determine whether the *charter school* is meeting the terms of the school's charter and meeting or exceeding the student academic achievement requirements and goals for the *charter school.* Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures.

(b) *Project-Specific Performance Measures.* Applicants must propose project-specific *performance measures* and *performance targets* consistent with the objectives of the proposed project. Applications must provide the following information as required under 34 CFR 75.110(b) and (c):

(1) *Performance measures.* How each proposed *performance measure* would accurately measure the performance of the project and how the proposed *performance measure* would be consistent with the *performance measures* established for the program funding the competition.

(2) *Baseline data.* (i) Why each proposed *baseline* is valid; or (ii) If the applicant has determined that there are no established *baseline* data for a particular *performance measure,* an explanation of why there is no established *baseline* and of how and when, during the project period, the applicant would establish a valid *baseline* for the *performance measure.*

(3) *Performance targets.* Why each proposed *performance target* is *ambitious* yet achievable compared to the *baseline* for the *performance measure* and when, during the project period, the applicant would meet the *performance target*(s).

Note: The Secretary encourages the applicant to consider developing project-specific *performance measures* and targets tied to its grant activities (for instance, if grant funds will support professional development for teachers and other staff, the applicant should include measures related to the outcomes for the professional development), as well as to student academic achievement during the grant period. The project-specific *performance measures* should be sufficient to gauge the progress throughout the grant period and show results by the end of the grant period.

For technical assistance in developing effective *performance measures,* applicants are encouraged to review information provided by the Department's Regional Educational Laboratories (RELs). The RELs seek to build the capacity of States and school districts to incorporate data and research into education decision-making. Each REL provides research support and technical assistance to its region but makes learning opportunities available to educators everywhere. For example, the REL Northeast and Islands has created the following resource on logic models: *https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2015057.pdf.*

(4) *Data Collection and Reporting.* The applicant must also describe in the application: (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data, and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

Note: If the applicant does not have experience with the collection and reporting of performance data through other projects or research, the applicant should provide other evidence of its capacity to successfully carry out data collection and reporting for the proposed project.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established *performance measurement* requirements, the *performance targets* in the grantee's approved application.

In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large

print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 27, 2018.

Margo Anderson,

Acting Deputy Assistant Secretary for Innovation and Improvement.

[FR Doc. 2018–04294 Filed 3–1–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

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

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection must be received on or before May 1, 2018. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Jay Wrobel, EE–5A/Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, by fax at 202–586–9234, or by email at *chp@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Jay Wrobel, EE–5A/Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, by fax at 202–586–9234, or by email at *chp@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1910—NEW;

(2) *Information Collection Request Title:* Combined Heat and Power (CHP) Packaged System e-Catalog (e-Catalog);

(3) *Type of Request:* New;

(4) *Purpose:* DOE's ''CHP Technical Potential in the U.S.'' shows significant technical potential in commercial buildings and industrial facilities in the < 10MW size range. Due to building characteristic similarities, this size range is particularly disposed to standardization of CHP systems. The e-Catalog creates a mechanism to take advantage of this standardization including the risk and cost reduction that are expected to ensue. This request for information consists of a voluntary data collection process for e-Catalog participation: To enroll CHP packagers and CHP solutions providers; develop an e-Catalog of packaged CHP systems; and relay the benefits of packaged CHP system performance to industry. Typical respondents are expected to be CHP project developers, CHP designers and packagers, and state and local energy program offices. Each respondent should have experience with compiling the data requested. Participation in the e-Catalog is voluntary, and it is expected that respondents would already have access to the information requested in this collection.

There are four types of information to be collected from primary participants: (1) Background data, including contact information and basic information about the CHP packager's experience with CHP design, durability and performance testing—collected in the CHP Packager Enrollment Form; (2) Background data, including contact information and basic information about the CHP solutions provider's experience with CHP design, durability and performance testing, installation, operation and maintenance—collected in the CHP Solutions Provider Enrolment Form; (3) contact information and program description of market engagement programs that support Packaged CHP systems—collected in the Market Engagement Registration Form; and (4) Information, including packaged system component descriptions, design data, full-load and part-load performance data at three ambient conditions—collected in Packaged CHP System Application Form; Background data will primarily be used as a means to recognize CHP packers and solution providers, and establish the e-Catalog.

(5) *Annual Estimated Number of Respondents:* 50;

(6) *Annual Estimated Number of Total Responses:* 177;

(7) *Annual Estimated Number of Burden Hours:* 739;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $30,506.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Authority: Energy Policy Act of 2005 sec 911—Energy Efficiency and sec 106 Voluntary Commitments to Reduce Industrial Energy Intensity.

Issued in Washington, DC on February 21, 2018.

Rob Ivester,

Director, Advanced Manufacturing Office, Technical Partnerships.

[FR Doc. 2018–04286 Filed 3–1–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. PP–443]

Application for Presidential Permit; GridAmerica Holdings Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: GridAmerica Holdings Inc. (GridAmerica) has applied for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the United States border with Canada.

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

ADDRESSES: Comments should be addressed as follows: Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) at 202–586–5260 or via electronic mail at *Christopher.Lawrence@hq.doe.gov;*

Rishi *Garg* (Program Attorney) at 202–586–0258.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (E.O.) 10485, as amended by E.O. 12038.

On December 22, 2017, GridAmerica filed an application with the Office of Electricity Delivery and Energy Reliability (OE) of the Department of Energy (DOE) for a Presidential permit for the Granite State Power Link Project (GSPL Project). GridAmerica is a direct wholly owned unregulated subsidiary of National Grid USA (''National Grid USA'' and its subsidiaries, collectively, ''National Grid''). The Applicant has its principal place of business in Waltham, MA.

GridAmerica proposes to construct, operate, maintain and connect a 1,200 megawatt (MW) overhead high voltage direct current (HVDC) transmission cable system to deliver electricity from Quebec. The GSPL Project will consist of new electric transmission facilities between the Canadian Provence of Quebec and Monroe, New Hampshire. From the U.S. border, two new 315 kilovolt (kV) overhead double circuit alternating current (AC) lines, supported by a single structure, will extend from the international border between Canada and the United States for approximately 0.5 miles to an alternating current/direct current (AC/DC) converter station located in Norton, Vermont. A new ±400kV overhead High Voltage Direct Current (HVDC) electric transmission line will connect the new Norton Converter Station to a new DC/AC converter station located in Monroe, New Hampshire. The path of the transmission line will parallel the right-of-way of an existing Quebec-New England HVDC line. From the Monroe Converter station, a new single circuit 345kV line will extend approximately 215 feet to a new substation constructed by New England Power where it will then interconnect into the New England electric grid. The proposed GSPL Line will extend a distance of approximately 59 miles from the U.S.-Canada border to Monroe, NH.

Since the restructuring of the electric industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the Federal Power Act and articulated in Federal Energy Regulatory Commission (FERC) Order No. 888, (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities), 61 FR 21,540 (May 10, 1996), as amended.

Procedural Matters: Any person may comment on this application by filing such comment at the mailing address or by emailing Christopher Lawrence at *Christopher.Lawrence@hq.doe.gov* provided above. A copy of each comment should be filed with DOE on or before the date listed above.

Additional copies of such comments shall be filed with: Mr. Joseph Rossignoli Director, U.S. Business Development, GridAmerica Holdings Inc., 40 Sylvan Road, Waltham, MA 02451, *Joseph.Rossignoli@nationalgrid.com* and Mr. Timothy Roskelley, Anderson & Kreiger LLP, 50 Milk Street, Boston, MA 02109, *roskelley@andersonkreiger.com.*

Before a Presidential permit may be issued or amended, DOE must determine that the proposed action is in the public interest. In making that determination, DOE may consider the environmental impacts of the proposed project; the project's impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions; and any other factors that DOE may also deem relevant to the public interest. Also, DOE must obtain the concurrences of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulatio-2.*

Issued in Washington, DC, on February 23, 2018.

Christopher A. Lawrence,

Electricity Policy Analyst, National Electricity Delivery Division, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2018–04285 Filed 3–1–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–60–000.
Applicants: Dominion Energy, Inc., SCANA Corporation, South Carolina Electric & Gas Company.
Description: Joint Application for Approval under Section 203 of the Federal Power Act and Request for Waivers and Confidential Treatment of Dominion Energy, Inc., et al.
Filed Date: 2/23/18.
Accession Number: 20180223–5172.
Comments Due: 5 p.m. ET 4/24/18.

Docket Numbers: EC18–61–000.
Applicants: NRG Yield, Inc., NRG Renew LLC, Carlsbad Energy Center LLC.
Description: Application for Approval Under Section 203 of the Federal Power Act and Request for Expedited Action of NRG Yield, Inc., et. al.
Filed Date: 2/23/18.
Accession Number: 20180223–5173.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: EC18–62–000.
Applicants: Stephentown Spindle, LLC, Hazle Spindle, LLC, Convergent Energy and Power LP.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, Request for Waivers, and Request for Expedited Action of Stephentown Spindle, LLC, et al.
Filed Date: 2/23/18.
Accession Number: 20180223–5175.
Comments Due: 5 p.m. ET 3/16/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2507–015.
Applicants: Westar Energy, Inc.
Description: Notice of Non-Material Change in Status of Westar Energy, Inc.
Filed Date: 2/26/18.
Accession Number: 20180226–5097.
Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: ER10–3297–012.
Applicants: Powerex Corp.
Description: Notice of Non-Material Change in Status of Powerex Corp.

Filed Date: 2/23/18.
Accession Number: 20180223–5168.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–880–001.
Applicants: Plum Point Services Company, LLC.
Description: Tariff Amendment: Market-Based Rate Tariff Revisions to be effective 2/27/2018.
Filed Date: 2/26/18.
Accession Number: 20180226–5064.
Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: ER18–902–000.
Applicants: Dominion Energy Generation Marketing, Inc., Dominion Energy Fairless, LLC.
Description: Request for Limited Waiver and Expedited Consideration of Dominion Energy Generation Marketing, Inc., et. al.
Filed Date: 2/23/18.
Accession Number: 20180223–5060.
Comments Due: 5 p.m. ET 3/6/18.

Docket Numbers: ER18–907–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: First Revised Transmission Service Agreement No. 497 to be effective 2/9/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5134.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–909–000.
Applicants: Plum Point Energy Associates, LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/27/2018.
Filed Date: 2/26/18.
Accession Number: 20180226–5065.
Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: ER18–910–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Raven Solar Development (Dodge Solar) LGIA Filing to be effective 2/22/2018.
Filed Date: 2/26/18.
Accession Number: 20180226–5140.
Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: ER18–911–000.
Applicants: Graphic Packaging International Inc.
Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 2/27/2018.
Filed Date: 2/26/18.
Accession Number: 20180226–5142.
Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: ER18–912–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of ISA, SA No. 3982; Queue No. R52 to be effective 4/23/2018.
Filed Date: 2/26/18.
Accession Number: 20180226–5149.
Comments Due: 5 p.m. ET 3/19/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 26, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–04304 Filed 3–1–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–454–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Clean Up Filing to remove expired & no longer NC/Neg Rate contracts to be effective 3/24/2018.
Filed Date: 2/21/18.
Accession Number: 20180221–5045.
Comments Due: 5 p.m. ET 3/5/18.

Docket Numbers: RP18–456–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Remove Expired Agmts from Tariff eff 2/21/2018 to be effective 2/21/2018.
Filed Date: 2/21/18.
Accession Number: 20180221–5059.
Comments Due: 5 p.m. ET 3/5/18.

Docket Numbers: RP18–457–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—NJ Natural 910230 eff 04–01–2018 to be effective 4/1/2018.
Filed Date: 2/21/18.
Accession Number: 20180221–5103.
Comments Due: 5 p.m. ET 3/5/18.

Docket Numbers: CP18–91–000.
Applicants: Destin Pipeline Company, L.L.C.
Description: Joint Abbreviated Application for Certificate And Abandonment Authorization of Destin Pipeline Company, L.L.C., et al.
Filed Date: 2/22/18.
Accession Number: 20180222–5124.
Comments Due: 5 p.m. ET 3/15/18.

Docket Numbers: RP18–458–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—NJR Energy Services k911427 eff 04–01–18 to be effective 4/1/2018.
Filed Date: 2/22/18.
Accession Number: 20180222–5009.
Comments Due: 5 p.m. ET 3/6/18.

Docket Numbers: RP18–459–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Service Agreement—EQT Energy LPS 4/1/2018 to be effective 4/1/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5001.
Comments Due: 5 p.m. ET 3/7/18.

Docket Numbers: RP18–460–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Filing to Incorporate Approved Changes from RP17–851–000, et al. to be effective 2/1/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5020.
Comments Due: 5 p.m. ET 3/7/18.

Docket Numbers: RP18–461–000.
Applicants: LA Storage, LLC.
Description: Compliance filing LA Storage, LLC Annual Adjustment of Fuel Retainage Percentage to be effective 3/1/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5049.
Comments Due: 5 p.m. ET 3/7/18.

Docket Numbers: RP18–462–000.
Applicants: Chief Oil & Gas LLC.
Description: Petition of Chief Oil & Gas LLC For Temporary Waiver of Capacity Release Regulations and Policies, and Request for Expedited Consideration.
Filed Date: 2/23/18.
Accession Number: 20180223–5112.
Comments Due: 5 p.m. ET 3/2/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 26, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–04305 Filed 3–1–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14793–000—AL]

The Domestic and Foreign Missionary Society of the Protestant Episcopal Diocese of Alabama; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed the application for exemption from licensing for the Camp McDowell Project, to be located on Clear Creek, near Nauvoo, in Winston County, Alabama, and has prepared an Environmental Assessment (EA). In the EA, Commission staff analyzes the potential environmental effects of the project and concludes that issuing an exemption for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, contact Monte TerHaar at (202) 502–6035 or *monte.terhaar@ferc.gov*.

Dated: February 23, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–04293 Filed 3–1–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–48–000.
Applicants: Techren Solar II LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Techren Solar II LLC.
Filed Date: 2/22/18.
Accession Number: 20180222–5109.
Comments Due: 5 p.m. ET 3/15/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–323–004.
Applicants: Ohio Valley Electric Corporation.
Description: Errata to December 20, 2017 Updated Market Power Analysis in the MISO Balancing Area Authority of Ohio Valley Electric Corporation.
Filed Date: 2/22/18.
Accession Number: 20180222–5131.
Comments Due: 5 p.m. ET 3/15/18.

Docket Numbers: ER18–896–000.
Applicants: Meadow Lake Wind Farm II LLC.
Description: § 205(d) Rate Filing: Reactive Power Compensation to be effective 4/23/2018.
Filed Date: 2/22/18.
Accession Number: 20180222–5119.
Comments Due: 5 p.m. ET 3/15/18.

Docket Numbers: ER18–897–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: ISO–NE and NEPOOL; Reserve Designation and Settlement to be effective 6/1/2018.
Filed Date: 2/22/18.
Accession Number: 20180222–5121.
Comments Due: 5 p.m. ET 3/15/18.

Docket Numbers: ER18–898–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, SA No. 4919, Queue No. AC2–073 to be effective 1/30/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5019.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–899–000.
Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Commonwealth Edison Company submits Revisions to PJM Tariff Attachment H–13A to be effective 4/24/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5026.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–900–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA, SA No. 4812; Queue W4–036 to be effective 4/2/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5043.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–901–000.
Applicants: ISO New England Inc., Emera Maine.
Description: § 205(d) Rate Filing: Original Service Agreement Under Schedule 21–EM of ISO–NE Tariff to be effective 5/16/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5054.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–903–000.
Applicants: Delmarva Power & Light Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Delmarva Power & Light Company submits Revisions to PJM Tariff, Attachment H–3D to be effective 4/24/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5063.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–904–000.
Applicants: Atlantic City Electric Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Atlantic City Electric Company submits Revisions to PJM Tariff, Attachment H–1A to be effective 4/24/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5064.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–905–000.
Applicants: Potomac Electric Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Potomac Electric Power Company submits Revisions to PJM Tariff, Attachment H–9A to be effective 4/24/2018.

Filed Date: 2/23/18.
Accession Number: 20180223–5065.
Comments Due: 5 p.m. ET 3/16/18.

Docket Numbers: ER18–906–000.
Applicants: Midcontinent Independent System Operator Inc.
Description: § 205(d) Rate Filing: 2018–02–23_Compensation of Demand Response Resources to be effective 7/1/2018.
Filed Date: 2/23/18.
Accession Number: 20180223–5098.
Comments Due: 5 p.m. ET 3/16/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 23, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–04303 Filed 3–1–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–31–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff filing per 284.123(b),(e)/: Revised Statement of Operating Conditions DDC to be effective 2/1/2018.
Filed Date: 2/20/18.
Accession Number: 201802205135.
Comments/Protests Due: 5 p.m. ET 3/13/18.

Docket Numbers: RP18–450–001.
Applicants: National Fuel Gas Supply Corporation.
Description: Tariff Amendment: Errata-Fuel Tracker (RP18–450–000) to be effective 4/1/2018.

Filed Date: 2/20/18.

Accession Number: 20180220–5231.

Comments Due: 5 p.m. ET 3/5/18.

Docket Numbers: RP18–451–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) Rate Filing: Garden State Expansion—Phase 2 Rate Filing to be effective 3/23/2018.

Filed Date: 2/20/18.

Accession Number: 20180220–5031.

Comments Due: 5 p.m. ET 3/5/18.

Docket Numbers: RP18–452–000.

Applicants: PG Pipeline LLC.

Description: Compliance filing Annual Adjustment of Fuel and Gas Loss Retention Percentage.

Filed Date: 2/20/18.

Accession Number: 20180220–5222.

Comments Due: 5 p.m. ET 3/5/18.

Docket Numbers: RP18–453–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: FL&U Electric Power Rate Adjustment 2018 to be effective 4/1/2018.

Filed Date: 2/20/18.

Accession Number: 20180220–5230.

Comments Due: 5 p.m. ET 3/5/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 23, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–04302 Filed 3–1–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2018–0028; FRL–9974–93–OARM]

Information Collection Request Submitted to OMB for Review and Approval; Contractor Conflicts of Interest; EPA ICR 1550.11, OMB Control No. 2030–0023

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Conflict of Interest'' (EPA ICR No. 1550.11, OMB Control No. 2030–0023) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through June 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before May 1, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OARM–2018–0028, online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Pamela Leftrict, Policy, Training, and Oversight Division, Acquisition Policy and Training Service Center (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–9463; email address*: leftrict.pamela@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public

docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: EPA contractors will be required to disclose business relationships and corporate affiliations to determine whether EPA's interests are jeopardized by such relationships. Because EPA has the dual responsibility of cleanup and enforcement and because its contractors are often involved in both activities, it is imperative that contractors are free from conflicts of interest so as not to prejudice response and enforcement actions. Contractors will be required to maintain a database of business relationships and report information to EPA on either an annual basis or when each work order is issued.

Form numbers: ICR numbers: EPA ICR No. 1550.11, OMB Control No. 2030–0023.

Respondents/affected entities: Entities potentially affected by this action are businesses or organizations performing contracts for the EPA.

Respondent's obligation to respond: Mandatory to continue performance on the respective contract, in accordance with respective contract clause terms.

Estimated number of respondents: 45 (total).

Frequency of response: 1,245.67 hours per response.

Total estimated burden: 14,652 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: Estimated total annual costs are $3,214,288.05. This includes an estimated contractor burden cost of $2,798,168.85 and an estimated agency burden cost of $416,119.20. These amounts were calculated using the hours above and the labor rates from the 2017 Bureau of Labor National Mean Statistics and the General Schedule.

Changes in estimates: There is no change in the number of hours in the total estimated respondent burden compared to the ICR currently approved by OMB.

Dated: February 21, 2018.

Kimberly Y. Patrick,

Director, Office of Acquisition Management.

[FR Doc. 2018–04310 Filed 3–1–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9037–9]

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 02/19/2018 Through 02/23/2018

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://cdxnodengn.epa.gov/cdx-nepa-public/action/eia/search.*

EIS No. 20180025, Final Supplement, FTA, CA, VTA's BART Silicon Valley Phase II Extension Project. *Review Period Ends:* 04/02/2018, *Contact:* Mary Nguyen 213–202–3960.

EIS No. 20180026, Final, USFS, ID, Big Creek Geothermal Leasing Project, *Review Period Ends:* 04/16/2018, *Contact:* Julie Hopkins 208–756–5279.

EIS No. 20180027, Draft, FDA,GSA, MD, 2018 Federal Research Center Master Plan, *Comment Period Ends:* 04/16/2018, *Contact:* Paul Gyamfi 202–440–3405.

EIS No. 20180028, Final, Caltrans, CA, State Route 269 Bridge Project, *Review Period Ends:* 09/03/2018, *Contact:* Jeff Sorensen 559–445–5329.

EIS No. 20180029, Final, USACE, NC, Bogue Banks Master Beach Nourishment Plan, *Review Period Ends:* 04/02/2018, *Contact:* Mickey Sugg 910–251–4811.

EIS No. 20180030, Draft, FHWA, WA, Industrial Way/Oregon Way Intersection Project, *Comment Period Ends:* 04/16/2018, *Contact:* Liana Liu 360–753–9553.

Amended Notices

EIS No. 20170249, Draft, OSM, MT, Western Energy Company's Rosebud Mine Area F, Revision to **Federal Register** Notice published 01/05/2018, extending comment period from 02/20/2018 to 03/05/2018, *Contact:* Logan Sholar 303–293–5036.

Dated: February 27, 2018.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2018–04301 Filed 3–1–18; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Regular Meeting: Farm Credit System Insurance Corporation Board

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

DATES: The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 8, 2018, from 2:00 p.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056, *aultmand@fca.gov.*

ADDRESSES: Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are

representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- January 18, 2018 (Regular Meeting)

B. Business Reports

- FCSIC Financial Reports
- Report on Insured and Other Obligations
- Quarterly Report on Annual Performance Plan

C. New Business

- Report on Investment Portfolio
- Policy Statement Concerning Sale of Assets
- Presentation of 2017 Audit Results
- Consideration of Allocated Insurance Reserves Accounts

Closed Session

- FCSIC Report on System Performance

Executive Session

- Approval of Minutes January 18, 2018 (Audit Committee Meeting)
- Executive Session of the FCSIC Board Audit Committee with the External Auditor

Dated: February 27, 2018.

Dale L. Aultman,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 2018–04323 Filed 3–1–18; 8:45 am]

BILLING CODE 6710–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0910]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 1, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0910.

Title: Third Report and Order in CC Docket No. 94–102 to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 967 respondents; 967 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Mandatory. Statutory authority for this collection of information is contained in 47 U.S.C. Sections 1, 4(i), 201, 303, 309 and 332 of the Communications Act of 1934, as amended.

Total Annual Burden: 967 hours.

Total Annual Cost: No Cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information submitted to the Commission will provide public service answering points (PSAPs), providers of location technology, investors, manufacturers, local exchange carriers, and the Commission with valuable information necessary for full Phase II E911 service implementation. These reports will provide helpful, if not essential information for coordinating carrier plans with those of manufacturers and PSAPs. The reports will also assist the Commission's efforts to monitor Phase II developments and to take action, if necessary, to maintain the Phase II implementation schedule.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–04225 Filed 3–1–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0999]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 1, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0999.

Title: Hearing Aid Compatibility Status Report and Section 20.19, Hearing Aid-Compatible Mobile Handsets (Hearing Aid Compatibility Act).

Form Number: FCC Form 655.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 934 respondents; 934 responses.

Estimated Time per Response: 13 hours per response (average).

Frequency of Response: On occasion and annual reporting requirements and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. Sections 151, 154(i), 157, 160, 201, 202, 208, 214, 301, 303, 308, 309(j), 310 and 610 of the Communications Act of 1934, as amended.

Total Annual Burden: 12,140 hours.

Total Annual Cost: No costs.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Information requested in the reports may include confidential information. However, covered entities are allowed to request that such materials submitted to the Commission be withheld from public inspection.

Needs and Uses: The Commission will submit this information collection as a revision to the Office of Management and Budget (OMB) after this 60-day comment period to obtain the full three-year clearance for the collection. The revision is necessary to implement the final rules promulgated in the 2015 Fourth Report and Order, FCC 15–155 (Fourth Report and Order), which expanded the scope of the rules due to a shift from Commercial Mobile Radio Services (CMRS) to digital mobile service. We estimate that there will be a small increase in the number of respondents/responses, total annual burden hours, and total annual cost from the previously approved estimates.

The collection is necessary to implement certain disclosure requirements that are part of the Commission's wireless hearing aid compatibility rule. In a Report and Order in WT Docket No. 01–309, FCC 03–168, adopted and released in September 2003, implementing a mandate under the Hearing Aid Compatibility Act of 1988, the Commission required digital wireless phone manufacturers and service providers to make certain digital wireless phones capable of effective use with hearing aids, label certain phones they sold with information about their compatibility with hearing aids, and report to the Commission (at first every six months, then on an annual basis) on the numbers and types of hearing aid-compatible phones they were producing or offering to the public. These reporting requirements were subsequently amended on several occasions, and the existing, OMB-approved collection under this OMB control number includes these modifications.

On November 19, 2015, the Commission adopted final rules in a Fourth Report and Order, FCC 15–155 (Fourth Report and Order), that, among other changes, expanded the scope of the Commission's hearing aid compatibility provisions to cover handsets used with any digital terrestrial mobile service that enables two-way real-time voice communications among members of the public or a substantial portion of the public, including through the use of pre-installed software applications. Prior to 2018, the hearing aid compatibility provisions were limited only to handsets used with two-way switched voice or data services classified as Commercial Mobile Radio Service, and only to the extent they were provided over networks meeting certain architectural requirements that enable frequency reuse and seamless handoff. As a result of the Fourth Report and Order, beginning January 1, 2018, all device manufacturers and Tier I carriers that offer handsets falling under the expanded scope of covered handsets are required to comply with the Commission's hearing aid compatibility provisions, including annual reporting requirements on FCC Form 655. For other service providers that are not Tier I carriers, the expanded scope of the Commission's hearing aid compatibility provisions applies beginning April 1, 2018.

Following release of the Fourth Report and Order, the Commission is required to amend the FCC Form 655 to reflect the newly expanded scope of handsets covered by the hearing aid compatibility provisions, as well as to capture information regarding existing disclosure requirements clarified by the Commission in the Fourth Report and Order. As a consequence of the Fourth Report and Order, FCC Form 655 filing and other requirements will apply to those newly-covered handsets offered by device manufacturers and service providers that have already been reporting annually on their compliance with the Commission's hearing aid compatibility provisions, as well to any device manufacturers and service providers that were previously exempt because they did not offer any covered handsets or services prior to 2018.

As a result, the Commission is requesting a revision of this collection in order to implement the final rules promulgated in the Fourth Report and Order, which expanded the scope of the rules due to a shift from Commercial Mobile Radio Services (CMRS) to digital mobile service. We estimate that the expanded scope will increase the potential number of respondents subject

to this collection and correspondingly increase the responses and burden hours. The minor language changes to the instructions to FCC Form 655 and to the form itself clarifying this expanded scope will help the Commission compile data and monitor compliance with the current version of the hearing aid compatibility rules while making more complete and accessible information available to consumers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–04223 Filed 3–1–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Items From Sunshine Act Meeting

February 21, 2018.

The following item has been deleted from the list of items scheduled for consideration at the Thursday, February 22, 2018, Open Meeting and previously listed in the Commission's Notice of February 15, 2018.

5.	Media	*Title:* Amendment of Parts 74, 76 and 78 of the Commission's Rules Regarding Maintenance of Copies of FCC Rules (MB Docket No. 17–231); Modernization of Media Regulation Initiative (MB Docket No. 17–105). *Summary:* The Commission will consider a Report and Order that would eliminate specific Part 74, 76, and 78 rules that require certain broadcast and cable entities to maintain paper copies of Commission rules, while retaining provisions that require the subject entities to be familiar with the rules governing their operations.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2018–04358 Filed 2–28–18; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0182]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 1, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0182.

Title: Section 73.1620, Program Tests.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit, Not-for-profit institutions.

Number of Respondents and Responses: 1,470 respondents; 1,470 responses.

Estimated Time per Response: 1–5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 1,521 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection.

Needs and Uses: The information collection requirements for this collection are as follows:

47 CFR 73.1620(a)(1) require permittees of a nondirectional AM or FM station, or a nondirectional or directional TV station to notify the FCC upon beginning of program tests. An application for license must be filed within 10 days of this notification.

47 CFR 73.1620(a)(2) require a permittee of an AM or FM station with a directional antenna to file a request for program test authority 10 days prior to date on which it desires to begin program tests. This is filed in conjunction with an application for license.

47 CFR 73.1620(a)(3) require a licensee of an FM station replacing a directional antenna without changes to file a modification of the license application within 10 days after commencing operations with the replacement antenna.

47 CFR 73.1620(a)(4) requires a permittee of an AM station with a directional antenna to file a request for program test authority 10 days prior to the date on which it desires to begin program test.

47 CFR 73.1620(a)(5) requires that, except for permits subject to successive license terms, a permittee of an LPFM station may begin program tests upon notification to the FCC in Washington,

DC provided that within 10 days thereafter an application for license is filed. Program tests may be conducted by a licensee subject to mandatory license terms only during the term specified on such license authorization.

47 CFR 73.1620(b) allows the FCC to right to revoke, suspend, or modify program tests by any station without right of hearing for failure to comply adequately with all terms of the construction permit or the provision of 47 CFR 73.1690(c) for a modification of license application, or in order to resolve instances of interference. The FCC may also require the filing of a construction permit application to bring the station into compliance with the Commission's rules and policies.

47 CFR 73.1620(f) requires licensees of UHF TV stations, assigned to the same allocated channel which a 1000 watt UHF translator station is authorized to use, to notify the licensee of the translator station at least 10 days prior to commencing or resuming operation and certify to the FCC that such advance notice has been given.

47 CFR 73.1620(g) requires permittees to report any deviations from their promises, if any, in their application for license to cover their construction permit (FCC Form 302) and on the first anniversary of their commencement of program tests.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–04226 Filed 3–1–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1151]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before April 2, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1151.

Title: Sections 1.1420, 1.1422 and 1.1424, Pole Attachment Access Requirements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 763 respondents; 36,136 responses.

Estimated Time per Response: 20–45 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement, and third-party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 448,921 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No questions of a confidential nature are asked.

Needs and Uses: The Commission is requesting OMB approval for a three-year extension of this information collection. In *Implementation of Section 224 of the Act, A National Broadband Plan for Our Future,* WC Docket No. 07–245, GN Docket No. 09–51, Report and Order and Order on Reconsideration, FCC 11–50, the Commission adopted rules that relate to the implementation of section 224 of the Communications Act of 1934, as amended, regarding access to poles that are owned or controlled by utilities. Under the Commission's rules, utilities must provide cable television systems and telecommunications carriers (collectively, ''attachers'') with non-

discriminatory access to attach facilities to poles, ducts, conduits, or rights-of-way owned or controlled by the utilities (collectively, ''pole attachments''). However, utilities may deny in writing those pole attachment applications where there is insufficient capacity on a pole, or for reasons of safety, reliability, and generally applicable engineering purposes. Commission rules also create a series of deadlines or ''timelines'' by which attachers request and receive permission from utilities for pole attachments. The first stage of the timeline requires utilities to survey the requested poles where access is requested and to perform an engineering analysis. Utilities may notify attachers when they have completed their surveys of the affected poles. With regard to the second stage of the timeline, utilities must present to attachers an estimate of charges for preparing a pole for a new attachment (''make-ready'' work). With regard to the make-ready stage of the timeline, utilities are required to send notices of impending make-ready work to entities with existing attachments on the pole. Such notification letters are sent when a make-ready schedule is established. If the make-ready period is interrupted, or if the pole owner asserts its right to a 15-day extension of time to perform make-ready work, then notification letters also are required from the utility to the new attacher.

Additionally, the Order adopted a rule requiring utilities to make available and keep up-to-date a reasonably sufficient list of approved contractors to perform surveys and make-ready work in the communications space of a utility pole. If an attacher uses a utility-approved contractor, then it must notify the utility and invite the utility to send a representative to oversee the work.

Finally, the Order also broadened the existing enforcement process by permitting incumbent local exchange carriers (LECs) to file complaints alleging that the pole attachment rates, terms, or conditions demanded by utilities are unjust or unreasonable. If an incumbent LEC can demonstrate that it is similarly situated to an attacher that is a telecommunications carrier or a cable television system (through relevant evidence, including pole attachment agreements), then it can gain comparable pole attachment rates, terms, and condition as the similarly-situated carrier. The paperwork burdens for this provision are contained in OMB Control No. 3060–0392. The Order also encourages incumbent LECs that benefit from lower pole attachment costs to file data at the Commission that demonstrate that the benefits are being passed on to consumers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–04224 Filed 3–1–18; 8:45 am]

BILLING CODE 6712–01–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 29, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Bosshard Financial Group, Inc., La Crosse, Wisconsin*; to merge with Oregon Bancorp, Inc., La Crosse, Wisconsin, and thereby indirectly acquire Oregon Community Bank, Oregon, Wisconsin.

Board of Governors of the Federal Reserve System, February 27, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–04297 Filed 3–1–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Voluntary Relinquishment From the NCH Healthcare System, PSO

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of delisting.

SUMMARY: The Patient Safety Rule authorizes AHRQ, on behalf of the Secretary of HHS, to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. AHRQ has accepted a notification from NCH Healthcare System of the voluntary relinquishment of its status as a PSO and has delisted it accordingly.

DATES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. The delisting was effective at 12:00 Midnight ET (2400) on January 31, 2018.

ADDRESSES: Both directories can be accessed electronically at the following HHS website: *http://www.pso.ahrq.gov/listed.*

FOR FURTHER INFORMATION CONTACT: Eileen Hogan, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N94B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events.

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of federally approved PSOs.

AHRQ has accepted a notification from the NCH Healthcare System, PSO, a component entity of the NCH Healthcare System, PSO number P0191, to voluntarily relinquish its status as a PSO. Accordingly, the NCH Healthcare System, PSO was delisted effective at 12:00 Midnight ET (2400) on January 31, 2018.

The NCH Healthcare System, PSO has patient safety work product (PSWP) in its possession. The PSO will meet the requirements of section 3.108(c)(2)(i) of the Patient Safety Rule regarding notification to providers that have reported to the PSO and of section 3.108(c)(2)(ii) regarding disposition of PSWP consistent with section 3.108(b)(3). According to section 3.108(b)(3) of the Patient Safety Rule, the PSO has 90 days from the effective date of delisting and revocation to complete the disposition of PSWP that is currently in the PSO's possession.

More information on PSOs can be obtained through AHRQ's PSO website at *http://www.pso.ahrq.gov.*

Karen J. Migdail,

Chief of Staff.

[FR Doc. 2018–04217 Filed 3–1–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7049–N]

Medicare, Medicaid, and Other Programs, Initiatives, and Priorities; Meeting of the Advisory Panel on Outreach and Education (APOE), March 21, 2018

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the Advisory Panel on Outreach and Education (APOE) (Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning CMS programs, initiatives, and priorities. This meeting is open to the public.

DATES:

Meeting Date: Wednesday, March 21, 2018, 8:30 a.m. to 4:00 p.m. eastern daylight time (e.d.t.).

Deadline for Meeting Registration, Presentations, Special Accommodations and Comments: Wednesday, March 7, 2018, 5:00 p.m. eastern standard time (e.s.t.).

ADDRESSES:

Meeting Location: U.S. Department of Health & Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW, Room 505A, Conference Room, Washington, DC 20201.

Presentations and Written Comments: Presentations and written comments should be submitted to: Lynne Johnson, Acting Designated Federal Official (DFO), Office of Communications, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mailstop S1–05–06, Baltimore, MD 21244–1850 or via email at *Lynne.Johnson@cms.hhs.gov.*

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register at the website *https://www.regonline.com/apoemar2018meeting* or by contacting the Acting DFO as listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the Acting DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Lynne Johnson, Acting Designated Federal Official, Office of Communications, CMS, 7500 Security Boulevard, Mail Stop S1–05–06, Baltimore, MD 21244–1850, 410–786–0090, email *Lynne.Johnson@cms.hhs.gov.* Additional information about the APOE is available on the internet at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.html.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background

The Advisory Panel for Outreach and Education (APOE) (Panel) is governed by the provisions of Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Social Security Act (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a).

The Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) signed the charter establishing the Citizen's Advisory Panel on Medicare Education [1] (the predecessor to the APOE) on January 21, 1999 (64 FR 7899, February 17, 1999) to advise and make recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. We have had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. The successful MA program implementation required CMS to consider the views and

[1] We note that the Citizen's Advisory Panel on Medicare Education is also referred to as the Advisory Panel on Medicare Education (65 FR 4617). The name was updated in the Second Amended Charter approved on July 24, 2000.

policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, Title I of the MMA authorized the Secretary and the Administrator of CMS (by delegation) to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Affordable Care Act (Patient Protection and Affordable Care Act, Pub. L. 111–148, and Health Care and Education Reconciliation Act of 2010, Pub. L. 111–152) expanded the availability of other options for health care coverage and enacted a number of changes to Medicare as well as to Medicaid and the Children's Health Insurance Program (CHIP). Qualified individuals and qualified employers are now able to purchase private health insurance coverage through a competitive marketplace, called an Affordable Insurance Exchange (also called Health Insurance Marketplace℠ [2], or Marketplace℠). In order to effectively implement and administer these changes, we must provide information to consumers, providers, and other stakeholders through education and outreach programs regarding how existing programs will change and the expanded range of health coverage options available, including private health insurance coverage through the Marketplace℠. The APOE allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

The scope of this Panel also includes advising on issues pertaining to the education of providers and stakeholders with respect to the Affordable Care Act and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA).

On January 21, 2011, the Panel's charter was renewed and the Panel was renamed the Advisory Panel for Outreach and Education. The Panel's charter was most recently renewed on January 19, 2017, and will terminate on January 19, 2019 unless renewed by appropriate action.

Under the current charter, the APOE will advise the Secretary and the Administrator on optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP), or coverage available through the Health Insurance Marketplace℠ and other CMS programs.
- Enhancing the federal government's effectiveness in informing Health Insurance Marketplace℠, Medicare, Medicaid, and CHIP consumers, issuers, providers, and stakeholders, through education and outreach programs, on issues regarding these programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers, and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Health Insurance Marketplace℠, Medicare, Medicaid, and CHIP education programs and other CMS programs.
- Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health coverage options.
- Building and leveraging existing community infrastructures for information, counseling, and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

The current members of the Panel are: Kellan Baker, Associate Director, Center for American Progress; Robert Blancato, President, National Association of Nutrition and Aging Services Programs; Deborah Britt, Executive Director of Community & Public Relations, Piedmont Fayette Hospital; Deena Chisolm, Associate Professor of Pediatrics & Public Health, The Ohio State University, Nationwide Children's Hospital; Robert Espinoza, Vice President of Policy, Paraprofessional Healthcare Institute; Louise Scherer Knight, Director, The Sidney Kimmel Comprehensive Cancer Center at Johns Hopkins; Roanne Osborne-Gaskin, M.D., Senior Medical Director, MDWise, Inc.; Cathy Phan, Outreach and Education Coordinator, Asian American Health Coalition DBA HOPE Clinic; Kamilah Pickett, Litigation Support, Independent Contractor; Alvia Siddiqi, Medicaid Managed Care Community Network (MCCN) Medical Director, Advocate Physician Partners, Carla Smith, Executive Vice President, Healthcare Information and Management Systems Society (HIMSS); Tobin Van Ostern, Vice President and Co-Founder, Young Invincibles Advisors; and Paula Villescaz, Senior Consultant, Assembly Health Committee, California State Legislature.

II. Provisions of This Notice

In accordance with section 10(a) of the FACA, this notice announces a meeting of the APOE. The agenda for the March 21, 2018 meeting will include the following:

- Welcome and listening session with CMS leadership
- Recap of the previous (September 13, 2017) meeting
- CMS programs, initiatives, and priorities
- An opportunity for public comment
- Meeting summary, review of recommendations, and next steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

III. Security Guidelines

The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register by contacting the DFO at the address listed in the **ADDRESSES** section of this notice or by telephone at the number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice. This meeting will be held in a federal government building, the Hubert H. Humphrey (HHH) Building; therefore, federal security measures are applicable.

[2] Health Insurance Marketplace℠ and Marketplace℠ are service marks of the U.S. Department of Health & Human Services.

The REAL ID Act of 2005 (Pub. L. 109–13) establishes minimum standards for the issuance of state-issued driver's licenses and identification (ID) cards. It prohibits federal agencies from accepting an official driver's license or ID card from a state for any official purpose unless the Secretary of the Department of Homeland Security determines that the state meets these standards. Beginning October 2015, photo IDs (such as a valid driver's license) issued by a state or territory not in compliance with the Real ID Act will not be accepted as identification to enter federal buildings. Visitors from these states/territories will need to provide alternative proof of identification (such as a valid passport) to gain entrance into federal buildings. The current list of states from which a federal agency may accept driver's licenses for an official purpose is found at *http://www.dhs.gov/real-id-enforcement-brief.*

We recommend that confirmed registrants arrive reasonably early, but no earlier than 45 minutes prior to the start of the meeting, to allow additional time to clear security. Security measures include the following:

- Presentation of a government-issued photographic identification to the Federal Protective Service or Guard Service personnel.
- Inspection, via metal detector or other applicable means, of all persons entering the building. We note that all items brought into HHH Building, whether personal or for the purpose of presentation or to support a presentation, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set up, safety, or timely arrival of any personal belongings or items used for presentation or to support a presentation.

Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting.

Authority: 42 U.S.C. 217a, sec. 222 of the Public Health Service Act, as amended; 42 U.S.C. 1314(f), sec. 1114(f) of the Social Security Act; and Public Law 92–463, as amended (5 U.S.C. App. 2); 41 CFR 102–3.

Dated: February 21, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–04328 Filed 3–1–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2006–P–0207]

Proper Labeling of Honey and Honey Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Proper Labeling of Honey and Honey Products.'' The guidance advises firms on the proper labeling of honey and honey products to help ensure that honey and honey products are not adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act.

DATES: The announcement of the guidance is published in the **Federal Register** on March 2, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2006–P–0207 for ''Proper Labeling of Honey and Honey Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management

Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Nutrition and Food Labeling, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Andrea Krause, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2371.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry entitled ''Proper Labeling of Honey and Honey Products.'' We are issuing this guidance consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

In the **Federal Register** of April 4, 2014 (79 FR 19620), we announced the availability of a draft guidance for industry entitled ''Proper Labeling of Honey and Honey Products'' and invited comment by June 9, 2014. We received numerous comments on the draft guidance and have modified the final guidance where appropriate. In addition, we made editorial changes to improve clarity and to focus on labeling issues. The final guidance recognizes a definition of honey that is broader than what was noted in the draft guidance and that reflects comments that said that bees use nectar from plants other than flowers. We declined, however, to further define ''chief floral source'' (as suggested by other comments) because it is addressed by the Compliance Policy Guide (CPG) 515.300, ''Honey-Source Declaration'' (available online at *http://www.fda.gov/iceci/compliancemanuals/compliancepolicyguidancemanual/ucm074437.htm*), and it is the responsibility of the producer to ensure that the source of its honey, if included on the label, is not false or misleading. In response to multiple comments asking us to clarify how flavored honey should be named, we revised the answer to this question to make it clear that honey with a characterizing flavor should be labeled in accordance with 21 CFR 101.3(b) and 102.5(a). The guidance announced in this notice finalizes the draft guidance dated April 2014.

II. Electronic Access

Persons with access to the internet may obtain the guidance at either *http://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: February 27, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04282 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–3401]

Scientific Evaluation of the Evidence on the Beneficial Physiological Effects of Isolated or Synthetic Non-Digestible Carbohydrates Submitted as a Citizen Petition; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Scientific Evaluation of the Evidence on the Beneficial Physiological Effects of Isolated or Synthetic Non-Digestible Carbohydrates Submitted as a Citizen Petition (21 CFR 10.30).'' The guidance describes our views on the scientific evidence needed and the approach to evaluating the scientific evidence on the physiological effects to human health of isolated or synthetic non-digestible carbohydrates that are added to foods.

DATES: The announcement of the guidance is published in the **Federal Register** on March 2, 2018.

ADDRESSES: You may submit electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–3401 for ''Scientific Evaluation of the Evidence on the Beneficial Physiological Effects of Isolated or Synthetic Non-Digestible Carbohydrates Submitted as a Citizen Petition (21 CFR 10.30).'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including

the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Nutrition and Food Labeling, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Paula R. Trumbo, Center for Food Safety and Applied Nutrition (HFS–830), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2579.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry entitled ''Scientific Evaluation of the Evidence on the Beneficial Physiological Effects of Isolated or Synthetic Non-Digestible Carbohydrates Submitted as a Citizen Petition (21 CFR 10.30).'' We are issuing this guidance consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

In the **Federal Register** of May 27, 2016 (81 FR 33742), we published a final rule amending our Nutrition and Supplement Facts label regulations. The final rule provides a definition of dietary fiber as non-digestible soluble and insoluble carbohydrates (with three or more monomeric units), and lignin that are intrinsic and intact in plants; isolated or synthetic non-digestible carbohydrates (with three or more monomeric units) determined by FDA to have physiological effects that are beneficial to human health (§ 101.9(c)(6)(i)) (21 CFR 101.9(c)(6)(i)). One mechanism by which a manufacturer could request an amendment to the list of isolated or synthetic non-digestible carbohydrates that meet the dietary fiber definition is by using the citizen petition process in 21 CFR 10.30. If an isolated or synthetic non-digestible carbohydrate meets the dietary fiber definition, then it would be added to the list of dietary fibers in § 101.9(c)(6)(i).

In the **Federal Register** of November 23, 2016, (81 FR 84516), we announced the availability of a draft guidance for industry entitled ''Scientific Evaluation of the Evidence on the Beneficial Physiological Effects of Isolated or Synthetic Non-Digestible Carbohydrates Submitted as a Citizen Petition (21 CFR 10.30)'' and gave interested parties an opportunity to submit comments by January 23, 2017, for us to consider before beginning work on the final version of the guidance. In the **Federal Register** of January 13, 2017 (82 FR 4225), we extended the comment period to February 13, 2017. We received several comments on the draft guidance and have modified the final guidance where appropriate. Changes to the guidance include: (1) The inclusion of studies on diseased populations under certain circumstances as part of our evaluation of the totality of the scientific evidence; (2) additional detail and clarity on the physiological endpoints that we consider when reviewing the scientific evidence; and (3) additional detail regarding factors we consider when evaluating the strength of the scientific evidence.[1] In addition, we made editorial changes to improve clarity. The guidance announced in this notice finalizes the draft guidance dated November 2016.

II. Paperwork Reduction Act of 1995

The guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 101.9 have been approved under OMB control number 0910–0813.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: February 27, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04280 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–0338]

Definitions of Suspect Product and Illegitimate Product for Verification Obligations Under the Drug Supply Chain Security Act; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance entitled ''Definitions of Suspect Product and Illegitimate Product for Verification Obligations Under the Drug Supply Chain Security Act.'' The draft guidance is intended to describe FDA's interpretation of terms used in the definitions of ''suspect product'' and ''illegitimate product'' in the Drug Supply Chain Security Act (DSCSA), for purposes of trading

[1] This guidance addresses the scientific evaluation of synthetic non-digestible carbohydrates and isolated non-digestible carbohydrate ingredients that are produced as a result of the processing of foods and other sources, to the extent that the ingredients in and of themselves have a specific chemical structure (carbohydrate composition and non-digestible bond linkages). These isolated non-digestible carbohydrates may or may not vary in size. Examples of isolated non-digestible carbohydrates include cellulose, guar gum, and pectin.

partners' verification obligations (including notification). The draft guidance lays out FDA's current understanding of the following key terms for such purposes: *Counterfeit, diverted, fraudulent transaction,* and *unfit for distribution.*

DATES: Submit either electronic or written comments on the draft guidance by April 2, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–0338 for ''Definitions of Suspect Product and Illegitimate Product for Verification Obligations Under the Drug Supply Chain Security Act.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff office between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Sarah Venti, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–3130, *drugtrackandtrace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Definitions of Suspect Product and Illegitimate Product for Verification Obligations Under the Drug Supply Chain Security Act.'' On November 27, 2013, the DSCSA (Pub. L. 113–54) was signed into law. Section 202 of the DSCSA added section 581 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360eee), which sets forth definitions for the DSCSA. ''Suspect product'' is defined in section 581(21) of the FD&C Act, and ''illegitimate product'' is defined in section 581(8).

FDA is announcing the availability of this draft guidance to describe the Agency's interpretation of terms used in the definitions of ''suspect product'' and ''illegitimate product'' in the DSCSA, for purposes of trading partners' verification obligations (including notification) under section 582(b)(4), (c)(4), (d)(4), and (e)(4), respectively of the FD&C Act (21 U.S.C. 360eee–1(b)(4), (c)(4), (d)(4), and (e)(4)). The draft guidance lays out FDA's current understanding of the following key terms for such purposes: *Counterfeit, diverted, fraudulent transaction,* and *unfit for distribution.*

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on definitions of suspect product and illegitimate product for verification obligations under the DSCSA. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: February 23, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04181 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–4098]

Reference Amounts Customarily Consumed: List of Products for Each Product Category; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Reference Amounts Customarily Consumed: List of Products for Each Product Category.'' The guidance provides examples of products that belong to product categories included in the tables of Reference Amounts Customarily Consumed (RACCs) per Eating Occasion established in our regulations.

DATES: The announcement of the guidance is published in the **Federal Register** on March 2, 2018.

ADDRESSES: You may submit either electronic or written comments on FDA guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–4098 for ''Reference Amounts Customarily Consumed: List of Products for Each Product Category.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Nutrition and Food Labeling, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Jillonne Kevala, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1450.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry entitled ''Reference Amounts Customarily Consumed: List of Products for Each Product Category.'' We are issuing this guidance consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

This guidance is intended to help industry comply with the statutory requirement, under section 403(q)(1)(A)(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 343(q)(1)(A)(i)), that food that is intended for human consumption and offered for sale bear nutrition information that provides a serving size

that reflects the amount of food customarily consumed and is expressed in a common household measure that is appropriate to the food. To comply with this requirement, manufacturers must determine and label their food products with the appropriate label serving size based on the amount of the product customarily consumed.

In the **Federal Register** of May 27, 2016, we issued a final rule entitled ''Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments'' (81 FR 34000). The final rule amends our regulations in § 101.12(b) (21 CFR 101.12(b)) to update or modify certain pre-existing RACCs, and to establish RACCs for new product categories.

In the **Federal Register** of January 5, 2017 (82 FR 1344), we announced the availability of a draft guidance for industry entitled ''Reference Amounts Customarily Consumed: List of Products for Each Product Category; Draft Guidance for Industry'' and gave interested parties an opportunity to submit comments by March 6, 2017, for us to consider before beginning work on the final version of the guidance. We received several comments on the draft guidance and have modified the content, where appropriate, for this final guidance. Changes to the guidance include the addition of flavored nut butter spreads (*e.g.,* cocoa, cookie, and coffee flavored) as an example in the ''Nut and seed butters, pastes, or creams'' product category. In the **Federal Register** of November 2, 2016, we published a Request for Information and Comments requesting information and comments on the appropriate product category and RACC for flavored nut butter spreads (*e.g.,* cocoa, cookie, and coffee flavored) (81 FR 76323). Based upon the information and comments received, and our own assessment, we have determined that flavored nut butter spreads (*e.g.,* cocoa, cookie, and coffee flavored) are comparable to nut butters and belong in the ''Nut and seed butters, pastes, or creams'' product category with a RACC of two tablespoons. In addition to this and other clarifying substantive changes that we made to the guidance, we made editorial changes to improve clarity and to help ensure consistency with § 101.12(b). The guidance announced in this notice finalizes the draft guidance dated January 2017.

II. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: February 27, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04283 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–1112]

United States Food and Drug Administration and Health Canada Joint Regional Consultation on the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing a regional public meeting entitled ''U.S. Food and Drug Administration and Health Canada Joint Regional Consultation on the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH).'' The purpose of the public meeting is to provide information and solicit public input on the current activities of the ICH, as well as the upcoming ICH Assembly Meeting and the Expert Working Group Meetings in Kobe, Japan, scheduled for June 4 through 7, 2018. The topics to be addressed at the public meeting are the current ICH guideline topics under development that will be discussed at the forthcoming ICH Assembly Meeting in Kobe.

DATES: The public meeting will be held on Friday, April 6, 2018, from 10 a.m. to 1 p.m. Submit either electronic or written comments on this public meeting by April 30, 2018. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, Rm. 1503 (Great Room), Silver Spring, MD 20993–0002. The meeting will also be broadcast on the web, allowing participants to join in person OR via the web. For those who will attend in person, the entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.* For those who register to attend the public meeting remotely via the webcast, a link to access the webcast will be emailed 1 week in advance of the meeting.

You may submit comments as follows. Please note that late, untimely, filed comments will not be considered. Electronic comments must be submitted on or before April 30, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 30, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed in the sections below (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–N–1112 for ''U.S. Food and Drug Administration and Health Canada Joint Regional Consultation on the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use; Public Meeting; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amanda Roache, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1176, Silver Spring, MD 20993–0002, 301–796–4548, *Amanda.Roache@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The ICH, formerly known as the International Conference on Harmonisation, was established in 1990 as a joint regulatory/industry project to improve, through harmonization, the efficiency of the process for developing and registering new medicinal products in Europe, Japan, and the United States without compromising the regulatory requirements for safety and effectiveness. One of the goals of harmonization is to identify and then reduce regional differences in technical regulatory requirements for pharmaceutical products while preserving a consistently high standard for drug efficacy, safety, and quality. In 2015, the ICH was reformed to establish ICH as a true global initiative that expands beyond the previous ICH members. More involvement from regulators around the world is expected, as they join counterparts from Europe, Japan, the United States, Canada, and Switzerland as ICH observers and regulatory members. Expanded involvement is also anticipated from global regulated pharmaceutical industry parties, joining as ICH observers and industry members. The reforms build on a 25-year track record of successful delivery of harmonized guidelines for global pharmaceutical development and their regulation.

ICH guidelines are developed following a five-step process. In Step 1, experts from the different ICH regions work together to prepare a consensus draft of the Step 1 Technical Document. The Step 1 Technical Document is submitted to the ICH Assembly to request endorsement under Step 2a of the process. Step 2b is a ''Regulators only'' step in which the ICH regulatory members review the Step 2a Final Technical Document and take any actions, which might include revisions that they deem necessary, to develop the draft ''Guideline.'' Step 3 of the process begins with the public consultation process conducted by each of the ICH regulatory members in their respective regions, and this step concludes with completion and acceptance of any revisions that need to be made to the Step 2b draft guideline in response to public comments. Adoption of the new guideline occurs in Step 4. Following adoption, the harmonized guideline moves to Step 5, the final step of the process when it is implemented by each of the regulatory members in their respective regions. The ICH process has achieved significant harmonization of the technical requirements for the approval of pharmaceuticals for human use in the ICH regions since 1990. More information on the current ICH process and structure can be found at the following website: *http://www.ich.org/home.html.* (FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.)

II. Topics for Discussion at the Public Meeting

The topics for discussion at this public meeting include the current guidelines under development under the ICH. These guidelines include the following:

Topics Currently Under Regional Public Consultation (Step 3 of ICH Process):

- S11 Nonclinical Safety Testing in Support of Development of Pediatric Medicines
- Q12 Technical and Regulatory Considerations for Pharmaceutical Product Lifecycle Management
- E9(R1) Addendum: Statistical Principles for Clinical Trials

Selected Topics Recently Finalized (Step 4 of ICH Process):

- E17 General Principles on Planning/Designing Multi-Regional Clinical Trials

Electronic Standards and MedDRA (Medical Dictionary for Regulatory Activities):

- M2 Electronic Standards for the Transfer of Regulatory Information
- M8 Electronic Common Technical Document (eCTD)
- E2B Clinical Safety Data Management: Data Elements for Transmission of Individual Case Safety Reports
- M1 MedDRA Terminology

Additional Ongoing Topics:

- E19 Optimization of Safety Data Collection
- E8(R1) Revision on General Considerations for Clinical Trials
- E11A Pediatric Extrapolation
- E14/S7B Discussion Group on Clinical and Nonclinical Evaluation of QT/QTc Interval Prolongation
- M9 Biopharmaceutics Classification System-Based Biowaivers
- M10 Bioanalytical Method Validation
- S1(R1) Revision on Rodent Carcinogenicity Studies for Human Pharmaceuticals
- S5(R3) Revision on Detection of Toxicity to Reproduction for Human Pharmaceuticals
- Q3C(R7) Impurities: Guideline for Residual Solvents
- Q3D(R1) Guideline on Elemental Impurities

III. Participating in the Public Meeting

Registration: Persons interested in attending this public meeting must register online by April 3, 2018. To register for the public meeting, please visit the following website: *https://ich_regional_consultation_2018.eventbrite.com.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public meeting must register by April 3, 2018, midnight Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. If time and space permit, onsite registration on the day of the public meeting will be provided beginning at 9:30 a.m.

The agenda for the public meeting will be made available on the internet at *https://www.fda.gov/Drugs/NewsEvents/ucm592065.htm* approximately 2 weeks in advance of the meeting.

If you need special accommodations due to a disability, please contact Amanda Roache (see **FOR FURTHER INFORMATION CONTACT**) no later than March 23, 2018.

Requests for Oral Presentations: If you wish to make a presentation during the public comment session, please contact Amanda Roache (see **FOR FURTHER INFORMATION CONTACT**) no later than March 23, 2018. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation. All requests to make presentations must be received by the close of registration on April 3, 2018. If selected for presentation, any presentation materials must be emailed to Amanda Roache (see **FOR FURTHER INFORMATION CONTACT**) no later than April 3, 2018. No commercial or promotional material will be permitted to be presented or distributed at the public meeting. Sign-up for making a public comment will also be available between 9 a.m. and 10 a.m. on the day of the meeting.

Streaming Webcast of the Public Meeting: This public meeting will also be webcast. To register to attend via webcast, please visit the following website: *https://ich_regional_consultation_2018.eventbrite.com.* If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Dated: February 26, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04256 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0258]

Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments—Small Entity Compliance Guide; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments—Small Entity Compliance Guide.'' The small entity compliance guide (SECG) is intended to help small entities comply with a final rule we issued in the **Federal Register** of May 27, 2016, entitled ''Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments.'' The final rule is designed to ensure that serving sizes are based on more recent consumption data and that consumers have serving size information on the Nutrition Facts label that will assist them in maintaining healthy dietary practices.

DATES: The announcement of the guidance is published in the **Federal Register** on March 2, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management

Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2004–N–0258 for ''Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments—Small Entity Compliance Guide.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the SECG to the Office of Nutrition and Food Labeling, Center for Food Safety and Applied Nutrition (HFS–800), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the SECG.

FOR FURTHER INFORMATION CONTACT: Jillonne Kevala, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1450.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of May 27, 2016 (81 FR 34000), we issued a final rule pertaining to serving sizes for food. The final rule amends the definition of a single-serving container; requires dual-column labeling for certain containers; updates, modifies, and establishes certain Reference Amounts Customarily Consumed (RACCs); amends the serving size for breath mints; and makes certain technical amendments to various aspects of preexisting serving size regulations. The final rule, which is codified at §§ 101.9 and 101.12 (21 CFR 101.9 and 101.12), became effective July 26, 2016, and has a compliance date of July 26, 2018, for manufacturers with $10 million or more in annual food sales, and July 26, 2019, for manufacturers with less than $10 million in annual food sales. On October 2, 2017, FDA published a proposed rule to extend the compliance dates by approximately 1.5 years—to January 1, 2020, for manufacturers with $10 million or more in annual food sales and to January 1, 2021, for manufacturers with less than $10 million in annual food sales—and explained that, pending completion of the rulemaking with respect to the compliance dates, we intend to exercise enforcement discretion with respect to the compliance dates announced in the final rule (82 FR 45753). A final determination regarding the compliance dates is pending.

We examined the economic implications of the final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601–612) and determined that the final rules on nutrition labeling, taken as a whole, will have a significant economic impact on a substantial number of small entities. In compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, as amended by Pub. L. 110–28), we are making available the SECG to explain the actions that a small entity must take to comply with the rule.

We are issuing the SECG consistent with our good guidance practices regulation (21 CFR 10.115(c)(2)). The SECG represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

The guidance refers to previously approved collections of information found in FDA regulations. The collections of information in §§ 101.9 and 101.12 have been approved under OMB control number 0910–0381.

III. Electronic Access

Persons with access to the internet may obtain the SECG at either *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: February 27, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04284 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–0688]

Standardization of Data and Documentation Practices for Product Tracing; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Standardization of Data and Documentation Practices for Product Tracing.'' The draft guidance elaborates on the standards for the interoperable exchange of transaction information, transaction history, and transaction statements (product tracing information)

provided under the drug supply chain security provisions of the Federal Food, Drug, and Cosmetic Act (FD&C Act). This guidance is intended to assist trading partners in standardizing the data contained in the product tracing information that trading partners must provide, capture, and maintain under the FD&C Act. In addition, this guidance includes recommendations for documentation practices that a trading partner can use to meet its product tracing obligations, including in situations where a trading partner is permitted by law to provide other trading partners with product tracing information that omits certain elements that would otherwise be required.

DATES: Submit either electronic or written comments on the draft guidance by May 1, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–0688 for ''Standardization of Data and Documentation Practices for Product Tracing; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Connie Jung, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3130, *drugtrackandtrace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 27, 2013, the Drug Supply Chain Security Act (Title II of Pub. L. 113–54) was signed into law. Section 202 of the Drug Supply Chain Security Act (DSCSA), which added new sections 581 and 582 to the FD&C Act (21 U.S.C. 360eee and 360eee–1), set forth new definitions and requirements related to product tracing. The DSCSA outlines critical steps to build an electronic, interoperable system by November 27, 2023, that will identify and trace certain prescription drugs as they are distributed within the United States.

Under section 582(b)(1), (c)(1), (d)(1), and (e)(1) of the FD&C Act, certain trading partners in the pharmaceutical distribution supply chain (manufacturers, wholesale distributors, dispensers, and repackagers) are required to capture, maintain, and provide the subsequent purchaser of certain prescription drug products with product tracing information. These requirements took effect on January 1, 2015, for manufacturers, wholesale distributors, and repackagers, and on July 1, 2015, for dispensers.

As required by section 582(a)(2)(A) of the FD&C Act, FDA established initial standards in 2014 to facilitate the interoperable exchange of transaction information, transaction history, and transaction statements between trading partners (79 FR 70878, November 28, 2014). Those standards help trading partners comply with the requirements of section 582(b)(1), (c)(1), (d)(1), and (e)(1) of the FD&C Act to provide the subsequent trading partners with product tracing information, in paper or electronic format, through the extension and/or use of current systems and processes.

This draft guidance elaborates on the initial standards that FDA established in 2014. It is intended to assist trading partners in standardizing the data that are contained in the product tracing information they must provide to subsequent purchasers. It is also intended to help trading partners understand the data elements that should be included in the product tracing information, particularly in situations where they are permitted by law to provide other trading partners with product tracing information that omits certain elements that would otherwise be required. In addition, the draft guidance recommends documentation practices that trading partners can use to satisfy the requirements of section 582(b)(1), (c)(1), (d)(1), and (e)(1) of the FD&C Act.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA about standardization of data and documentation practices for the exchange of product tracing information. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance includes information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). FDA intends to solicit public comment and obtain OMB approval for any information collections recommended in this guidance that are new or that would represent modifications to those previously approved collections of information found in FDA regulations or guidances.

III. Electronic Access

Persons with access to the internet may obtain the document at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: February 23, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04180 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–1255]

E18 Genomic Sampling and Management of Genomic Data; International Council for Harmonisation; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''E18 Genomic Sampling and Management of Genomic Data.'' The guidance was prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. This guidance focuses on the general principles of collecting, processing, transporting, storing, and disposing of genomic samples or data in clinical studies. The guidance is intended to provide harmonized principles of genomic sampling and of management of genomic data in clinical studies to foster interactions amongst stakeholders, including drug developers, investigators, and regulators; and to encourage genomic research within clinical studies.

DATES: The announcement of the guidance is published in the **Federal Register** on March 2, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–1255 for ''E18 Genomic Sampling and Management of Genomic Data; International Council for Harmonisation; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For

more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; the Office of Communication and Education, Division of Industry and Consumer Education, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4621, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling the Center for Biologics Evaluation and Research at 1–800–835–4709 or 240–402–8010. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: *Regarding the guidance:* Christian Grimstein, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3116, Silver Spring, MD 20993–0002, 301–796–5189; or Eunice Lee, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5546, Silver Spring, MD 20993–0002, 301–796–4808.

Regarding the ICH: Amanda Roache, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1176, Silver Spring, MD 20993–0002, 301–796–4548.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''E18 Genomic Sampling and Management of Genomic Data; International Council for Harmonisation.'' In recent years, regulatory authorities and industry associations from around the world have participated in many important initiatives to promote international harmonization of regulatory requirements under the ICH. FDA has participated in several ICH meetings designed to enhance harmonization and FDA is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and reduce differences in technical requirements for drug development among regulatory agencies.

ICH was established to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products for human use among regulators around the world. The six founding members of the ICH are the European Commission; the European Federation of Pharmaceutical Industries Associations; FDA; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; and the Pharmaceutical Research and Manufacturers of America. The standing members of the ICH Association include Health Canada and Swissmedic. Any party eligible as a member in accordance with the ICH Articles of Association can apply for membership in writing to the ICH Secretariat. The ICH Secretariat, which coordinates the preparation of documentation, operates as an international nonprofit organization and is funded by the members of the ICH Association.

The ICH Assembly is the overarching body of the Association and includes representatives from each of the ICH members and observers. The ICH Assembly is responsible for the endorsement of draft guidelines and adoption of final guidelines. FDA publishes ICH guidelines as FDA guidance.

In the **Federal Register** of June 3, 2016 (81 FR 35781), FDA published a notice announcing the availability of a draft guidance entitled ''E18 Genomic Sampling and Management of Genomic Data.'' The notice gave interested persons an opportunity to submit comments by August 2, 2016.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Assembly and endorsed by the regulatory agencies in September 2017.

The guidance provides guidance on genomic sampling and management of genomic data from interventional and non-interventional clinical studies. The guidance addresses use of genomic samples and data irrespective of the timing of analyses and both prespecified and non-prespecified use. The focus is on the general principles of collecting, processing, transporting, storing, and disposing of genomic samples or data, within the scope of an informed consent policy or practice. The technical aspects of genomic sampling are also discussed when appropriate, recognizing the rapidly evolving technological advances in genomic sampling and data generation. The guidance also intends to increase awareness and provide a reminder regarding subjects' privacy, protection of the data generated, the need to obtain suitable informed consent, and the need to consider transparency of findings in line with local legislation and regulations.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''E18 Genomic Sampling and Management of Genomic Data.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively. The collections of information in 21 CFR parts 50 and 56 have been approved under OMB control number 0910–0755. The collections of information in the guidance ''E6(R2) Good Clinical Practice: Integrated Addendum to ICH E6(R1)'' have been approved under 0910–0843.

III. Electronic Access

Persons with access to the internet may obtain the document at *https://www.regulations.gov, https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm,* or *https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

Dated: February 27, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04274 Filed 3–1–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Availability of the 2018 Physical Activity Guidelines Advisory Committee Scientific Report and Solicitation of Written Comments

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) (a) announces the availability of the 2018 Physical Activity Guidelines Advisory Committee Scientific Report (Scientific Report); and (b) solicits written comments on the Scientific Report.

DATES: Written comments on the Scientific Report will be accepted through 11:59 p.m. ET on April 2, 2018.

ADDRESSES: The Scientific Report is available on the internet at *www.health.gov/paguidelines.*

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, 2018 Physical Activity Guidelines Advisory Committee, Richard D. Olson, MD, MPH and/or Alternate Designated Federal Officer, Katrina L. Piercy, Ph.D., RD, Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health (OASH), HHS; 1101 Wootton Parkway, Suite LL–100; Rockville, MD 20852; Telephone: (240) 453–8280. Email: *odphpinfo@hhs.gov.* Additional information is available at *www.health.gov/paguidelines.*

SUPPLEMENTARY INFORMATION: The inaugural *Physical Activity Guidelines for Americans* (PAG), issued in 2008, was the first comprehensive guidelines on physical activity issued by the federal government. The PAG serves as the benchmark and primary, authoritative voice of the federal government for providing science-based guidance on physical activity, fitness, and health for Americans. The second edition of the PAG will build upon the first edition and provide a foundation for federal recommendations and education for physical activity programs for Americans, including those at risk for chronic disease.

Description of the Committee's Mission and Composition: The 2018 Physical Activity Guidelines Advisory Committee (Committee or PAGAC) was established to perform a single, time-limited task. The work of the Committee was solely advisory in nature. It was charged to examine the current PAG, take into consideration new scientific evidence and current resource documents, and develop a scientific report to the Secretary of HHS that outlines its science-based advice and recommendations for development of the second edition of the PAG. The Committee consisted of 17 members, who were appointed by the Secretary in June 2016. The Committee disbanded upon submission of its Scientific Report to the Secretary of HHS. Information on the Committee membership is available at *www.health.gov/paguidelines/second-edition/committee/.*

Written Public Comments: Written comments on the Scientific Report are encouraged from the public and will be accepted through April 2, 2018. Written public comments can be submitted and/or viewed at *www.health.gov/paguidelines/pcd* using the ''Submit Comments'' and ''Read Comments'' links, respectively. HHS requests that commenters provide a brief summary of the points or issues in the comment text box. If commenters are providing literature or other resources, complete citations or abstracts and electronic links to full articles or reports are preferred instead of attaching these documents to the comment. The Department does not make decisions on specific policy recommendations based on the number of comments for or against a topic, but on the scientific justification for the recommendation. All comments must be received by 11:59 p.m. ET on April 2, 2018, after which the time period for submitting written comments to the federal government expires. After submission, comments will be reviewed, processed, and then posted for public viewing.

Dated: February 21, 2018.

Don Wright,

Deputy Assistant Secretary for Health, Office of Disease Prevention and Health Promotion.

[FR Doc. 2018–04307 Filed 3–1–18; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel Second Stage Review.

Date: March 16, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, Room 2W200, 7201 Wisconsin Ave., Bethesda, MD 20892.

Contact Person: Jeannette L. Johnson, Ph.D., National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *JOHNSONJ9@NIA.NIH.GOV.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 26, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–04221 Filed 3–1–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of applications for NIH Loan Repayment program (LRP).

Date: April 17, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3AN18, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Manas Chattopadhyay, Ph.D., Scientific Review Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 45, Room 3AN12N, 45 Center Drive, Bethesda, MD 20892, 301–827–5320, *manasc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 26, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–04222 Filed 3–1–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0952]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0011

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0011, Applications for Private Aids to Navigation and for Class I Private Aids to Navigation on Artificial Islands and Fixed Structures. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before April 2, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0952] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0952], and must be received by April 2, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0011.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 58819, December 14, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited one comment. The commenter stated that it's their belief that the current system of the Coast Guard with respect to the new owner or

transfer of ownership, should be at the discretion of the system that has always been in place. Coast Guard response: Nothing about the private aid to navigation process is changing and therefore we have not revised this information collection request in response to the comment. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Applications for Private Aids to Navigation and for Class I Private Aids to Navigation on Artificial Islands and Fixed Structures.

OMB Control Number: 1625–0011.

Summary: Under the provision of 14 U.S.C. 81, the Coast Guard is authorized to establish aids to navigation. 14 U.S.C. 83 prohibits establishment of aids to navigation without permission of the Coast Guard. 33 CFR 66.01–5 provides a means for private individuals to establish privately maintained aids to navigation. Under 43 U.S.C. 1333, the Coast Guard has the authority to promulgate and enforce regulations concerning lights and other warning devices relating to the promotion of safety of life and property on artificial islands, installations, and other devices on the outer continental shelf involved in the exploration, development, removal, or transportation of resources there from. 33 CFR 67.35–1 prescribes the type of aids to navigation that must be installed on artificial islands and fixed structures. Under the provision of 33 U.S.C. 409, the Secretary of Homeland Security is mandated to prescribe rules and regulations for governing the marking of sunken vessels. This authorization was delegated to the Commandant of the Coast Guard under Department of Homeland Security Delegation number 0170 and the marking of sunken vessels are set out in 33 CFR part 64.11. To change any regulation, 5 U.S.C. 553 requires rule making to be published in the **Federal Register** and that the notice shall include a statement of time, place, and nature of public rule making proceedings. The information collected for the rule can only be obtained from the owners of sunken vessels. The information collection requirements are contained in 33 CFR 66.01–5, and 67.35–5.

Need: The information on these private aid applications (CG–2554 and CG–4143) provides the Coast Guard with vital information about private aids to navigation and is essential for safe marine navigation. These forms are required under 33 CFR 66 & 67. The information is processed to ensure the private aid is in compliance with current regulations. Additionally, these forms provide the Coast Guard with information which can be distributed to the public to advise of new, or changes to private aids to navigation. In addition, collecting the applicant's contact information is important because it allows the Coast Guard to contact the applicant should there be a discrepancy or mishap involving the permitted private aid to navigation. Certain discrepancies create hazards to navigation and must be responded to and immediately corrected or repaired.

Forms: CG–2554, Private Aids to Navigation Application, and CG–4143, Application for Class I Private Aids to Navigation on Artificial Islands and Fixed Structures.

Respondents: Owners of private aids to navigation.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 2,000 hours to 1,709 hours a year due to a decrease in the number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 26, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–04272 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0134]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0012

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0012, Certificate of Discharge to Merchant Mariner; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 1, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0134] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; Title 44 United States Code (U.S.C.) Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the

ICR and the docket number of this request, [USCG–2018–0134], and must be received by May 1, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Certificate of Discharge to Merchant Mariner.

OMB Control Number: 1625–0012.

*Summary:*Title 46, U.S.C. 10311 requires each master or individual in charge of a vessel, to prepare a Certificate of Discharge to Merchant Mariner for each mariner being discharged from the vessel. These documents are used to establish evidence of sea service aboard U.S.flagged merchant vessels for merchant mariners to upgrade their credentials, establish proof of eligibility for union and other benefits, and in litigation when vessel service is an issue.

Need: The information collected provides the U.S. Coast Guard evidence of sea service used in determining eligibility for issuance of a merchant mariner credential, to determine eligibility for various benefits such as medical and retirement, and to provide information to the U.S. Maritime Administration (MARAD) on the availability of mariners in a time of a national emergency.

Forms: CG–718A, Certificate of Discharge to Merchant Mariner.

Respondents: Shipping companies, master or individuals in charge of a vessel.

Frequency: On occasion.

Hour Burden Estimate: The estimated annual burden remains 1,478 hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 26, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–04263 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0138]

Information Collection Request[s] to Office of Management and Budget; OMB Control Number: 1625–0005

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0005, Application and Permit to Handle Hazardous Material; without change. Our ICR describe the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 1, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0138] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0138], and must be received by May 1, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include

any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Application and Permit to Handle Hazardous Material.

OMB Control Number: 1625–0005.

Summary: The information is used to ensure the safe handling of explosives and other hazardous materials around port and aboard vessels.

Need: Tile 33 U.S.C. 1225 and 1231 authorize the Coast Guard to establish standards for the handling, storage, and movement of hazardous materials on a vessel and waterfront facility. Regulations in 33 CFR 126.17, 49 CFR 176.100, and 176.415 prescribe the rules for facilities and vessels.

Forms: CG–4260, Application and Permit to Handle Hazardous Materials.

Respondents: Shipping agents and terminal operators that handle hazardous materials.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 182 hours to 308 hours a year due to an increase in the estimated number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 26, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–04268 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0135]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0068

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0068, State Access to the Oil Spill Liability Trust Fund for removal costs under the Oil Pollution Act of 1990, without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 1, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0135] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0135], and must be received by May 1, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: State Access to the Oil Spill Liability Trust Fund for removal costs under the Oil Pollution Act of 1990.

OMB Control Number: 1625–0068.

Summary: This information collection is the mechanism for a Governor, or their designated representative, of a state to make a request for payment from the Oil Spill Liability Trust Fund (OSLTF) in an amount not to exceed $250,000 for removal cost consistent with the National Contingency Plan required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of discharge, of oil.

Need: This information collection is required by 33 CFR part 133, for implementing 33 U.S.C. 2712(d)(1) of the Oil Pollution Act of 1990 (OPA 90). The information provided by the State to the National Pollution Funds Center (NPFC) is used to determine whether expenditures submitted by the state to the OSLTF are compensable, and, where compensable, to ensure the correct

amount of reimbursement is made by the OSLTF to the state. If the information is not collected, the Coast Guard and the National Pollution Funds Center will be unable to justify the resulting expenditures, and thus be unable to recover costs from the parties responsible for the spill when they can be identified.

Forms: None.

Respondents: Governor of a state or their designated representative.

Frequency: On occasion.

Hour Burden Estimate: The estimated annual burden remains 03 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 26, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–04271 Filed 3–1–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Certain Ethernet Gateway Products

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of certain ethernet gateway products known as AirLink gateways. Based upon the facts presented, CBP has concluded in the final determination that the United States is the country of origin of the AirLink gateways for purposes of U.S. Government procurement.

DATES: The final determination was issued on February 23, 2018. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR § 177.22(d), may seek judicial review of this final determination within April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Ross M. Cunningham, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202) 325–0034.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 23, 2018, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain ethernet gateway products known as AirLink gateways, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H250154, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that, based upon the facts presented, the programming and downloading operations performed in the United States, using U.S.-origin software, substantially transform non-TAA country AirLink gateways. Therefore, the country of origin of the AirLink gateways is the United States for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: February 23, 2018.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

HQ H250154

February 23, 2018

OT:RR:CTF:VS H250154 GaK/RMC

CATEGORY: Origin

Mark J. Segrist
Sandler, Travis & Rosenberg, P.A.
225 West Washington Street, Suite 1640
Chicago, IL 60606

Re: U.S. Government Procurement; Country of Origin of Gateway Products; Substantial Transformation

Dear Mr. Segrist:

This is in response to your letter dated October 25, 2013, and your supplemental submissions dated February 27, 2014 and March 21, 2014, requesting a final determination on behalf of your client, Sierra Wireless (''Sierra''), pursuant to subpart B of Part 177 of the U.S. Customs and Border Protection (''CBP'') Regulations (19 C.F.R. Part 177). A meeting was held at our office on October 3, 2014, where you and your client explained the software development process and the product. A further submission dated April 18, 2017, was provided.

This final determination concerns the country of origin of Sierra's secure Ethernet gateway products (''gateways''). We note that as a U.S. importer, Sierra is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

Per your letter dated September 22, 2014, we have reviewed your request for confidentiality pursuant to 19 C.F.R. § 177.2(b)(7) with respect to the information submitted. As that information constitutes privileged or confidential matters, it has been bracketed and will be deleted from any published versions.

FACTS:

Sierra produces gateways that provide secure internet connectivity for mobile stations allowing a variety of enterprises, mainly law enforcement, to monitor their infrastructure and instruments by transmitting and receiving data from a central location. The gateways are designed for entities that require 24/7 unmanned operation of remote assets and broadband connectivity. The gateways are frequently installed in police cars and provide a 24/7 internet connection and allow police officers to access information stored in the central location. The gateway also acts as a firewall server, which ensures that the connection between the mobile station and the main office is secure and that unauthorized persons cannot access information transmitted over the internet. Sierra's submissions include details on four different gateway products, branded ''AirLink,'' to be covered by this final determination: GX400, GX440, LS300, and ES440. The different series of gateways are designed differently to meet the needs of a variety of customers[1], but they have the same functions and operate with the same software, referred to as Aleos.

The hardware components consist of a case/kit that holds the module, a printed circuit assembly (''PCA'') that includes a radio module, a decorative cover placed over the case/kit, and various nuts and screws to close the case/kit and hold the cover in place. All the hardware components are designed in the United States and produced and assembled in China. Sierra imports the completed gateways into the United States, where authorized retailers install the ALEOS software. Sierra states that, at the time of importation, the fully assembled gateway is not functional because it does not contain the ALEOS software. Sierra also states that the gateway in its condition as imported has only the basic ability to communicate with a software installation tool to facilitate the download of the ALEOS software. The radio module contains firmware to control its internal function of sending and receiving to/from the network, which cannot take place until the ALEOS software is loaded onto the gateway. Sierra states that the PCA design and the firmware in the radio module are proprietary and are designed to work only with the ALEOS software and that any

[1] The GX series are designed for in-vehicle field deployments, such as connecting police cars or fire trucks to their network at headquarters. The LS series is designed for hazardous environments and for industrial deployments, such as surveillance of pipelines or meters. The ES series is designed to provide connectivity when landline connections are unavailable and can be used to maintain kiosks and retail operations online.

attempts to install other software will cause the system to crash.

ALEOS was developed entirely in the United States in five steps:

1. *Research:* A list of ideas and potential features of the product is compiled, product roadmap is developed, and product requirements are defined.
2. *Development of Software Specification:* The chief architects create a software design, which is developed by the development team to meet the defined product requirements.
3. *Programming of Source Code:* The development team receives the software development tasks, which results in the source code files written by the software developers.
4. *Software Integration and Build:* The team integrates the source code files by compiling the source code into a binary file that runs on the hardware. During this phase, the developers work out the incompatibilities or bugs by rewriting or correcting source code as needed until a build is complete and ready for testing.
5. *Testing and Validation:* The software package is tested based on functional specifications defined in the product requirements. Once the test case pass rate is met, the software is ready for release.

Since 1993, approximately [3] engineer hours were spent in the development of the ALEOS software in the United States. Some minor software maintenance, such as repair and validation, is conducted in Canada and France, which accounts for approximately [ ]% of the engineer hours spent. Sierra states that the gateways are approximately $45 at import and after the ALEOS software is installed, are valued at between $479 and $899. We assume for purposes of this decision that the figures provided are correct. You also submitted an affidavit from the Vice President of Marketing at Sierra describing the software and installation process, a user guide, an end-user warranty, and a PowerPoint presentation that included photographs and component lists.

LAW AND ANALYSIS:

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*).

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

You argue that the country of origin of the GX400, GX440, LS300, and ES440 gateway products is the United States because you believe that the last substantial transformation occurs in the United States. You state that the fully-assembled gateways are not functional when they are imported into the United States and that the gateways gain their ability to function as intended only after U.S.-origin software is installed in the United States. In support, you cite, among others, *Data General* v. *United States,* 4 C.I.T. 182 (1982), Headquarters Ruling (''HQ'') H052325, dated February 14, 2006, and HQ H175415, dated October 4, 2011.

In *Data General,* the court determined that the programming of a foreign PROM (Programmable Read-Only Memory chip) in the United States substantially transformed the PROM into a U.S. article. In the United States, the programming bestowed upon each circuit its electronic function, that is, its ''memory'' which could be retrieved. A distinct physical change was effected in the PROM by the opening or closing of the fuses, depending on the method of programming. The essence of the article, its interconnections or stored memory, was established by programming. The court concluded that altering the non-functioning circuitry comprising a PROM through technological expertise in order to produce a functioning read only memory device, possessing a desired distinctive circuit pattern, was no less a ''substantial transformation'' than the manual interconnection of transistors, resistors and diodes upon a circuit board creating a similar pattern. *See also Texas Instruments* v. *United States,* 681 F.2d 778, 782 (CCPA 1982) (holding that the substantial transformation issue is a ''mixed question of technology and customs law''). Accordingly, the programming of a device that confers its identity as well as defines its use generally constitutes a substantial transformation. *See* HQ 735027, dated September 7, 1993 (programming blank media (EEPROM) with instructions that allow it to perform certain functions that prevent piracy of software constitutes a substantial transformation; and HQ 733085, dated July 13, 1990.

CBP has also focused on where the programming took place. For example, in HQ H258960, dated May 19, 2016, CBP considered the country of origin of network transceivers in two different scenarios. In Scenario One, the importer purchased ''blank'' transceivers from Asia. The transceivers were then loaded with U.S.-developed software in the United States, which made the transceivers functional. In Scenario Two, the importer purchased the transceivers with a generic program preinstalled, which was then removed so that the U.S.-developed software could be installed. We held that, in Scenario One, because the transceivers could not function as network devices without the U.S.-developed software, the transceivers were substantially transformed as a result of the downloading of the U.S.-developed software performed in the United States. However, in Scenario Two, because the transceivers were already functional when imported, the identity of the transceivers was not changed by the downloading performed in the United States, and no substantial transformation occurred.

Similarly, in HQ H175415 dated October 4, 2011, CBP held that imported Ethernet switches underwent a substantial transformation after U.S.-origin software was downloaded onto the devices' flash memory in the United States, which allowed the devices to function. In China, the printed circuit board assemblies, chassis, top cover, power supply, and fan were assembled. Then, in the United States, U.S.-origin software, which gave the hardware the capability of functioning as local area network devices, was loaded onto the hardware. CBP noted that the U.S.-origin software ''enables the imported switches to interact with other network switches'' and that ''[w]ithout this software, the imported devices could not function as Ethernet switches.'' Under these circumstances, CBP held that the country of origin of the local area network devices was the United States. *See also* HQ H052325, dated March 31, 2009 (holding that imported network devices underwent a substantial transformation in the United States after U.S.-origin software was download onto the devices in the United States, which gave the devices their functionality); and HQ H034843, dated May 5, 2009 (holding that Chinese USB flash drives underwent a substantial transformation in Israel when Israeli-origin software was loaded onto the devices, which made the devices functional).

In each case, the nature of the article and the effect of the processing performed must be evaluated. Here, like the network devices and Ethernet switches at issue in HQ H175415, HQ H052325, and HQ H258960 (under Scenario One), the Sierra GX400, GX440, LS300, and ES440 gateways are imported into the United States in a non-functional state. It is only after the installation of U.S.-origin software that the devices can function as intended. Moreover, as in HQ H175415, HQ H052325, and HQ H258960, the gateway products at issue here derive their core functionality as communication devices from the installation of the U.S.-developed software. We note that this case is distinguishable from Scenario 2 in HQ H258960, as Sierra's products do not contain pre-installed software when they are imported from China, and they are non-functional at the time of importation to the United States. Therefore, we find that the country of origin of the Sierra GX400, GX440, LS300, and ES440 gateways is the United States.

HOLDING:

Based on the facts provided, the country of origin of the gateways is the United States for purposes of U.S. Government procurement.

Notice of this final determination will be given in the *Federal Register,* as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final

determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the *Federal Register* Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel, Executive Director
Regulations & Rulings
Office of Trade

[FR Doc. 2018–04278 Filed 3–1–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Country of Origin of Aluminum Honeycomb Panels

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of aluminum honeycomb panels. CBP has concluded in the final determination that for purposes of U.S. Government procurement the assembly of the parts in the United States does not substantially transform the aluminum panels.

DATES: The final determination was issued on February 21, 2018. A copy of the final determination is attached. Any party-at-interest, as defined in 19 C.F.R. § 177.22(d), may seek judicial review of this final determination within April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Joy Marie Virga, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202–325–1511).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on 02/21/18, CBP issued a final determination concerning the aluminum honeycomb panels, which may be offered to the United States Government under an undesignated government procurement contract. The final determination, HQ H290528, was issued at the request of Aliva Chemica E Sistemi SRL, under procedures set forth at 19 C.F.R. Part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511–18). In the final determination, CBP was asked to consider whether the cutting, bending, and assembly of aluminum parts constitutes a substantial transformation. In the final determination, CBP concluded that these activities do not constitute a substantial transformation and the origin of the honeycomb panels remains the original country of manufacturing.

Section 177.29, CBP Regulations (19 C.F.R. § 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 C.F.R. § 177.30), provides that any party-at-interest, as defined in 19 C.F.R. § 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: February 21, 2018.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

HQ H290528

February 21, 201

OT:RR:CTF:VS: H290528 JMV

CATEGORY: Origin

Darlene Buro
All Air Custom Brokers, Inc.
145–68 228th Street, 2nd Floor
Springfield Gardens, NY11413

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, CBP Regulations; Country of Origin of Honeycomb Panels

Dear Ms. Buro,

This is in response to your request of June 5, 2017, on behalf of Aliva Chemica E Sistemi SRL (''Aliva'') for a final determination concerning the country of origin of a product that you refer to as ''aluminum honeycomb panels,'' pursuant to subpart B of Part 177, U.S. Customs and Border Protection (CBP) Regulations (19 C.F.R. § 177.21, *et seq.*).

As a foreign producer of merchandise, Aliva is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

The merchandise at issue are Aliva aluminum honeycomb panels, which will be used as architectural finished coating panels for wall and tunnel areas in train stations. The panels come in two variations: straight and curved. Each installed panel will contain a casing, a core, and two mounting blades.

The casing

The casing is a flat sheet of pre-painted aluminum alloy which will be supplied in both perforated and non-perforated variations as required for aesthetic appearance. The flat sheet is produced in Italy in dimensions of two feet in width and variable lengths. These aluminum alloy sheets are painted through a reverse coil process and will include anti-graffiti characteristics as required by the architectural specification. The sheets are then transferred to a specialized processing factory in Italy that cuts the sheet to the final dimensions, and bends three of the side edges to create the casing that will house the honeycomb core. Along one side of the casing, the edge is left flat and two bending lines are engraved on the back of this edge for reference during the production process in the United States. The casing will then be transported to a U.S. production facility to receive and secure the core. Workers at the U.S. production facility will also drill holes at prescribed locations to attach the core.

The core

The core consists of two hard layers called skins and a layer of aluminum honeycomb made up of 3000 series aluminum alloy with hexagonal cells that are 80 microns thick. The skins can either be coated with five microns of primer or pre-painted black with an anti-graffiti finish. The skins are glued to the honeycomb panel to create a singular panel referred to as the core.

The Italian manufacturer will supply and transport the core sheets in bulk to a U.S. manufacturing facility. Each core sheet will produce three to 16 cores. All cores for the curved panels will be cut-to-size to fit the casing in Italy but cores for the straight panels will be cut to size at the U.S. facility. Eight holes are drilled through the back of the core for attachment of the mounting blades. However, all the cores for curved panels will be cut and drilled in Italy.

The mounting blades

The mounting blades are aluminum alloy sheets of unknown origin extruded into L-shaped brackets. Two mounting blades will be attached to the back of each core on either side. The mounting blades are extruded, machined, bent, and cut-to-size in the United States before being secured to the core. Two different profiles are produced for the right and left blades, which hook the finished panel onto Aliva's framing system.

Assembly

In the United States, the core is inserted into the case and then the flat edge of each casing will be bent into place with specialized aluminum bending equipment. An average of 16 holes will be drilled into each panel, and 16 stainless steel rivets will be fastened with a specialized riveting tool to secure the core and casing together. Finally, each mounting blade is secured to the finished panel with four stainless steel rivets.

According to Aliva, the processing in the United States requires skilled labor and increases the value of the component parts. Aliva estimates that the work required to incorporate the casing, core and mounting blades into a singular panel in the United States will take approximately 46 minutes of labor. The importer further states that the processes performed in the United States to produce all of the panels will require ''hundreds of thousands of dollars of labor.'' Aliva indicates that each panel will have a significantly increased value over the collective value of the individual parts (casing, core, and mounting blades) after the processing in the United States is completed.

ISSUE:

Whether the component aluminum parts are substantially transformed by the combining processes in the United States.

LAW AND ANALYSIS:

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*).

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In rendering final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the Trade Agreements Act. *See* 48 C.F.R. § 25.403(c)(1). The Federal Acquisition Regulations define ''U.S.-made end product'' as ''an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with name, character, or use distinct from that of the article or articles from which it was transformed.'' *See* 48 C.F.R § 25.003.

In determining whether the combining of parts constitutes a substantial transformation, the determinative issue for CBP is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States,* 6 C.I.T. 204 (1983), *aff'd,* 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. *See* HQ H125975, dated January 19, 2011. CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis.

In determining whether a substantial transformation has occurred in the processing of metals, CBP has generally held that cutting or bending materials to defined shapes or patterns suitable for use in making finished articles, as opposed to mere cutting to length or width which does not render the article suitable for a particular use, constitutes a substantial transformation. For example, in Headquarters Ruling Letter (''HRL'') 055684, dated August 14, 1979, CBP held that components of a water cooler gas absorption refrigeration unit which were formed by cutting to length, cleaning and bending imported steel tubes into the component shapes and configurations, or by cutting to length, flattening, and drilling holes into imported tubing, substantially transformed constituent materials for GSP purposes, while those imported tubes which were simply cut to length and assembled into the final articles were not. *See also* HRL 555811, dated March 20, 1992 (die cutting, stamping and shaping operations substantially transform aluminum flat stock into new and different articles of commerce).

In HRL 555265, dated July 3, 1989, CBP held rolls of imported aluminum strip were substantially transformed when the aluminum strip was crowned, that is, it was passed between convexed and concaved egg shape rollers to permanently bow the strip. Then the strip was cut to lengths and punched with holes. CBP stated that the cutting and crowning operations permanently altered the physical characteristics of the strip thereby limiting its potential uses. Prior to cutting and crowning, the strip was raw material and possessed nothing in its character indicative of its ultimate use. After the cutting and crowning operations, the strip could be used in the production of a limited range of articles, such as venetian blind slats or lattice fences. *See also* HRL 557159, dated January 11, 1994 (extruded aluminum cut to length and bent to shape to form the frame of grilles and louvers was substantially transformed).

The above situations are in contrast to those where the imported components constitute the essence of the end product. For example, in HRL 562653, dated May 14, 2003, CBP considered whether brake kits that were machined and assembled in the United States were substantially transformed. Unplated, drilled and slotted brake rotors and calipers from Italy were plated with a protective zinc coating and some of the calipers were painted/labeled. After painting, the calipers were machined to specification, in accordance with the mounting profile determined by engineers. The two imported plated rotors were each mounted to a U.S.-origin bell by means of ten small bushing assemblies, each of which was comprised of a bushing, spacer, spring washer and bolt. The bushing and the spring were imported from Italy, while the remaining articles were of U.S.-origin. CBP found that, at importation, both the rotors and the calipers were not rough, generic forms with a multitude of uses, but were essentially complete articles which already bore the name of the finished product; therefore, the use of the articles was determined at the time of importation. While the calipers underwent some machining operations in the United States, the overall shape and form of the finished articles was essentially the same as the imported articles. Likewise, although all of the rotors were plated in the United States, and some underwent additional drilling and/or slotting in the United States, the overall dimensions and diameter remained the same. The imported rotors also did not lose their identity and did not become an integral part of a new article when assembled to the U.S. bell. Additionally, the use of the calipers and rotors was predetermined at importation. Thus, CBP found that the imported rotors and calipers did not undergo a change in name, character or use as a result of processing in the United States and remained products of Italy. *See also* HRL 734873, dated September 7, 1994 (imported brake rotor castings were not substantially transformed by processing, which included removing 0.06–0.12 inches of external surface, drilling 5–10 holes, counter coring, installing studs or bolts, and grounding for a fine finish); and *National Hand Tool Corp. v. United States,* 16 C.I.T. 308 (1992) (finding no substantial transformation occurred because components had been cold-formed or hot-forged ''into their final shape before importation'', and that ''the form of the components remained the same'' after the assembly and heat-treatment processes performed in the United States).

Here, the U.S processing of the panels is minimal and does not alter the character of the casing and core. The pre-importation processing is significantly more complicated than the post-importation processing, which essentially consists of some cutting and assembly of parts. The physical characteristics of the casing and the core are already determined by the processing in Italy. Most of the cutting and bending of the casing and the core occurs prior to importation. In Italy, the aluminum sheets are produced; the core is created by linking the skins with the aluminum honeycomb; the aluminum for the casing is cut to size; the casing is painted; three of the four bends in the casing are completed; the core is primed and painted; and the curved core panels are cut. In contrast, in the United States the last edge of the casing is bent, the straight core panels are cut, the core and the casing are attached, and the mounting blades are cut into shape and attached; thus, the form of the components remains essentially the same after U.S. processing. Since the form, materials, and structure remain the same, we find there is no change in character of the core and casing.

The processing here is similar to the brake kits in HRL 562653. The major parts are imported in essentially the same shape that they will be in when assembled into the final product. Although there is some cutting, drilling, and slotting, the casing and the core do not lose their identity or become an integral part of a new article when assembled in the United States. Like the brake kits, at importation the casing and core are not rough, generic forms with a multitude of uses—they are imported only to be assembled to be sold as wall panels. Therefore, the casing and core are not new and different articles of commerce from the assembled panels.

Here, because the core and the casing are not substantially transformed in the United States, the country of origin of the completed panels is Italy.

HOLDING:

Based on the facts of this case, aluminum honeycomb panels are not substantially

transformed through the assembly of the parts in the United States. The country of origin of the aluminum honeycomb panels is Italy.

Notice of this final determination will be given in the *Federal Register*, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the *Federal Register* Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,
Alice A. Kipel, Executive Director
Regulations and Rulings
Office of International Trade

[FR Doc. 2018–04279 Filed 3–1–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determinations Concerning Country of Origin of the Hub and Mobile Platforms, and the AMC Home Tele-Health System

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determinations.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued two final determinations concerning the country of origin of tablet computers and smart phones known as the Hub and Mobile Platforms, and CareConsole Hub and Mobile Hub. CBP has concluded in the final determinations that for purposes of U.S. Government procurement the installation of proprietary software on tablet computers or smart phones does not substantially transform the imported tablet computers or smart phones.

DATES: The final determinations were issued on February 21, 2018. Copies of the final determinations are attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of these final determinations within April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Joy Marie Virga, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202–325–1511).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 21, 2018, CBP issued two final determinations concerning the country of origin of tablet computers, smart phones, and systems, which may be offered to the United States Government under an undesignated government procurement contract. These final determinations, HQ H284834 and HQ H284617, were issued at the request of 1Vision, LLC and Care Innovations, LLC, respectively, under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determinations, CBP was asked to consider whether disabling the general applications of a tablet computer or smart phone and loading specialized software onto the device, enabling a patient to provide medical information to the VA, constituted a substantial transformation. In one final determination, CBP was further asked if the integration of the altered tablets and smartphones into a larger telehealth system constituted a substantial transformation. In the final determinations, CBP concluded that these activities do not constitute a substantial transformation and the origin of the tablet computers, smart phones, and systems remains the original country of manufacturing.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: February 21, 2018.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

HQ H284834

February 21, 2018

OT:RR:CTF:VS: H284834 JMV

CATEGORY: Origin

George W. Thompson, Esq.
Thompson & Associates, PLLC
1250 Connecticut Ave. NW, Suite 200
Washington, DC, 20036

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, CBP Regulations; Tablet Computers, CareConsole Hub and Mobile Hub

Dear Mr. Thompson:

This is in response to your letter of March 20, 2017, on behalf of 1Vision, LLC (''1Vision''), requesting a final determination concerning the country origin of a product that you refer to as the AMC Home Tele-health System (''Tele-health System'' or ''the System''), pursuant to subpart B of Part 177, U.S. Customs and Border Protection (CBP) Regulations (19 C.F.R. § 177.21, *et seq.*). You state in your letter that this request is being made pursuant to a contract with the Department of Veterans Affairs (VA) with 1Vision requiring the filing of a request for a country of origin determination from CBP.

As a domestic producer, 1Vision is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

The products at issue are the Tele-health System in its entirety and the components, the CareConsole Hub and the Mobile Hub. The CareConsole Hub and the Mobile Hub, respectively, begin as a tablet computer and a smart phone. The CareConsole Hub is produced in the Republic of Korea and the Mobile Hub is produced in China. Both products are intended for purchase by the Veterans Health Administration for use by patients at home. The CareConsole Hub and the Mobile Hub are designed to collect health data that is measured by other peripheral devices, such as blood pressure cuffs, blood glucose monitors, etc. These other peripheral devices are not imported with the tablet and could be used ''as is'' within the 1Vision ecosystem, without any changes.

In the United States, the tablet and smart phone go through a number of software uninstallations and installations. The generic Android functions originally included on the devices, such as alarms, calculators and text messaging, are removed. In order to enable the devices to function within the Tele-health System, other functions, such as Bluetooth capability, are modified and additional software is added. In addition, 1Vision also further processes the devices to include additional security mechanisms and to enable them to function in Plain Old Telephone Systems (''POTS''), an analog telephone service that continues to be the basic form of home and small business service connection to telephone networks.

Finally, the AMC CareConsole Mobile Application is installed on both devices. According to the information provided, this software was developed entirely in the United States. The software enables the patient to provide vital sign data by connecting to the peripheral devices via Bluetooth. The patient's information is then forwarded to VA clinicians over the VA intranet. This application is installed on the tablet to meet the VA's requirements for medical devices, including patient confidentiality and interoperability with VA systems and protocols. After the software installation is completed, the tablets cannot run any other program and cannot be reprogrammed to perform any other function.

The CareConsole Hub and Mobile Hub are then integrated into the Tele-health System, which also includes servers, data storage, networking, additional software, and health monitoring devices such as blood pressure cuffs and glucose monitors. The integration process consists of the CareConsole Hub or Mobile Hub contacting the Tele-health System, hosted in the VA data centers, which then sends an activation code and

configuration file to the CareConsole Hub or Mobile Hub. The CareConsole Hub and Mobile Hub are then automatically configured to the peripheral health monitoring devices.

All the components, other than the CareConsole Hub and Mobile Hub, come from the United States, Mexico, Japan, Taiwan, Ireland, or the Republic of Korea. These components are customized as necessary to function in conjunction with each other. The CareConsole Hub and Mobile Hub collect information from the patients in their homes and transmit that data to the Tele-health System. The information is then presented to the VA Care Coordinators through the web application. The Tele-health System's various components are installed at multiple locations, including in the patients' homes, VA data centers and VA offices.

Like the Hub and Mobile Hub, the servers also cannot be used out of the box and must be customized. The servers are acquired without an operating system or software and are inoperable until software is installed. The servers are first installed at the VA Facility. The installation process takes five business days as it involves various assembling, configuring and testing processes. The final step is to load the AMC CareConsole software onto the servers.

ISSUE:

1. Whether the imported tablets and smart phones are substantially transformed by the uninstallation and installation of software in the United States, so as to make them a product of the United States.
2. Whether all the components of the Tele-health System are substantially transformed through the creation and installation of that system in the United States so as to make them a product of the United States.

LAW AND ANALYSIS:

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*).

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In rendering final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. See 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the Trade Agreements Act. See 48 C.F.R. § 25.403(c)(1). The Federal Acquisition Regulations define ''U.S.-made end product'' as ''an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with name, character, or use distinct from that of the article or articles from which it was transformed.'' See 48 C.F.R § 25.003.

In *Data General v. United States,* 4 C.I.T. 182 (1982), the court determined that the programming of a foreign PROM (Programmable Read-Only Memory chip) in the United States substantially transformed the PROM into a U.S. article. In the United States, the programming bestowed upon each integrated circuit its electronic function, that is, its ''memory'' which could be retrieved. A distinct physical change was effected in the PROM by the opening or closing of the fuses, depending on the method of programming. The essence of the article, its interconnections or stored memory, was established by programming. *See also, Texas Instruments v. United States,* 681 F.2d 778, 782 (CCPA 1982) (stating the substantial transformation issue is a ''mixed question of technology and customs law''); HQ 735027, dated September 7, 1993 (programming blank media (EEPROM) with instructions that allow it to perform certain functions that prevent piracy of software constitutes a substantial transformation); and, HQ 734518, dated June 28, 1993 (motherboards are not substantially transformed by the implanting of the central processing unit on the board because, whereas in *Data General* use was being assigned to the PROM, the use of the motherboard had already been determined when the importer imported it).

''The term 'character' is defined as 'one of the essentials of structure, form, materials, or function that together make up and usually distinguish the individual.' '' *National Hand Tool Corp. v. United States,* 16 C.I.T. 308, 311 (1992) (citing *Webster's Third New International Dictionary* (1981)). In *National Juice Prods. Ass'n v. United States,* the Court of International Trade applied the ''essence test'' and found that the fundamental character of orange juice concentrate was not changed by the addition of water, orange essences, and oils to make frozen concentrated orange juice, and hence, there was no substantial transformation. 10 C.I.T. 48, 628 F. Supp. 978 (1986).

HQ H258960, dated May 19, 2016, reviewed the country of origin of hardware components of certain transceivers in two scenarios that are instructive to the case at issue here. The hardware components of the transceivers were wholly manufactured in a foreign country and imported into the United States. In the first scenario, the transceivers were ''blanks'' and completely non-functional and specialized proprietary software was developed and downloaded in the United States, making the transceivers functional and compatible with the OEM technology. In the second scenario, the transceivers were preprogrammed with a generic program that was replaced with specialized proprietary software. It was argued that in both scenarios, the imported hardware was substantially transformed by the development, configuration, and downloading operations of the U.S. origin software. In the first scenario, we found that the non-functional transceivers were substantially transformed as a result of downloading performed in the United States, with proprietary software developed in the United States. However, in the second scenario, it was determined that since the transceivers had generic network functionality, programming them merely to customize their network compatibility would not actually change the identity of the imported transceivers. *See also* HQ H241177, dated December 3, 2013. Accordingly, it was determined that the country where the last substantial transformation occurred was China or another Asian country where the hardware components were manufactured.

In this case, you contend that the deletion of software and the installation of new software performed in the United States transform the generic tablet computers and smartphones into medical devices. You emphasize that the U.S. operations disable the Android applications and install health monitoring software, which, you argue, creates an entirely new purpose for the devices. You further stress the complexity and number of steps taken to transform the tablets and smartphones into devices that may be used within the Tele-health System. Therefore, you contend that this operation substantially transforms the tablets and smartphones into new medical devices with distinct names, characters and uses.

In essence, what is being done by the uninstallation and installation of software in the United States, is to limit the original capacity of the imported tablets and smartphones for the purpose of facilitating the reception, collection and transmission of a patient's medical data to VA clinicians for their review. The out-of-box tablets and smartphones have the ability to perform these general functions, but in order to meet the requirements outlined in the VA Request for Procurement, the CareConsole Hub and Mobile Hub are modified as discussed. In other words, when the tablets and smartphones are created, they have the ability to receive, collect, and transmit data. The installed software merely enables these devices to receive and collect an individual patient's medical data from the peripheral devices and transmit this medical data to the clinicians at the VA.

It is clear that loading the specialized software onto a tablet computer or smartphone that remains fully functional as such would be insufficient to constitute a new and different article of commerce, since all of the functionality of the original device would be retained. In this case, however, in addition to adding the software, we are being asked to consider the effect of disabling the general applications that have been programmed onto the tablet and smartphone. In our judgment, this added factor does not

cause or require a different result. The functions of the original tablet and smartphone produced in the Republic of Korea or China, necessary to receive and transmit data are in essence still present on the modified devices, as aided by the software. While the tablet and smartphone are no longer freely programmable machines, we find the imposition of this limitation is insufficient to constitute a substantial transformation of the imported tablets and smartphones.

Furthermore, we note that the converted tablets and smartphones loaded with the AMC CareConsole Application Software do not actually measure any health related functions, such as blood pressure, or oxygen saturation levels, nor do they provide any medical treatment to patients. Instead, the devices function to receive medical data that is obtained from other peripheral devices, such as a blood pressure cuff or an oxygen sensor, and to transmit that medical data to a clinician for review. Therefore, it appears that after the proprietary software is downloaded onto the tablets and smartphones, they function basically as a type of communications device.

In reviewing the processing performed in the United States on the imported tablets and smartphones under consideration, we note that it is analogous to the situation of the transceivers described by the second scenario of HQ H258960. The imported devices are preprogrammed with a generic program, which is the standard Android operating system, prior to their importation. When they are first imported, the tablets and smartphones can perform all of their standard functions of an android tablet or smartphone, and can in their imported condition be used for their intended purpose, but are customized for use within the VA Healthcare network. Accordingly, like the transceivers described in the second scenario of HQ H258960, we find that the name, character, and use of the imported devices remain the same. Therefore, we further find that the imported devices are not substantially transformed in the United States by the downloading of the proprietary software, which allows them to function with the VA Healthcare network. After the AMC CareConsole Application software is downloaded, the country of origin of the imported tablets and smartphones remains the country where they were originally manufactured, which in this case is the Republic of Korea and China, respectively.

The Tele-health System

In this situation, you also present an additional argument that the ''end product'' is an entire system that includes all hardware and software components, because it is defined as such in the VA contract. The implication of this claim is that CBP should consider the Tele-health System as a whole in its substantial transformation analysis. The VA's determination on what is the ''end product'' is based upon different criteria from what CBP must consider in determining the country of origin of a product using the substantial transformation test. We note that the components at issue do not lose their individual identities and, therefore, are not substantially transformed into a new and different article.

In HQ H125975, dated January 19, 2011, which 1Vision cites in support of its argument, the LSI Engenio 7900 Data Storage System (''7900 System'') was under consideration for government procurement purposes. The 7900 System was assembled in Mexico from components originating in various other nations. These parts included the Engenio Operating System, a controller assembly, a mounting assembly, a set of hard drives, a slot drive module assembly, and a cabinet assembly. Further, the controller assembly was reprogrammed with the EOS software to impart the functional intelligence to the 7900 System to allow for storage management, access control and performance monitoring. CBP found that as a result of the assembly and programming operations that took place in Mexico, the imported components of various origins lost their individual identities and were substantially transformed into a new and different article, that is, the 7900 System.

Although the CareConsole Hub, Mobile Hub and servers are customized to the VA contract specifications, the programming of each component to function in coordination with each other for a common purpose does not lead to a substantial transformation finding. As discussed above, the tablets and phones are not substantially transformed by the uninstallation and installation of software. Similarly, we cannot find a substantial transformation of the servers because software is installed. Moreover, the installation of the software onto the servers would not affect the other components of Tele-health System as they remain separate articles of commerce. Unlike the situation in H125975, all the devices and peripheral equipment remain identifiable as separate components. The peripheral medical devices, such as the blood pressure cuffs, blood glucose monitors etc., remain, as stated, ''as is'' and without any customization; the CareConsole Hub and Mobile Hub, as explained above, remain and continue to function as communication devices; the servers remain and continue to function as servers, etc. The fact that these devices are programmed to function in conjunction with each other for the purpose of receiving, collecting and transmitting medical data does not mean that a change of use or character occurs. Since the components have not lost their separate identities during assembly of the Tele-health System and have not become an integral part of a new and distinct item, which is visibly different from any of the individual components, we find there is no substantial transformation.

HOLDING:

Based on the facts of this case, the imported tablets and smartphones used with the CareConsole Hub and Mobile Hub platform are not substantially transformed by the installation of the AMC CareConsole Application. Therefore, the country of origin of the tablets and smartphones will remain the country where they were originally manufactured. Additionally, all components of the Tele-health System are not substantially transformed through the creation and installation of that system in the United States so as to make them a product of the United States.

Notice of this final determination will be given in the *Federal Register*, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the *Federal Register* Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel, Executive Director
Regulations and Rulings
Office of Trade

HQ H284617

February 21, 2018

OT:RR:CTF:VS: H284617 JMV

CATEGORY: Origin

David E. Fletcher, Esq.
Cooley LLP
1299 Pennsylvania Avenue, NW Suite 700
Washington, DC 20004–2400

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, CBP Regulations; Tablet Computers, Health Mobile and Hub Platforms

Dear Mr. Fletcher,

This is in response to your letter of March 21, 2017, on behalf of Care Innovations requesting a final determination concerning the country of origin of a product that you refer to as ''the Hub Platform and the Mobile Platform,'' pursuant to subpart B of Part 177, U.S. Customs and Border Protection (CBP) Regulations (19 C.F.R. § 177.21, *et seq.*). You state in your letter that this request is being made pursuant to a letter from the Department of Veterans Affairs (VA) to Care Innovations requiring the filing of a request for a country of origin determination from CBP.

As a domestic importer of merchandise, Care Innovations is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

The products at issue are referred to as the Hub Platform and the Mobile Platform. The Hub Platform is a home based platform that operates via Plain Old Telephone Systems (''POTS''), while the Mobile Platform is a handheld platform with wireless connectivity. Both platforms begin as iPad tablet computers that are produced by Apple in China, which are later encased with protective cases that are also manufactured in China. The tablet is designed for use by patients at home to collect health data that is measured by other peripheral devices such as blood pressure monitors, spirometer etc. These other devices are not imported with the tablet.

After the tablets are imported into the United States, Care Innovations performs

additional production steps in its Roseville, California facility to create the Hub Platform and Mobile Platform. Care Innovations installs the Health Harmony Mobile software on the tablet computers, adds a Subscriber Identity Module (''SIM'') card supplied by the cellular service provider, and packages the tablets in the protective cases. For the Hub Platform, which runs on POTS, Care Innovations attaches a POTS modem and router, manufactured in the United States with imported components. For both the Hub Platform and the Mobile Platform, Care Innovations installs the Airwatch Mobile Device Manager application, which removes the functionality usually available on an Apple iPad Mini tablet so that the user will only be able to run the Health Harmony Mobile software. The end result is a tablet locked into ''single app mode,'' running only the Health Harmony application functionality and Bluetooth linked peripheral screens.

Care Innovations also adds physical asset tags to each tablet and registers them on Care Innovation's Mobile Device Management server; registers component details in the customer database; and verifies and documents the testing of the image and registered software. Care Innovations then packages the Hub Platform and Mobile Platform with the necessary licenses, privacy notices, and quick start guides. Finally, Care Innovations activates the platforms' features and prepares the platforms to be assigned to a specific end user.

ISSUE:

Whether the imported tablets are substantially transformed by the installation of Care Innovations' software, so as to make them a product of the United States.

LAW AND ANALYSIS:

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*).

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In rendering final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the Trade Agreements Act. *See* 48 C.F.R. § 25.403(c)(1). The Federal Acquisition Regulations define ''U.S.-made end product'' as ''an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.'' *See* 48 C.F.R § 25.003.

In *Data General v. United States,* 4 C.I.T. 182 (1982), the court determined that the programming of a foreign PROM (Programmable Read-Only Memory chip) in the United States substantially transformed the PROM into a U.S. article. In the United States, the programming bestowed upon each integrated circuit its electronic function, that is, its ''memory'' which could be retrieved. A distinct physical change was effected in the PROM by the opening or closing of the fuses, depending on the method of programming. The essence of the article, its interconnections or stored memory, was established by programming. *See also, Texas Instruments v. United States,* 681 F.2d 778, 782 (CCPA 1982) (stating the substantial transformation issue is a ''mixed question of technology and customs law''); HQ 735027, dated September 7, 1993 (programming blank media (EEPROM) with instructions that allow it to perform certain functions that prevent piracy of software constitutes a substantial transformation); and HQ 734518, dated June 28, 1993 (motherboards are not substantially transformed by the implanting of the central processing unit on the board because, whereas in *Data General* use was being assigned to the PROM, the use of the motherboard had already been determined when the importer imported it).

''The term 'character' is defined as 'one of the essentials of structure, form, materials, or function that together make up and usually distinguish the individual.' '' *National Hand Tool Corp. v. United States,* 16 C.I.T. 308, 311 (1992) (citing *Webster's Third New International Dictionary* (1981)). In *National Juice Prods. Ass'n v. United States,* the Court of International Trade applied the ''essence test'' and found that the fundamental character of orange juice concentrate was not changed by the addition of water, orange essences, and oils to make frozen concentrated orange juice, and hence, there was no substantial transformation. 10 C.I.T. 48, 628 F. Supp. 978 (1986).

HQ H258960, dated May 19, 2016, reviewed the country of origin of hardware components of certain transceivers in two scenarios that are instructive to the case at issue here. The hardware components of the transceivers were wholly manufactured in a foreign country and imported into the United States. In the first scenario, the transceivers were ''blanks'' and completely non-functional and specialized proprietary software was developed and downloaded in the United States, making the transceivers functional and compatible with the OEM technology. In the second scenario, the transceivers were preprogrammed with a generic program that was replaced with specialized proprietary software. It was argued that in both scenarios, the imported hardware was substantially transformed by the development, configuration, and downloading operations of the U.S. origin software. In the first scenario, we found that the non-functional transceivers were substantially transformed as a result of downloading performed in the United States, with proprietary software developed in the United States. However, in the second scenario, it was determined that since the transceivers had generic network functionality, programming them merely to customize their network compatibility would not actually change the identity of the imported transceivers. *See also* HQ H241177, dated December 3, 2013. Accordingly, it was determined that the country where the last substantial transformation occurred was China or another Asian country where the hardware components were manufactured.

In this case, you assert that the software downloading operations performed in the United States transform the generic tablet computers into medical devices. You further argue that the tablets undergo a complex production process performed by skilled production associates at Care Innovations' Roseville, California facility. You emphasize that the U.S. operations disable the generic Apple iPad applications and install health monitoring software that cannot be undone by third parties during the normal course of operations. Therefore, you contend that this operation substantially transforms the Apple iPad tablet into a new medical device with a distinct name, character and use.

In essence, what is being done by the installation of the software in the United States, is to limit the original capacity of the imported tablets for the purpose of facilitating the reception, collection and transmission of a patient's medical data to VA clinicians for their review. The original tablet has the ability to perform these functions, but it was determined that in order to meet FDA regulations, it is best to disable the various functions of the tablet and to replace them with one function via the specialized software. In other words, when the tablets are created, they have the ability to receive, collect, and transmit data. The installed software just enables the tablets to receive and collect an individual patient's medical data from the peripheral devices and transmit this medical data to the clinicians at the VA.

It is clear that loading specialized software onto the tablet computer that remains fully functional as a computer would be insufficient to constitute a new and different article of commerce, since all of the functionality of the original computer would be retained. In this case, however, in addition to adding the software, we are being asked to consider the effect of disabling the general applications that have been programmed onto the tablet. In our judgment, this added factor does not cause or require a different result. The functions of the original tablet produced in China that are necessary to receive and transmit data are in essence still present on the modified tablet, as aided by the software. While the tablet is no longer a

freely programmable machine, we find the imposition of this limitation is insufficient to constitute a substantial transformation of the imported tablets in the United States.

Furthermore, we note that the converted tablets loaded with the Health Harmony software do not actually measure any health related functions, such as blood pressure, or oxygen saturation levels, nor do they provide any medical treatment to patients. Instead, the converted tablets function to receive medical data that is obtained from other peripheral devices, such as a blood pressure monitor or pulse oximeter, and to transmit that medical data to a clinician for review. Therefore, it appears that after the proprietary software is downloaded onto the tablets, the tablets continue to basically function as a type of communications device.

It is also claimed that the FDA considers the Hub Platform and the Mobile Platform to be medical devices and that the IRS will tax the Health Harmony system, including the tablet, as a medical device. Thus, you contend that CBP should also consider the tablets loaded with the Health Harmony software to be medical devices rather than tablets. We note, however, that the IRS and FDA's determinations as to whether any items are considered medical devices are based upon different criteria from what CBP must apply in determining the country of origin of a product using the substantial transformation test. In HQ H019436, dated March 17, 2008, CBP considered the tariff classification of a SONA Sleep Apnea Avoidance Pillow imported from China. The ruling noted that while the subject merchandise was considered a Class II therapeutic cervical pillow for snoring and mild sleep apnea by the FDA, this determination did not control tariff classification. Similarly in this case, the IRS and FDA's determinations that the imported tablets are medical devices and will be taxed as such are of limited relevance to CBP's determination as to the country of origin of the devices.

In reviewing the processing performed in the United States on the imported tablets under consideration, we note that it is analogous to the situation of the transceivers described by the second scenario of HQ H258960. The imported tablets are preprogrammed with a generic program, which is the standard Apple iPad operating system, prior to their importation. When they are first imported, the tablets can perform all of the standard functions of an Apple iPad tablet, and can in their imported condition be used in conjunction with the proprietary software. Accordingly, like the transceivers described in the second scenario of HQ H258960, we find that the name, character, and use of the imported tablet computers remain the same. Therefore, we further find that the imported tablets are not substantially transformed in the United States by the downloading of the proprietary software, which allows them to function within the VA Healthcare network. After the Health Harmony software is downloaded, the country of origin of the imported tablets remains the country where they were originally manufactured, which in this case is China.

Finally, you argue that since CBP concluded that a predecessor of the Health Harmony System, Stehekin, was considered part of a patient monitoring system rather than a standard computer in NY Ruling N004877 dated January 26, 2007, it would be inconsistent to conclude that Health Harmony, as Stehekin's descendant, is, for purposes of government procurement, merely a ''standard computer'' manufactured outside the United States. You claim that Stehekin is analogous to the tablet computer that Care Innovations uses today because it included a purpose-built computer, produced in China, that was used to deliver remote patient monitoring software and capability. However, the issue decided in N004877 was a question of tariff classification, not substantial transformation, and is therefore, not applicable.

HOLDING:

Based on the facts of this case, the imported tablets used with the Mobile Platform and the Hub platform are not substantially transformed by the installation of the proprietary Health Harmony software. Therefore, the country of origin of the tablets will remain the country where they were originally manufactured.

Notice of this final determination will be given in the *Federal Register*, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the *Federal Register* Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel, Executive Director
Regulations and Rulings
Office of Trade

[FR Doc. 2018–04273 Filed 3–1–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2018–N030; FXGO1664091HCC0–FF09D00000–189]

International Wildlife Conservation Council; Public Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the U.S. Fish and Wildlife Service, announces a public meeting of the International Wildlife Conservation Council (Council).

DATES: Friday, March 16, 2018, from 9:30 a.m. to 4:30 p.m. (Eastern Daylight Time). For deadlines and directions on registering to attend, submitting written material, and giving an oral presentation, please see Public Input under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held in the South Penthouse at the Main Interior Building, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Joshua Winchell, Council Designated Federal Officer, by U.S. mail at the U.S. Fish and Wildlife Service, National Wildlife Refuge System, 5275 Leesburg Pike, Falls Church, VA 22041–3803; by telephone at (703) 358–2639; or by email at *iwcc@fws.gov.*

SUPPLEMENTARY INFORMATION: The Council provides advice and recommendations to the Secretary of the Interior (Secretary), regarding the benefits that result from United States citizens traveling to foreign nations to engage in hunting.

Background

Formed in December 2017, the Council is an advisory body whose duties include, but are not limited to:

(a) Developing a plan for public engagement and education on the benefits of international hunting.

(b) Reviewing and making recommendations for changes, when needed, on all Federal programs, and/or regulations, to ensure support of hunting as:

1. An enhancement to foreign wildlife conservation and survival; and

2. An effective tool to combat illegal trafficking and poaching.

(c) Recommending strategies to benefit the U.S. Fish and Wildlife Service's permit office in receiving timely country data and information so as to remove barriers that impact consulting with range states.

(d) Recommending removal of barriers to the importation into the United States of legally hunted wildlife.

(e) Ongoing review of import suspension/bans and providing recommendations that seek to resume the legal trade of those items, where appropriate.

(f) Reviewing seizure and forfeiture actions/practices, and providing recommendations for regulations that will lead to a reduction of unwarranted actions.

(g) Reviewing the Endangered Species Act's foreign listed species and interaction with the Convention on International Trade in Endangered Species of Wild Flora and Fauna, with the goal of eliminating regulatory duplications.

(h) Recommending methods for streamlining/expediting processing of import permits.

Meeting Agenda

The Council will convene to discuss issues including:

1. International wildlife conservation programs conducted by the U.S. Fish and Wildlife Service;

2. U.S. Government efforts to combat wildlife trafficking; and

3. Other Council business.

The final agenda will be posted on the internet at *http://www.fws.gov/iwcc.*

Attendance

To attend this meeting, register by close of business on the dates listed in Public Input. Please submit your name, time of arrival, email address, and phone number to the Council Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). Space is limited and requests to attend will be accommodated in the order they are received.

Public Input

If you wish to:	You must contact the Council Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**) no later than:
Attend the meeting	March 12, 2018.
Submit written information or questions before the meeting for the Council to consider during the meeting	March 12, 2018.
Give an oral presentation during the public comment period	March 12, 2018.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. Written statements must be received by the date in Public Input, so that the information may be made available to the Council for their consideration prior to this meeting. Written statements must be supplied to the Council Designated Federal Officer in the following formats: One hard copy with original signature, and/or one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Depending on the number of people wishing to comment and the time available, the amount of time for individual oral comments may be limited. Interested parties must contact the Council Designated Federal Officer, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for this meeting. 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, may submit written statements to the Council Designated Federal Officer up to 30 days subsequent to the meeting. Requests to address the Council during the public comment period will be accommodated in the order the requests are received.

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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.

Meeting Minutes

Summary minutes of the conference will be maintained by the Council Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). They will be available for public inspection within 90 days of the meeting.

Authority: 5 U.S.C. Appendix 2.

Greg Sheehan,

Principal Deputy Director.

[FR Doc. 2018–04206 Filed 3–1–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

[18XD4523WT_DS64950000_DWT000000.000000_DP.64920], OMB Control Number 1090–0007]

Agency Information Collection Activities; American Customer Satisfaction Index (ACSI) Government Customer Satisfaction Surveys

AGENCY: Office of the Secretary, Office of Strategic Employee and Organization Development, Federal Consulting Group, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Federal Consulting Group are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 1, 2018.

ADDRESSES: Send your written comments by facsimile to (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Office for the Department of the Interior (1090–0007). Also, please send a copy of your comments to Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS 4344, Washington, DC 20240–0001, or by facsimile to (202) 513–5184, or via email to *Luciana_adams@ios.doi.gov*. Individuals providing comments should reference Customer Satisfaction Surveys (OMB ID: 1090–0007).

FOR FURTHER INFORMATION CONTACT: To request additional information or copies of the form(s) and instructions, please write to the Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS4344, Washington, DC 20240–0001, or call (202) 513–7679. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Federal Consulting Group; (2) will this

information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Federal Consulting Group enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Federal Consulting Group minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Office of Management and Budget regulation at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. The Office of Strategic Employee and Organization Development, Federal Consulting Group has submitted a request to the Office of Management and Budget to renew its approval of this collection of information for three years.

The proposed renewal of this information collection activity provides a means to consistently assess, benchmark, and improve customer satisfaction with Federal government agency programs and/or services within the Executive Branch. The Federal Consulting Group of the Department of the Interior serves as the executive agent for this methodology and has partnered with the Claes Fornell International Group (CFI Group) and the American Customer Satisfaction Index (ACSI) to offer the ACSI to Federal government agencies.

The CFI Group, a leader in customer satisfaction and customer experience management, offers a comprehensive model that quantifies the effects of quality improvements on citizen satisfaction. The CFI Group has developed the methodology and licenses it to the American Customer Satisfaction Index, an independent organization which produces the American Customer Satisfaction Index (ACSI). This national indicator is developed for different economic sectors each quarter, which are then published in *The Wall Street Journal.* The ACSI was introduced in 1994 by Professor Claes Fornell under the auspices of the University of Michigan, the American Society for Quality (ASQ), and the CFI Group. The ACSI monitors and benchmarks customer satisfaction across more than 200 companies and many U.S. Federal agencies.

The ACSI is the only cross-agency methodology for obtaining comparable measures of customer satisfaction with Federal government programs and/or services. Along with other economic objectives—such as employment and growth—the quality of outputs (goods and services) is a part of measuring living standards. The ACSI's ultimate purpose is to help improve the quality of goods and services available to American citizens.

ACSI surveys conducted by the Federal Consulting Group are subject to the Privacy Act of 1974, Public Law 93–579, December 31, 1974 (5 U.S.C. 552a). The agency information collection is an integral part of conducting an ACSI survey. The contractor will not be authorized to release any agency information upon completion of the survey without first obtaining permission from the Federal Consulting Group and the participating agency. In no case shall any new system of records containing privacy information be developed by the Federal Consulting Group, participating agencies, or the contractor collecting the data. In addition, participating Federal agencies may only provide information used to randomly select respondents from among established systems of records provided for such routine uses.

Further, the information will enable Federal agencies to determine customer satisfaction metrics with discrimination capability across variables. Thus, this information collection will assist Federal agencies in making the best use of resources in a targeted manner to improve service to the public.

This survey asks no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it is operating under a currently valid OMB control number. The Office of Management and Budget control number for this collection is 1090–0007. The control number will be displayed on the surveys used. Response to the surveys is voluntary.

Title of Collection: American Customer Satisfaction Index (ACSI) Government Customer Satisfaction Surveys.

OMB Control Number: 1090–0007.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, Business, and State, Local, or Tribal Governments who have utilized Federal Government services.

Total Estimated Number of Annual Respondents: Participation by Federal agencies in the ACSI is expected to vary as new customer segment measures are added or deleted. However, based on historical records, projected average estimates for the next three years are as follows:

Average Expected Annual Number of Customer Satisfaction Surveys: 100 with 800 respondents per survey.

Total Estimated Number of Annual Responses: 80,000.

Estimated Completion Time per Response: 12 minutes.

Total Estimated Number of Annual Burden Hours: 16,000.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per survey.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Jessica Reed,

Director, Federal Consulting Group.

[FR Doc. 2018–04216 Filed 3–1–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

[18XD4523WT_DS64950000_DWT000000.000000_DP.64920, OMB Control Number 1090–0008]

Agency Information Collection Activities; E-Government Website Customer Satisfaction Surveys (Formerly American Customer Satisfaction Index (ACSI) E-Government Website Customer Satisfaction Surveys)

AGENCY: Office of the Secretary, Office of Strategic Employee and Organization Development, Federal Consulting Group, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Federal Consulting Group are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 1, 2018.

ADDRESSES: Send your written comments by facsimile to (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Office for the Department of the Interior (1090–0008). Also, please send a copy of your comments to Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS 4344, Washington, DC 20240–0001, or by facsimile to (202) 513–5184, or via email to *luciana_adams@ios.doi.gov*. Individuals providing comments should reference Customer Satisfaction Surveys (OMB ID: 1090–0008).

FOR FURTHER INFORMATION CONTACT: To request additional information or copies of the form(s) and instructions, please write to the Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS4344, Washington, DC 20240–0001 or call (202) 513–7679. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Federal Consulting Group; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Federal Consulting Group enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Federal Consulting Group minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Office of Management and Budget regulation at 5 CFR 1320, which implements the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. The Office of Strategic Employee and Organization Development, Federal Consulting Group has submitted a request to Office of Management and Budget to renew its approval of this collection of information for three years.

This information collection activity provides a means to consistently assess, benchmark, and improve customer satisfaction with Federal government agency websites within the Executive Branch. The Federal Consulting Group of the Department of the Interior serves as the executive agent for this methodology and has partnered with ForeSee to offer this assessment to federal agencies.

ForeSee is a leader in customer satisfaction and customer experience management on the web and related media. Its methodology (Customer Experience Analytics or CXA) is a derivative of one of the most respected, credible, and well known measures of customer satisfaction in the country, the American Customer Satisfaction Index (ACSI). The ForeSee CXA methodology combines survey data and a patented econometric model to precisely measure the customer satisfaction of website users, identify specific areas for improvement, and determine the impact of those improvements on customer satisfaction and future customer behaviors.

The ForeSee CXA is the only cross-agency methodology for obtaining comparable measures of customer satisfaction with Federal Government websites. The ultimate purpose of ForeSee CXA is to help improve the quality of goods and services available to American citizens, including those from the Federal government.

The E-Government website Customer Satisfaction Surveys will be completed subject to the Privacy Act of 1974, Public Law 93–579, December 31, 1974 (5 U.S.C. 522a). The agency information collection will be used solely for the purpose of the survey. The contractor will not be authorized to release any agency information upon completion of the survey without first obtaining permission from the Federal Consulting Group and the participating agency. In no case shall any new system of records containing privacy information be developed by the Federal Consulting Group, participating agencies, or the contractor collecting the data. In addition, participating Federal agencies may only provide information used to randomly selected respondents from among established systems of records provided for such routine uses.

Further, the information will enable Federal agencies to determine customer satisfaction metrics with discrimination capability across variables. Thus, this information collection will assist Federal agencies in making the best use of resources in a targeted manner to improve service to the public.

This survey asks no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it is operating under a currently valid Office of Management and Budget control number. The Office of Management and Budget control number for this collection is 1090–0008. The control number will be displayed on the surveys used. For expeditious administration of the surveys, the expiration date will not be displayed on the individual instruments. Response to the surveys is voluntary.

Title of Collection: American Customer Satisfaction Index (ACSI) E-Government website Customer Satisfaction Surveys.

OMB Control Number: 1090–0008.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, Business, and State, Local, or Tribal Governments who have visited Federal Government websites.

Total Estimated Number of Annual Respondents: Participation by Federal agencies will vary as new websites are added or deleted. However, based on our experience from the previous three-year approval period, the number of surveys has been very consistent with

little change and estimate for the next three years are as follows:

Average Expected Annual Number of Customer Satisfaction Surveys: 250 with 5,000 respondents per survey.

Total Estimated Number of Annual Responses: 1,250,000.

Estimated Completion Time per Response: 2.5 minutes.

Total Estimated Number of Annual Burden Hours: 52,083.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per survey.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jessica Reed,

Director, Federal Consulting Group.

[FR Doc. 2018–04215 Filed 3–1–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO310000.L13100000.PP0000.18X; OMB Control Number 1004–0162]

Agency Information Collection Activities; Onshore Oil and Gas Geophysical Exploration

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Land Management (BLM), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before May 1, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Washington, DC 20240, Attention: Jean Sonneman; by email to *jesonnem@blm.gov.* Please reference OMB Control Number 1004–0162 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jennifer Spencer by email at *j35spenc@blm.gov,* or by telephone at 202–912–7146.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BLM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This information collection pertains to onshore oil and gas geophysical exploration on Federal lands. Surface-disturbing activities associated with such exploration generally are regulated by the Bureau of Land Management (BLM) or by the U.S. Forest Service (FS), depending on which agency manages the surface estate. This information collection request also includes permits for oil and gas geophysical exploration on Federal lands other than those managed by the BLM or the Forest Service when an agency of the Department of Defense refers an application for exploration to the BLM (see 43 CFR 3153.1); or when an application for exploration involves a project that would cross lands managed by the Bureau of Reclamation. The BLM and FS need the information in order to manage surface operations that are under their respective jurisdictions.

Title of Collection: Onshore Oil and Gas Geophysical Exploration.

OMB Control Number: 1004–0162.

Form Numbers: BLM Forms 3150–4 and 3150–5; FS Forms 2800–16 and 2800–16a.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Those who wish to participate in the evaluation, development, and utilization of oil and gas resources for mineral potential.

Total Estimated Number of Annual Respondents: 23.

Total Estimated Number of Annual Responses: 23.

Estimated Completion Time per Response: Varies from 20 minutes to 1 hour, depending on activity.

Total Estimated Number of Annual Burden Hours: 17.67.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $25.

Type of response A.	Number of responses B.	Time per response C.	Total hours (column B × column C) D.
Notice of Intent and Request to Conduct Geophysical Exploration Operations/Outside Alaska. 43 CFR 3151.1 BLM Form 3150–4/FS Form 2800–16	13 (10 to BLM and 3 to FS)	1 hour	13

Type of response A.	Number of responses B.	Time per response C.	Total hours (column B × column C) D.
Notice of Intent and Request to Conduct Geophysical Exploration Operations/Alaska. 43 CFR 3152.1, 3152.3, 3152.4, and 3152.5 BLM Form 3150–4	1	1 hour	1
Notice of Completion of Geophysical Exploration Operations 43 CFR 3151.2 and 3152.7 BLM Form 3150–5/FS Form 2800–16a	8 (8 to BLM and 0 to FS)	20 minutes	2.67
Data and Information Obtained in Carrying Out Exploration Plan (Alaska only). 43 CFR 3152.6	1	1 hour	1
Totals	23		17.67

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jean Sonneman,

Information Collection Clearance Officer, Bureau of Land Management.

[FR Doc. 2018–04218 Filed 3–1–18; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000. L63100000. HD0000. 18XL1116AF. HAG 18–0073]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Oregon/Washington State Office, Portland, Oregon, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the BLM, are necessary for the management of these lands.

DATES: Protests must be received by the BLM by April 2, 2018.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the BLM, Oregon/Washington State Office, 1220 SW 3rd Avenue, Portland, Oregon 97204, upon required payment. The plats may be viewed at this location at no cost. Please use this address when filing written protests.

FOR FURTHER INFORMATION CONTACT: Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, BLM, 1220 SW 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plats of survey of the following described lands are scheduled to be officially filed in the BLM, Oregon/Washington State Office, Portland, Oregon:

Willamette Meridian, Oregon

T. 19 S, R. 8 W, accepted January 25, 2018
T. 35 S, R. 7 W, accepted January 25, 2018
T. 19 S, R. 7 W, accepted January 25, 2018
T. 15 S, R. 6 W, accepted January 25, 2018
T. 40 S, R. 13 W, accepted January 25, 2018
T. 30 S, R. 13 W, accepted January 25, 2018
Tps. 32 & 33 S, R. 32¾ E, accepted January 25, 2018
T. 19 S, R. 2 W, accepted January 26, 2018
T. 34 S, R. 33 E, accepted January 26, 2018
Tps. 40 & 41 S, R. 5 E, accepted January 26, 2018
T. 26 S, R. 14 W, accepted January 30, 2018
T. 33 S, R. 2 E, accepted January 30, 2018
T. 30 S, R. 4 W, accepted February 5, 2018
T. 14 S, R. 12 E, accepted February 5, 2018
T. 16 S, R. 21 E, accepted February 5, 2018
T. 40 S, R. 2 E, accepted February 5, 2018
T. 14 S, R. 12 E, accepted February 6, 2018
T. 15 S, R. 12 E, accepted February 6, 2018
Tps. 40 & 41 S, R. 5 E, accepted February 6, 2018
T. 21 S, R. 10 E, accepted February 6, 2018
T. 35 S, R. 2 E, accepted February 14, 2018
T. 36 S, R. 3 E, accepted February 14, 2018
T. 41 S, R. 4 E, accepted February 14, 2018
T. 5 S, R. 4 E, accepted February 14, 2018
T. 34 S, R. 32¾ E, accepted February 14, 2018
T. 35 S, R. 32¾ E, accepted February 14, 2018

Willamette Meridian, Washington

Tps. 10 & 11 N, R. 28 E, accepted February 6, 2018

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for Oregon/Washington, BLM. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any notice of protest filed after the scheduled date of official filing will not be considered. A notice of protest is considered filed on the date it is received by the State Director for Oregon/Washington during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director for Oregon/Washington within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest or statement of reasons, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Marshal Wade,

Acting Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2018–04317 Filed 3–1–18; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1101]

Certain Fuel Pump Assemblies Having Vapor Separators and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 31, 2018, under section 337 of the Tariff Act of 1930, on behalf of Carter Fuel Systems, LLC of Logansport, Indiana. Supplements to the complaint were filed on February 15, 16, and 22, 2018. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain fuel pump assemblies having vapor separators and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,257,208 (''the '208 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 26, 2018, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain fuel pump assemblies having vapor separators and components thereof by reason of infringement of one or more of claims 1–5 and 7–18 of the '208 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Carter Fuel Systems, LLC, 101 East Industrial Boulevard, Logansport, Indiana 46947.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Wenzhou Jushang (JS) Performance Parts Co. Ltd., No. 989 LongShan Road, Beiou Industry Zone, Wenzhou, Zheijhang 325200, China.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 26, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–04234 Filed 3–1–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–388, 389, and 391 and 731–TA–817, 818, and 821 (Third Review)]

Cut-to-Length Carbon-Quality Steel Plate From India, Indonesia, and Korea; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing duty orders and antidumping duty orders on cut-to-length carbon-quality steel plate from India, Indonesia, and Korea would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on December 1, 2016 (81 FR 86725) and determined on March 6, 2017 that it would conduct full reviews (82 FR 14030, March 16, 2017). Notice of the scheduling of the Commission's reviews and of a public

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 10, 2017 (82 FR 37465). A revised schedule of the Commission's reviews was published on October 27, 2017 (82 FR 49849). The hearing was held in Washington, DC, on January 4, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on February 26, 2018. The views of the Commission are contained in USITC Publication 4764 (February 2018), entitled *Cut-to-Length Carbon-Quality Steel Plate from India, Indonesia and Korea: Investigation Nos. 701–TA–388, 389, and 391 and 731–TA–817, 818, and 821 (Third Review).*

By order of the Commission.

Issued: February 26, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–04227 Filed 3–1–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–012]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: March 9, 2018 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–597 and 731–TA–1407 (Preliminary) (Cast Iron Soil Pipe from China). The Commission is currently scheduled to complete and file its determinations on March 12, 2018; views of the Commission are currently scheduled to be completed and filed on March 19, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: February 27, 2018.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–04364 Filed 2–28–18; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–503]

Earned Import Allowance Program: Evaluation of the Effectiveness of the Program for Certain Apparel From the Dominican Republic, Ninth Annual Review

AGENCY: United States International Trade Commission.

ACTION: Notice of opportunity to provide written comments in connection with the Commission's ninth annual review.

SUMMARY: The U.S. International Trade Commission (Commission) has announced its schedule, including deadlines for filing written submissions, in connection with preparing a report on its ninth annual review in investigation No. 332–503, *Earned Import Allowance Program: Evaluation of the Effectiveness of the Program for Certain Apparel from the Dominican Republic, Ninth Annual Review.*

DATES:

April 30, 2018: Deadline for filing written submissions.

August 3, 2018: Transmittal of ninth report to House Committee on Ways and Means and Senate Committee on Finance.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions, including statements, and briefs, should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The public file for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Project Leader Mary Roop (202–708–2277 or *mary.roop@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov).* Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website *(http://www.usitc.gov).* 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.

Background: Section 404 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (DR–CAFTA Act) (19 U.S.C. 4112) required the Secretary of Commerce to establish an Earned Import Allowance Program (EIAP) and directed the Commission to conduct annual reviews of the program to evaluate its effectiveness and make recommendations for improvements. Section 404 of the DR–CAFTA Act authorizes certain apparel articles wholly assembled in an eligible country to enter the United States free of duty if accompanied by a certificate that shows evidence of the purchase of certain U.S. fabric. The term ''eligible country'' is defined to mean the Dominican Republic. More specifically, the program allows producers (in the Dominican Republic) that purchase a certain quantity of qualifying U.S. fabric to produce certain cotton bottoms in the Dominican Republic to receive a credit that can be used to ship a certain quantity of eligible apparel using third-country fabrics from the Dominican Republic to the United States free of duty.

Section 404(d) directs the Commission to conduct an annual review of the program to evaluate the effectiveness of the program and make recommendations for improvements. The Commission is required to submit its reports containing the results of its reviews to the House Committee on Ways and Means and the Senate Committee on Finance. Copies of the Commission's prior reports are available on the Commission's website at *www.usitc.gov,* including the eighth annual report, which was published on September 28, 2017 (ITC Publication 4730). The Commission expects to submit its report on its ninth annual review by August 3, 2018.

The Commission instituted this investigation pursuant to section 332(g) of the Tariff Act of 1930 to facilitate docketing of submissions and also to facilitate public access to Commission records through the Commission's EDIS electronic records system. The Commission published notice of

institution of this investigation in the **Federal Register** on April 29, 2009 (47 FR 19592), and published notice of the Commission's invitation to submit information in connection with the eighth annual report in the **Federal Register** on May 1, 2017 (82 FR 20375).

Written Submissions: Interested parties are invited to file written submissions concerning this ninth annual review. All written submissions should be addressed to the Secretary, and all such submissions should be received no later than 5:15 p.m., April 30, 2018. All written submissions must conform to the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. If confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraphs for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Confidential Business Information. Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission will not include any confidential business information in the report that it sends to the Committees or makes available to the public. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summary of Written Submissions: The Commission intends to publish a summary of the written submissions of interested persons in an appendix to its report. Persons wishing to have a summary of their position included in the appendix should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. In the appendix the Commission will identify the name of the organization furnishing the summary, and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: February 27, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–04308 Filed 3–1–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Stepan Company

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before May 1, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Diversion Control Division (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on January 22, 2018, Stepan Company, 100 W Hunter Ave., Maywood, NJ 07607 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cocaine	9041	II
Ecgonine	9180	II

The company plans to manufacture the above-listed controlled substances in bulk for sale to its customers. No other activities for these drug codes are authorized for this registration.

Dated: February 20, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–04269 Filed 3–1–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Agreement and Undertaking

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Agreement and Undertaking,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork

Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 2, 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 of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201708-1240-001* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Agreement and Undertaking information collection. A coal mine operator who has been approved to be a self-insurer completes Form OWCP–1 to provide the Secretary of Labor with authorization to sell securities or to bring suit under indemnity bonds deposited by the self-insured employers in the event there is a default in the payment of benefits. The Federal Coal Mine Health and Safety Act of 1969 authorizes this information collection. *See* 30 U.S.C. 933.

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. The DOL obtains OMB approval for this information collection under Control Number 1240–0039. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 24, 2017 (82 FR 40169).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0039. The OMB 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–OWCP.

Title of Collection: Agreement and Undertaking.

OMB Control Number: 1240–0039.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 17.

Total Estimated Number of Responses: 17.

Total Estimated Annual Time Burden: 4 hours.

Total Estimated Annual Other Costs Burden: $9.

Authority: 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–04235 Filed 3–1–18; 8:45 am]

BILLING CODE 4510–CR–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 18–011]

Notice of Intent To Grant Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant a partially exclusive patent license in the United States to practice the invention described and claimed in U.S. Patent Number 9,382,000 entitled, ''Improved Aircraft Design'', DRC–012–027, to Chase Boats, LLC, having its principal place of business in Marshall, CA. The fields of use may be limited to Recreational Ultralight Airplanes.

DATES: The prospective partially exclusive patent license may be granted unless NASA receives written objections including evidence and argument no later than March 19, 2018 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than March 19, 2018 will also be treated as objections to the grant of the contemplated partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, NASA Management Office of Chief Counsel, Jet Propulsion Laboratory, 4800 Oak Grove Drive, M/S 180–800C Pasadena, CA 91109. Phone (818) 854–7770. Facsimile (818) 393–2607.

FOR FURTHER INFORMATION CONTACT: Mark Homer, Patent Counsel, NASA Management Office of Chief Counsel, Jet Propulsion Laboratory, 4800 Oak Grove Drive, M/S 180–800C Pasadena, CA 91109. Phone (818) 854–7770. Facsimile (818) 393–2607.

SUPPLEMENTARY INFORMATION: This notice of intent to grant a partially exclusive patent license is issued in accordance with 35 U.S.C. 209e and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space

Administration. The prospective partially exclusive patent license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Mark P. Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2018–04240 Filed 3–1–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–021]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed extension request.

SUMMARY: NARA proposes to request an extension from the Office of Management and Budget (OMB) of a currently approved information collection used by the public and other Federal agencies to use its official seal(s) and/or logo(s). We invite you to comment on this proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: We must receive written comments on or before May 1, 2018.

ADDRESSES: Send comments to Paperwork Reduction Act Comments (MP), Room 4100; National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, fax them to 301–837–0319, or email them to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Tamee Fechhelm by telephone at 301–837–1694 or fax at 301–837–0319 with requests for additional information or copies of the proposed information collection and supporting statement.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collections are necessary for NARA to properly perform its functions; (b) NARA's estimate of the burden of the proposed information collections and its accuracy; (c) ways NARA could enhance the quality, utility, and clarity of the information it collects; (d) ways NARA could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affects small businesses. We will summarize any comments you submit and include the summary in our request for OMB approval. All comments will become a matter of public record. In this notice, NARA solicits comments concerning the following information collection:

Title: Use of NARA Official Seals and/or Logos.

OMB number: 3095–0052.

Agency form number: N/A.

Type of review: Regular.

Affected public: Business or other for-profit, Not-for-profit institutions, Federal government.

Estimated number of respondents: 10.

Estimated time per response: 20 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 3 hours.

Abstract: The authority for this information collection is contained in 36 CFR 1200.8. NARA's three official seals are the National Archives and Records Administration seal; the National Archives seal; and the Nationals Archives Trust Fund Board seal. The official seals are used to authenticate various copies of official records in our custody and for other official NARA business. Occasionally, when criteria are met, we will permit the public and other Federal agencies to use our official seals. A written request must be submitted to use the official seals, which we approve or deny using specific criteria.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2018–04239 Filed 3–1–18; 8:45 am]

BILLING CODE 7515–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is renewing an existing information collection for OMB review and approval and requests public review and comment on the submission. OPIC received comments in response to the sixty (60) day notice, and pursuant to those comments, amended the instructions to OPIC–256 filers regarding the information to be provided for Investment Policy & ESG and Other-Miscellaneous documentation. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar days of publication of this Notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW, Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: OPIC received comments in response to the sixty (60) day notice published in **Federal Register** volume 82 page 58456 on December 12, 2017 and, pursuant to those comments, amended the instructions to OPIC–256 filers regarding the information to be provided for Investment Policy & ESG and Other-Miscellaneous documentation. All mailed comments and requests for copies of the subject form should include form number OPIC–256 on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line OPIC–256.

Summary Form Under Review

Type of Request: Extension without change of a currently approved information collection.

Title: Investment Funds Department Questionnaire.

Form Number: OPIC–256.

Frequency of Use: One per investor per project per year.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 150 hours (approx. 1 hour per response).

Number of Responses: 150 per year.

Federal Cost: $4,026 (0.5 hour per form * 150 forms per year * $53.68 (GS–14/1 DCB)).

Authority for Information Collection: Sections 231, 234(b), and 239(d) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The questionnaire is the principal document used by OPIC to determine the investor's and the project's eligibility for OPIC funding, and to collect information for financial underwriting analysis.

Dated: February 26, 2018.

Nichole Skoyles,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2018–04205 Filed 3–1–18; 8:45 am]

BILLING CODE 3210–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is modifying an existing information collection for OMB review and approval and requests public review and comment on the submission. OPIC received comments in response to the sixty (60) day notice and, pursuant to those comments, amended the instructions to OPIC–115 filers regarding the information to be provided in supporting documentation. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar days of publication of this Notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW, Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: OPIC received comments in response to the sixty (60) day notice published in **Federal Register** volume 82 page 58456 on December 12, 2017 and, pursuant to those comments, amended the instructions to OPIC–115 filers regarding the information to be provided in supporting documentation. All mailed comments and requests for copies of the subject form should include form number OPIC–115 on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line OPIC–115.

Summary Form Under Review

Type of Request: Revision of a currently approved information collection.

Title: Application for Project Finance.

Form Number: OPIC–115.

Frequency of Use: Once per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. and foreign citizens investing in projects overseas.

Reporting Hours: 330 hours (1.5 hours per form * 220 forms per year).

Number of Responses: 220 per year.

Federal Cost: $11,809.60 (1 hour per form * 220 forms per year * $53.68 (GS–14/1 DCB)).

Authority for Information Collection: Sections 231, 234(b)–(c), 239(d) and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The Application for Project Finance is the principal document used by OPIC to determine the investor's and the project's eligibility for project financing and collect information for financial underwriting analysis.

Dated: February 26, 2018.

Nichole Skoyles,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2018–04204 Filed 3–1–18; 8:45 am]

BILLING CODE 3210–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82771; File No. SR–CBOE–2018–017]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 6.56, Compression Forums, To Provide Additional Opportunities To Disclose Compression-List Positions Monthly

February 26, 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 February 13, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.56, Compression Forums.

(additions are *italicized;* deletions are [bracketed])

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Cboe Exchange, Inc. Rules

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Rule 6.56. Compression Forums

(a)

(1) Prior to 4:30 p.m. Chicago time on the *second, third, and* fourth to last business day of each calendar month, in a manner and format determined by the Exchange, a Trading Permit Holder may provide the Exchange with a list of open SPX options positions that it would like to close through the compression forum for that calendar month (''compression-list positions''). Trading Permit Holders may also permit their Clearing Trading Permit Holders or the Clearing Corporation to submit a list of these positions to the Exchange on their behalf.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

(2) Prior to the open of Regular Trading Hours on the *last business day, second to last business day, and* third to last business day of each calendar month, the Exchange will make available to all Trading Permit Holders a list including the size of the offsetting compression-list positions (including all possible combinations of offsetting multi-leg positions) in each series (and multi-leg position) for which both long and short compression-list positions have been submitted to the Exchange (''compression-list positions file'').

(3)–(6) (No change).

(b)–(c) (No change).

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend rule 6.56 (Compression Forums) to modify the frequency with which Trading Permit Holders (''TPHs'') may submit compression-list positions to the Exchange.

Currently, TPHs may submit lists of existing SPX positions to the Exchange that they wish to close during a compression forum (''compression-list positions'') by submitting such positions to the Exchange prior to 4:30 p.m. Chicago time on the fourth to last business day of each calendar month.[5] Following the submission of compression-list positions and prior to the open of Regular Trading Hours on the third to last business day of each calendar month, the Exchange makes available to all TPHs a list including the size of the offsetting compression-list positions (including all possible combinations of offsetting multi-leg positions) in each series (and multi-leg position) for which both long and short compression-list positions have been submitted to the Exchange (''compression-list positions file'').[6] In addition to making the compression-list positions file available to all TPHs, the Exchange: (1) Distributes the compress-list positions file to TPHs that submitted compression-list positions;[7] (2) distributes an individualized list of multi-leg positions (''multi-leg positions file'') to each TPH that submitted compression-list positions;[8] and (3) facilitates a process by which a TPH may grant the Exchange permission to share the TPH's identity with contra-party TPHs that have offsetting multi-leg positions.[9]

As previously noted, TPH compression-list positions are due by 4:30 p.m. Chicago time on the fourth to last business day of each calendar month. Thus, compression-list positions submitted by TPHs and the subsequent files and information generated from the compression-list positions cannot account for positions that have been opened or closed on the last three business days of the month (*i.e.,* after the current submission deadline). Therefore, the Exchange proposes to amend Rule 6.56 to allow TPHs to also submit compression-list positions to the Exchange prior to 4:30 p.m. Chicago time on the second and third to last business days of each calendar month. The Exchange believes that allowing TPHs to reassess their positions at the end of the second and third to last business day of each calendar month—and submit compression list positions by 4:30 p.m. Chicago time on those days—will allow TPHs to more efficiently and effectively close open positions during compression forums.

The Exchange notes that it is not proposing to modify the process by which the Exchange utilizes compression-list positions to generate files. The Exchange will simply perform those processes three times instead of once. For example, from the compression-list positions submitted prior to 4:30 p.m. Chicago time on the fourth to last business day, the Exchange will generate and distribute the files and information described in Rule 6.56(a)(2)–(5), and such files and information are likely to be used by TPHs in the compression forum that occurs on the third to last business day. From the compression-list positions submitted prior to 4:30 p.m. Chicago time on the third to last business day, the Exchange will generate and distribute the files and information described in Rule 6.56(a)(2)–(5), and such files and information are likely to be used by TPHs in the compression forum that occurs on the second to last business day. Finally, from the compression-list positions submitted prior to 4:30 p.m. Chicago time on the second to last business day, the Exchange will generate and distribute the files and information described in Rule 6.56(a)(2)–(5), and such files and information is likely to be used by TPHs in the compression forum that occurs on the last business day. The Exchange notes that if, for example, a TPH submits compression-list positions on the fourth to last business day but not on the second or third to last business day, the compression-list positions submitted on the fourth to last business day will be used in the first file generation process, not each time the Exchange generates files. In short, each time the Exchange runs its file generation process the Exchange processes only the compression-list positions specific to each deadline (*i.e.,* all compression list positions submitted prior to 4:30 p.m. Chicago time on the fourth to last business day of the calendar month are processed together; all compression list positions submitted prior to 4:30 p.m. Chicago time on the third to last business day of the calendar month are processed together; and so on).

The proposed rule change will allow TPHs to submit to the Exchange more accurate information regarding their open positions in order to facilitate the generation of a more accurate assessment of potential offsetting interest, specifically, on the second and third to last business days of the calendar month. Giving TPHs a more accurate assessment of potential offsetting interest allows TPHs to more efficiently and effectively execute closing transactions in compression forums on the last business day and the second to last business day of the calendar month. The ability to more efficiently and effectively execute closing transactions in compression forums helps to alleviate the adverse impact of bank capital requirements.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations

[5] *See* Rule 6.56. (a)(1).

[6] *See* Rule 6.56(a)(2).

[7] *See* Rule 6.56(a)(3).

[8] *See* Rule 6.56(a)(4).

[9] *See* Rule 6.56(a)(5).

thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will allow TPHs to submit to the Exchange more accurate information regarding their open positions in order to facilitate the generation of a more accurate assessment of potential offsetting interest, specifically, on the second and third to last business days of the calendar month. Giving TPHs a more accurate assessment of potential offsetting interest allows TPHs to more efficiently and effectively execute closing transactions in compression forums on the last business day and the second to last business day of the calendar month, which, in general, helps to protect investors and the public interest because closing positions via the compression process serves to alleviate the adverse impact of bank capital requirements.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change would encourage the closing of positions, which, once closed, may serve to alleviate the capital requirement constraints on TPHs and improve overall market liquidity by freeing capital currently tied up in certain SPX positions. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change applies only to the trading of SPX options, which are exclusively-listed on Cboe Options. To the extent that the proposed changes make the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are eligible to participant through Cboe Options TPHs. Furthermore, participation in compression forums is completely voluntary and open to all TPHs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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[13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Commission notes that the proposal is not modifying the procedures for collecting or distributing compression-list positions, but is only providing additional opportunities for TPHs to disclose their positions using existing procedures. The Exchange has stated that the proposed rule change, by giving a more accurate assessment of potential offsetting interest, specifically on the second and third to last business days of the calendar month, will allow TPHs to more efficiently and effectively execute closing transactions in SPX options. Therefore, the Commission believes that waiving 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 proposal operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (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–CBOE–2018–017 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2018–017. 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

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change 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.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CBOE. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2018–017 and should be submitted on or before March 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82780; File No. SR–NSCC–2017–808]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of No Objection To Advance Notice Filing, as Modified by Amendment No. 1, To Enhance the Calculation of the Volatility Component of the Clearing Fund Formula That Utilizes a Parametric Value-at-Risk Model and Eliminate the Market Maker Domination Charge

February 26, 2018.

National Securities Clearing Corporation (''NSCC'') filed with the U.S. Securities and Exchange Commission (''Commission'') on December 28, 2017 the advance notice SR–NSCC–2017–808 pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'')[1] and Rule 19b–4(n)(1)(i)[2] under the Securities Exchange Act of 1934, as amended (''Exchange Act''). On January 10, 2018, NSCC filed Amendment No. 1 to the advance notice.[3] The advance notice, as modified by Amendment No. 1 (hereinafter, the ''Advance Notice'') was published for comment in the **Federal Register** on February 8, 2018.[4] The Commission did not receive any comments on the Advance Notice. This publication serves as notice that the Commission does not object to the changes set forth in the Advance Notice.

I. Description of the Advance Notice

The Advance Notice consists of changes to NSCC's Rules & Procedures (''Rules'')[5] that would enhance NSCC's method for calculating the daily margin requirement for each NSCC member (''Member'').[6] Specifically, NSCC proposes to (1) add three new ways to calculate the volatility component of its Members' margin requirements, and (2) eliminate an outdated component of the margin calculation, as described more fully below.[7] NSCC states that the new volatility component calculations would enable NSCC to mitigate the credit risks presented by Member portfolios in a broader range of scenarios and market conditions than NSCC's current volatility component calculation.[8]

A key tool that NSCC uses to manage its credit exposures to Members is the daily calculation and collection of margin from each Member (''Required Deposit'').[9] NSCC collects Required Deposits from Members to mitigate NSCC's potential losses associated with the liquidation of a Member's portfolio should the Member default.[10] The aggregate of all Members' Required Deposits constitutes NSCC's Clearing Fund, which NSCC can access should a defaulting Member's own Required Deposit be insufficient to satisfy NSCC's losses caused by the liquidation of the Member's portfolio.[11]

A. Evenly-Weighted Volatility Estimation

Each Member's Required Deposit consists of several components.[12] Generally, the largest component of a Member's Required Deposit is the volatility component, which is designed to capture the market price risk associated with each Member's portfolio at a 99th percentile level of confidence.[13] NSCC currently calculates the volatility component using a parametric Value-at-Risk (''VaR'') model.[14] NSCC's current VaR calculation places more emphasis on recent market observations (such as recent price history) for the purpose of estimating current market price volatility levels, based on the assumption that the most recent price history is more relevant and accurate for measuring current market price volatility levels (referred to as an ''exponentially-weighted volatility estimation'').[15] However, volatility in the equity markets often rapidly reverts to more commonly observed levels, followed by a subsequent spike.[16] While a VaR calculation that applies exclusively an exponentially-weighted volatility estimation can capture sudden increases in volatility, it may result in a swift decline in margin that does not adequately capture the risks related to a rapid decrease in market price volatility levels.[17] NSCC proposes to mitigate this shortcoming by adding another method for computing the VaR calculation that does not diminish the value of older market observations.[18] Specifically, NSCC proposes to add a VaR calculation that gives equal weight to all historical volatility observations during a specified look-back period (referred to by NSCC as an ''evenly-weighted volatility estimation''),[19] which could

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[18] 17 CFR 200.30–3(a)(12).

[1] 12 U.S.C. 5465(e)(1). The Financial Stability Oversight Council designated NSCC a systemically important financial market utility on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, NSCC is required to comply with the Payment, Clearing and Settlement Supervision Act and file advance notices with the Commission. *See* 12 U.S.C. 5465(e).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] In Amendment No. 1 to the advance notice, NSCC amended and replaced in its entirety the originally filed confidential Exhibit 3a with a new confidential Exhibit 3a in order to remove references to a practice that was not intended for consideration as part of the filing.

[4] Securities Exchange Act Release No. 82631 (February 5, 2018), 83 FR 5658 (February 8, 2017) (SR–NSCC–2017–808) (''Notice''). NSCC also filed a related proposed rule change with the Commission pursuant to Section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder, seeking approval of changes to its rules necessary to implement the Advance Notice. 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. The proposed rule change was published in the **Federal Register** on January 19, 2018. Securities Exchange Act Release No. 82494 (January 12, 2018), 83 FR 2828 (January 19, 2018) (SR–NSCC–2017–020). The Commission did not receive any comments on that proposal.

[5] NSCC's Rules, *available at http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[6] Notice, 83 FR at 5659.

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *See* Procedure XV (Clearing Fund Formula and Other Matters) of the Rules, *supra* note 5.

[13] Notice, 83 FR at 5659–60.

[14] Notice, 83 FR at 5660.

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.*

result in margin requirement amounts during non-volatile periods greater than margin requirement amounts based upon the exponentially-weighted volatility estimation.[20] Under the proposal, NSCC would calculate both the exponentially-weighted volatility estimation and the evenly-weighted volatility estimation, and the greater result would represent the ''Core Parametric Estimation.'' [21]

B. Gap Risk Measure

In addition to the Core Parametric Estimation, NSCC proposes to add a second method for determining the volatility component of a Member's Required Deposit.[22] This second method, referred to as the Gap Risk Measure, would help address risks that are unique to Member portfolios that hold a concentrated position in a specific security.[23] More specifically, when a Member's portfolio holds a concentrated position in a specific security, such that the position represents a significant percentage of the entire portfolio's value, the portfolio may be more susceptible to risks associated with issuer-specific events affecting the price of the concentrated security.[24] Such events include earning reports, management changes, merger announcements, insolvency, or other unexpected issuer-specific events (collectively, ''Gap Risk Events'').[25]

NSCC has observed that portfolios with a concentration level of more than 30 percent in a specific security tend to have backtesting coverage below the 99 percent confidence level.[26] To mitigate the concentration risk posed by such portfolios, NSCC proposes the Gap Risk Measure, which would apply to all individual equities in a Member's portfolio, but only when the Member holds a position in a security that meets a 30 percent concentration threshold relative to the remainder of the portfolio.[27]

NSCC also has observed that exchange-traded products (''ETPs'') that track to a broad market index are generally not susceptible to Gap Risk Events.[28] Accordingly, NSCC would not apply the Gap Risk Measure to positions in such index-based ETPs, even if the 30 percent concentration threshold is met.[29] However, non-index-based ETPs and index-based ETPs that track a narrow market index are susceptible to Gap Risk Events, and would, therefore, be subject to the Gap Risk Measure, provided that the 30 percent concentration threshold is met.[30]

When applicable, NSCC would calculate the Gap Risk Measure by multiplying the gross market value of the largest (non-index) position in the portfolio by a percent of not less than 10 percent.[31]

C. Portfolio Margin Floor

In addition to the Core Parametric Estimation and the Gap Risk Measure, NSCC proposes to add a third method for determining the volatility component of a Member's Required Deposit.[32] This third method, referred to as the Portfolio Margin Floor, would help address risks that may not be adequately accounted for by the Core Parametric Estimation or the Gap Risk Measure.[33] For example, a volatility component based solely on a parametric VaR model calculation may prove inadequate where there is low market price volatility and the portfolio holds either large gross market values or large net directional market values.[34] In such cases, the model may not collect sufficient margin, which could hinder NSCC's ability to effectively liquidate or hedge the Member's portfolio in three business days.[35]

NSCC proposes the Portfolio Margin Floor to operate as a floor to (*i.e.,* minimum amount of) a Member's volatility component.[36] Specifically, the Portfolio Margin Floor would be based on the balance and direction of the positions in the Member's portfolio and would be designed to be proportional to the market value of the portfolio.[37]

The Portfolio Margin Floor would be the sum of two separate calculations, both of which would measure the market value of the portfolio based on the direction of net positions in the portfolio.[38] First, NSCC would calculate the net directional market value of the portfolio by calculating the absolute difference between the market value of the long positions and shorts positions in the portfolio,[39] then multiplying that amount by a percentage.[40] Second, NSCC would calculate the balanced market value of the portfolio by taking the lowest market value of either the long or short positions in the portfolio,[41] then multiplying that value by a percentage.[42] The combined results of these two calculations would constitute the final Portfolio Margin Floor amount.[43]

Finally, in order to choose the amount to be charged as the volatility component of a Member's Required Deposit, NSCC would compare the amounts calculated by the Portfolio Margin Floor, the Gap Risk Measure (if applicable), and the Core Parametric Estimation. NSCC then would use the highest of those three calculations as the volatility component of the Member's Required Deposit.[44]

D. Elimination of the Market Maker Domination Component

NSCC proposes to eliminate the Market Maker Domination Component (''MMD Charge'') from its Clearing Fund formula.[45] The MMD Charge is an existing component of the Clearing Fund formula calculated for Members that are Market Makers and Members that clear for Market Makers.[46] The MMD Charge was developed to address the risks presented by concentrated positions (of the overall unsettled long position in the security) held by Market Makers.[47] More specifically, the charge

[20] *Id.*

[21] Notice, 83 FR at 5661.

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] *Id.* NSCC states that it would use a third-party market provider to identify index-based ETPs. *Id.* The third-party market provider would identify index-based ETPs as those with criteria that require the portfolio returns to track to a broad market index. *Id.* ETPs that do not meet this criteria would not be considered index-based ETPs and, therefore, would be included in the Gap Risk Measure calculation. *Id.*

[31] *Id.* NSCC would determine such percent empirically as no less than the larger of the 1st and 99th percentiles of three-day returns of a set of CUSIPs that are subject to the volatility component, giving equal rank to each to determine which has the highest movement over that three-day period. *Id.* NSCC would use a look-back period of not less than ten years that includes a one-year stress period. *Id.* If the one-year stress period overlaps with the look-back period, only the non-overlapping period would be combined with the look-back period. *Id.* The result would then be rounded up to the nearest whole percentage. *Id.*

[32] Notice, 83 FR at 5661.

[33] *Id.*

[34] Notice, 83 FR at 5662.

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] For example, if the market value of the long positions is $100,000, and the market value of the short positions is $200,000, the net directional market value of the portfolio would be $100,000. *Id.*

[40] *Id.* NSCC would determine the applicable percentage by examining the annual historical volatility levels of benchmark indices over a historical look-back period. *Id.*

[41] For example, if the market value of the long positions is $100,000, and the market value of the short positions is $110,000, the balanced market value of the portfolio would be $100,000. *Id.*

[42] *Id.* NSCC would determine the applicable percentage to be an amount that covers the transaction costs and other relevant risks associated with the positions in the portfolio. *Id.*

[43] *Id.*

[44] *Id.*

[45] *Id.*

[46] *Id; see also* Procedure XV, Section I(A)(1)(d) of the Rules, *supra* note 5.

[47] Notice, 83 FR at 5662.

is designed to address securities that are susceptible to marketability and liquidation impairment because of the relative size of the positions that NSCC would have to liquidate or hedge in the case of a Market Maker default.[48]

Under the current Rules, NSCC may impose the MMD Charge if the Market Maker (either the Member or the correspondent of the Member) holds a position that is greater than 40 percent of the overall unsettled long position (*i.e.,* the sum of each clearing broker's net long position) in a specific security.[49] NSCC calculates the MMD Charge as the sum of each of the absolute values of the net positions in the relevant securities, less the reported amount of excess net capital for that Member.[50]

NSCC states that since implementation of the MMD Charge, several developments in the U.S. equity markets (*e.g.,* improved price transparency, access across exchange venues, and participation by market liquidity providers) have reduced the risks that the MMD Charge was designed to address.[51] NSCC further states that the MMD Charge may not effectively address concentration risk because the MMD Charge (1) only applies to positions in certain securities, as described above, (2) does not address concentration risk presented by positions in securities that are not listed on NASDAQ or in securities traded by firms that are not Market Makers, and (3) does not account for concentration in market capitalization categories.[52] NSCC states that the proposed Gap Risk Measure would provide better concentration risk coverage than the MMD Charge because the former would apply to all Members, whereas the latter only applies to Market Makers.[53]

II. Discussion and Commission Findings

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, its stated purpose is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[54]

Section 805(a)(2) of the Clearing Supervision Act[55] authorizes the Commission to prescribe regulations containing risk-management standards for the payment, clearing, and settlement activities of designated clearing entities engaged in designated activities for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act[56] provides the following objectives and principles for the Commission's risk-management standards prescribed under Section 805(a):

- Promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

Section 805(c) of the Clearing Supervision Act provides, in addition, that the Commission's risk-management standards may address such areas as risk-management and default policies and procedures, among others areas.[57]

The Commission has adopted risk-management standards under Section 805(a)(2) of the Clearing Supervision Act[58] and Section 17A of the Exchange Act (''Rule 17Ad–22'').[59] Rule 17Ad–22 requires each covered clearing agency, among other things, to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk-management practices on an ongoing basis.[60] Therefore, it is appropriate for the Commission to review proposed changes in advance notices for consistency with the objectives and principles of the risk-management standards described in Section 805(b) of the Clearing Supervision Act[61] and against Rule 17Ad–22.[62]

A. Consistency With Section 805(b) of the Clearing Supervision Act

The Commission believes that the changes proposed in the Advance Notice are consistent with each of the objectives and principles described in Section 805(b) of the Act.[63] Specifically, as discussed below, the Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management in the area of credit risk and promoting safety and soundness, which in turn, would help reduce systemic risk and support the stability of the broader financial system.

The Commission believes that the proposed changes promote robust risk management by adding three new volatility component calculations that would better enable NSCC to mitigate the credit risks presented by Member portfolios in a broader range of scenarios and market conditions than NSCC's current volatility component calculation.

First, as described above, NSCC currently calculates the volatility component of each Member's Required Deposit using a VaR calculation that relies exclusively on an exponentially-weighted volatility estimation. However, the current VaR calculation places more emphasis on recent market observations, which may result in a swift decline in margin that does not adequately capture the risks related to a rapid decrease in market price volatility levels. To address this shortcoming, NSCC proposes to (1) add a VaR calculation that relies on an evenly-weighted volatility estimation (*i.e.,* that gives equal weight to all historical volatility observations during a specified look-back period), (2) compare the amounts of both VaR calculations (*i.e.,* based on both evenly- and exponentially-weighted volatility estimations), and (3) use the greater amount as the Core Parametric Estimation. Accordingly, the Commission believes adding the VaR calculation based on an evenly-weighted volatility estimation would enable NSCC to more effectively limit its credit exposure to Members in market conditions that reflect a rapid decrease in market price volatility levels.

Second, as described above, when a Member's portfolio holds a concentrated position in a specific security beyond a significant percentage of the entire portfolio's value, the portfolio may be more susceptible to Gap Risk Events. In such a scenario, NSCC's current volatility component calculation may result in inadequate margin coverage. To address this issue, NSCC has proposed the Gap Risk Measure as an alternative volatility component calculation. The Gap Risk Measure is designed to provide better margin coverage in such a scenario as it would apply to all individual equities (including non-index-based and narrow-index-based ETPs, as described above) when a Member maintains a position in its portfolio that exceeds the 30 percent

[48] *Id.*

[49] *Id.*

[50] *Id.* NSCC does not apply the excess net capital offset for Members with the weakest credit rating (*i.e.* 7) on the Credit Risk Rating Matrix. *See* Procedure XV, Sections I(A)(1)(d) and I(A)(2)(c) of the Rules, *supra* note 5.

[51] Notice, 83 FR at 5662.

[52] *Id.*

[53] *Id.*

[54] *See* 12 U.S.C. 5461(b).

[55] 12 U.S.C. 5464(a)(2).

[56] 12 U.S.C. 5464(b).

[57] 12 U.S.C. 5464(c).

[58] 12 U.S.C. 5464(a)(2).

[59] 15 U.S.C. 78q–1.

[60] 17 CFR 240.17Ad–22.

[61] 12 U.S.C. 5464(b).

[62] 17 CFR 240.17Ad–22.

[63] 12 U.S.C. 5464(b).

concentration threshold. Accordingly, the Commission believes adding the Gap Risk Measure would enable NSCC to more effectively limit its credit exposure to Members in certain scenarios in which a Member holds a security that meets the 30 percent concentration threshold relative to the remainder of its portfolio.

Third, as described above, when a Member's portfolio holds either large gross market values or large net directional market values in a period of low market price volatility, NSCC's current volatility component calculation may not result in adequate margin, which could hinder NSCC's ability to effectively liquidate or hedge the Member's portfolio in the event of the Member's default. To address this concern, NSCC proposes the Portfolio Margin Floor, which would operate as a floor to (*i.e.,* minimum amount of) the volatility component of a Member's Required Deposit. Accordingly, the Commission believes adding the Portfolio Margin Floor would enable NSCC to more effectively limit its credit exposure to Members in certain scenarios, such as when a Member's portfolio holds either large gross market values or large net directional market values and market prices exhibit low volatility.

Finally, to help ensure that the amount of margin that NSCC collects as the volatility component of a Member's Required Deposit would help mitigate each of the specific concerns addressed by the Core Parametric Estimation, Gap Risk Measure, and Portfolio Margin Floor, NSCC would assess the largest amount of those three calculations as the volatility component of the Member's Required Deposit.

In addition to the three proposed volatility component calculations, NSCC also proposes to eliminate the MMD Charge. As described above, NSCC has found the MMD Charge to be an inefficient and ineffective component of the Clearing Fund formula that may not accurately capture the credit risk presented by a Member's portfolio. More specifically, the charge does not cover a range of scenarios and market conditions that would be covered by the proposed Gap Risk Measure. Moreover, in contrast to the proposed Gap Risk Measure, the MMD Charge (1) only applies to positions in certain securities, (2) does not address concentration risk presented by positions in securities that are not listed on NASDAQ, (3) does not account for concentration in market capitalization categories, and (4) only applies to Market Makers. Accordingly, NSCC's proposal to eliminate the MMD Charge is designed to remove an obsolete component from the Clearing Fund formula.

Taken together, each of the above described changes would enhance NSCC's current method for calculating each Member's volatility component, enabling NSCC to produce margin levels more commensurate with the risks associated with its Members' portfolios in a broader range of scenarios and market conditions, and, thus, more effectively cover its credit exposure to its Members. Therefore, the Commission believes the changes proposed in the Advance Notice are consistent with promoting robust risk management, consistent with Section 805(b) of the Clearing Supervision Act.[64]

The Commission also believes that the proposed changes would promote safety and soundness at NSCC, which, in turn, would help reduce systemic risk and support the stability of the broader financial system. As described above, the proposed changes are designed to better limit NSCC's credit exposure to Members in the event of a Member default. More specifically, the proposed VaR calculation based on an evenly-weighted volatility estimation would enable NSCC to better manage its credit exposure to Members in market conditions that reflect a rapid decrease in market price volatility levels. Meanwhile, the proposed Gap Risk Measure would enable NSCC to manage its credit exposure to Member portfolios that are more susceptible to Gap Risk Events. Finally, the proposed Portfolio Margin Floor would enable NSCC to better manage its credit exposure to Members in certain scenarios, such as low market price volatility when a Member's portfolio holds either large gross market values or large net directional market values.

By better limiting credit exposure to its Members, NSCC's proposed changes are designed to help ensure that, in the event of a Member default, NSCC's operations would not be disrupted and non-defaulting Members would not be exposed to losses that they cannot anticipate or control. As such, the Commission finds that the proposed changes would promote safety and soundness, which in turn, would reduce systemic risks and support the stability of the broader financial system, consistent with Section 805(b) of the Clearing Supervision Act.[65]

Therefore, the Commission believes that the changes proposed in the Advance Notice are consistent with Section 805(b) of the Clearing Supervision Act.[66]

B. Consistency With Rule 17Ad–22(e)(4)(i) of the Exchange Act

The Commission believes that the changes proposed in the Advance Notice are consistent with Rule 17Ad–22(e)(4)(i) under the Exchange Act, which requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[67]

As described above, the Commission believes the proposed VaR calculation based on an evenly-weighted volatility estimation would enable NSCC to better manage its credit exposure to Members in market conditions that reflect a rapid decrease in market price volatility levels; the proposed Gap Risk Measure would enable NSCC to better manage its credit exposure to Member portfolios that are more susceptible to Gap Risk Events; and the proposed Portfolio Margin Floor would enable NSCC to better manage its credit exposure to Members in certain scenarios, such as when a Member's portfolio holds either large gross market values or large net directional market values and market prices exhibit low volatility. Furthermore, NSCC would assess a Member the largest of these three calculations as the Member's volatility component to its Required Deposit.

Each of these proposed changes is designed to help NSCC more effectively identify, measure, monitor, and manage its credit exposures to its Members. In doing so, the proposed changes would enable NSCC to more accurately assess the volatility component of a Member's Required Deposit and, thus, help NSCC maintain sufficient financial resources to cover its credit exposure to each Member fully with a high degree of confidence. Therefore, the Commission finds that the changes proposed in the Advance Notice are consistent with Rule 17Ad–22(e)(4)(i) under the Exchange Act.[68]

C. Consistency With Rule 17Ad–22(e)(6)(i) and (v) of the Exchange Act

The Commission believes that the changes proposed in the Advance

[64] *Id.*

[65] *Id.*

[66] *Id.*

[67] 17 CFR 240.17Ad–22(e)(4)(i).

[68] *Id.*

Notice are consistent with Rule 17Ad–22(e)(6)(i) under the Exchange Act, which requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[69] Furthermore, the Commission believes that the changes proposed in the Advance Notice are consistent with Rule 17Ad–22(e)(6)(v) under the Exchange Act, which requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to use an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products.[70]

As described above, the Commission believes the proposed VaR calculation based on an evenly-weighted volatility estimation would enable NSCC to better manage its credit exposure to Members in certain market conditions with a rapid decrease in market price volatility levels; the proposed Gap Risk Measure would enable NSCC to better manage its credit exposure to Member portfolios that are more susceptible to Gap Risk Events; and the proposed Portfolio Margin Floor would enable NSCC to better manage its credit exposure to Members in certain scenarios, such as low market price volatility when a Member's portfolio holds either large gross market values or large net directional market values and market prices exhibit low volatility. Moreover, NSCC would assess a Member the largest of these three calculations as the Member's volatility component to its Required Deposit.

These three proposed volatility component calculations are designed to help improve NSCC's risk-based margin system by enabling NSCC to produce margin levels that are more commensurate with the risks and particular attributes of the relevant products, portfolios, and markets that NSCC serves. Additionally, as described above, the three proposed volatility component calculations are designed to use methods that are more appropriately tailored for measuring credit exposure that account for specific risk factors and portfolio effects. Therefore, the Commission finds that the changes proposed in the Advance Notice are consistent with Rules 17Ad–22(e)(6)(i) and (v) under the Exchange Act.[71]

III. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act,[72] that the Commission *does not object* to advance notice SR–NSCC–2017–808 and that NSCC is *authorized* to implement the proposed change as of the date of this notice or the date of an order by the Commission approving proposed rule change SR–NSCC–2017–020 that reflects rule changes that are consistent with this Advance Notice, whichever is later.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2018–04237 Filed 3–1–18; 8:45 am]

BILLING CODE 8011–01–P

[69] 17 CFR 240.17Ad–22(e)(6)(i).

[70] 17 CFR 240.17Ad–22(e)(6)(v).

[71] 17 CFR 240.17Ad–22(e)(6)(i) and (v).

[72] 12 U.S.C. 5465(e)(1)(I).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82772; File No. SR–FINRA–2018–010]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Revise the Securities Trader (Series 57) Examination

February 26, 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 February 12, 2018, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as ''constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule'' under Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing revisions to the content outline and selection specifications for the Securities Trader (Series 57) examination as part of the restructuring of the representative-level examination program.[5] In addition, FINRA is proposing to make changes to the format of the content outline. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws or Rules of FINRA.

The revised Series 57 content outline is attached.[6] The revised Series 57 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to SEA Rule 24b–2.[7]

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.[sic]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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

Section 15A(g)(3) of the Act[8] authorizes FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed

[5] FINRA also is proposing corresponding revisions to the Series 57 question bank. Based on instruction from SEC staff, FINRA is submitting this filing for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000. The question bank is available for SEC review.

[6] The Commission notes that the content outline is attached to the filing, not to this Notice.

[7] 17 CFR 240.24b–2.

[8] 15 U.S.C. 78*o*–3(g)(3).

examinations that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge, consistent with applicable registration requirements under FINRA rules. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

The SEC recently approved a proposed rule change to restructure the FINRA representative-level qualification examination program.[9] The rule change, which will become effective on October 1, 2018,[10] restructures the examination program into a new format whereby all new representative-level applicants will be required to take a general knowledge examination (the Securities Industry Essentials or SIE™) and a tailored, specialized knowledge examination (a revised representative-level qualification examination) for their particular registered role.

The restructured program eliminates duplicative testing of general securities knowledge on the current representative-level qualification examinations by moving such content into the SIE examination.[11] The SIE examination will test fundamental securities-related knowledge, including knowledge of basic products, the structure and function of the securities industry, the regulatory agencies and their functions and regulated and prohibited practices, whereas the revised representative-level qualification examinations will test knowledge relevant to day-to-day activities, responsibilities and job functions of representatives.[12]

As part of the restructuring process and in consultation with a committee of industry representatives, FINRA undertook a review of the Securities Trader (Series 57) examination to remove the general securities knowledge currently covered on the examination and to create a tailored examination to test knowledge relevant to the day-to-day activities, responsibilities and job functions of a Securities Trader. In addition, FINRA is proposing to make changes to the format of the Series 57 content outline.

Beginning on October 1, 2018, new applicants seeking to register as Securities Traders must pass the SIE examination and the revised Securities Trader (Series 57) examination.

Current Content Outline

The current Series 57 content outline is divided into four major job functions that are performed by a Securities Trader. The following are the four major job functions, denoted Function 1 through 4, with the associated number of questions:

Function 1: Market Overview and Products, 22 questions;

Function 2: Engaging in Professional Conduct and Adhering to Regulatory Requirements, 12 questions;

Function 3: Trading Activities, 79 questions; and

Function 4: Maintaining Books and Records and Trade Reporting, 12 questions.

Each function also includes specific tasks describing activities associated with performing that function. There are three tasks (1.1–1.3) associated with Function 1; two tasks (2.1–2.2) associated with Function 2; three tasks (3.1–3.3) associated with Function 3; and two tasks (4.1–4.2) associated with Function 4. For example, one such task (Task 4.2) relates to creating, retaining, and reporting required records of orders and transactions. Further, the content outline lists the knowledge required to perform each function and associated tasks (*e.g.,* in connection with Task 4.2, large trader ID and related reporting and monitoring requirements and order execution and routing information). In addition, where applicable, the content outline lists the laws, rules and regulations a candidate is expected to know to perform each function and associated tasks. These include applicable federal securities laws, as well as FINRA and other self-regulatory organization rules and regulations. The content outline also includes a preface (*e.g.,* table of contents, details regarding the purpose of the examination and eligibility requirements), sample questions and reference materials.

Revised Content Outline

As noted above, FINRA is proposing to move the general securities knowledge currently covered on the Series 57 examination to the SIE examination. For example, FINRA Rule 3220 (Influencing or Rewarding Employees of Others) (the Gifts Rule) will now be tested on the SIE examination, rather than on the Series 57 examination. As a result, the revised Series 57 examination will test knowledge specific to the day-to-day activities, responsibilities and job functions of a Securities Trader.

Further, FINRA is proposing to make changes to the major job functions that are performed by a Securities Trader. The following are the revised job functions, denoted Function 1 and Function 2, with the associated number of questions:

Function 1: Trading Activities, 41 questions; and

Function 2: Maintaining Books and Records, Trade Reporting and Clearance and Settlement, 9 questions.

FINRA also is proposing to adjust the number of questions assigned to each major job function to ensure that the overall examination better reflects the key tasks performed by a Securities Trader. The questions on the revised Series 57 examination will place emphasis on tasks such as trading activities, trade reporting and related books and records.

Further, FINRA is proposing to make changes to the specific tasks associated with performing each function. There are three tasks (1.1–1.3) associated with Function 1[13] and three tasks (2.1–2.3) associated with Function 2.[14] For example, one such task (Task 2.1) is reporting trades to the designated reporting facility.[15] The content outline also lists the knowledge required to perform each revised function and associated tasks (*e.g.,* distinctions among reporting facilities). In addition, where applicable, the content outline lists the laws, rules and regulations a candidate is expected to know to perform each revised function and associated tasks (*e.g.,* SEA Rule 13h–1).

FINRA is proposing similar changes to the Series 57 selection specifications and question bank.

Finally, FINRA is proposing to make changes to the format of the content outline, including to the preface, sample questions and reference materials.[16] Among other changes, FINRA is proposing to: (1) Reduce the preface to one page of introductory information;

[9] *See* Securities Exchange Act Release No. 81098 (July 7, 2017), 82 FR 32419 (July 13, 2017) (Order Approving File No. SR–FINRA–2017–007).

[10] *See Regulatory Notice* 17–30 (SEC Approves Consolidated FINRA Registration Rules, Restructured Representative-Level Qualification Examinations and Changes to Continuing Education Requirements) (October 2017).

[11] Each of the current representative-level examinations covers general securities knowledge, with the exception of the Research Analyst (Series 86 and 87) examinations.

[12] FINRA filed the SIE content outline with the SEC for immediate effectiveness. *See* Securities Exchange Act Release No. 82578 (January 24, 2018), 83 FR 4375 (January 30, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–002). In addition to the proposed rule change relating to the revised Series 57 examination, FINRA is filing with the Commission for immediate effectiveness the content outlines for the other revised representative-level qualification examinations.

[13] *See* Exhibit 3a, Outline Pages 3–9. The outline is attached as Exhibit 3a to the 19b–4 form.

[14] *See* Exhibit 3a, Outline Pages 10–12.

[15] *See* Exhibit 3a, Outline Page 10.

[16] FINRA is proposing similar changes to the content outlines for other representative-level examinations.

(2) streamline details regarding the purpose of the examination; (3) move the application procedures to FINRA's website; and (4) explain that the passing score is established using a standard setting procedure, and that a statistical adjustment process known as equating is used in scoring the examination.[17]

As a result of the proposed changes, the number of scored questions on the Series 57 examination will be reduced from 125 questions to 50 questions.[18] Further, the test time, which is the amount of time candidates will have to complete the examination, will be reduced from three hours and 45 minutes to one hour and 45 minutes. Currently, a score of 70 percent is required to pass the examination. FINRA will publish the passing score of the revised Series 57 examination on its website, at *www.finra.org,* prior to its first administration.

Availability of Content Outline

The current Series 57 content outline is available on FINRA's website. The revised Series 57 content outline will replace the current content outline on FINRA's website, and it will be made available on the website on the date of this filing.

FINRA is filing the proposed rule change for immediate effectiveness. The implementation date will be October 1, 2018, to coincide with the implementation of the restructured representative-level examination program. FINRA will also announce the implementation date of the proposed rule change in a *Regulatory Notice.*

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 57 examination program are consistent with the provisions of Section 15A(b)(6) of the Act,[19] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 15A(g)(3) of the Act,[20] which authorizes FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. The proposed rule change will improve the examination program, without compromising the qualification standards, by removing the general knowledge content currently covered on the Series 57 examination, since that content will be covered in the co-requisite SIE examination.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The updated examination aligns with the functions and associated tasks currently performed by a Securities Trader and tests knowledge of the most current laws, rules, regulations and skills relevant to those functions and associated tasks. As such, the proposed revisions would make the examination more effective. FINRA also provided a detailed economic impact assessment regarding the introduction of the SIE examination and the restructuring of the representative-level examinations as part of the proposed rule change to restructure the FINRA representative-level qualification examination program.[21]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[22] and paragraph (f)(1) of Rule 19–4 thereunder.[23] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2018–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2018–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2018–010 and should be submitted on or before March 23, 2018.

[17] See Exhibit 3a, Outline Page 2.

[18] Consistent with FINRA's practice of including ''pretest'' questions on examinations, the Series 57 examination includes five additional, unidentified pretest questions that do not contribute towards the candidate's score. The pretest questions are designed to ensure that new examination questions meet acceptable testing standards prior to use for scoring purposes. Therefore, the Series 57 examination actually consists of 55 questions, 50 of which are scored. The five pretest questions are randomly distributed throughout the examination.

[19] 15 U.S.C. 78*o*–3(b)(6).

[20] 15 U.S.C. 78*o*–3(g)(3).

[21] *See* Securities Exchange Act Release No. 80371 (April 4, 2017), 82 FR 17336 (April 10, 2017) (Notice of Filing of File No. SR–FINRA–2017–007).

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(1).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04209 Filed 3–1–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82781; File No. SR–NSCC–2017–020]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Enhance the Calculation of the Volatility Component of the Clearing Fund Formula That Utilizes a Parametric Value-at-Risk Model and Eliminate the Market Maker Domination Charge

February 26, 2018.

National Securities Clearing Corporation (''NSCC'') filed with the U.S. Securities and Exchange Commission (''Commission'') on December 28, 2017 proposed rule change SR–NSCC–2017–020 pursuant to Section 19b(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on January 19, 2018.[3] The Commission did not receive any comments on the proposed rule change. On January 10, 2018, NSCC filed Amendment No. 1 to the proposed rule change.[4] The Commission is publishing this notice to solicit comment on Amendment No. 1 from interested persons and is approving the proposed rule change, as modified by Amendment No. 1 (hereinafter, the ''Proposed Rule Change''), on an accelerated basis.[5]

I. Description of the Proposed Rule Change

The Proposed Rule Change consists of changes to NSCC's Rules & Procedures (''Rules'')[6] that would enhance NSCC's method for calculating the daily margin requirement for each NSCC member (''Member'').[7] Specifically, NSCC proposes to (1) add three new ways to calculate the volatility component of its Members' margin requirements, and (2) eliminate an outdated component of the margin calculation, as described more fully below.[8] NSCC states that the new volatility component calculations would enable NSCC to mitigate the credit risks presented by Member portfolios in a broader range of scenarios and market conditions than NSCC's current volatility component calculation.[9]

A key tool that NSCC uses to manage its credit exposures to Members is the daily calculation and collection of margin from each Member (''Required Deposit'').[10] NSCC collects Required Deposits from Members to mitigate NSCC's potential losses associated with the liquidation of a Member's portfolio should the Member default.[11] The aggregate of all Members' Required Deposits constitutes NSCC's Clearing Fund, which NSCC can access should a defaulting Member's own Required Deposit be insufficient to satisfy NSCC's losses caused by the liquidation of the Member's portfolio.[12]

A. Evenly-Weighted Volatility Estimation

Each Member's Required Deposit consists of several components.[13] Generally, the largest component of a Member's Required Deposit is the volatility component, which is designed to capture the market price risk associated with each Member's portfolio at a 99th percentile level of confidence.[14] NSCC currently calculates the volatility component using a parametric Value-at-Risk (''VaR'') model.[15] NSCC's current VaR calculation places more emphasis on recent market observations (such as recent price history) for the purpose of estimating current market price volatility levels, based on the assumption that the most recent price history is more relevant and accurate for measuring current market price volatility levels (referred to as an ''exponentially-weighted volatility estimation'').[16] However, volatility in the equity markets often rapidly reverts to more commonly observed levels, followed by a subsequent spike.[17] While a VaR calculation that applies exclusively an exponentially-weighted volatility estimation can capture sudden increases in volatility, it may result in a swift decline in margin that does not adequately capture the risks related to a rapid decrease in market price volatility levels.[18] NSCC proposes to mitigate this shortcoming by adding another method for computing the VaR calculation that does not diminish the value of older market observations.[19] Specifically, NSCC proposes to add a VaR calculation that gives equal weight to all historical volatility observations during a specified look-back period (referred to by NSCC as an ''evenly-weighted volatility estimation''),[20] which could result in margin requirement amounts during non-volatile periods greater than margin requirement amounts based upon the exponentially-weighted volatility estimation.[21] Under the proposal, NSCC would calculate both the exponentially-weighted volatility estimation and the evenly-weighted volatility estimation, and the greater result would represent the ''Core Parametric Estimation.''[22]

B. Gap Risk Measure

In addition to the Core Parametric Estimation, NSCC proposes to add a second method for determining the volatility component of a Member's Required Deposit.[23] This second method, referred to as the Gap Risk Measure, would help address risks that are unique to Member portfolios that hold a concentrated position in a specific security.[24] More specifically, when a Member's portfolio holds a concentrated position in a specific

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 82494 (January 12, 2018), 83 FR 2828 (January 19, 2018) (SR–NSCC–2017–020) (''Notice'').

[4] In Amendment No. 1 to the proposed rule change, NSCC amended and replaced in its entirety the originally filed confidential Exhibit 3a with a new confidential Exhibit 3a in order to remove references to a practice that was not intended for consideration as part of the filing.

[5] NSCC also filed the proposed rule change as advance notice SR–NSCC–2017–808 pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 and Rule 19b–4(n)(1)(i) under the Exchange Act. 12 U.S.C. 5465(e)(1) and 17 CFR 240.19b–4(n)(1)(i), respectively. On January 10, 2018, NSCC filed Amendment No. 1 to the advance notice to amend and replace in its entirety the originally filed confidential Exhibit 3a in order to remove references to a practice that was not intended for consideration as part of the filing. Notice of filing of the advance notice, as modified by Amendment No. 1 (''Advance Notice''), was published in the **Federal Register** on February 8, 2018. Securities Exchange Act Release No. 82631 (February 5, 2018), 83 FR 5658 (February 8, 2018) (SR–NSCC–2017–808). The Commission did not receive any comments on the Advance Notice.

[6] *NSCC's Rules, available at http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[7] Notice, 83 FR at 2828–32.

[8] *Id.*

[9] *Id.*

[10] Notice, 83 FR at 2828–29.

[11] *Id.*

[12] *Id.*

[13] *See* Procedure XV (Clearing Fund Formula and Other Matters) of the Rules, *supra* note 6.

[14] Notice, 83 FR at 2829.

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] Notice, 83 FR at 2828–29.

[20] *Id.*

[21] *Id.*

[22] Notice, 83 FR at 2829–30.

[23] Notice, 83 FR at 2830–31.

[24] *Id.*

security, such that the position represents a significant percentage of the entire portfolio's value, the portfolio may be more susceptible to risks associated with issuer-specific events affecting the price of the concentrated security.[25] Such events include earning reports, management changes, merger announcements, insolvency, or other unexpected issuer-specific events (collectively, ''Gap Risk Events'').[26]

NSCC has observed that portfolios with a concentration level of more than 30 percent in a specific security tend to have backtesting coverage below the 99 percent confidence level.[27] To mitigate the concentration risk posed by such portfolios, NSCC proposes the Gap Risk Measure, which would apply to all individual equities in a Member's portfolio, but only when the Member holds a position in a security that meets a 30 percent concentration threshold relative to the remainder of the portfolio.[28]

NSCC also has observed that exchange-traded products (''ETPs'') that track to a broad market index are generally not susceptible to Gap Risk Events.[29] Accordingly, NSCC would not apply the Gap Risk Measure to positions in such index-based ETPs, even if the 30 percent concentration threshold is met.[30] However, non-index-based ETPs and index-based ETPs that track a narrow market index are susceptible to Gap Risk Events, and would, therefore, be subject to the Gap Risk Measure, provided that the 30 percent concentration threshold is met.[31]

When applicable, NSCC would calculate the Gap Risk Measure by multiplying the gross market value of the largest (non-index) position in the portfolio by a percent of not less than 10 percent.[32]

C. Portfolio Margin Floor

In addition to the Core Parametric Estimation and the Gap Risk Measure, NSCC proposes to add a third method for determining the volatility component of a Member's Required Deposit.[33] This third method, referred to as the Portfolio Margin Floor, would help address risks that may not be adequately accounted for by the Core Parametric Estimation or the Gap Risk Measure.[34] For example, a volatility component based solely on a parametric VaR model calculation may prove inadequate where there is low market price volatility and the portfolio holds either large gross market values or large net directional market values.[35] In such cases, the model may not collect sufficient margin, which could hinder NSCC's ability to effectively liquidate or hedge the Member's portfolio in three business days.[36]

NSCC proposes the Portfolio Margin Floor to operate as a floor to (*i.e.,* minimum amount of) a Member's volatility component.[37] Specifically, the Portfolio Margin Floor would be based on the balance and direction of the positions in the Member's portfolio and would be designed to be proportional to the market value of the portfolio.[38]

The Portfolio Margin Floor would be the sum of two separate calculations, both of which would measure the market value of the portfolio based on the direction of net positions in the portfolio.[39] First, NSCC would calculate the net directional market value of the portfolio by calculating the absolute difference between the market value of the long positions and shorts positions in the portfolio,[40] then multiplying that amount by a percentage.[41] Second, NSCC would calculate the balanced market value of the portfolio by taking the lowest market value of either the long or short positions in the portfolio,[42] then multiplying that value by a percentage.[43] The combined results of these two calculations would constitute the final Portfolio Margin Floor amount.[44]

Finally, in order to choose the amount to be charged as the volatility component of a Member's Required Deposit, NSCC would compare the amounts calculated by the Portfolio Margin Floor, the Gap Risk Measure (if applicable), and the Core Parametric Estimation. NSCC then would use the highest of those three calculations as the volatility component of the Member's Required Deposit.[45]

D. Elimination of the Market Maker Domination Component

NSCC proposes to eliminate the Market Maker Domination Component (''MMD Charge'') from its Clearing Fund formula.[46] The MMD Charge is an existing component of the Clearing Fund formula calculated for Members that are Market Makers and Members that clear for Market Makers.[47] The MMD Charge was developed to address the risks presented by concentrated positions (of the overall unsettled long position in the security) held by Market Makers.[48] More specifically, the charge is designed to address securities that are susceptible to marketability and liquidation impairment because of the relative size of the positions that NSCC would have to liquidate or hedge in the case of a Market Maker default.[49]

Under the current Rules, NSCC may impose the MMD Charge if the Market Maker (either the Member or the correspondent of the Member) holds a position that is greater than 40 percent of the overall unsettled long position (*i.e.,* the sum of each clearing broker's net long position) in a specific security.[50] NSCC calculates the MMD Charge as the sum of each of the absolute values of the net positions in the relevant securities, less the reported amount of excess net capital for that Member.[51]

NSCC states that since implementation of the MMD Charge,

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] *Id.* NSCC states that it would use a third-party market provider to identify index-based ETPs. *Id.* The third-party market provider would identify index-based ETPs as those with criteria that require the portfolio returns to track to a broad market index. *Id.* ETPs that do not meet this criteria would not be considered index-based ETPs and, therefore, would be included in the Gap Risk Measure calculation. *Id.*

[32] *Id.* NSCC would determine such percent empirically as no less than the larger of the 1st and 99th percentiles of three-day returns of a set of CUSIPs that are subject to the volatility component, giving equal rank to each to determine which has the highest movement over that three-day period. *Id.* NSCC would use a look-back period of not less than ten years that includes a one-year stress period. *Id.* If the one-year stress period overlaps with the look-back period, only the non-overlapping period would be combined with the look-back period. *Id.* The result would then be rounded up to the nearest whole percentage. *Id.*

[33] Notice, 83 FR at 2831.

[34] *Id.*

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] For example, if the market value of the long positions is $100,000, and the market value of the short positions is $200,000, the net directional market value of the portfolio would be $100,000. *Id.*

[41] *Id.* NSCC would determine the applicable percentage by examining the annual historical volatility levels of benchmark indices over a historical look-back period. *Id.*

[42] For example, if the market value of the long positions is $100,000, and the market value of the short positions is $110,000, the balanced market value of the portfolio would be $100,000. *Id.*

[43] *Id.* NSCC would determine the applicable percentage to be an amount that covers the transaction costs and other relevant risks associated with the positions in the portfolio. *Id.*

[44] *Id.*

[45] *Id.*

[46] Notice, 83 FR at 2831–32.

[47] *Id; see also* Procedure XV, Section I(A)(1)(d) of the Rules, *supra* note 6.

[48] Notice, 83 FR at 2831–32.

[49] *Id.*

[50] *Id.*

[51] *Id.* NSCC does not apply the excess net capital offset for Members with the weakest credit rating (*i.e.* 7) on the Credit Risk Rating Matrix. *See* Procedure XV, Sections I(A)(1)(d) and I(A)(2)(c) of the Rules, *supra* note 6.

several developments in the U.S. equity markets (*e.g.,* improved price transparency, access across exchange venues, and participation by market liquidity providers) have reduced the risks that the MMD Charge was designed to address.[52] NSCC further states that the MMD Charge may not effectively address concentration risk because the MMD Charge (1) only applies to positions in certain securities, as described above, (2) does not address concentration risk presented by positions in securities that are not listed on NASDAQ or in securities traded by firms that are not Market Makers, and (3) does not account for concentration in market capitalization categories.[53] NSCC states that the proposed Gap Risk Measure would provide better concentration risk coverage than the MMD Charge because the former would apply to all Members, whereas the latter only applies to Market Makers.[54]

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act[55] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and rules and regulations thereunder applicable to such organization. The Commission believes that the Proposed Rule Change is consistent with the Exchange Act, specifically Section 17A(b)(3)(F) of the Exchange Act and Rules 17Ad–22(e)(4) and (6) under the Exchange Act.[56]

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

The Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Exchange Act.[57] Section 17A(b)(3)(F) of the Exchange Act requires that the rules of a registered clearing agency must be designed to, among other things, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[58] As discussed above, NSCC proposes to add three new ways to calculate the volatility component of its Members' daily margin requirement. The new volatility component calculations, as discussed in detail below, are designed to help NSCC better mitigate the credit risks presented by Member portfolios in a broader range of scenarios and market conditions than NSCC's current volatility component calculation.

First, as described above, NSCC currently calculates the volatility component of each Member's Required Deposit using a VaR calculation that relies exclusively on an exponentially-weighted volatility estimation. However, the current VaR calculation places more emphasis on recent market observations, which may result in a swift decline in margin that does not adequately capture the risks related to a rapid decrease in market price volatility levels. To address this shortcoming, NSCC proposes to (1) add a VaR calculation that relies on an evenly-weighted volatility estimation (*i.e.,* that gives equal weight to all historical volatility observations during a specified look-back period), (2) compare the amounts of both VaR calculations (*i.e.,* based on both evenly- and exponentially-weighted volatility estimations), and (3) use the greater amount as the Core Parametric Estimation. Accordingly, the Commission believes adding the VaR calculation based on an evenly-weighted volatility estimation would enable NSCC to more effectively limit its credit exposure to Members in market conditions that reflect a rapid decrease in market price volatility levels.

Second, as described above, when a Member's portfolio holds a concentrated position in a specific security beyond a significant percentage of the entire portfolio's value, the portfolio may be more susceptible to Gap Risk Events. In such a scenario, NSCC's current volatility component calculation may result in inadequate margin coverage. To address this issue, NSCC has proposed the Gap Risk Measure as an alternative volatility component calculation. The Gap Risk Measure is designed to provide better margin coverage in such a scenario as it would apply to all individual equities (including non-index-based and narrow-index-based ETPs, as described above) when a Member maintains a position in its portfolio that exceeds the 30 percent concentration threshold. Accordingly, the Commission believes adding the Gap Risk Measure would enable NSCC to more effectively limit its credit exposure to Members in certain scenarios in which a Member holds a security that meets the 30 percent concentration threshold relative to the remainder of its portfolio.

Third, as described above, when a Member's portfolio holds either large gross market values or large net directional market values in a period of low market price volatility, NSCC's current volatility component calculation may not result in adequate margin, which could hinder NSCC's ability to effectively liquidate or hedge the Member's portfolio in the event of the Member's default. To address this concern, NSCC proposes the Portfolio Margin Floor, which would operate as a floor to (*i.e.,* minimum amount of) the volatility component of a Member's Required Deposit. Accordingly, the Commission believes adding the Portfolio Margin Floor would enable NSCC to more effectively limit its credit exposure to Members in certain scenarios, such as when a Member's portfolio holds either large gross market values or large net directional market values and market prices exhibit low volatility.

Finally, to help ensure that the amount of margin that NSCC collects as the volatility component of a Member's Required Deposit would help mitigate each of the specific concerns addressed by the Core Parametric Estimation, Gap Risk Measure, and Portfolio Margin Floor, NSCC would assess the largest amount of those three calculations as the volatility component of the Member's Required Deposit.

In addition to the three proposed volatility component calculations, NSCC also proposes to eliminate the MMD Charge. As described above, NSCC has found the MMD Charge to be an inefficient and ineffective component of the Clearing Fund formula that may not accurately capture the credit risk presented by a Member's portfolio. More specifically, the charge does not cover a range of scenarios and market conditions that would be covered by the proposed Gap Risk Measure. Moreover, in contrast to the proposed Gap Risk Measure, the MMD Charge (1) only applies to positions in certain securities, (2) does not address concentration risk presented by positions in securities that are not listed on NASDAQ, (3) does not account for concentration in market capitalization categories, and (4) only applies to Market Makers. Accordingly, NSCC's proposal to eliminate the MMD Charge is designed to remove an obsolete component from the Clearing Fund formula.

Taken together, each of the above described changes would enhance NSCC's current method for calculating each Member's volatility component, enabling NSCC to produce margin levels more commensurate with the risks associated with its Members' portfolios in a broader range of scenarios and market conditions, and, thus, more

[52] Notice, 83 FR at 2831–32.

[53] *Id.*

[54] *Id.*

[55] 15 U.S.C. 78s(b)(2)(C).

[56] 15 U.S.C. 78q–1(b)(3)(F); 17 CFR 240.17Ad–22(e)(4) and (6).

[57] 15 U.S.C. 78q–1(b)(3)(F).

[58] *Id.*

effectively cover its credit exposure to its Members. By better limiting NSCC's credit exposure to its Members, the Proposed Rule Change is designed to help ensure that, in the event of a Member default, NSCC's operations would not be disrupted and non-defaulting Members would not be exposed to losses that they cannot anticipate or control. In this way, the Proposed Rule Change is designed to help assure the safeguarding of securities and funds which are in the custody or control of NSCC or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Exchange Act.[59]

B. Consistency with Rule 17Ad–22(e)(4)(i) of the Exchange Act

The Commission believes that the changes proposed in the Proposed Rule Change are consistent with Rule 17Ad–22(e)(4)(i) under the Exchange Act, which requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[60]

As described above, the Commission believes the proposed VaR calculation based on an evenly-weighted volatility estimation would enable NSCC to better manage its credit exposure to Members in market conditions that reflect a rapid decrease in market price volatility levels; the proposed Gap Risk Measure would enable NSCC to better manage its credit exposure to Member portfolios that are more susceptible to Gap Risk Events; and the proposed Portfolio Margin Floor would enable NSCC to better manage its credit exposure to Members in certain scenarios, such as when a Member's portfolio holds either large gross market values or large net directional market values and market prices exhibit low volatility. Furthermore, NSCC would assess a Member the largest of these three calculations as the Member's volatility component to its Required Deposit.

Each of these proposed changes is designed to help NSCC more effectively identify, measure, monitor, and manage its credit exposures to its Members. In doing so, the proposed changes would enable NSCC to more accurately assess the volatility component of a Member's Required Deposit and, thus, help NSCC maintain sufficient financial resources to cover its credit exposure to each Member fully with a high degree of confidence. Therefore, the Commission finds that the changes proposed in the Proposed Rule Change are consistent with Rule 17Ad–22(e)(4)(i) under the Exchange Act.[61]

C. Consistency With Rule 17Ad–22(e)(6)(i) and (v) of the Exchange Act

The Commission believes that the changes proposed in the Proposed Rule Change are consistent with Rule 17Ad–22(e)(6)(i) under the Exchange Act, which requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[62] Furthermore, the Commission believes that the changes proposed in the Proposed Rule Change are consistent with Rule 17Ad–22(e)(6)(v) under the Exchange Act, which requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to use an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products.[63]

As described above, the Commission believes the proposed VaR calculation based on an evenly-weighted volatility estimation would enable NSCC to better manage its credit exposure to Members in certain market conditions with a rapid decrease in market price volatility levels; the proposed Gap Risk Measure would enable NSCC to better manage its credit exposure to Member portfolios that are more susceptible to Gap Risk Events; and the proposed Portfolio Margin Floor would enable NSCC to better manage its credit exposure to Members in certain scenarios, such as low market price volatility when a Member's portfolio holds either large gross market values or large net directional market values and market prices exhibit low volatility. Moreover, NSCC would assess a Member the largest of these three calculations as the Member's volatility component to its Required Deposit.

These three proposed volatility component calculations are designed to help improve NSCC's risk-based margin system by enabling NSCC to produce margin levels that are more commensurate with the risks and particular attributes of the relevant products, portfolios, and markets that NSCC serves. Additionally, as described above, the three proposed volatility component calculations are designed to use methods that are more appropriately tailored for measuring credit exposure that account for specific risk factors and portfolio effects. Therefore, the Commission finds that the changes proposed in the Proposed Rule Change are consistent with Rules 17Ad–22(e)(6)(i) and (v) under the Exchange Act.[64]

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Exchange 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–NSCC–2017–020 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–NSCC–2017–020. 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

[59] *Id.*

[60] 17 CFR 240.17Ad–22(e)(4)(i).

[61] *Id.*

[62] 17 CFR 240.17Ad–22(e)(6)(i).

[63] 17 CFR 240.17Ad–22(e)(6)(v).

[64] 17 CFR 240.17Ad–22(e)(6)(i) and (v).

filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2017–020 and should be submitted on or before March 23, 2018.

IV. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of the notice of Amendment No. 1 in the **Federal Register**. As discussed above, NSCC submitted Amendment No. 1 to replace in its entirety the originally filed confidential Exhibit 3a with a new confidential Exhibit 3a in order to remove references to a practice that was not intended for consideration as part of the filing. The Commission believes that Amendment No. 1 does not raise any novel issues or alter the proposed changes in any way. In addition, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the Exchange Act and applicable rules thereunder for the reasons discussed above. Accordingly, the Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Exchange Act.[65]

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act, in particular, with the requirements of Section 17A of the Exchange Act[66] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[67] that proposed rule change SR–NSCC–2017–020, as modified by Amendment No. 1, be, and it hereby is, approved on an accelerated basis.

[65] 15 U.S.C. 78s(b)(2).

[66] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[67] 15 U.S.C. 78s(b)(2).

[68] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[68]

Brent J. Fields,

Secretary.

[FR Doc. 2018–04238 Filed 3–1–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82775; File No. SR–NASDAQ–2018–014]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Update Rule 4758 To Reflect the Name Change of NYSE MKT to NYSE American

February 26, 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 February 14, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' 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 update Rule 4758 to reflect the name change of NYSE MKT to NYSE American.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed change is to update Rule 4758 to reflect the name change of NYSE MKT to NYSE American. Rule 4758 concerns order routing and paragraph (1)(A) thereunder provides various routing options market participants may choose for their orders. The DOT,[3] DOTI,[4] and LIST[5] routing options allow a market participant to route its orders to NYSE MKT. Effective on July 24, 2017, NYSE MKT was renamed NYSE American.[6] Accordingly, the Exchange is proposing to make a technical change to Rule 4758 to reflect the new name of NYSE MKT—NYSE American.

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 avoiding market participant confusion that may be caused by having an inaccurate national securities exchange name referenced in the Exchange's rulebook.

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 change will make a technical change to Rule 4758 to reflect the accurate name of a national securities exchange. As such, the Exchange does not believe that the proposal will place any burden on competition whatsoever.

[3] *See* Rule 4758(a)(1)(A)(i).

[4] *See* Rule 4758(a)(1)(A)(ii).

[5] *See* Rule 4758(a)(1)(A)(x).

[6] *See* Securities Exchange Act Release No. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14); *see also* Member Education Bulletin, NYSE MKT Number 17–01, July 14, 2017, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/rule-interpretations/2017/NYSE%20MKT%20MEB%2017-01%20NYSE%20MKT%20American%20Transition.pdf.*

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(3) [10] thereunder in that the proposed rule change is concerned solely with the administration of the Exchange.

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–NASDAQ–2018–014 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–NASDAQ–2018–014. 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–NASDAQ–2018–014 and should be submitted on or before March 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04211 Filed 3–1–18; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(3).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82776; File No. SR–CboeBZX–2018–013]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a New Data Feed on the Exchange's Equity Options Platform

February 26, 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 February 20, 2018, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to introduce a new data feed on its equity options platform (''BZX Options'') to be known as BZX Options Top.

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce a new data feed on BZX Options to be known as BZX Options Top. The Exchange also proposes to amend Exchange Rule 21.15(b) to add a description of the BZX Options Top feed and to change the name of the Multicast PITCH feed to BZX Options Depth.

A description of each market data product offered by the Exchange is described in Exchange Rule 21.15(b). The Exchange proposes to amend Rule 21.15(b) to introduce and add a description of the BZX Options Top feed to Exchange under subparagraph (2).[5] The BZX Options Top feed would be described as ''a data feed that offers top of book quotations and execution information based on options orders entered into the System.'' [6] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] The Exchange also proposes to renumber current subparagraph (2) as (3) and current subparagraph (3) as (4).

[6] Exchange Rule 21.15(b)(2).

Exchange notes that its affiliate, Cboe EDGX Exchange, Inc. (''EDGX'') offers an identical data feed for its equity options platform (''EDGX Options''), known as EDGX Options Top. The description of the BZX Options Top feed under Exchange Rule 21.15(b)(2) is substantially similar to the description of the EDGX Options Top feed under EDGX Rule 21.15(b)(2).[7]

The Exchange also propose to rename Multicast Pitch as BZX Options Depth and amend its rules and fee schedule accordingly. BZX Options Depth is a data feed that offers depth of book quotations and execution information based on options orders entered into the System.[8]

2. Statutory Basis

The Exchange believes that the proposed rule change 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 prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of BZX Options Top. The proposed rule change would benefit investors by facilitating their prompt access to real-time top-of-book information contained in BZX Options Top. The Exchange notes that its affiliate, EDGX, offers an identical data feed for EDGX Options, known as EDGX Options Top. The description of the BZX Options Top feed under Exchange Rule 21.15(b)(2) is substantially similar to the description of the EDGX Options Top feed under EDGX Rule 21.15(b)(2).[11]

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposal will promote competition by the Exchange offering a service similar to that offered by Nasdaq.[12] Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. Therefore, the Exchange does not believe the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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[13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6)[15] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiving the operative delay will enable the Exchange to implement the proposed rule change on March 9, 2018, the anticipated date upon which the Exchange hopes to offer BZX Options Top.[17] The Exchange further notes that its affiliate, EDGX, offers a substantially similar data feed as discussed earlier in this proposed rule change. Based on the foregoing, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[18]

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–CboeBZX–2018–013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2018–013. 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

[7] Unlike BZX, EDGX offers separate EDGX Options Top data feeds for the EDGX's Simple Book and Complex Order Book. *See* EDGX Rule 21.15(b)(2).

[8] Exchange Rule 21.15(b)(1).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

[11] Unlike BZX, EDGX offers separate EDGX Options Top data feeds for the EDGX's Simple Book and Complex Order Book. *See* EDGX Rule 21.15(b)(2).

[12] BONO stands for Best of Nasdaq Options (''BONO℠'') is a data feed that provides The Nasdaq Options Market (''NOM'') Best Bid and Offer and last sale information for trades executed on NOM. *See* Nasdaq Sec. 4(d), NASDAQ Options Market Data Distributor Fees *available at http://www.nasdaqtrader.com/Micro.aspx?id=optionsPricing.*

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 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.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] *See* Cboe BZX and EDGX Options Exchanges to Introduce Multicast Top Feed, *available at http://cdn.batstrading.com/resources/release_notes/2018/Cboe-BZX-and-EDGX-Options-Exchanges-to-Introduce-Multicast-Top-Feed.pdf.*

[18] 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).

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–CboeBZX–2018–013 and should be submitted on or before March 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04212 Filed 3–1–18; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33035; 812–14845]

Little Harbor Advisors, LLC and ETF Series Solutions

February 26, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds; and (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: Little Harbor Advisors, LLC (the ''Initial Adviser''), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940, ETF Series Solutions (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series.

FILING DATES: The application was filed on November 22, 2017 and amended on February 20, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 23, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: W. John McGuire, Esq., Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004–2541 and Michael D. Barolsky, Esq., U.S. Bancorp Fund Services, LLC, 615 E. Michigan Street, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: James McGinnis, Senior Counsel, at (202) 551–3025, or Parisa Haghshenas, Branch Chief, at (202) 551–6723 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'' which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions (''Portfolio Instruments''). Each Fund will disclose on its website the identities and quantities of the Portfolio Instruments that will form the basis for the Fund's calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units only and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited

[1] Applicants request that the order apply to the new series of the Trust as well as to additional series of the Trust and any other open-end management investment company or series thereof that currently exist or that may be created in the future (each, included in the term ''Fund''), each of which will operate as an actively-managed ETF. Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each such entity and any successor thereto is included in the term ''Adviser'') and (b) comply with the terms and conditions of the application. For purposes of the requested Order, the term ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Instruments and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are affiliated persons, or second-tier affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Instruments currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[2] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04199 Filed 3–1–18; 8:45 am]

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[2] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82774; File No. SR–FINRA–2018–011]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Revise the Private Securities Offerings Representative (Series 82) Examination

February 26, 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 February 12, 2018, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as ''constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule'' under Section 19(b)(3)(A)(i) of the Act [3] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. 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

FINRA is proposing revisions to the content outline and selection specifications for the Private Securities Offerings Representative (Series 82) examination as part of the restructuring of the representative-level examination program.[5] The proposed revisions also update the material to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a Private Securities Offerings Representative. In addition, FINRA is proposing to make changes to the format of the content outline. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws or Rules of FINRA.

The revised Series 82 content outline is attached.[6] The revised Series 82 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to SEA Rule 24b–2.[7]

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room. [sic]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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

Section 15A(g)(3) of the Act[8] authorizes FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge, consistent with applicable registration requirements under FINRA rules. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

The SEC recently approved a proposed rule change to restructure the FINRA representative-level qualification examination program.[9] The rule change, which will become effective on October 1, 2018,[10] restructures the examination program into a new format whereby all new representative-level applicants will be required to take a general knowledge examination (the Securities Industry Essentials or SIE™) and a tailored, specialized knowledge examination (a revised representative-level qualification examination) for their particular registered role.

The restructured program eliminates duplicative testing of general securities knowledge on the current representative-level qualification examinations by moving such content into the SIE examination.[11] The SIE examination will test fundamental securities-related knowledge, including knowledge of basic products, the structure and function of the securities industry, the regulatory agencies and their functions and regulated and prohibited practices, whereas the revised representative-level qualification examinations will test knowledge relevant to day-to-day activities, responsibilities and job functions of representatives.[12]

As part of the restructuring process and in consultation with a committee of industry representatives, FINRA undertook a review of the Private Securities Offerings Representative (Series 82) examination to remove the general securities knowledge currently covered on the examination and to create a tailored examination to test knowledge relevant to the day-to-day activities, responsibilities and job functions of a Private Securities Offerings Representative. As a result of this review, FINRA also is proposing to revise the Series 82 content outline to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a Private Securities Offerings Representative. The proposed change will align the organization of the Series 82 content outline with the organization of the content outlines of the other revised representative-level examinations.[13] In addition, FINRA is proposing to make other changes to the format of the Series 82 content outline.

Beginning on October 1, 2018, new applicants seeking to register as Private Securities Offerings Representatives must pass the SIE examination and the revised Private Securities Offerings Representative (Series 82) examination.

Current Content Outline

The current Series 82 content outline is divided into four sections. The following are the four sections, denoted Section 1 through Section 4, with the associated number of questions:

1. Characteristics of Corporate Securities, 13 questions;
2. Regulation of The Market for Registered and Unregistered Securities, 45 questions;
3. Analyzing Corporate Securities and Investment Planning, 16 questions; and

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 82 question bank. Based on instruction from SEC staff, FINRA is submitting this filing for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000. The question bank is available for SEC review.

[6] The Commission notes that the content outline is attached to the filing, not to this Notice.

[7] 17 CFR 240.24b–2.

[8] 15 U.S.C. 78*o*–3(g)(3).

[9] *See* Securities Exchange Act Release No. 81098 (July 7, 2017), 82 FR 32419 (July 13, 2017) (Order Approving File No. SR–FINRA–2017–007).

[10] *See Regulatory Notice* 17–30 (SEC Approves Consolidated FINRA Registration Rules, Restructured Representative-Level Qualification Examinations and Changes to Continuing Education Requirements) (October 2017).

[11] Each of the current representative-level examinations covers general securities knowledge, with the exception of the Research Analyst (Series 86 and 87) examinations.

[12] FINRA filed the SIE content outline with the SEC for immediate effectiveness. *See* Securities Exchange Act Release No. 82578 (January 24, 2018), 83 FR 4375 (January 30, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–002). In addition to the proposed rule change relating to the revised Series 82 examination, FINRA is filing with the Commission for immediate effectiveness the content outlines for the other revised representative-level qualification examinations.

[13] FINRA currently has organized several FINRA qualification examinations, such as the Securities Trader (Series 57) examination, based on the functions that are performed by the respective registered persons and the associated tasks. FINRA is proposing similar layouts for all of the representative-level examinations, including the Series 82 examination.

4. Handling Customer Accounts and Industry Regulations, 26 questions.

In addition, each section includes references to the applicable laws, rules and regulations associated with that section. The current content outline also includes a preface (addressing, among other things, the purpose, administration and scoring of the examination), sample questions and reference materials.

Revised Content Outline

As noted above, FINRA is proposing to move the general securities knowledge currently covered on the Series 82 examination to the SIE examination. For example, FINRA Rule 3220 (Influencing or Rewarding Employees of Others) (the Gifts Rule) will now be tested on the SIE examination, rather than on the Series 82 examination. As a result, the revised Series 82 examination will test knowledge specific to the day-to-day activities, responsibilities and job functions of a Private Securities Offerings Representative.

Further, FINRA is proposing to reorganize the content outline by dividing it into four major job functions that are performed by a Private Securities Offerings Representative. The proposed change aligns the major job functions performed by a Private Securities Offerings Representative with the major job functions performed by other sales representatives, including Investment Company and Variable Contracts Products Representatives, General Securities Representatives and Direct Participation Programs Representatives. The following are the four major job functions, denoted Function 1 through Function 4, with the associated number of questions:

Function 1: Seeks Business for the Broker-Dealer from Customers and Potential Customers, 25 questions;

Function 2: Opens Accounts After Obtaining and Evaluating Customers' Financial Profile and Investment Objectives, 9 questions;

Function 3: Provides Customers with Information About Investments, Makes Suitable Recommendations, Transfers Assets and Maintains Appropriate Records, 13 questions; and

Function 4: Obtains and Verifies Customers' Purchase Instructions and Agreements; Processes, Completes and Confirms Transactions, 3 questions.

FINRA also is proposing to adjust the number of questions assigned to each major job function to ensure that the overall examination better reflects the key tasks performed by a Private Securities Offerings Representative. The questions on the revised Series 82 examination will place emphasis on tasks such as seeking business for the broker-dealer from customers and potential customers, opening customer accounts, providing customers with suitable recommendations and verifying customer agreements and transactions.

Each function also includes specific tasks describing activities associated with performing that function. There are two tasks (1.1–1.2) associated with Function 1;[14] four tasks (2.1–2.4) associated with Function 2;[15] four tasks (3.1–3.4) associated with Function 3;[16] and two tasks (4.1–4.2) associated with Function 4.[17] For example, one such task (Task 1.1) is contacting current and potential customers in person and by telephone, mail and electronic means, developing promotional and advertising materials and seeking appropriate approvals to distribute marketing materials.[18] The content outline also lists the knowledge required to perform each function and associated tasks (*e.g.,* standards and required approvals of communications). In addition, where applicable, the content outline lists the laws, rules and regulations a candidate is expected to know to perform each function and associated tasks (*e.g.,* FINRA Rule 2111 (Suitability)).

FINRA also is proposing to revise the content outline to reflect changes to the laws, rules and regulations covered by the examination. Among other revisions, FINRA is proposing to revise the content outline to reflect the adoption of new FINRA rules (*e.g.,* FINRA Rule 2273 (Educational Communication Related to Recruitment Practices and Account Transfers)).

FINRA is proposing similar changes to the Series 82 selection specifications and question bank.

Finally, FINRA is proposing to make other changes to the format of the content outline, including to the preface, sample questions and reference materials.[19] Among other changes, FINRA is proposing to: (1) Reduce the preface to one page of introductory information; (2) streamline details regarding the purpose of the examination; (3) move the application procedures to FINRA's website; and (4) explain that the passing score is established using a standard setting procedure, and that a statistical adjustment process known as equating is used in scoring the examination.[20]

As a result of the proposed changes, the number of scored questions on the Series 82 examination will be reduced from 100 questions to 50 questions.[21] Further, the test time, which is the amount of time candidates will have to complete the examination, will be reduced from two hours and 30 minutes to one hour and 30 minutes. Currently, a score of 70 percent is required to pass the examination. FINRA will publish the passing score of the revised Series 82 examination on its website, at *www.finra.org,* prior to its first administration.

Availability of Content Outline

The current Series 82 content outline is available on FINRA's website. The revised Series 82 content outline will replace the current content outline on FINRA's website, and it will be made available on the website on the date of this filing.

FINRA is filing the proposed rule change for immediate effectiveness. The implementation date will be October 1, 2018, to coincide with the implementation of the restructured representative-level examination program. FINRA will also announce the implementation date of the proposed rule change in a *Regulatory Notice*.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 82 examination program are consistent with the provisions of Section 15A(b)(6) of the Act,[22] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 15A(g)(3) of the Act,[23] which authorizes FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. The proposed rule change will improve the examination program, without compromising the qualification standards, by removing the general

[14] *See* Exhibit 3a, Outline Pages 3–4. The outline is attached as Exhibit 3a to the 19b–4 form.

[15] *See* Exhibit 3a, Outline Pages 5–6.

[16] *See* Exhibit 3a, Outline Pages 7–8.

[17] *See* Exhibit 3a, Outline Page 9.

[18] *See* Exhibit 3a, Outline Page 3.

[19] FINRA is proposing similar changes to the content outlines for other representative-level examinations.

[20] See Exhibit 3a, Outline Page 2.

[21] Consistent with FINRA's practice of including ''pretest'' questions on examinations, the Series 82 examination includes five additional, unidentified pretest questions that do not contribute towards the candidate's score. The pretest questions are designed to ensure that new examination questions meet acceptable testing standards prior to use for scoring purposes. Therefore, the Series 82 examination actually consists of 55 questions, 50 of which are scored. The five pretest questions are randomly distributed throughout the examination.

[22] 15 U.S.C. 78*o*–3(b)(6).

[23] 15 U.S.C. 78*o*–3(g)(3).

knowledge content currently covered on the Series 82 examination, since that content will be covered in the co-requisite SIE examination. In addition, the proposed revisions will further the purposes of the Act by updating the examination program to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a Private Securities Offerings Representative.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The updated examination aligns with the functions and associated tasks currently performed by a Private Securities Offerings Representative and tests knowledge of the most current laws, rules, regulations and skills relevant to those functions and associated tasks. As such, the proposed revisions would make the examination more effective. FINRA also provided a detailed economic impact assessment regarding the introduction of the SIE examination and the restructuring of the representative-level examinations as part of the proposed rule change to restructure the FINRA representative-level qualification examination program.[24]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[25] and paragraph (f)(1) of Rule 19b–4 thereunder.[26] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–FINRA–2018–011 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–FINRA–2018–011. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2018–011 and should be submitted on or before March 23, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04210 Filed 3–1–18; 8:45 am]

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[24] *See* Securities Exchange Act Release No. 80371 (April 4, 2017), 82 FR 17336 (April 10, 2017) (Notice of Filing of File No. SR–FINRA–2017–007).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(1).

[27] 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 17Ac2–1, SEC File No. 270–095, OMB Control No. 3235–0084

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ac2–1 (17 CFR 240.17Ac2–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17Ac2–1, pursuant to Section 17A(c) of the Exchange Act, generally requires transfer agents for whom the Commission is the transfer agent's Appropriate Regulatory Agency (''ARA''), to file an application for registration with the Commission on Form TA–1 and to amend their registrations under certain circumstances.

Specifically, Rule 17Ac2–1 requires transfer agents to file a Form TA–1 application for registration with the Commission where the Commission is their ARA. Such transfer agents must also amend their Form TA–1 if the existing information on their Form TA–1 becomes inaccurate, misleading, or incomplete within 60 days following the date the information became inaccurate, misleading or incomplete. Registration filings on Form TA–1 and amendments thereto must be filed with the Commission electronically, absent an exemption, on EDGAR pursuant to Regulation S–T (17 CFR 232).

The Commission annually receives approximately 186 filings on Form TA–1 from transfer agents required to register as such with the Commission. Included in this figure are

approximately 178 amendments made annually by transfer agents to their Form TA–1 as required by Rule 17Ac2–1(c) to address information that has become inaccurate, misleading, or incomplete and approximately 8 new applications by transfer agents for registration on Form TA–1 as required by Rule 17Ac2–1(a). Based on past submissions, the staff estimates that on average approximately twelve hours are required for initial completion of Form TA–1 and that on average one and one-half hours are required for an amendment to Form TA–1 by each such firm. Thus, the subtotal burden for new applications for registration filed on Form TA–1 each year is 96 hours (12 hours times 8 filers) and the subtotal burden for amendments to Form TA–1 filed each year is 267 hours (1.5 hours times 178 filers). The cumulative total is 363 burden hours per year (96 hours plus 267 hours).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed 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.

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.

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: February 26, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04197 Filed 3–1–18; 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:

Rule 12f–1, SEC File No. 270–139, OMB Control No. 3235–0128

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 12f–1 (17 CFR 240.12f–1), under the Securities Exchange Act of 1934 (''Act'') (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 12f–1 (''Rule''), originally adopted in 1979 pursuant to Sections 12(f) and 23(a) of the Act, and as further modified in 1995 and 2005, sets forth the requirements for filing an exchange application to reinstate unlisted trading privileges (''UTP'') in a security in which UTP has been suspended by the Commission pursuant to Section 12(f)(2)(A) of the Act. Under Rule 12f–1, an exchange must submit one copy of an application for reinstatement of UTP to the Commission that contains specified information, as set forth in the Rule. The application for reinstatement, pursuant to the Rule, must provide the name of the issuer, the title of the security, the name of each national securities exchange, if any, on which the security is listed or admitted to unlisted trading privileges, whether transaction information concerning the security is reported pursuant to an effective transaction reporting plan contemplated by Rule 601 of Regulation NMS, the date of the Commission's suspension of unlisted trading privileges in the security on the exchange, and any other pertinent information related to whether the reinstatement of UTP in the subject security is consistent with the maintenance of fair and orderly markets and the protection of investors. Rule 12f–1 further requires a national securities exchange seeking to reinstate its ability to extend unlisted trading privileges in a security to indicate that it has provided a copy of such application to the issuer of the security, as well as to any other national securities exchange on which the security is listed or admitted to unlisted trading privileges.

The information required by Rule 12f–1 enables the Commission to make the necessary findings under the Act prior to granting applications to reinstate unlisted trading privileges. This information is also made available to members of the public who may wish to comment upon the applications. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

There are currently 21 national securities exchanges subject to Rule 12f–1. The burden of complying with Rule 12f–1 arises when a potential respondent seeks to reinstate its ability to extend unlisted trading privileges to any security for which unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. The staff estimates that each application would require approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as 21 responses annually for an aggregate hour burden for all respondents of 21 hours (21 responses × 1 hour per response). Each respondent's related internal cost of compliance for Rule 12f–1 would be $221.00, or, the cost of one hour of professional work of a paralegal needed to complete the application. The total annual cost of compliance for all potential respondents, therefore, is $4,641 (21 responses × $221.00 per response).

Compliance with Rule 12f–1 is mandatory. Rule 12f–1 does not have a record retention requirement *per se.* However, responses made pursuant to Rule 12f–1 are subject to the recordkeeping requirements of Rules 17a–3 and 17a–4 of the Act. Information received in response to Rule 12f–1 shall not be kept confidential; the information collected is public information.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed 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.

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.

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: February 26, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04198 Filed 3–1–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82779; File No. SR–FICC–2018–801]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Advance Notice Filing of Proposed Changes to the Method of Calculating Netting Members' Margin in the Government Securities Division Rulebook

February 26, 2018.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 as amended (''Act''),[2] notice is hereby given that on January 12, 2018, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the advance notice SR–FICC–2018–801 (''Advance Notice'') as described in Items I, II and III below, which Items have been prepared by the clearing agency.[3] The Commission is publishing this notice to solicit comments on the Advance Notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This Advance Notice consists of amendments to FICC's Government Securities Division (''GSD'') Rulebook (the ''GSD Rules'') [4] in order to propose changes to GSD's method of calculating Netting Members' margin, referred to in the GSD Rules as the Required Fund Deposit amount.[5] Specifically, FICC is proposing to (1) change its method of calculating the VaR Charge component, (2) add a new component referred to as the ''Blackout Period Exposure Adjustment'' (as defined in Item II.(B)I below), (3) eliminate the Blackout Period Exposure Charge and the Coverage Charge components, (4) amend the Backtesting Charge component to (i) include the backtesting deficiencies of certain GCF Counterparties during the Blackout Period [6] and (ii) give GSD the ability to assess the Backtesting Charge on an intraday basis for all Netting Members, and (5) amend the calculation for determining the Excess Capital Premium for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members. In addition, FICC is proposing to provide transparency with respect to GSD's existing authority to calculate and assess Intraday Supplemental Fund Deposit amounts.[7]

FICC has also provided the following documentation to the Commission:

1. Backtesting results that reflect FICC's comparison of the aggregate Clearing Fund requirement (''CFR'') under GSD's current methodology and the aggregate CFR under the proposed methodology (as listed in the first paragraph above) to historical returns of end-of-day snapshots of each Netting Member's portfolio for the period May 2016 through October 2017. The CFR backtesting results under the proposed methodology were calculated in two ways for end-of-day portfolios: One set of results included the proposed Blackout Period Exposure Adjustment and the other set of results excluded the proposed Blackout Period Exposure Adjustment.

2. An impact study that shows the portfolio level VaR Charge under the proposed methodology for the period January 3, 2013 through December 30, 2016,[8] and

3. An impact study that shows the aggregate Required Fund Deposit amount by Netting Member for the period May 1, 2017 through November 30, 2017.

4. The GSD Initial Margin Model (the ''QRM Methodology'') which would reflect the proposed methodology of the VaR Charge calculation and the proposed Blackout Period Exposure Adjustment.

FICC is requesting confidential treatment of the above-referenced backtesting results, impact studies and QRM Methodology, and has filed it separately with the Commission.[9]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the Advance Notice and discussed any comments it received on the Advance Notice. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A and B below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants, or Others

Written comments relating to the proposed rule changes have not been solicited or received. FICC will notify the Commission of any written comments received by FICC.

(B) Advance Notice Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

I. Description of the Change

The purpose of this filing is to amend the GSD Rules to propose changes to GSD's method of calculating Netting Members' margin, referred to in the GSD Rules as the Required Fund Deposit amount. Specifically, FICC is proposing to (1) change its method of calculating the VaR Charge component, (2) add the Blackout Period Exposure Adjustment

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] On January 12, 2018, FICC also filed a proposed rule change (SR–FICC–2018–001) with the Commission pursuant to Section 19(b)(1) of the Act, 15 U.S.C. 78s(b)(1), and Rule 19b–4, 17 CFR 240.19b–4, seeking approval of changes to its rules necessary to implement the proposal. A copy of the proposed rule change is *available at http://www.dtcc.com/legal/sec-rule-filings.aspx.*

[4] Available at DTCC's website, *www.dtcc.com/legal/rules-and-procedures.aspx.* Capitalized terms used herein and not defined shall have the meaning assigned to such terms in the GSD Rules.

[5] *Id.* at GSD Rules 1 and 4.

[6] As further discussed in Item II.(B)I. below, the proposed Backtesting Charge would consider a GCF Counterparty's backtesting deficiencies that are attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period.

[7] Pursuant to the GSD Rules, FICC has the existing authority and discretion to calculate an additional amount on an intraday basis in the form of an Intraday Supplemental Clearing Fund Deposit. *See* GSD Rules 1 and 4, Section 2a, *supra* note 4.

[8] This period includes market stress events such as the U.S. presidential election, United Kingdom's vote to leave the European Union, and the 2013 spike in U.S. Treasury yields which resulted from the Federal Reserve's plans to reduce its balance sheet purchases.

[9] *See* 17 CFR 240–24b–2.

as a new component, (3) eliminate the Blackout Period Exposure Charge and the Coverage Charge components, (4) amend the Backtesting Charge to (i) consider the backtesting deficiencies of certain GCF Counterparties during the Blackout Period [10] and (ii) give GSD the ability to assess the Backtesting Charge on an intraday basis for all Netting Members, and (5) amend the calculation for determining the Excess Capital Premium for Broker Netting Members, Dealer Netting Members and Inter-Dealer Broker Netting Members.

In addition, FICC is proposing to provide transparency with respect to GSD's existing authority to calculate and assess Intraday Supplemental Fund Deposit amounts.[11]

The proposed QRM Methodology would reflect the proposed methodology of the VaR Charge calculation and the proposed Blackout Period Exposure Adjustment calculation.

A. The Required Fund Deposit and Clearing Fund Calculation Overview

GSD provides trade comparison, netting and settlement for the U.S. Government securities marketplace. Pursuant to the GSD Rules, Netting Members may process the following securities and transaction types through GSD: (1) Buy-sell transactions in eligible U.S. Treasury and Agency securities, (2) delivery versus payment repurchase agreement (''repo'') transactions, where the underlying collateral must be U.S. Treasury securities or Agency securities, and (3) GCF Repo Transactions, where the underlying collateral must be U.S. Treasury securities, Agency securities, or eligible mortgage-backed securities.

A key tool that FICC uses to manage counterparty risk is the daily calculation and collection of Required Fund Deposits from Netting Members.[12] The Required Fund Deposit serves as each Netting Member's margin. Twice each business day, Netting Members are required to satisfy their Required Fund Deposit by 9:30 a.m. (E.T.) (the ''AM RFD'') and 2:45 p.m. (E.T.) (the ''PM RFD''). The aggregate of all Netting Members' Required Fund Deposits constitutes the Clearing Fund of GSD, which FICC would access should a defaulting Netting Member's own Required Fund Deposit be insufficient to satisfy losses to GSD caused by the liquidation of that Netting Member's portfolio. The objective of a Netting Member's Required Fund Deposit is to mitigate potential losses to GSD associated with liquidation of such Member's portfolio in the event that FICC ceases to act for such Member (hereinafter referred to as a ''default'').

As discussed below, a Netting Member's Required Fund Deposit currently consists of the VaR Charge and, to the extent applicable, the Coverage Charge, the Blackout Period Exposure Charge, the Backtesting Charge, the Excess Capital Premium, and other components.[13]

1. GSD's Required Fund Deposit Calculation—The VaR Charge Component

The VaR Charge generally comprises the largest portion of a Netting Member's Required Fund Deposit amount. Currently, GSD uses a methodology referred to as the ''full revaluation'' approach to capture the market price risk associated with the securities in a Netting Member's portfolio. The full revaluation approach uses valuation algorithms to fully reprice each security in a Netting Member's portfolio over a range of historically simulated scenarios. These historical market moves are then used to project the potential gains or losses that could occur in connection with the liquidation of a defaulting Netting Member's portfolio to determine the amount of the VaR Charge, which is calibrated to cover the projected liquidation losses at a 99% confidence level.

The VaR Charge provides an estimate of the possible losses for a given portfolio based on a given confidence level over a particular time horizon. The current VaR Charge is calibrated at a 99% confidence level based on a front-weighted [14] 1-year look-back period assuming a three-day liquidation period.[15] In the event that FICC determines that certain classes of securities in a Netting Member's portfolio (including, but not limited to, the repo rate for Term Repo Transactions and Forward-Starting Repo Transactions) are less amenable to statistical analysis,[16] FICC may apply a historic index volatility model rather than the VaR calculation.[17]

In addition to the full revaluation approach that GSD uses to calculate the VaR Charge, GSD also utilizes ''implied volatility indicators'' among the assumptions and other observable market data as part of its volatility model. Specifically, GSD applies a multiplier (also known as the ''augmented volatility adjustment multiplier'') to calculate the VaR Charge. The multiplier is based on the levels of change in current and implied volatility measures of market benchmarks.

FICC also employs a supplemental risk charge referred to as the Margin Proxy.[18] The Margin Proxy is designed to help ensure that each Netting Member's VaR Charge is adequate and, at the minimum, mirrors historical price moves.

2. GSD's Required Fund Deposit Calculation—Other Components

In addition to the VaR Charge, a Netting Member's Required Fund Deposit calculation may include a number of other components including, but not limited to, the Coverage Charge, the Blackout Period Exposure Charge, and the Backtesting Charge.[19] In addition, the Required Fund Deposit may include an Excess Capital Premium charge.[20]

The Coverage Charge is designed to address potential shortfalls [21] in the margin amount calculated by the existing VaR Charge and Funds-Only

[10] As further discussed below, the proposed Backtesting Charge would consider a GCF Counterparty's backtesting deficiencies that are attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period.

[11] Pursuant to the GSD Rules, FICC has the existing authority and discretion to calculate an additional amount on an intraday basis in the form of an Intraday Supplemental Clearing Fund Deposit. *See* GSD Rules 1 and 4, Section 2a, *supra* note 4.

[12] *See* GSD Rules 1 and 4, *supra* note 4.

[13] Pursuant to the GSD Rules, the Required Fund Deposit calculation may include the following additional components: The Holiday Charge, the Cross-Margining Reduction, the GCF Premium Charge, the GCF Repo Event Premium, the Early Unwind Intraday Charge and the Special Charge. *See* GSD Rules 1 and 4, *supra* note 4. FICC is not proposing any changes to these components, thus a description of these components is not included in this rule filing.

[14] A fronted weighted approach means that GSD allows recently observed market data to have more impact on the VaR Charge than older historic market data.

[15] The three-day liquidation period is sometimes referred to as the ''margin period of risk'' or ''closeout-period.'' This period reflects the time between the most recent collection of the Required Fund Deposit from a defaulting Netting Member and the liquidation of such Netting Member's portfolio. FICC currently assumes that it would take three days to liquidate or hedge a portfolio in normal market conditions.

[16] Certain classes of securities are less amenable to statistical analysis because FICC believes that it does not observe sufficient historical market price data to reliably estimate the 99% confidence level.

[17] *See* GSD Rule 4 Section 1b(a), *supra* note 4.

[18] The Margin Proxy is currently used to provide supplemental coverage to the VaR Charge, however, pursuant to this rule filing, the Margin Proxy would only be used as an alternative volatility calculation as described below in subsection B.3.—*Proposed change to implement the Margin Proxy as the VaR Charge during a vendor data disruption.*

[19] *See supra* note 13.

[20] *See* GSD Rules 1 and 3, Section 1, *supra* note 4.

[21] While multiple factors may contribute to a shortfall, shortfalls could be observed based on the mark-to-market change on a Netting Member's positions after the last margin collection.

Settlement.[22] Thus, the Coverage Charge is applied to supplement the VaR Charge to help ensure that a Netting Member's backtesting coverage achieves the 99% confidence level.

The Blackout Period Exposure Charge is applied when FICC determines that a GCF Counterparty has experienced backtesting deficiencies due to reductions in the notional value of the mortgage-backed securities used to collateralize its GCF Repo Transactions during the monthly Blackout Period. This charge is designed to mitigate FICC's exposure resulting from potential decreases in the collateral value of mortgage-backed securities that occur during the monthly Blackout Period.

The Backtesting Charge is applied when FICC determines that a Netting Member's portfolio has experienced backtesting deficiencies over the prior 12-month period. The Backtesting Charge is designed to mitigate exposures to GSD caused by settlement risks that may not be adequately captured by GSD's Required Fund Deposit.

The Excess Capital Premium is applied to a Netting Member's Required Fund Deposit when its VaR Charge exceeds its Excess Capital. The Excess Capital Premium is designed to more effectively manage a Netting Member's credit risk to GSD that is caused because such Netting Member's trading activity has resulted in a VaR Charge that is greater than its excess regulatory capital.

3. GSD's Backtesting Process

FICC employs daily backtesting to determine the adequacy of each Netting Member's Required Fund Deposit. Backtesting compares the Required Fund Deposit for each Netting Member with actual price changes in the Netting Member's portfolio. The portfolio values are calculated using the actual positions in a Netting Member's portfolio on a given day and the observed security price changes over the following three days. The backtesting results are reviewed by FICC as part of its performance monitoring and assessment of the adequacy of each Netting Member's Required Fund Deposit. As noted above, a Backtesting Charge may be assessed if GSD determines that a Netting Member's Required Fund Deposit may not fully address the projected liquidation losses estimated from such Netting Member's settlement activity. Similarly, the Coverage Charge may be assessed to address potential shortfalls in the VaR Charge calculation. The Coverage Charge supplements the VaR Charge to help ensure that the Netting Member's backtesting coverage achieves the 99% confidence level. The Coverage Charge considers the backtesting results of only the VaR Charge (including the augmented volatility adjustment multiplier) and mark-to-market, while the Backtesting Charge considers the total Required Fund Deposit amount.

B. Proposed Changes to GSD's Calculation of the VaR Charge

FICC is proposing to amend its calculation of GSD's VaR Charge because during the fourth quarter of 2016, FICC's current methodology for calculating the VaR Charge did not respond effectively to the market volatility that existed at that time. As a result, the VaR Charge did not achieve backtesting coverage at a 99% confidence level and therefore yielded backtesting deficiencies beyond FICC's risk tolerance. In response, FICC implemented the Margin Proxy to help ensure that each Netting Member's VaR Charge achieves a minimum 99% confidence level and, at the minimum, mirrors historical price moves, while FICC continued the development effort on the proposed sensitivity based approach to remediate the observed model weaknesses.[23]

As a result of FICC's review of GSD's existing VaR model deficiencies, FICC is proposing to: (1) Replace the full revaluation approach with the sensitivity approach, (2) eliminate the augmented volatility adjustment multiplier, (3) employ the Margin Proxy as an alternative volatility calculation rather than as a minimum volatility calculation, (4) utilize a haircut method for securities that lack sufficient historical data, and (5) establish a minimum calculation, referred to as the VaR Floor (as defined below in subsection 5), as the minimum VaR Charge. These proposed changes are described in detail below.

1. Proposed Change To Replace the Full Revaluation Approach With the Sensitivity Approach

FICC is proposing to address GSD's existing VaR model deficiencies by replacing the full revaluation method with the sensitivity approach.[24] The current full revaluation approach uses valuation algorithms to fully reprice each security in a Netting Member's portfolio over a range of historically simulated scenarios. While there are benefits to this method, some of its deficiencies are that it requires significant historical market data inputs, calibration of various model parameters and extensive quantitative support for price simulations.

FICC believes that the proposed sensitivity approach would address these deficiencies because it would leverage external vendor[25] expertise in supplying the market risk attributes, which would then be incorporated by FICC into GSD's model to calculate the VaR Charge. Specifically, FICC would source security-level risk sensitivity data and relevant historical risk factor time series data from an external vendor for all Eligible Securities.

The sensitivity data would be generated by a vendor based on its econometric, risk and pricing models.[26]

[22] The Coverage Charge is calculated as the front-weighted average of backtesting coverage deficiencies observed over the prior 100 days. The backtesting coverage deficiencies are determined by comparing (x) the simulated liquidation profit and loss of a Netting Member's portfolio (using actual positions in the Member's portfolio and the actual historical returns on the security positions in the portfolio) to (y) the sum of the VaR Charge and the Funds-Only Settlement Amount (which is the mark-to-market amount) in order to determine whether there would have been any shortfalls between the amounts collected.

[23] *See supra* note 18.

[24] GSD's proposed sensitivity approach is similar to the sensitivity approach that FICC's Mortgage-Backed Securities Division (''MBSD'') uses to calculate the VaR Charge for MBSD clearing members. *See* MBSD's Clearing Rules, *available at* DTCC's website, *www.dtcc.com/legal/rules-and-procedures.aspx*. *See* Securities Exchange Act Release No. 79868 (January 24, 2017) 82 FR 8780 (January 30, 2017) (SR–FICC–2016–007) and Securities Exchange Act Release No. 79643 (December 21, 2016), 81 FR 95669 (December 28, 2016) (SR–FICC–2016–801).

[25] FICC does not believe that its engagement of the vendor would present a conflict of interest because the vendor is not an existing Netting Member nor are any of the vendor's affiliates existing Netting Members. To the extent that the vendor or any of its affiliates submit an application to become a Netting Member, FICC will negotiate an appropriate information barrier with the applicant in an effort to prevent a conflict of interest from arising. An affiliate of the vendor currently provides an existing service to FICC; however, this arrangement does not present a conflict of interest because the existing agreement between FICC and the vendor, and the existing agreement between FICC and the vendor's affiliate each contain provisions that limit the sharing of confidential information.

[26] The following risk factors would be incorporated into GSD's proposed sensitivity approach: Key rate, convexity, implied inflation rate, agency spread, mortgage-backed securities spread, volatility, mortgage basis, and time risk factor. These risk factors are defined as follows:

- Key rate measures the sensitivity of a price change to changes in interest rates;
- convexity measures the degree of curvature in the price/yield relationship of key interest rates;
- implied inflation rate measures the difference between the yield on an ordinary bond and the yield on an inflation-indexed bond with the same maturity;
- agency spread is yield spread that is added to a benchmark yield curve to discount an Agency bond's cash flows to match its market price;
- mortgage-backed securities spread is the yield spread that is added to a benchmark yield curve to discount a to-be-announced (''TBA'') security's cash flows to match its market price;

Continued

Because the quality of this data is an important component of calculating the VaR Charge, FICC would conduct independent data checks to verify the accuracy and consistency of the data feed received from the vendor. With respect to the historical risk factor time series data, FICC has evaluated the historical price moves and determined which risk factors primarily explain those price changes, a practice commonly referred to as risk attribution.

FICC's proposal to use the vendor's risk analytics data requires that FICC take steps to mitigate potential model risk. FICC has reviewed a description of the vendor's calculation methodology and the manner in which the market data is used to calibrate the vendor's models. FICC understands and is comfortable with the vendor's controls, governance process and data quality standards. FICC would conduct an independent review of the vendor's release of a new version of its model prior to using it in GSD's proposed sensitives approach calculation. In the event that the vendor changes its model and methodologies that produce the risk factors and risk sensitivities, FICC would analyze the effect of the proposed changes on GSD's proposed sensitivity approach. Future changes to the QRM Methodology would be subject to a proposed rule change pursuant to Rule 19b–4 (''Rule 19b–4'')[27] of the Act and may be subject to an advance notice filing pursuant to Section 806(e)(1) of the Clearing Supervision Act[28] and Rule 19b–4(n)(1)(I) under the Act.[29]

Modifications to the proposed VaR Charge may be subject to a proposed rule change pursuant to Rule 19b–4[30] and/or an advance notice filing pursuant to Section 806(e)(1) of the Clearing Supervision Act[31] and Rule 19b–4(n)(1)(I) under the Act.[32]

Under the proposed approach, a Netting Member's portfolio risk sensitivities would be calculated by FICC as the aggregate of the security level risk sensitivities weighted by the corresponding position market values. More specifically, FICC would look at the historical changes of the chosen risk factors during the look-back period in order to generate risk scenarios to arrive at the market value changes for a given portfolio. A statistical probability distribution would be formed from the portfolio's market value changes, which are then calibrated to cover the projected liquidation losses at a 99% confidence level. The portfolio risk sensitivities and the historical risk factor time series data would then be used by FICC's risk model to calculate the VaR Charge for each Netting Member.

The proposed sensitivity approach differs from the current full revaluation approach mainly in how the market value changes are calculated. The full revaluation approach accounts for changes in market variables and instrument specific characteristics of U.S. Treasury/Agency securities and mortgage-backed securities by incorporating certain historical data to calibrate a pricing model that generates simulated prices. This data is used to create a distribution of returns per each security. By comparison, the proposed sensitivity approach would simulate the market value changes of a Netting Member's portfolio under a given market scenario as the sum of the portfolio risk factor exposures multiplied by the corresponding risk factor movements.

FICC believes that the sensitivity approach would provide three key benefits. First, the sensitivity approach incorporates a broad range of structured risk factors and a Netting Member portfolios' exposure to these risk factors, while the full revaluation approach is calibrated with only security level historical data that is supplemented by the augmented volatility adjustment multiplier. The proposed sensitivity approach integrates both observed risk factor changes and current market conditions to more effectively respond to current market price moves that may not be reflected in the historical price moves combined with the augmented volatility adjustment multiplier. In this regard, FICC has concluded, based on its assessment of the backtesting results of the proposed sensitivity approach and its comparison of those results to the backtesting results of the current full revaluation approach[33] that the proposed sensitivity approach would address the deficiencies observed in the existing model because it would leverage external vendor expertise, which FICC does not need to develop in-house, in supplying the market risk attributes that would then be incorporated by FICC into GSD's model to calculate the VaR Charge. With respect to FICC's review of the backtesting results, FICC believes that the calculation of the VaR Charge using the proposed sensitivity approach would provide better coverage on volatile days while not significantly increasing the overall Clearing Fund.[34] In fact, the calculation of the VaR Charge using the proposed sensitivity approach would produce a VaR Charge amount that is consistent with the current VaR Charge calculation, as supplemented by Margin Proxy.[35]

The second benefit of the proposed sensitivity approach is that it would provide more transparency to Netting Members. Because Netting Members typically use risk factor analysis for their own risk and financial reporting, such Members would have comparable data and analysis to assess the variation in their VaR Charge based on changes in

• volatility reflects the implied volatility observed from the swaption market to estimate fluctuations in interest rates;

• mortgage basis captures the basis risk between the prevailing mortgage rate and a blended Treasury rate; and

• time risk factor accounts for the time value change (or carry adjustment) over the assumed liquidation period.

The above-referenced risk factors are similar to the risk factors currently utilized in MBSD's sensitivity approach, however, GSD has included other risk factors that are specific to the U.S. Treasury securities, Agency securities and mortgage-backed securities cleared through GSD.

Concerning U.S. Treasury securities and Agency securities, FICC would select the following risk factors: Key rates, convexity, agency spread, implied inflation rates, volatility, and time.

For mortgage-backed securities, each security would be mapped to a corresponding TBA forward contract and FICC would use the risk exposure analytics for the TBA as an estimate for the mortgage-backed security's risk exposure analytics. FICC would use the following risk factors to model a TBA security: Key rates, convexity, mortgage-backed securities spread, volatility, mortgage basis, and time. To account for differences between mortgage-backed securities and their corresponding TBA, FICC would apply an additional basis risk adjustment.

[27] *See* 17 CFR 240.19b–4.

[28] *See* 12 U.S.C. 5465(e)(1).

[29] *See* 17 CFR 240.19b–4(n)(1)(I).

[30] *See* 17 CFR 240.19b–4.

[31] *See* 12 U.S.C. 5465(e)(1).

[32] *See* 17 CFR 240.19b–4(n)(1)(I).

[33] The backtesting results compared the aggregate CFR under the current methodology and the aggregate CFR under the proposed methodology to historical returns of end-of-day snapshots of each Netting Member's portfolio for the period May 2016 through October 2017. The CFR backtesting results under the proposed methodology were calculated in two ways for end-of-day portfolios: One set of results included the proposed Blackout Period Exposure Adjustment and the other set of results excluded the proposed Blackout Period Exposure Adjustment.

[34] The CFR backtesting results under the proposed methodology (both with and without Blackout Period Exposure Adjustment) indicate that the proposed methodology provided better overall coverage during the volatile period following the U.S. election than under the current methodology. The CFR Backtesting results under the proposed methodology were also more stable over the May 2016 through October 2017 study period than the CFR backtesting results under the existing methodology.

[35] FICC implemented the Margin Proxy at the end of April 2017. As a result, the CFR backtesting coverage under the current methodology increased in May 2017 and were more consistent with the CFR backtesting results under the proposed methodology from May 2017 through October 2017. Based on data reflected in the impact study, FICC observes that for the period May 1, 2017 to November 30, 2017 an approximate 7% increase in average aggregate AM RFD across all Netting Members.

the market value of their portfolios. Thus, Netting Members would be able to simulate the VaR Charge to a closer degree than under the existing full revaluation approach.

The third benefit of the proposed sensitivity approach is that it would provide FICC with the ability to adjust the look-back period that FICC uses for purposes of calculating the VaR Charge. Specifically, FICC would change the look-back period from a front-weighted [36] 1-year look-back (which is currently utilized today) to a 10-year look-back period that is not front-weighted and would include, to the extent applicable, an additional stressed period.[37] The proposed extended look-back period would help to ensure that the historical simulation contains a sufficient number of historical market conditions (including but not limited to stressed market conditions).

While FICC could extend the 1-year look-back period in the existing full revaluation approach to a 10-year look-back period, the performance of the existing model could deteriorate if current market conditions are materially different than indicated in the historical data. Additionally, since the full revaluation approach requires FICC to maintain in-house complex pricing models and mortgage prepayment models, enhancing these models to extend the look-back period to include 10 years of historical data involves significant model development. The sensitivity approach, on the other hand, would leverage external vendor data to incorporate a longer look-back period of 10 years, which would allow the proposed model to capture periods of historical volatility.

In the event FICC observes that the 10-year look-back period does not contain a sufficient number of stressed market conditions, FICC would have the ability to include an additional period of historically observed stressed market conditions to a 10-year look-back period or adjust the length of look-back period. The additional stress period is a designed to be a continuous period (typically 1 year). FICC believes that it is appropriate to assess on an annual basis whether an additional stressed period should be included. This assessment, which will only occur annually, would include a review of (1) the largest moves in the dominating market risk factor of the proposed sensitivity approach, (2) the impact analyses resulting from the removal and/or addition of a stressed period, and (3) the backtesting results of the proposed look-back period. As described in the QRM Methodology, approval by DTCC's Model Risk Governance Committee (''MRGC'') and, to the extent necessary, the Management Risk Committee (''MRC'') would be required to determine when to apply an additional period of stressed market conditions to the look-back period and the appropriate historical stressed period to utilize if it is not within the current 10-year period.

2. Proposed Change To Amend the VaR Charge To Eliminate the Augmented Volatility Adjustment Multiplier

As described above, the augmented volatility adjustment multiplier gives GSD the ability to adjust its volatility calculations as needed to improve the performance of its VaR the model in periods of market volatility. The augmented volatility adjustment multiplier was designed to mitigate the effect of the 1-year look-back period used in the existing full revaluation approach because it allowed the model to better react to conditions that may not have been within the recent historical one-year period. FICC is proposing to eliminate the augmented volatility adjustment multiplier because it would be no longer necessary given that the proposed sensitivity approach would have a longer look-back period and the ability to include an additional stressed market condition to account for periods of market volatility.

3. Proposed Change To Implement the Margin Proxy as the VaR Charge During a Vendor Data Disruption

a. Vendor Data Disruption

In connection with FICC's proposal to source data for the proposed sensitivity approach, FICC is also proposing procedures that would govern in the event that the vendor fails to provide risk analytics data. If the vendor fails to provide any data or a significant portion of the data timely, FICC would use the most recently available data on the first day that such data disruption occurs. If it is determined that the vendor will resume providing data within five (5) business days, FICC's management would determine whether the VaR Charge should continue to be calculated by using the most recently available data along with an extended look-back period or whether the Margin Proxy should be invoked, subject to the approval of DTCC's Group Chief Risk Officer or his/her designee. If it is determined that the data disruption will extend beyond five (5) business days, the Margin Proxy would be applied as an alternative volatility calculation for the VaR Charge subject to the proposed VaR Floor.[38] FICC's proposed use of the Margin Proxy would be subject to the approval of the MRC followed by notification to FICC's Board Risk Committee. FICC would continue to calculate the Margin Proxy on a daily basis and this calculation would continue to reflect separate calculations for U.S. Treasury/Agency securities and mortgage-backed securities.[39] The Margin Proxy would be subject to monthly performance review by the MRGC. FICC would monitor the performance of the Margin Proxy calculation on a monthly basis to ensure that it could be used in the circumstance described above. Specifically, FICC would monitor each Netting Member's Required Fund Deposit and the aggregate Clearing Fund requirements versus the requirements calculated by Margin Proxy. FICC would also backtest the Margin Proxy results versus the three-day profit and loss based on actual market price moves. If FICC observes material differences between the Margin Proxy calculations

[36] A front-weighted look-back period assigns more weight to the most recent market observations thus effectively diminishing the value of older market observations. The front-weighted approach is based on the assumption that the most recent price history is more relevant to current market volatility levels.

[37] Under the proposed model, the 10-year look-back period would include the 2008/2009 financial crisis scenario. To the extent that an equally or more stressed market period does not occur when the 2008/2009 financial crisis period is phased out from the 10-year look-back period (*i.e.,* from September 2018 onward), pursuant to the QRM methodology document, FICC would continue to include the 2008/2009 financial crisis scenario in its historical scenarios. However, if an equally or more stressed market period emerges in the future, FICC may choose not to augment its 10-year historical scenarios with those from the 2008/2009 financial crisis.

[38] The proposed VaR Floor is defined below in subsection B.5—*Proposed change to amend the VaR Charge calculation to establish a VaR Floor.*

[39] Currently, GSD conducts separate calculations in order to cover the historical market prices of U.S. Treasury/Agency securities and mortgage-backed securities, respectively, because the historical price changes of these asset classes are different as a result of market factors such as credit spreads and prepayment risk. Separate calculations also provide FICC with the ability to monitor the performance of each asset class individually. Each security in a Netting Member's Margin Portfolio is mapped to a separate benchmark based on the security's asset class and maturity. All securities within each benchmark are then aggregated into a net exposure. FICC then applies an applicable haircut to the net exposure per benchmark to determine the net price risk for each benchmark. Finally, FICC determines the asset class price risk (''Asset Class Price Risk'') for U.S. Treasury/Agency securities and mortgage-backed securities benchmarks separately by aggregating the respective net price risk. For the U.S. Treasury benchmarks, the calculation includes a correlation adjustment to provide risk diversification across tenor buckets that has been historically observed across the U.S. Treasury benchmarks. The Margin Proxy is the sum of the U.S. Treasury/Agency securities and mortgage-backed securities Asset Class Price Risk. No changes are being proposed to this calculation.

and the aggregate Clearing Fund requirement calculated using the proposed sensitivity approach, or if the Margin Proxy's backtesting results do not meet FICC's 99% confidence level, FICC management may recommend remedial actions to the MRGC, and to the extent necessary the MRC, such as increasing the look-back period and/or applying an appropriate historical stressed period to the Margin Proxy calibration.

As noted above, FICC intends to source certain sensitivity data and risk factor data from a vendor. FICC's Quantitative Risk Management, Vendor Risk Management, and Information Technology teams have conducted due diligence of the vendor in order to evaluate its control framework for managing key risks. FICC's due diligence included an assessment of the vendor's technology risk, business continuity, regulatory compliance, and privacy controls. FICC has existing policies and procedures for data management that includes market data and analytical data provided by vendors. These policies and procedures do not have to be amended in connection with this proposed rule change. FICC also has tools in place to assess the quality of the data that it receives from vendors.

b. Regulation SCI Implications

Rule 1001(c)(1) of Regulation Systems Compliance and Integrity (''SCI'') requires FICC to establish, maintain, and enforce reasonably designed written policies and procedures that include the criteria for identifying responsible SCI personnel, the designation and documentation of responsible SCI personnel, and escalation procedures to quickly inform responsible SCI personnel of potential SCI events.[40] Further, pursuant to Rule 1002 of Regulation SCI, each responsible SCI personnel determines when there is a reasonable basis to conclude that a SCI event has occurred, which will trigger certain obligations of a SCI entity with respect to such SCI events.[41] FICC has existing policies and procedures that reflect established criteria that must be used by responsible SCI personnel to determine whether a disruption to, or significantly downgrade of, the normal operation of FICC's risk management system has occurred as defined under Regulation SCI. These policies and procedures do not have to be amended in connection with this proposed rule change. In the event that the vendor fails to provide the requisite risk analytics data, the responsible SCI personnel would determine whether a SCI event has occurred, and FICC would fulfill its obligations with respect to the SCI event.

4. Proposed Change To Utilize a Haircut Method To Measure the Risk Exposure of Securities That Lack Historical Data

Occasionally, portfolios contain classes of securities that reflect market price changes that are not consistently related to historical risk factors. The value of these securities is often uncertain because the securities' market volume varies widely, thus the price histories are limited. Because the volume and price information for such securities is not robust, a historical simulation approach would not generate VaR Charge amounts that adequately reflect the risk profile of such securities. Currently, GSD Rule 4 provides that FICC may use a historic index volatility model to calculate the VaR Charge for these classes of securities.[42] FICC is proposing to amend GSD Rule 4 to utilize a haircut method based on a historic index volatility model for any security that lack sufficient historical data to be incorporated into the proposed sensitivity approach.

FICC believes that the proposal to implement a haircut method for securities that lack sufficient historical information would allow FICC to use appropriate market data to estimate a margin at a 99% confident level, thus helping to ensure that sufficient margin would be calculated for portfolios that contain these securities. FICC would continue to manage the market risk of clearing these securities by conducting analysis on the type of securities that cannot be processed by the proposed VaR model and engaging in periodic reviews of the haircuts used for calculating margin for these types of securities.

FICC is proposing to calculate the VaR Charge for these securities by utilizing a haircut approach based on a market benchmark with a similar risk profile as the related security. The proposed haircut approach would be calculated separately for U.S. Treasury/Agency securities (other than (x) treasury floating-rate notes and (y) term repo rate volatility for Term Repo Transactions and Forward-Starting Repo Transactions (including term and forward-starting GCF Repo Transactions))[43] and mortgage-backed securities.

Specifically, each security in a Netting Member's portfolio would be mapped to a respective benchmark based on the security's asset class and remaining maturity, then all securities within each benchmark would be aggregated into a net exposure. FICC would apply an applicable haircut to the net exposure per benchmark to determine the net price risk for each benchmark. Finally, the net price risk would be aggregated across all benchmarks (but separately for U.S. Treasury/Agency securities and mortgage-backed securities) and a correlation adjustment[44] would be applied to securities mapped to the U.S. Treasury benchmarks to provide risk diversification across tenor buckets that were historically observed.

5. Proposed Change To Amend the VaR Charge Calculation To Establish a VaR Floor

FICC is proposing to amend the existing calculation of the VaR Charge to include a minimum amount, which would be referred to as the ''VaR Floor.'' The proposed VaR Floor would be a calculated amount that would be used as the VaR Charge when the sum of the amounts calculated by the proposed sensitivity approach and haircut method is less than the proposed VaR Floor. FICC's proposal to establish a VaR Floor seeks to address the risk that the proposed VaR model calculates a VaR Charge that is erroneously low where the gross market value of unsettled positions in the Netting Member's portfolio is high and the cost of liquidation in the event of a Member default could also be high. This would be likely to occur when the proposed VaR model applies substantial risk offsets among long and short positions in different classes of securities that have a high degree of historical price correlation. Because this high degree of historical price correlation may not apply in future changing market conditions,[45] FICC believes that it

[40] *See* 17 CFR 242.1001(c)(1).

[41] *See* 17 CFR 242.1002.

[42] *See* GSD Rule 4, *supra* note 4.

[43] GSD is not proposing any changes to its current approach to calculating the VaR Charge for floating rate notes. Currently, GSD uses a haircut approach with a constant discount margin movement scenario. The discount margin movement scenario is based on the current market condition of the floating rate note price movements. This amount plus the calculated discount margin sensitivity of each floating rate note issue's market price plus the formula provided by the U.S. Department of Treasury equals the haircut of the floating rate note portion of a Netting Member's portfolio. GSD is also not proposing any change to its current approach to calculating the VaR Charge for repo interest volatility, which is based on internally constructed repo interest rate indices.

[44] The correlation adjustment is based on 3-day returns during a 10-year look-back. It reflects the average amount that the 3-day returns of each benchmark moves in relation to one another. The correlation adjustment would only be applied for U.S. Treasury and Agency indices with maturities greater than 1 year.

[45] For example, and without limitation, certain securities may have highly correlated historical

would be prudent to apply a VaR Floor that is based upon the market value of the gross unsettled positions in the Netting Member's portfolio in order to protect FICC against such risk in the event that FICC is required to liquidate a large Netting Member's portfolio in stressed market conditions.

The VaR Floor would be calculated as the sum of the following two components: (1) A U.S. Treasury/Agency bond margin floor and (2) a mortgage-backed securities margin floor. The U.S. Treasury/Agency bond margin floor would be calculated by mapping each U.S. Treasury/Agency security to a tenor bucket, then multiplying the gross positions of each tenor bucket by its bond floor rate, and summing the results. The bond floor rate of each tenor bucket would be a fraction (which would be initially set at 10%) of an index-based haircut rate for such tenor bucket. The mortgage-backed securities margin floor would be calculated by multiplying the gross market value of the total value of mortgage-backed securities in a Netting Member's portfolio by a designated amount, referred to as the pool floor rate, (which would be initially set at 0.05%).[46] GSD would evaluate the appropriateness of the proposed initial floor rates (*e.g.,* the 10% of the benchmark haircut rate for U.S. Treasury/Agency securities and 0.05% for mortgage-backed securities) at least annually based on backtesting performance and risk tolerance considerations.

6. Mitigating Risks of Concentrated Positions

For the reasons described above, FICC believes that the proposed changes to GSD's VaR Charge calculation would allow it to better measure and mitigate the risks presented by certain unsettled positions, including the risk presented to FICC when those positions are concentrated in a particular security.

One of the risks presented by unsettled positions concentrated in an asset class is that FICC may not be able to liquidate or hedge the unsettled positions of a defaulted Netting Member in the assumed timeframe at the market price in the event of such Netting Member's default. Because FICC relies on external market data in connection with monitoring exposures to its Members, the market data may not reflect the market impact transaction costs associated with the potential liquidation as the concentration risk of an unsettled position increases. However, FICC believes that, through the proposed changes and through existing risk management measures,[47] it would be able to effectively measure and mitigate risks presented when a Netting Member's unsettled positions are concentrated in a particular security.

FICC will continue to evaluate its exposures to these risks. Any future proposed changes to the margin methodology to address such risks would be subject to a separate proposed rule change pursuant Rule 19b–4 of the Act,[48] and/or an advance notice pursuant to Section 806(e)(1) of the Clearing Supervision Act[49] and the rules thereunder.

C. Proposed Change To Establish the Blackout Period Exposure Adjustment as a Component to the Required Fund Deposit Calculation

FICC is proposing to add a new component to the Required Fund Deposit calculation that would be applied to the VaR Charge for all GCF Counterparties with GCF Repo Transactions collateralized with mortgage-backed securities during the monthly Blackout Period (the ''Blackout Period Exposure Adjustment''). FICC is proposing this new component because it would better protect FICC and its Netting Members from losses that could result from overstated values of mortgage-backed securities pledged as collateral for GCF Repo Transactions during the Blackout Period.

The proposed Blackout Period Exposure Adjustment would be in the form of a charge that is added to the VaR Charge or a credit that would reduce the VaR Charge. The proposed Blackout Period Exposure Adjustment would be calculated by (1) projecting an average pay-down rate for the government sponsored enterprises (Fannie Mae and Freddie Mac) and the Government National Mortgage Association (Ginnie Mae), respectively, then (2) multiplying the projected pay-down rate[50] by the net positions of mortgage-backed securities in the related program, and (3) summing the results from each program. Because the projected pay-down rate would be an average of the weighted averages of pay-down rates for all active mortgage pools of the related program during the three most recent preceding months, it is possible that the proposed Blackout Period Exposure Adjustment could overestimate the amount for a GCF Counterparty with a portfolio that primarily includes slower paying mortgage-backed securities or underestimate the amount for a GCF Counterparty with a portfolio that primarily includes faster paying mortgage-backed securities. However, FICC believes that projecting the pay-down rate separately for each program and weighting the results by recently active pools would reduce instances of large under/over estimation. FICC would continue to monitor the realized pay-down against FICC's weighted average pay-down rates and its vendor's projected pay-down rates as part of the model performance monitoring. Further, in the event that a GCF Counterparty continues to experience backtesting deficiencies, FICC would apply a Backtesting Charge, which as described in section F below, would be amended to consider backtesting deficiencies attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period.[51]

The proposed Blackout Period Exposure Adjustment would only be imposed during the Blackout Period and it would be applied as of the morning Clearing Fund call on the Record Date through and including the intraday Clearing Fund call on the Factor Date,

price returns, but if future market conditions were to substantially change, these historical correlations could break down, leading to model-generated offsets that would not adequately capture a portfolio's risk.

[46] For example, assume the pool floor rate is set to 0.05% and the bond floor rate is set to 10% of haircut rates. Further assume that a Netting Member has a portfolio with gross positions of $2 billion in mortgage-backed securities and gross positions of U.S. Treasury/Agency securities that fall into two tenor buckets—$2 billion in tenor bucket ''A'' and $3 billion in tenor bucket ''B.'' If the haircut rate for tenor bucket ''A'' is 1% and the haircut rate for tenor bucket ''B'' is 2%, then the bond floor rate would be 0.1% and 0.2%, respectively. Therefore, the resulting VaR Floor would be $9 million (*i.e.,* ([0.05%] * [$2 billion]) + [0.1%] * [$2 billion]) + ([0.2%] * [$3 billion])). If the VaR model charge is less than $9 million, then the VaR Floor calculation of $9 million would be set as the VaR Charge.

[47] For example, pursuant to existing authority under GSD Rule 4, FICC has the discretion to calculate an additional amount (''special charge'') applicable to a Margin Portfolio as determined by FICC from time to time in view of market conditions and other financial and operational capabilities of the Netting Member. FICC shall make any such determination based on such factors as FICC determines to be appropriate from time to time. *See* GSD Rule 4, *supra* note 4.

[48] *See* 17 CFR 240.19b–4.

[49] *See* 12 U.S.C. 5465(e)(1).

[50] GSD would calculate the projected average pay-down rates each month using historical pool factor pay-down rates that are weighted by historical positions during each of the prior three months. Specifically, the projected pay-down rate for a current Blackout Period would be an average of the weighted averages of pay-down rates for all active mortgage pools of the related program during the three most recent preceding months.

[51] The proposed changes to the Backtesting Charge are described below is section F—*Proposed change to amend the Backtesting Charge to (i) include backtesting deficiencies attributed to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period and (ii) give GSD the authority to assess a Backtesting Charge on an intraday basis.*

or until the Pool Factors [52] have been updated to reflect the current month's Pool Factors in the GCF Clearing Agent Bank's collateral reports.

D. Proposed Change To Eliminate the Existing Blackout Period Exposure Charge

FICC would eliminate the existing Blackout Period Exposure Charge [53] because the proposed Blackout Period Exposure Adjustment (which is described in section C above) would be applied to *all* GCF Counterparties with GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period. The existing Blackout Period Exposure Charge, on the other hand, *only* applies to GCF Counterparties that have two or more backtesting deficiencies during the Blackout Period and whose overall 12-month trailing backtesting coverage falls below the 99% coverage target.[54] FICC believes that the Blackout Period Exposure Charge would no longer be necessary because the applicability of the proposed Blackout Period Exposure Adjustment would better estimate potential changes to the GCF Repo Transactions and help to ensure that GCF Counterparties' with GCF Repo Transactions collateralized with mortgage-backed securities maintain a backtesting coverage above the 99% confidence level. Further, in the event that a GCF Counterparty continues to experience backtesting deficiencies, FICC would apply a Backtesting Charge, which as described in section F below, would be amended to consider backtesting deficiencies attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period.[55]

E. Proposed Change To Eliminate the Coverage Charge Component From the Required Fund Deposit Calculation

FICC is proposing to eliminate the Coverage Charge component from GSD's Required Fund Deposit calculation.[56] The Coverage Charge component is based on historical portfolio activity, which may not be indicative of a Netting Member's current risk profile, but was determined by FICC to be appropriate to address potential shortfalls in margin charges under the current VaR model. FICC is proposing to eliminate the Coverage Component because its analysis indicates that the sensitivity approach would provide overall better margin coverage.

As part of the development and assessment of the proposed VaR Charge, FICC backtested the model's performance and analyzed the impact of the margin changes. Results of the analysis indicated that the proposed sensitivity approach would be more responsive to changing market dynamics and a Netting Member's portfolio composition coverage than the existing VaR model that utilizes the full revaluation approach. The backtesting analysis also demonstrated that the proposed sensitivity approach would provide sufficient margin coverage on a standalone basis. Additionally, in the event that FICC observes unexpected deficiencies in the backtesting of a Netting Member's Required Fund Deposit, the Backtesting Charge would apply.[57] Given the above, FICC believes the Coverage Charge would no longer be necessary.

F. Proposed Change To Amend the Backtesting Charge to (i) Include Backtesting Deficiencies Attributable to GCF Repo Transactions Collateralized with Mortgage-Backed Securities During the Blackout Period and (ii) Give GSD the Authority To Asess a Backtesting Charge on an Intraday Basis

FICC is proposing to amend the Backtesting Charge to (i) include backtesting deficiencies attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period and (ii) give GSD the authority to assess a Backtesting Charge on an intraday basis.

(i) Proposed Change To Amend the Backtesting Charge To Include Backtesting Deficiencies Attributable to GCF Repo Transactions Collateralized With Mortgage-Backed Securities During the Blackout Period

FICC is proposing to amend the Backtesting Charge to provide that this charge would be applied to a GCF Counterparty that experiences backtesting deficiencies that are attributed to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period. Currently, Backtesting Charges are not applied to GCF Counterparties with collateralized mortgage-backed securities during the Blackout Period because such counterparties may be subject to a Blackout Period Exposure Charge. However, now that FICC is proposing to eliminate the Blackout Period Exposure Charge, FICC is proposing to amend the applicability of the Backtesting Charge in the circumstances described above.

(ii) Proposed Change To Give GSD the Authority To Assess a Backtesting Charge on an Intraday Basis

FICC is also proposing to amend the Backtesting Charge to provide that this charge may be assessed if a Netting Member is experiencing backtesting deficiencies during the trading day (*i.e.,* intraday) because of such Netting Member's large fluctuations of intraday trading activities. A Backtesting Charge that is imposed intraday would be referred to as a ''Intraday Backtesting Charge.'' The Intraday Backtesting Charge would be assessed on an intraday basis and it would increase a Netting Member's Required Fund Deposit to help ensure that its intraday backtesting coverage achieves the 99% confidence level.

The proposed assessment of the Intraday Backtesting Charge differs from the existing assessment of the Backtesting Charge because the existing assessment is based on the backtesting results of a Netting Member's PM RFD versus the historical returns of such Netting Member's portfolio at the end of the trading day while the proposed Intraday Backtesting Charge would be based on the most recent Required Fund Deposit amount that was collected from a Netting Member versus the historical returns of such Netting Member's portfolio intraday.

In an effort to differentiate the proposed Intraday Backtesting Charge from the existing Backtesting Charge, FICC is proposing to change the name of the existing Backtesting Charge to ''Regular Backtesting Charge.'' The

[52] Pursuant to the GSD Rules, the term ''Pool Factor'' means, with respect to the Blackout Period, the percentage of the initial principal that remains outstanding on the mortgage loan pool underlying a mortgage-backed security, as published by the government-sponsored entity that is the issuer of such security. *See* GSD Rule 1, *supra* note 4.

[53] Pursuant to the GSD Rules, FICC imposes a Blackout Period Exposure Charge when FICC determines, based on prior backtesting deficiencies of a GCF Counterparty's Required Fund Deposit, that the GCF Counterparty may experience a deficiency due to reductions in the notional value of the mortgage-backed securities used by such GCF Counterparty to collateralize its GCF Repo trading activity that occur during the monthly Blackout Period. *See* GSD Rules 1 and 4, *supra* note 4.

[54] *See* GSD Rules 1 and 4, *supra* note 4.

[55] The proposed changes to the Backtesting Charge are described below is section F—*Proposed change to amend the Backtesting Charge to (i) include backtesting deficiencies attributed to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period and (ii) give GSD the authority to assess a Backtesting Charge on an intraday basis.*

[56] *See* GSD Rules 1 and 4, *supra* note 4.

[57] Similar to the Coverage Charge, the purpose of the Backtesting Charge is to address potential shortfalls in margin charges, however, the Coverage Charge considers the backtesting results of only the VaR Charge (including the augmented volatility adjustment multiplier) and mark-to-market.

Intraday Backtesting Charge and the Regular Backtesting Charge would collectively be referred to as the Backtesting Charge.

Calculation and Assessment of Intraday Backtesting Charges

FICC would use a snapshot of each Netting Member's portfolio during the trading day,[58] and compare each Netting Member's AM RFD with the simulated liquidation gains/losses using an intraday snapshot of the actual positions in the Netting Member's portfolio, and the actual historical security returns. FICC would review portfolios with intraday backtesting deficiencies that bring the results for that Netting Member below the 99% confidence level (*i.e.,* greater than two intraday backtesting deficiency days in a rolling twelve-month period) and determine whether there is an identifiable cause of ongoing repeat backtesting deficiencies. FICC would also evaluate whether multiple Netting Members are experiencing backtesting deficiencies due to similar underlying reasons.

As is the case with the existing Backtesting Charge (which would be referred to as the ''Regular Backtesting Charge''), the proposed Intraday Backtesting Charge would be assessed on Netting Members with portfolios that experience at least three intraday backtesting deficiencies over the prior 12-month period. The proposed Intraday Backtesting Charge would generally equal a Netting Member's third largest historical intraday backtesting deficiency because FICC believes that an Intraday Backtesting Charge equal to the third largest historical intraday backtesting deficiency would bring the affected Netting Member's historically observed intraday backtesting coverage above the 99% confidence level.

FICC would have the discretion to adjust the Intraday Backtesting Charge to an amount that is more appropriate for maintaining such Netting Member's intraday backtesting results above the 99% coverage threshold.[59]

In the event that FICC determines that an Intraday Backtesting Charge should apply in the circumstances described above, FICC would notify the affected Netting Member prior to its assessment of the charge. As is the case with the existing application of the Backtesting Charge, FICC would notify Netting Members on or around the 25th calendar day of the month.

The proposed Intraday Backtesting Charge would be applied to the affected Netting Member's Required Fund Deposit on a daily basis for a one-month period. FICC would review the assessed Intraday Backtesting Charge on a monthly basis to determine if the charge is still applicable and that the amount charged continues to provide appropriate coverage. In the event that an affected Netting Member's trailing 12-month intraday backtesting coverage exceeds 99% (without taking into account historically imposed Intraday Backtesting Charges), the Intraday Backtesting Charge would be removed.

G. Proposed Change to the Excess Capital Premium Calculation for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members

FICC is proposing to move to a net capital measure for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members that would align the Excess Capital Premium for such Members to a measure that is consistent with the equity capital measure that is used for Bank Netting Members in the Excess Capital Premium calculation.

Currently, the Excess Capital Premium is determined based on the amount that a Netting Member's Required Fund Deposit exceeds its Excess Capital.[60] Only Netting Members that are brokers or dealers registered under Section 15 of the Act are required to report Excess Net Capital figures to FICC while other Netting Members report net capital or equity capital. If a Netting Member is not a broker/dealer, FICC would use net capital or equity capital, as applicable (based on the type of regulation that such Netting Member is subject to) in order to calculate its Excess Capital Premium.

FICC is proposing this change because of the Commission's amendments to Rule 15c3–1 (the ''Net Capital Rule''), which were adopted in 2013.[61] The amendments are designed to promote a broker/dealer's capital quality and require the maintenance of ''net capital'' (*i.e.,* capital in excess of liabilities) in specified amounts as determined by the type of business conducted. The Net Capital Rule is designed to ensure the availability of funds and assets (including securities) in the event that a broker/dealer's liquidation becomes necessary. The Net Capital Rule represents a net worth perspective, which is adjusted by unrealized profit or loss, deferred tax provisions, and certain liabilities as detailed in the rule. It also includes deductions and offsets, and requires that a broker/dealer demonstrate compliance with the Net Capital Rule including maintaining sufficient net capital at all times (including intraday).

FICC believes that the Net Capital Rule is an effective process of separating liquid and illiquid assets, and computing a broker/dealer's regulatory net capital that should replace GSD's existing practice of using Excess Net Capital (which is the difference between the Net Capital and the minimum regulatory Net Capital) as the basis for the Excess Capital Premium.

H. GSD's Existing Calculation and Assessment of Intraday Supplemental Fund Deposit Amounts

Separate and apart from the AM RFD and the PM RFD, the GSD Rules give FICC the existing authority to collect Intraday Supplemental Fund Deposits from Netting Members.[62] Through this filing, FICC is providing transparency with respect to GSD's existing calculation of Intraday Supplemental Fund Deposit amounts.

Pursuant to the GSD Rules, the Intraday Supplemental Fund Deposits is determined based on GSD's observations of a Netting Member's simulated VaR Charge as it is re-calculated throughout the trading day based on the open positions of such Member's portfolio at designated times

[58] The snapshot would occur once a day. The timing of the snapshot would be subject to change based upon market conditions and/or settlement activity. This snapshot would be taken at the same time for all Netting Members. All positions that have settled would be excluded. FICC would take additional intraday snapshots and/or change the time of the intraday snapshot based upon market conditions. FICC would include the positions from the start-of-day plus any additional positions up to that time.

[59] For example, FICC may consider whether the affected Netting Member would be likely to experience future intraday backtesting deficiencies, the estimated size of such deficiencies, material differences in the three largest intraday backtesting deficiencies observed over the prior 12-month period, variabilities in its net settlement activity subsequent to GSD's collection of the AM RFD, seasonality in observed intraday backtesting deficiencies and observed market price volatility in excess of its historical VaR Charge.

[60] Pursuant to the GSD Rules, the term ''Excess Capital'' means Excess Net Capital, net assets or equity capital as applicable, to a Netting Member based on its type of regulation. *See* GSD Rule 1, *supra* note 4.

[61] *See* 17 CFR 240.15c3–1. Securities Exchange Act Release No. 34–70072 (July 30, 2013), 78 FR 51823 (August 21, 2013) (File No. S7–08–07).

[62] As described above in section *A.—The Required Fund Deposit and Clearing Fund Calculation Overview,* GSD calculates and collects each Netting Member's Required Fund Deposit twice each business day. The AM RFD is collected at 9:30 a.m. (E.T.) and is comprised of a VaR Charge that is based on each Netting Member's portfolio at the end of the trading day. The PM RFD is collected at 2:45 p.m. and is comprised of a VaR Charge that is based on a snapshot of each Netting Member's portfolio collected at noon and, if applicable, an Intraday Supplemental Fund Deposit collected after noon.

(the ''Intraday VaR Charge'').[63] FICC is proposing to provide transparency with respect to its existing authority to calculate and assess the Intraday Supplemental Fund Deposit as described in further detail below.

The Intraday Supplemental Fund Deposit is designed to mitigate exposure to GSD that results from large fluctuations in a Netting Member's portfolio due to new and settled trade activities that are not otherwise covered by a Netting Member's recently collected Required Fund Deposit. FICC determines whether to assess an Intraday Supplemental Fund Deposit by tracking three criteria (each, a ''Parameter Break'') for each Netting Member. The first Parameter Break evaluates whether a Netting Member's Intraday VaR Charge equals or exceeds a set dollar amount (as determined by FICC from time to time) when compared to the VaR Charge that was included in the most recently collected Required Fund Deposit including, any subsequently collected Intraday Supplemental Fund Deposit (the ''Dollar Threshold''). The second Parameter Break evaluates whether the Intraday VaR Charge equals or exceeds a percentage increase (as determined by FICC from time to time) of the VaR Charge that was included in the most recently collected Required Fund Deposit including, if applicable, any subsequently collected Intraday Supplemental Fund Deposit (the ''Percentage Threshold''). The third Parameter Break evaluates whether a Netting Member is experiencing backtesting results below the 99% confidence level (the ''Coverage Target'').

(a) The Dollar Threshold

The purpose of the Dollar Threshold is to identify Netting Members with additional risk exposures that represent a substantial portion of the Clearing Fund. FICC believes these Netting Members pose an increased risk of loss to GSD because the coverage provided by the Clearing Fund (which is designed to cover the aggregate losses of all Netting Members' portfolios) would be substantially impacted by large exposures. In other words, in the event that a Netting Member's Required Fund Deposit is not sufficient to satisfy losses to GSD caused by the liquidation of the defaulted Netting Member's portfolio, FICC will use the Clearing Fund to satisfy such losses. However, because the Clearing Fund must be available to satisfy potential losses that may arise from any Netting Member's defaults, GSD will be exposed to a significant risk of loss if a defaulted Netting Member's additional risk exposure accounted for a substantial portion of the Clearing Fund.

The Dollar Threshold is set to an amount that would help to ensure that the aggregate additional risk exposure of all Netting Members does not exceed 5% of the Clearing Fund. FICC believes that the availability of at least 95% of the Clearing Fund to satisfy all other liquidation losses caused by a defaulted Netting Member is sufficient to mitigate risks posed to FICC by such losses.

Currently, the Dollar Threshold equals a change in a Netting Member's Intraday VaR Charge that equals or exceeds $1,000,000 when compared to the VaR Charge that was included in the most recently collected Required Fund Deposit including, if applicable, any subsequently collected Intraday Supplemental Fund Deposit. On an annual basis, FICC assesses the sufficiency of the Dollar Threshold, and may adjust the Dollar Threshold if FICC determines that an adjustment is necessary to provide GSD with reasonable coverage.

(b) The Percentage Threshold

The purpose of the Percentage Threshold is to identify Netting Members with Intraday VaR Charge amounts that reflect significant changes when such amounts are compared to the VaR Charge that was included as a component in such Netting Member's most recently collected Required Fund Deposit. FICC believes that these Netting Members pose an increased risk of loss to GSD because the most recently collected VaR Charge (which is designed to cover estimated losses to a portfolio over a three-day liquidation period at least 99% of the time) may not adequately reflect a Netting Member's portfolio with such Netting Member's significant intraday changes in additional risk exposure. Thus, in the event that the Netting Member defaults during the trading day the Netting Member's most recently collected Required Fund Deposit may be insufficient to cover the liquidation of its portfolio within a three-day liquidation period.

Currently, the Percentage Threshold is equal to a Netting Member's Intraday VaR Charge that equals or exceeds 100% of the most recently calculated VaR Charge included in the most recently collected Required Fund Deposit including, if applicable, any subsequently collected Intraday Supplemental Fund Deposit. On an annual basis, FICC assesses the sufficiency of the Percentage Threshold and may adjust the Percentage Threshold if it determines that such adjustment is necessary to provide GSD with reasonable coverage.

(c) The Coverage Target

The purpose of the Coverage Target is to identify Netting Members with backtesting results[64] below the 99% confidence level (*i.e.,* greater than two deficiency days in a rolling 12-month period) as reported in the most current month. FICC believes that these Netting Members pose an increased risk of loss to FICC because their backtesting deficiencies demonstrate that GSD' risk-based margin model has not performed as expected based on the Netting Member's trading activity. Thus, the most recently collected Required Fund Deposit might be insufficient to cover the liquidation of a Netting Member's portfolio within a three-day liquidation period in the event that such Member defaults during the trading day.

(d) Assessment and Collection of the Intraday Supplemental Fund Deposits

In the event that FICC determines that a Netting Member's additional risk exposure breaches all three Parameter Breaks, FICC will assess an Intraday Supplemental Fund Deposit. Should FICC determine that certain market conditions exist[65] FICC would impose an Intraday Supplemental Fund Deposit if a Netting Member's Intraday VaR Charge breaches the Dollar Amount threshold and the Percentage Threshold notwithstanding the fact that the Coverage Target has not been breached by such Netting Member.[66] In addition, during such market conditions, the Dollar Threshold and Percentage Threshold may be reduced if FICC determines a Netting Member's portfolios may present relatively greater risks to FICC since the most recently collected Required Fund Deposit. Any such reduction will not cause the Dollar Threshold to be less than $250,000 and the Percentage Threshold to be less than 5%.

[63] *See* Rule 4 Section 2a, *supra* note 4.

[64] The referenced backtesting results would only reflect the Backtesting Charge if such charge is collected in the Required Fund Deposit.

[65] Examples include but are not limited to (i) sudden swings in an equity index or (ii) movements in the U.S. Treasury yields and mortgage-backed securities spreads that are outside of historically observed market moves.

[66] In certain market condition, a Netting Member's backtesting coverage may not accurately reflect the risks posed by such Netting Member's portfolio. Therefore, FICC imposes the Intraday Supplemental Fund on Netting Members that breach the Dollar Threshold and Percentage Threshold, despite the fact that such Member may not have breached the Coverage Target during certain market conditions.

FICC has the discretion to waive or change[67] Intraday Supplemental Fund Deposit amounts if it determines that a Netting Member's additional risk exposure and/or breach of a Parameter Break does not accurately reflect GSD's exposure to the fluctuations in the Netting Member's portfolio.[68] Given that there are numerous factors that could result in a Netting Member's additional risk exposure and/or breach of a Parameter Break, FICC believes that it is important to maintain such discretion in order to help ensure that the Intraday Supplemental Fund Deposit is imposed only on Netting Members with additional risk exposures that pose a significant level of risk to FICC.

I. Delayed Implementation of the Proposed Rule Change

This proposed rule change would become operative 45 business days after the later date of the Commission's notice of no objection to this Advance Notice and its approval of the related proposed rule change.[69] The delayed implementation is designed to give Netting Members the opportunity to assess the impact that the proposed rule change would have on their Required Fund Deposit.

Prior to the effective date, FICC would add a legend to the GSD Rules to state that the specified changes to the GSD Rules are approved but not yet operative, and to provide the date such approved changes would become operative. The legend would also include the file numbers of the approved proposed rule change and Advance Notice Filing and would state that once operative, the legend would automatically be removed from the GSD Rules.

J. Description of the Proposed Changes to the Text of the GSD Rules

1. Proposed Changes to GSD Rule 1 (Definitions)

FICC is proposing to amend the term ''Backtesting Charge'' to provide that a GCF Counterparty's backtesting deficiencies attributable to collateralized mortgage-backed securities during the Blackout Period would be considered in FICC's assessment of the applicability of the charge. FICC is also proposing to amend the definition of the term ''Backtesting Charge'' to provide that an Intraday Backtesting Charge may be assessed based on the backtesting results of a Netting Member's intraday portfolio. In order to differentiate the Intraday Backtesting charge from the existing application of the Backtesting Charge, the existing charge would be referred to as the ''Regular Backtesting Charge.'' As a result of this proposed change, FICC would be permitted to assess an Intraday Backtesting Charge based on a Netting Member's intraday portfolio and a Regular Backtesting Charge based on a Netting Member's end of day portfolio. As a result of this proposed change, FICC's calculation of the Intraday Backtesting Charge and the Regular Backtesting Charge could include deficiencies attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period.

FICC is proposing to add the new defined term ''Blackout Period Exposure Adjustment'' to define a new component in the Required Fund Deposit calculation. This component would apply to all GCF Counterparties with exposure to mortgage-backed securities in their portfolio during the Blackout Period.

FICC is proposing to delete the term ''Blackout Period Exposure Charge.'' This component would no longer be necessary because the proposed Blackout Period Exposure Adjustment would be applied to all GCF Counterparties with exposure to mortgage-backed securities in their portfolio.

FICC is proposing to delete the term ''Coverage Charge'' because this component would be eliminated from the Required Fund Deposit calculation.

FICC is proposing to delete the term ''Excess Capital'' because FICC is proposing to add the new defined term ''Netting Member Capital.''

FICC is proposing to amend the definition of the term ''Excess Capital Ratio'' to reflect the replacement of ''Excess Capital'' with ''Netting Member Capital.''

FICC is proposing to change the term ''Intraday Supplemental Clearing Fund Deposit'' to ''Intraday Supplemental Fund Deposit'' because the latter is consistent with the term that is reflected in GSD Rule 4.

FICC is proposing to amend the term ''Margin Proxy'' to reflect that the Margin Proxy would be used as an alternative volatility calculation.

FICC is proposing to add the new defined term ''Netting Member Capital'' to reflect the change to the Net Capital for Broker Netting Members', Inter-Broker Dealer Netting Members' and Dealer Netting Members' calculation of the Excess Capital Ratio.

FICC is proposing to amend the definition of the term ''VaR Charge'' to establish that (1) the Margin Proxy would be utilized as an alternative volatility calculation in the event that the requisite data used to employ the sensitivity approach is unavailable, and (2) a VaR Floor would be utilized as the VaR Charge in the event that the proposed model based approach yields an amount that is lower than the VaR Floor.

2. Proposed Changes to GSD Rule 4 (Clearing Fund and Loss Allocation)

Proposed Changes to Rule 4 Section 1b

FICC is proposing to eliminate the reference to ''Coverage Charge'' because this component would no longer be included in the Required Fund Deposit calculation.

FICC is proposing to add the ''Blackout Period Exposure Adjustment'' because this would be a new component included in the Required Fund Deposit calculation.

FICC is proposing to eliminate the reference to ''Blackout Period Exposure Charge'' because this component would no longer be included in the Required Fund Deposit calculation.

FICC is proposing to renumber this section in order to accommodate the above-referenced proposed changes.

FICC is proposing to define ''Net Unsettled Position'' because it is a defined term in GSD Rule 1.

FICC is proposing to amend this section to state that a haircut method would be utilized based on the historic index volatility model for the purposes of calculating the VaR Charge for classes of securities that cannot be handled by the VaR model's methodology.

FICC is proposing to delete the paragraph relating to the Margin Proxy because the Margin Proxy would no longer be used to supplement the VaR Charge.

K. Description of the QRM Methodology

The QRM Methodology document provides the methodology by which FICC would calculate the VaR Charge with the proposed sensitivity approach as well as other components of the Required Fund Deposit calculation. The QRM Methodology document specifies (i) the model inputs, parameters, assumptions and qualitative adjustments, (ii) the calculation used to generate Required Fund Deposit amounts, (iii) additional calculations

[67] FICC will not reduce the Intraday Supplemental Fund Deposit if such reduction will cause the Netting Member's most recently collected Required Fund Deposit to decrease. In addition, FICC will not increase the Intraday VaR Charge to an amount that is two times more than a Netting Member's most recently collected Required Fund Deposit.

[68] For example, a Netting Member's breach of the Coverage Target could be due to a shortened backtesting look-back period and/or large position fluctuations caused by trading errors.

[69] *See supra* note 3.

used for benchmarking and monitoring purposes, (iv) theoretical analysis, (v) the process by which the VaR methodology was developed as well as its application and limitations, (vi) internal business requirements associated with the implementation and ongoing monitoring of the VaR methodology, (vii) the model change management process and governance framework (which includes the escalation process for adding a stressed period to the VaR calculation), (viii) the haircut methodology, (ix) the Blackout Period Exposure Adjustment calculations, (x) intraday margin calculation, and (xi) the Margin Proxy calculation.

II. Anticipated Effect on and Management of Risks

FICC believes that the proposed change to the Required Fund Deposit calculation, which consists of proposals to (1) change its method of calculating the VaR Charge component, (2) add a new component referred to as the Blackout Period Exposure Adjustment, (3) eliminate the Blackout Period Exposure Charge and the Coverage Charge components, (4) amend the Backtesting Charge component to (i) include the backtesting deficiencies of certain GCF Counterparties during the Blackout Period and (ii) give GSD the ability to assess the Backtesting Charge on an intraday basis for all Netting Members, and (5) amend the calculation for determining the Excess Capital Premium for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members, would enable FICC to better limit its exposure to Netting Members arising out of the activity in their portfolios.

A. Proposed Changes to GSD's Calculation of the VaR Charge

1. Proposed Change To Replace the Full Revaluation Approach With the Sensitivity Approach

FICC's proposal to change the existing VaR methodology from one that employs a full revaluation approach to one that employs a sensitivity approach would affect FICC's management of risk by addressing the deficiencies observed in the current model by leveraging external vendor expertise in supplying the market risk attributes that would then be incorporated by FICC into its model to calculate the VaR Charge to Members. The proposed methodology would enhance FICC's risk management capabilities because it would enable sensitivity analysis of key model parameters and assumptions. The sensitivity approach would allow FICC to attribute market price moves to various risk factors (such as key rates, agency spread, and mortgage basis) that would enable FICC to view and respond more effectively to market volatility.

As noted above, the proposed sensitivity approach would leverage external vendor expertise in supplying the market risk attributes. FICC would manage the risks associated with a potential data disruption by using the most recently available data on the first day that a data disruption occurs. If it is determined that the vendor would resume providing data within five (5) business days, FICC management would determine whether the VaR Charge should continue to be calculated by using the most recently available data along with an extended look-back period or whether the Margin Proxy should be invoked.

2. Proposed Change To Amend the VaR Charge To Eliminate the Augmented Volatility Adjustment Multiplier

FICC's proposal to eliminate the augmented volatility adjustment multiplier would affect FICC's management of risk because the augmented volatility adjustment multiplier would no longer be necessary given that the proposed sensitivity approach would have a longer look-back period and the ability to include an additional stressed market condition to account for periods of market volatility. As described in Item II.(B)I. above, the proposed sensitivity approach would provide FICC with the ability to leverage a 10-year look-back period plus, to the extent applicable, an additional stressed period for purposes of calculating the VaR Charge. FICC's ability to extend the look back period would help to ensure that the historical simulation contains a sufficient number of market conditions (including but not limited to stressed market conditions), which would allow FICC to manage risks by more effectively capturing the risk profile of Netting Members during times of market stress.

3. Proposed Change To Implement the Margin Proxy as the VaR Charge During a Vendor Data Disruption

FICC's proposal to employ the Margin Proxy as an alternative volatility calculation rather than as a minimum volatility calculation would affect FICC's management of risk by helping to ensure that FICC has a margin methodology in place that effectively measures FICC's exposure to Netting Members in the event that a vendor data disruption reduces the reliability of the margin amount calculated by the proposed sensitivity-based VaR model.

As described in Item II.(B)I. above, if the vendor fails to provide any data or a significant portion of the data timely, FICC would use the most recently available data on the first day that such data disruption occurs. If it is determined that the vendor will resume providing data within five (5) business days, FICC management would determine whether the VaR Charge should continue to be calculated by using the most recently available data along with an extended look-back period or whether the Margin Proxy should be invoked, subject to the approval of DTCC's Group Chief Risk Officer or his/her designee. If it is determined that the data disruption will extend beyond five (5) business days, the Margin Proxy would be applied, subject to the approval of the MRC followed by notification to FICC's Board Risk Committee.

4. Proposed Change To Utilize a Haircut Method To Measure the Risk Exposure of Securities That Lack Historical Data

FICC's proposal to implement a haircut method for securities that lack sufficient historical information would affect FICC's management of risk because the proposed change would better describe FICC's method of capturing the risk profile of these securities, thus helping to ensure that sufficient margin would be calculated for the related portfolios. FICC would continue to manage the market risk of clearing securities with inadequate historical data by conducting analysis on the type of securities that do not fall within the historical look-back period of the proposed VaR model and engaging in periodic reviews of the haircuts used for calculating margin for these types of securities.

5. Proposed Change To Amend the VaR Charge Calculation To Establish a VaR Floor

FICC's proposal to implement the VaR Floor would affect FICC's management of risk because the proposed VaR Floor would address a risk that the proposed sensitivity approach could calculate a VaR Charge that is too low in connection with certain portfolios where the proposed VaR model applies substantial risk offsets among long and short positions in different classes of securities that have historical price correlation. Since this level of historical price correlation may not apply in future changing market conditions, FICC believes that it is prudent to apply a VaR Floor that is based upon the market value of the gross of unsettled positions in the Netting Member's portfolio. The VaR Floor would therefore provide GSD

with sufficient margin in the event that FICC is required to liquidate in different market conditions.

B. Proposed Change To Establish the Blackout Period Exposure Adjustment as a Component to the Required Fund Deposit Calculation

FICC's proposal to establish the Blackout Period Exposure Adjustment would affect FICC's management of risk because the Blackout Period Exposure Adjustment would better protect GSD and its Netting Members from losses that could result from overstated values of mortgage-backed securities pledged as collateral for GCF Repo Transactions during the Blackout Period. FICC believes that the proposed adjustment would help to maintain GCF Counterparties' backtesting coverage above the 99% confidence threshold because the proposed Blackout Period Exposure Adjustment would be applied to the VaR Charge for all GCF Counterparties with GCF Repo Transactions collateralized with mortgage-backed securities during the monthly Blackout Period. In the event that a GCF Counterparty continues to experience backtesting deficiencies, FICC would apply the existing Backtesting Charge pursuant to the GSD Rules, which would be amended to consider deficiencies attributable to Blackout Period exposures during the Blackout Period.

C. Proposed Change To Eliminate the Coverage Charge From the Required Fund Deposit Calculation

FICC's proposal to eliminate the Coverage Charge component from GSD's Required Fund Deposit calculation would affect FICC's management of risk because the proposed change would remove an unnecessary component from the Required Fund Deposit calculation. As described above, the Coverage Charge is based on historical portfolio activity, which may not be indicative of a Netting Member's current risk profile but was determined by FICC to be appropriate to address potential shortfalls in margin charges under the current VaR model. As part of FICC's development and assessment of the proposed VaR Charge, FICC obtained an independent validation of the proposed model by an external party, performed back testing to validate model performance, and conducted analysis to determine the impact of the changes to Netting Members. Results of the analysis indicate that the proposed sensitivity approach would be more responsive to changing market dynamics and provide better coverage than the existing full revaluation approach. Given the proposed improvement in model coverage, FICC believes that the Coverage Charge component would no longer be necessary.

D. Proposed Change To Eliminate the Existing Blackout Period Exposure Charge

The proposed Blackout Period Exposure Adjustment would allow GSD to eliminate the existing Blackout Period Exposure Charge because the proposed Blackout Period Exposure Adjustment would be applied to all GCF Counterparties with GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period, while the existing Blackout Period Exposure Charge only applies to GCF Counterparties that have two or more backtesting deficiencies that occurred during the Blackout Period and whose overall 12-month trailing backtesting coverage falls below the 99% coverage target. FICC believes that the proposed Blackout Period Exposure Adjustment would help to maintain GCF Counterparties' backtesting coverage above the 99% confidence threshold. In the event that a GCF Counterparty continues to experience backtesting deficiencies, FICC would apply the existing Backtesting Charge pursuant to the GSD Rules. As described below, the Backtesting Charge would be amended to include deficiencies related to Blackout Period Exposure during the Blackout Period. Given the proposed Blackout Period Exposure Adjustment and the amendment of the Backtesting Charge, FICC believes that the existing Blackout Period Exposure Charge component would no longer be necessary.

E. Proposed Change To Expand GSD's Authority To Assess the Backtesting Charge and Amend the Charge During the Blackout Period

FICC's proposal to assess an Intraday Backtesting Charge on a Netting Member's portfolio during the trading day would affect FICC's management of risk because it would address the risk that a Netting Member's most recently collect Required Fund Deposit may be insufficient to cover its intraday trading activity. Thus, the proposed change would give FICC the ability to better limit its credit exposures to Netting Members on an intraday basis.

FICC's proposal to amend the charge to consider deficiencies attributable to Blackout Period exposures would be included only during the Blackout Period would address the risk that a defaulted GCF Counterparty's portfolio contains exposure to GCF Transactions collateralized with mortgage-backed securities that is not adequately captured by the GCF Counterparty's Required Fund Deposit. Thus, the proposed change would allow FICC to continue to maintain coverage of FICC's credit exposures to such GCF Repo Participant at a high degree of confidence during the period when this risk regarding the valuation of such GCF Transactions could exist.

F. Proposed Change to the Excess Capital Premium Calculation for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting

FICC believes that the proposed change to move to a net capital measure for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members would affect FICC's management of risk because the proposed change would better align the Excess Capital Premium for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members to a measure that would be consistent with the equity capital measure that is currently used for Bank Netting Members in the Excess Capital Premium calculation, while continuing to provide an effective means to manage risks posed by a Netting Member whose activity causes it to have VaR Charge that is greater than its regulatory capital.

G. GSD's Existing Calculation and Assessment of Intraday Supplemental Fund Deposit Amounts

FICC's proposal to provide transparency with respect to GSD's current practice of calculating Intraday Supplemental Fund Deposits would affect FICC's management of risk because it would help Netting Members understand the process and circumstances under which GSD may collect Intraday Supplemental Fund Deposit from Netting Members. The collection of Intraday Supplemental Fund Deposits is designed to mitigate FICC's exposure resulting from large intraday fluctuations in Netting Members' portfolios due to new and settled trade activities.

H. FICC's Outreach to GSD Netting Members

FICC managed the effect of the overall proposal by conducting extensive outreach with Netting Members regarding the proposed changes, educating Netting Members on the reasons for these proposed changes, and explaining the related risk management improvements. FICC invited all Netting Members to customer forums in an effort to provide transparency regarding the changes and the expected macro

impact across the membership. FICC also provided each Netting Member with individual impact studies. In addition, prior to the implementation of the proposed changes, FICC would run a parallel period during which Netting Members would have the opportunity to further review the possible impact.

III. Consistency With the Clearing Supervision Act

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, its stated purpose is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[70]

Section 805(a)(2) of the Clearing Supervision Act[71] authorizes the Commission to prescribe risk management standards for the payment, clearing and settlement activities of designated clearing entities, like FICC, and financial institutions engaged in designated activities for which the Commission is the supervisory agency or the appropriate financial regulator. Section 805(b) of the Clearing Supervision Act[72] states that the objectives and principles for the risk management standards prescribed under Section 805(a) shall be to, among other things, promote robust risk management, promote safety and soundness, reduce systemic risks, and support the stability of the broader financial system. The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act[73] and Section 17A of the Exchange Act (''Covered Clearing Agency Standards'').[74] The Covered Clearing Agency Standards require registered clearing agencies to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[75]

(i) Consistency With Section 805(b) of the Clearing Supervision Act

For the reasons described below, FICC believes that the proposed changes in this advance notice are consistent with the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act and in the Covered Clearing Agency Standards.

As discussed above, FICC is proposing a number of changes to GSD's Required Fund Deposit calculation—a key tool that FICC uses to mitigate potential losses to FICC associated with liquidating a Netting Member's portfolio in the event of Netting Member default. FICC believes the proposed changes are consistent with promoting robust risk management because they are designed to enable FICC to better limit its exposure to Members in the event of a Member default. Specifically, (1) the proposed change to utilize the sensitivity approach would enable FICC to better limit its exposure to Netting Members because the sensitivity approach would incorporate a broad range of structured risk factors as well as an extended look-back period that would calculate better margin coverage for FICC, (2) the proposed use of the Margin Proxy as an alternative volatility calculation would enable FICC to better limit its exposure to Netting Members because it would help to ensure that FICC has a margin methodology in place that effectively measures FICC's exposure to Netting Members in the event that a vendor data disruption reduces the reliability of the margin amount calculated by the proposed sensitivity-based VaR model, (3) the proposed haircut method would enable FICC to better limit its exposure to Netting Members because it would provide a better assessment of the risks associated with classes of securities with inadequate historical pricing data, (4) the proposed VaR Floor would enable FICC to better limit its exposure to Netting Members because it would help to ensure that each Netting Member has a minimum VaR Charge in the event that the proposed VaR model utilizing the sensitivity approach yields too low a VaR Charge for such portfolios, (5) the proposal to add the proposed Blackout Period Exposure Adjustment as a new component and the proposal to amend the Backtesting Charge to consider backtesting deficiencies attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period would enable FICC to better limit its exposure to Netting Members because these changes would help to ensure that FICC collects sufficient margin from GCF Counterparties with GCF Repo Transactions collateralized mortgage-backed securities with risk characteristics that are not effectively captured by the Required Fund Deposit calculation during the Blackout Period, (6) the proposed Intraday Backtesting Charge would enable FICC to better limit its exposure to Netting Members because it would help to ensure that FICC collects appropriate margin from Netting Members that have backtesting deficiencies during the trading day due to large fluctuations of intraday trading activity that could pose risk to FICC in the event that such Netting Members defaults during the trading day, and (7) the proposed change to the Excess Capital Premium calculation would enable FICC to better limit its exposure to Netting Members because it would help to ensure that FICC does not unnecessarily increase its calculation and collection of Required Fund Deposit amounts for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members. Finally, FICC's proposal to eliminate the Blackout Period Exposure Charge, Coverage Charge and augmented volatility adjustment multiplier would enable FICC to eliminate components that do not measure risk as accurately as the proposed and existing risk management measures, as described above.

Therefore, because the proposal is designed to enable FICC to better limit its exposure to Netting Members in the manner described above, FICC believes it is consistent with promoting robust risk management.

Furthermore, FICC believes that the changes proposed in this advance notice are consistent with promoting safety and soundness, which, in turn, is consistent with reducing systemic risks and supporting the stability of the broader financial system, consistent with Section 805(b) of the Clearing Supervision Act.[76] As described in the second paragraph above, the proposed changes are designed to better limit FICC's exposures to Netting Members in the event of a Netting Member default. FICC believes that by better limiting its exposures to Netting Members in the event of a Netting Member's default, the proposed changes are consistent with promoting safety and soundness, which, in turn, is consistent with reducing systemic risks and supporting the stability of the broader financial system.

(ii) Consistency With Rule 17Ad–22(e)(4)(i) and (e)(6)(i), (ii), (iii), (iv) and (v) Under the Act

FICC believes that the proposed changes listed above are consistent with

[70] *See* 12 U.S.C. 5461(b).

[71] *See* 12 U.S.C. 5464(a)(2).

[72] *See* 12 U.S.C. 5464(b).

[73] *See* 12 U.S.C. 5464(a)(2).

[74] *See* 17 CFR 240.17Ad–22(e).

[75] *Id.*

[76] *See* 12 U.S.C. 5464(b).

Rules 17Ad–22(e)(4)(i) and (e)(6)(i), (ii), (iii), (iv) and (v) of the Act.[77]

Rule 17Ad–22(e)(4)(i) under the Act[78] requires a clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those exposures arising from its payment, clearing, and settlement processes by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.

FICC believes that the proposed changes described in Item II.(B) I. above enhance FICC's ability to identify, measure, monitor and manage its credit exposures to Netting Members and those exposures arising from its payment, clearing, and settlement processes because the proposed changes would collectively help to ensure that FICC maintains sufficient financial resources to cover its credit exposure to each Netting Member with a high degree of confidence.

Because each of the proposed changes to FICC's Required Fund Deposit calculation would provide FICC with a more effective measure of the risks that these calculations were designed to assess, the proposed changes would permit FICC to more effectively identify, measure, monitor and manage its exposures to market price risk, and would enable it to better limit its exposure to potential losses from Netting Member default. Specifically, the proposed changes described in Item II.(B)I. above are designed to help ensure that GSD appropriately calculates and collects margin to cover its credit exposure to each Netting Member with a high degree of confidence because (1) the proposed change to utilize the sensitivity approach would provide better margin coverage for FICC, (2) the proposed use of the Margin Proxy as an alternative volatility calculation would help to ensure that FICC has a margin methodology in place that effectively measures FICC's exposure to Netting Members in the event that a vendor data disruption reduces the reliability of the margin amount calculated by the proposed sensitivity-based VaR model, (3) the proposed haircut method would provide a better assessment of the risks associated with classes of securities with inadequate historical pricing data, (4) the proposed VaR Floor would limit FICC's credit exposures to Netting Members in the event that the proposed VaR model utilizing the sensitivity approach yields too low a VaR Charge for such portfolios, (5) the proposal eliminates the Blackout Period Exposure, Coverage Charge and augmented volatility adjustment multiplier because FICC should not maintain elements of the prior model that would unnecessarily increase Netting Members' Required Fund Deposits, (6) the proposal to add the proposed Blackout Period Exposure Adjustment as a new component would limit FICC's credit exposures during the Blackout Period caused by GCF Repo Transactions collateralized mortgage-backed securities with risk characteristics that are not effectively captured by the Required Fund Deposit calculation, (7) the proposal to amend the Backtesting Charge to consider backtesting deficiencies attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period would help to ensure that FICC could cover credit exposure to GCF Counterparties, (8) the proposed Intraday Backtesting Charge would help to ensure that FICC collects appropriate margin from Netting Members that have backtesting deficiencies during the trading day due to large fluctuations of intraday trading activity that could pose risk to FICC in the event that such Netting Members defaults during the trading day, and (9) the proposed change to the Excess Capital Premium calculation would help to ensure that FICC does not unnecessarily increase its calculation and collection of Required Fund Deposit amounts for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members.

The proposed changes would continue to be subject to performance reviews by FICC. In the event that FICC's backtesting process reveals that the VaR Charge, Required Fund Deposit amounts and/or the Clearing Fund do not meet FICC's 99% confidence level, FICC would review its margin methodologies and assess whether any changes should be considered. Therefore, FICC believes the proposed changes are consistent with the requirements of Rule 17Ad–22(e)(4)(i) of the Act cited above. Rule 17Ad–22(e)(6)(i) under the Act[79] requires a clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.

FICC believes that the proposed changes referenced above in the second paragraph of this section (each of which have been described in detail in Item II.(B)I. above) are consistent with Rule 17Ad–22(e)(6)(i) of the Act cited above because the proposed changes would help to ensure that FICC calculates and collects adequate Required Fund Deposit amounts, and that each Netting Member's amount is commensurate with the risks and particular attributes of each relevant product, portfolio, and market. Specifically, (1) the proposed change to utilize the sensitivity approach would provide better margin coverage for FICC, (2) the proposed use of the Margin Proxy as an alternative volatility calculation would help to ensure that FICC has a margin methodology in place that effectively measures FICC's exposure to Netting Members in the event that a vendor data disruption reduces the reliability of the margin amount calculated by the proposed sensitivity-based VaR model, (3) the proposed haircut method would provide a better assessment of the risks associated with classes of securities with inadequate historical pricing data, (4) the proposed VaR Floor would limit FICC's credit exposures to Netting Members in the event that the proposed VaR model utilizing the sensitivity approach yields too low a VaR Charge for such portfolios, (5) the proposal eliminates the Blackout Period Exposure, Coverage Charge and augmented volatility adjustment multiplier because FICC should not maintain elements of the prior model that would unnecessarily increase Netting Members' Required Fund Deposits, (6) the proposal to add the proposed Blackout Period Exposure Adjustment as a new component would limit FICC's credit exposures during the Blackout Period caused by GCF Repo Transactions collateralized mortgage-backed securities with risk characteristics that are not effectively captured by the Required Fund Deposit calculation, (7) the proposal to amend the Backtesting Charge to consider backtesting deficiencies attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period would help to ensure that FICC could cover credit exposure to GCF Counterparties, (8) the proposed Intraday Backtesting Charge would help to ensure that FICC collects appropriate margin from Netting Members that have backtesting deficiencies during the trading day due

[77] *See* 17 CFR 240.17Ad–22(e)(4)(i) and (e)(6)(i), (ii), (iii), (iv) and (v).

[78] *See* 17 CFR 240.17Ad–22(e)(4)(i).

[79] *See* 17 CFR 240.17Ad–22(e)(6)(i).

to large fluctuations of intraday trading activity that could pose risk to FICC in the event that such Netting Members defaults during the trading day, and (9) the proposed change to the Excess Capital Premium calculation would help to ensure that FICC does not unnecessarily increase its calculation and collection of Required Fund Deposit amounts for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members.

Therefore, FICC believes that the proposed changes are consistent with the requirements of Rule 17Ad–22(e)(6)(i) cited above because the collective proposed rule changes would consider, and produce margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.

Rule 17Ad–22(e)(6)(ii) under the Act [80] requires a clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, marks participant positions to market and collects margin, including variation margin or equivalent charges if relevant, at least daily and includes the authority and operational capacity to make intraday margin calls in defined circumstances.

FICC believes that the proposed changes are consistent Rule 17Ad–22(e)(6)(ii) of the Act cited above because the proposed Intraday Backtesting Charge would help to ensure that FICC collects appropriate margin from Netting Members that have backtesting deficiencies during the trading day due to large fluctuations of intraday trading activity that could pose risk to FICC in the event that such Netting Members defaults during the trading day. Therefore, FICC believes that the proposed Intraday Backtesting Charge would provide GSD with the authority and operational capacity to make intraday margin calls in a manner that is consistent with Rule 17Ad–22(e)(6)(ii) of the Act cited above.

Rule 17Ad–22(e)(6)(iii) under the Act [81] requires a clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default.

FICC believes that the proposed changes are consistent Rule 17Ad–22(e)(6)(iii) of the Act cited above because the proposed changes are designed to calculate Required Fund Deposit amounts that are sufficient to cover FICC's potential future exposure to Netting Members in the interval between the last margin collection and the close out of positions following a participant default. Specifically, (1) the proposed change to utilize the sensitivity approach would provide better margin coverage for FICC, (2) the proposed use of the Margin Proxy as an alternative volatility calculation would help to ensure that FICC has a margin methodology in place that effectively measures FICC's exposure to Netting Members in the event that a vendor data disruption reduces the reliability of the margin amount calculated by the proposed sensitivity-based VaR model, (3) the proposed haircut method would provide a better assessment of the risks associated with classes of securities with inadequate historical pricing data, (4) the proposed VaR Floor would limit FICC's credit exposures to Netting Members in the event that the proposed VaR model utilizing the sensitivity approach yields too low a VaR Charge for such portfolios, (5) the proposal eliminates the Blackout Period Exposure, Coverage Charge and augmented volatility adjustment multiplier because FICC should not maintain elements of the prior model that would unnecessarily increase Netting Members' Required Fund Deposits, (6) the proposal to add the proposed Blackout Period Exposure Adjustment as a new component would limit FICC's credit exposures during the Blackout Period caused by GCF Repo Transactions collateralized mortgage-backed securities with risk characteristics that are not effectively captured by the Required Fund Deposit calculation, (7) the proposal to amend the Backtesting Charge to consider backtesting deficiencies attributable to GCF Repo Transactions collateralized with mortgage-backed securities during the Blackout Period would help to ensure that FICC could cover credit exposure to GCF Counterparties, (8) the proposed Intraday Backtesting Charge would help to ensure that FICC collects appropriate margin from Netting Members that have backtesting deficiencies during the trading day due to large fluctuations of intraday trading activity that could pose risk to FICC in the event that such Netting Members defaults during the trading day, and (9) the proposed change to the Excess Capital Premium calculation would help to ensure that FICC does not unnecessarily increase its calculation and collection of Required Fund Deposit amounts for Broker Netting Members, Inter-Dealer Broker Netting Members and Dealer Netting Members.

Therefore, FICC believes that the proposed changes would be consistent with Rule 17Ad–22(e)(6)(iii) of the Act cited above because the proposed rules changes would collectively be designed to help ensure that FICC calculates Required Fund Deposit amounts that are sufficient to cover FICC's potential future exposure to Netting Members in the interval between the last margin collection and the close out of positions following a participant default.

Rule 17Ad–22(e)(6)(iv) under the Act [82] requires a clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, uses reliable sources of timely price data and procedures and sound valuation models for addressing circumstances in which pricing data are not readily available or reliable.

FICC believes that the proposed change to implement a haircut method for securities that lack sufficient historical information is consistent with Rule 17Ad–22(e)(6)(iv) of the Act cited above because the proposed change would allow FICC to use appropriate market data to estimate an appropriate margin at a 99% confidence level, thus helping to ensure that sufficient margin would be calculated for portfolios that contain these securities.

Rule 17Ad–22(e)(6)(v) under the Act [83] requires a clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, uses an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products.

FICC believes that the proposed changes to implement a haircut method for securities that lack sufficient historical information is consistent with Rule 17Ad–22(e)(6)(v) of the Act cited above because the haircut method would allow FICC to use appropriate market data to estimate an appropriate margin at a 99% confident level, thus

[80] *See* 17 CFR 240.17Ad–22(e)(6)(ii).

[81] *See* 17 CFR 240.17Ad–22(e)(6)(iii).

[82] *See* 17 CFR 240.17Ad–22(e)(6)(iv).

[83] *See* 17 CFR 240.17Ad–22(e)(6)(v).

helping to ensure that sufficient margin would be calculated for portfolios that contain these securities.

FICC also believes that its proposal to replace the Blackout Period Exposure Charge with the Blackout Period Exposure Adjustment is consistent with Rule 17Ad–22(e)(6)(v) of the Act cited above because the proposed Blackout Period Exposure Adjustment would limit FICC's credit exposures during the Blackout Period caused by portfolios with collateralized mortgage-backed securities with risk characteristics that are not effectively captured by the Required Fund Deposit calculation.

Therefore, FICC believes that the proposed haircut method and the proposed Blackout Period Exposure Adjustment are consistent with Rule 17Ad–22(e)(6)(v) of the Act cited above because the proposed changes appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products.

III. Date of Effectiveness of the Advance Notice, and Timing for Commission Action

The proposed change may be implemented if the Commission does not object to the proposed change within 60 days of the later of (i) the date that the proposed change was filed with the Commission or (ii) the date that any additional information requested by the Commission is received. The clearing agency shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission.

The clearing agency shall post notice on its website of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the Advance Notice is consistent with the Clearing Supervision 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–FICC–2018–801 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2018–801. 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 Advance Notice that are filed with the Commission, and all written communications relating to the Advance Notice 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 FICC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–FICC–2018–801 and should be submitted on or before March 19, 2018.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2018–04236 Filed 3–1–18; 8:45 am]

BILLING CODE 8011–01–P

NATIONAL WOMEN'S BUSINESS COUNCIL

Federal Register Meeting Notice; Quarterly Public Meeting

AGENCY: National Women's Business Council.

ACTION: Notice of open public meeting.

DATES: The Public Meeting teleconference will be held on Wednesday, March 28, 2018 from 2:00 p.m. to 3:30 p.m. EST.

ADDRESSES: The meeting will be held via teleconference.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), the U.S. Small Business Administration (SBA) announces the meeting of the National Women's Business Council. The National Women's Business Council conducts research on issues of importance and impact to women entrepreneurs and makes policy recommendations to the SBA, Congress, and the White House on how to improve the business climate for women.

This meeting is the 2nd Quarter meeting for Fiscal Year 2018. The online meeting will provide stakeholders with updates on the Council's research and engagement activities. Time will be reserved at the end for audience participants to address Council Members, directly, with questions, comments, or feedback.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is requested. To RSVP and confirm attendance, the general public should email *info@nwbc.gov* with subject line—''RSVP for 03/28/18 Public Meeting''. Anyone wishing to make a presentation to the NWBC at this meeting must contact Cristina Flores, Associate Director of Public Affairs at *info@nwbc.gov* or 202–205–6827.

For more information, please visit the National Women's Business Council website at *www.nwbc.gov.*

Dated: February 20, 2018.

Richard Kingan,

SBA Committee Management Officer.

[FR Doc. 2018–04242 Filed 3–1–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Thirty Eighth RTCA SC–213 Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS) Joint Plenary With EUROCAE Working Group 79

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Thirty Eighth RTCA SC–213 Enhanced Flight Vision Systems/ Synthetic Vision Systems (EFVS/SVS) Joint Plenary with EUROCAE Working Group 79.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Thirty Eighth RTCA SC–213 Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS) Joint Plenary with EUROCAE Working Group 79.

DATES: The meeting will be held April 18–19, 2018 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: European Aviation Safety Agency, Konrad-Adenauer-Ufer 3, D–50668, Köln, Germany.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at *rmorrison@rtca.org* or 202–330–0654, or The RTCA Secretariat, 1150 18th Street NW, Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or website at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Thirty Eighth RTCA SC–213 Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS) Joint Plenary with EUROCAE Working Group 79. The agenda will include the following:

Wednesday April 18, 2018, 9:00 a.m.–5:00 p.m.

1. Plenary discussion (sign–in at 09:00 a.m.)
2. Introductions and Administrative items
3. DFO statement
4. Review and approve minutes from October 2017 Plenary meeting
5. Review and approve minutes from December 2017 Virtual Plenary
6. Review and approve minutes for January 2018 Virtual Plenary
7. Review of terms of reference and update work product dates
8. WG1, WG2, WG3 and WG4 status updates
9. Industry updates
10. Working group discussions—WG–4

Thursday April 19, 2018, 9:00 a.m.–5:00 p.m.

11. Working group discussions
12. Discuss initiating open consultation/ final review and comment for: Safety and Performance Requirements (SPR) for Vision Systems for Takeoff (WG–2)
13. Discuss finalizing open consultation/final review and comment for: Minimum Aviation System Performance Standards (MASPS) for a Combined Vision Guidance System for Rotorcraft Operations (WG–4)
14. Administrative items (new meeting location/dates, action items etc.)
15. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Registration is required for attendance. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on February 25, 2018.

Michelle Swearingen,

Systems and Equipment Standards Branch, AIR–6B0, Policy and Innovation Division, AIR–600, Federal Aviation Administration.

[FR Doc. 2018–04244 Filed 3–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fourteenth RTCA SC–230 Airborne Weather Detection Systems Plenary

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Fourteenth RTCA SC–230 Airborne Weather Detection Systems Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Fourteenth RTCA SC–230 Airborne Weather Detection Systems Plenary.

DATES: The meeting will be held April 4–5, 2018 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW, Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Karan Hofmann at *khofmann@rtca.org* or 202–330–0680, or The RTCA Secretariat, 1150 18th Street NW, Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or website at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Fourteenth RTCA SC–230 Airborne Weather Detection Systems Plenary. The agenda will include the following:

Wednesday, April 4, 2018—9:00 a.m.–5:00 p.m.

1. Welcome and Administrative Remarks
2. Introductions
3. Agenda Review
4. Meeting Minutes Review and Approval of Last Plenary
5. Review and Work Resolution of Final Review and Comment (FRAC) Inputs for DO–220A Change 1 and DO–213A Change 1

Thursday, April 5, 2018—9:00 a.m.–5:00 p.m.

1. Continue Review and Work Resolution of FRAC Inputs for DO–220A Change 1 and DO–213A Change 1
2. Decision to Approve Release of DO–220A Change 1 and DO–213A Change 1 for Presentation to the Program Management Committee
3. Discuss and Approve Revision to Terms of Reference
4. Action Item Review
5. Any Other Business
6. Date and Place of Next Meeting
7. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 27, 2018.

Michelle Swearingen,

Systems and Equipment Standards Branch, AIR–6B0, Policy and Innovation Division, AIR–600, Federal Aviation Administration.

[FR Doc. 2018–04311 Filed 3–1–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Indiana

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and United States Fish and Wildlife Service (USFWS), Department of Interior (DOI).

SUMMARY: This notice announces actions taken by the FHWA and the USFWS that are final pursuant to the statute. The actions relate to the proposed highway project for a 26-mile segment of Interstate 69 (I–69) in the Counties of Morgan, Johnson, and Marion, State of Indiana, and grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public that the FHWA and the USFWS have made decisions that are subject to 23 U.S.C. 139(l)(1) and are final within the meaning of that law. A claim seeking judicial review of those Federal agency decisions on the proposed highway project will be barred unless the claim is filed on or before July 30, 2018. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then the shorter time period applies.

FOR FURTHER INFORMATION CONTACT: For the FHWA: Ms. Michelle Allen, Federal Highway Administration, Indiana Division, 575 North Pennsylvania Street, Room 254, Indianapolis, IN 46204–1576; telephone: (317) 226–7344; email: *Michelle.Allen@dot.gov.* The FHWA Indiana Division Office's normal business hours are 7:30 a.m. to 4:00 p.m., est. For the USFWS: Mr. Scott Pruitt, Field Supervisor, Indiana Field Office, USFWS, 620 South Walker Street, Bloomington, IN 47403–2121; telephone: (812) 334–4261; email: *Scott_Pruitt@fws.gov.* Normal business hours for the USFWS Indiana Field Office are: 8 a.m. to 4:30 p.m., est. You may also contact Laura Hilden, Director—Environmental Services, Indiana Department of Transportation (INDOT), 100 North Senate Avenue, Room N642, Indianapolis, IN 46204; telephone: (317) 232–5018; email: lhilden@.indot.in.gov. Normal business hours for INDOT are: 8:00 a.m. to 4:30 p.m., est.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has approved a Tier 2 Final Environmental Impact Statement (FEIS) for Section 6 of the I–69 highway project from Evansville to Indianapolis and issued a Record of Decision (ROD) for Section 6 on February 1, 2018. Section 6 of the I–69 project extends from SR 39 south of Martinsville and proceeds north for approximately 26 miles to Interstate 465 (I–465) in Indianapolis. As part of the I–69 project, improvements to I–465 will also be made from Mann Road to U.S. Route 31.

The ROD selected the Refined Preferred Alternative for Section 6, as described in the I–69 Evansville to Indianapolis, Indiana, Tier 2 Final Environmental Impact Statement, Martinsville to Indianapolis, Indiana (FEIS). The ROD also approved the locations of the interchanges, grade separations, and access roads (which include new roads, road relocations, and realignments). The FHWA had previously issued a Tier 1 FEIS and ROD for the entire I–69 project from Evansville to Indianapolis, Indiana. A Notice of Limitation on Claims for Judicial Review of Actions by FHWA and USFWS, DOI, was published in the **Federal Register** on April 17, 2007. A claim seeking judicial review of the Tier 1 decisions must have been filed by October 15, 2007, to avoid being barred under 23 U.S.C. 139(1). Decisions in the FHWA Tier 1 ROD that were cited in that **Federal Register** notice included, but were not limited to, the following:

1. Purpose and need for the project.
2. Range of alternatives for analysis.
3. Selection of the Interstate highway build alternative and highway corridor for the project, as Alternative 3C.
4. Elimination of other alternatives from consideration in Tier 2 NEPA proceedings.
5. Process for completing the Tier 2 alternatives analysis and studies for the project, including the designation of six Tier 2 sections and a decision to prepare a separate environmental impact statement for each Tier 2 section.

The Tier 1 ROD and Notice of Limitation on Claims specifically noted that the ultimate alignment of the highway within the corridor and the locations and number of interchanges and rest areas would be decided in the Tier 2 NEPA proceedings. Those proceedings for Section 6 of the I–69 project from Evansville to Indianapolis have culminated in the February 1, 2018, ROD and this Notice. Interested parties may consult the Tier 2, Section 6 ROD and FEIS for details about each of the decisions described above and for information on other issues decided.

The Tier 2, Section 6 ROD can be viewed and downloaded from the project website at *http://www.i69indyevn.org/.* People unable to access the website may contact FHWA or INDOT at the addresses listed above. Decisions in the Section 6, Tier 2 ROD that have final approval include, but are not limited to, the following:

1. National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]
2. Endangered Species Act [16 U.S.C. 1531–1544].
3. Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
4. Clean Air Act, 42 U.S.C. 7401–7671(q).
5. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
6. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
7. Bald and Golden Eagle Protection Act [16 U.S.C. 688–688d].

Notice is hereby given that, subsequent to the earlier FHWA notices cited above, the USFWS has taken three final agency actions within the meaning of 23 U.S.C. 139(l)(1) by issuing: (1) Conference Opinion for the northern long-eared bat (*Myotis septentrionalis*) ''Amendment 3 to the Revised Programmatic Biological Opinion (dated August 24, 2006, previously amended July 24, 2013 and May 25, 2011) for the I–69, Evansville to Indianapolis, Indiana highway'' dated April 1, 2015, which was adopted as a Biological Opinion on May 4, 2015, upon the effective date of the rule listing the northern long-eared bat; (2) an individual Biological Opinion, dated October 30, 2017, for the Tier 2, Section 6, 26-mile I–69 project in Morgan, Johnson, and Marian counties, that concluded that the Section 6 project was not likely to jeopardize the continued existence of the Indiana bat (*Myotis sodalis*) or the northern long-eared bat; and, (3) concurrence with the FHWA's determination that the I–69 project is not likely to adversely affect the rusty patched bumble bee (*Bombus affinis*).

Previous actions taken by the USFWS for the Tier 1, I–69 project, pursuant to the Endangered Species Act, 16 U.S.C. 1531–1544, included its concurrence with the FHWA's determination that the I–69 project was not likely to adversely affect the eastern fanshell mussel (*Cyprogenia stegaria*) and that the project was likely to adversely affect, but not jeopardize, the bald eagle. The USFWS also concluded that the project was not likely to jeopardize the continued existence of the Indiana bat and was not likely to adversely modify the bat's designated Critical Habitat.

These USFWS decisions were described in the Programmatic Biological Opinion issued on December 3, 2003, the Revised Programmatic Biological Opinion issued on August 24,

2006, including subsequent amendments, and other documents in the Tier 1 project records. A Notice of Limitation on Claims for Judicial Review of these actions and decisions by the USFWS, DOI, was published in the **Federal Register** on April 17, 2007. The USFWS affirmed its decisions in the Amendment to the Revised Programmatic Biological Opinion issued on May 25, 2011. Notices of Limitation on Claims for Judicial Review of these actions and decisions by the USFWS, DOI, were published in the **Federal Register** on July 20, 2011, and August 27, 2013. Any claim seeking judicial review of the previous Amendments to the Revised Programmatic Biological Opinion must have been filed by January 17, 2012, and January 24, 2014, respectively to avoid being barred under 23 U.S.C. 139(l).

On April 15, 2015, USFWS issued ''Amendment 3 To the Tier 1 Revised Programmatic Biological Opinion (RPBO dated August 24, 2006, previously amended July 24, 2013, and May 25, 2011) for the I–69, Evansville to Indianapolis, Indiana highway.'' USFWS issued their Conference Opinion on the northern long-eared bat as Amendment 3 to the RPBO due to the pending listing of the northern long-eared bat under the ESA. The Conference Opinion was adopted as a Biological Opinion on May 4, 2015, upon the effective date of the listing of the northern long-eared bat. The amendment added an exempted level of incidental take for the northern long-eared bat and added terms and conditions associated with the northern long-eared bat along with reasonable and prudent measures to be implemented to protect this species. Based on analysis of the information on the northern long-eared bat, USFWS concluded that while potential incidental take of some individuals may result from the construction, operation, and maintenance of the I–69 Evansville to Indianapolis, Indiana highway, it is not likely to jeopardize the continued existence of the northern long-eared bat. USFWS did not conduct any new analysis for either the bald eagle or eastern fanshell mussel (*Cyprogenia stegaria*), and the non-jeopardy conclusion regarding impacts to the bald eagle still stands as stated in the original Tier 1 Biological Opinion (dated December 3, 2003). The Amendment 3 to the Tier 1 Revised Programmatic Biological Opinion (RPBO dated August 24, 2006, previously amended July 24, 2013, and May 25, 2011) for the I–69, Evansville to Indianapolis, Indiana highway can be found and downloaded from the project website at *http://wwww.i69indyevn.org.*

For the Tier 2, Section 6, 26-mile I–69 Project in Morgan, Johnson, and Marion Counties, an individual Biological Opinion was issued on October 30, 2017, which concluded that the Section 6 project was not likely to jeopardize the continued existence of the Indiana bat or the northern long-eared bat. In addition, the USFWS issued an Incidental Take Statement subject to specific terms and conditions. The Biological Opinions and other project records relating to the USFWS actions, taken pursuant to the Endangered Species Act, 16 U.S.C. 1531–1544, are available by contacting the FHWA, INDOT, or USFWS at the addresses provided above. The Tier 2, Section 6 Biological Opinion can be viewed in Appendix GG2 in the Section 6 FEIS.

The USFWS concurrence with the FHWA's determination that the I–69 project is not likely to adversely affect the rusty patched bumble bee (*Bombus affinis*) was based on the fact that the project is outside of the ''high potential'' zones developed in Indiana for the rusty patched bumble bee and thus the species is not likely to be present within the project area.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Mayela Sosa,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 2018–04067 Filed 3–1–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0080]

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on the proposed collection of information.

This document describes a proposed collection of information under regulations that pertain to the importation of motor vehicles and items of motor vehicle equipment that are subject to the Federal motor vehicle safety, bumper, and theft prevention standards.

DATES: Comments must be received on or before May 1, 2018.

ADDRESSES: You may submit comments identified by DOT Docket No. NHTSA–2017–0080 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for assessing the dockets. Alternately, you may visit in person the Docket Management Facility at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance (NEF–230), National Highway Traffic Safety Administration,

West Building—4th Floor—Room W45–205, 1200 New Jersey Avenue SE, Washington, DC 20590. Mr. Sachs' telephone number is (202) 366–3151. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION:

Prior Approval

On December 19, 2013, NHTSA submitted to OMB a request for the extension of the agency's approval (assigned OMB Control No. 2127–0002) of the information collection that is incident to NHTSA's administration of the vehicle importation regulations at 49 CFR parts 591, 592, and 593. On April 13, 2014, OMB notified NHTSA that it had approved this extension request through April 30, 2017. That approval was based on NHTSA submissions identifying information being collected on an annual basis from 63,818 respondents, expending 61,882 hours of effort, at a cost of $1,454,120. NHTSA wishes to file with OMB a request for that agency to extend its approval for an additional three years. NHTSA published a prior notice to extend this information collection at 82 FR 901 (January 4, 2017). NHTSA is republishing this notice to account for recent changes in some aspects of the information collection concerning the processing of applications for permission to temporarily import vehicles equipped with automated driving systems for research or demonstration purposes under Box 7 on the HS–7 Declaration form. These are described more fully below.

Changes in Program

Since the information collection associated with NHTSA's importation program was last approved by OMB, significant changes have taken place that impact the information collection and the assessment of its burden on affected members of the public. These have resulted, in part, from the increasing strength of the U.S dollar against foreign currencies, particularly the Canadian dollar, which has led to a significant increase in the volume of vehicles imported from Canada. Another factor that has impacted the information collection is the transitioning in the filing of NHTSA-required import data from U.S. Customs and Border Protection's (CBP's) legacy Automated Commercial System (ACS) to the new Automated Commercial Environment/International Trade Data System (ACE/ITDS). With its integration into ACE, which began on August 1, 2015 and was completed by July 28, 2016, NHTSA is receiving more accurate and complete information on the importation of the commodities it regulates. As a consequence, the volume of entries, in some instances, has greatly increased from the volume received in prior years. For example, the volume of entries for vehicles at least 25 years old that can be imported without regard to their compliance with the Federal motor vehicle safety standards (FMVSS) and equipment items manufactured prior to the date that any applicable standard has taken effect, both of which are declared under Box 1 on the HS–7 Declaration form, has increased by a factor of nearly two hundred, from roughly 13,000 entries in 2012 to nearly 2.5 million entries in 2015. There has been a 25 percent increase in the volume of vehicles conforming to the FMVSS that are imported under Box 2A, from 5.6 million in 2012 to nearly 7 million in 2015. The volume of vehicles not originally manufactured to the FMVSS that are imported by registered importers under Box 3 has increased more than sevenfold, from roughly 30,000 vehicles in 2012, to over 216,000 vehicles in 2015. More than 99 percent of these vehicles are imported from Canada, whose dollar, as previously indicated, has significantly weakened against the U.S. dollar. Perhaps influenced by the same factors, there has been nearly a doubling in the volume of Canadian-certified vehicles imported by individuals for personal use under Box 2B, from 1,275 in 2012 to nearly 2,400 in 2015. There has been a fourfold increase in the volume of vehicles imported for export only under Box 4, from roughly 20,000 vehicles in 2012 to slightly more than 83,000 in 2015. The volume of nonconforming vehicles temporarily imported for research or demonstration purposes under Box 7 has increased by nearly 25 percent, from 6,000 vehicles in 2012 to 7,319 in 2015. Finally, the volume of vehicles not originally manufactured for use on public roads that are declared as off-road vehicles not subject to the FMVSS under Box 8 has increased by nearly one third, from 326,000 in 2012 to 421,526.

The focus of NHTSA's importation program has traditionally been on vehicles that were not originally manufactured to comply with all applicable FMVSS. These vehicles must be imported by a registered importer (RI) under bond to ensure that the vehicles are brought into compliance with applicable standards following importation. Nonconforming vehicles are entered under Box 3 on the HS–7 Declaration form. In calendar year 2002, 212,210 nonconforming vehicles were imported under Box 3. Over 97 percent of those vehicles were imported from Canada. In 2003, after the U.S. dollar began to weaken against the Canadian dollar, the volume of nonconforming vehicle imports under Box 3 was reduced by more than half, to 97,337 vehicles. The trend accelerated over the next five years, with 43,648 vehicles imported under Box 3 in 2004, 12,642 imported in 2005, 10,953 imported in 2006, 7,470 imported in 2007, and 6,311 imported in 2008. After the U.S. dollar had gained some strength against the Canadian dollar, the volume of imports under Box 3 increased to 10,752 vehicles in 2009, and continued to increase to 18,010 vehicles in 2010, 22,733 vehicles in 2011, and 30,138 in 2012. In 2013, 36,292 vehicles were imported under Box 3. With the increasing strength of the U.S. dollar against the Canadian dollar, this figure more than doubled in 2014, when 73,814 vehicles were imported, and then tripled in 2015, when a record 216,814 were imported.

When NHTSA last requested OMB approval for the information collection associated with the vehicle importation program, the agency estimated that 23,600 nonconforming vehicles would be imported on an annual basis under Box 3, for which HS–7 Declaration forms and HS–474 DOT Conformance bonds would have to be furnished. The agency estimated that it would take five minutes to complete each HS–7 Declaration form, and six minutes to complete each HS–474 DOT Conformance bond, for a total expenditure of 4,327 hours to complete these forms. Given the significant rise in nonconforming vehicle imports under Box 3 in recent years, future projections should assume an average of 109,000 vehicle imports per year. Relying on this figure, the hour burden associated with the completion of paperwork for these vehicles would be close to 19,873 hours (0.08333 hours to complete each HS–7 × 109,000 vehicles = 9,083 hours; 0.1 hours to complete each HS–474 × 109,000 vehicles = 10,900 hours; 9,083 + 10,900 = 19,983 hours). This represents nearly a 462 percent increase in burden hours associated with these entries when compared to the figures used when OMB approval was last obtained.

Cumulatively, the changes in the vehicle importation program detailed above have produced more than a four-fold increase in the hour burden associated with all aspects of the program, from an estimated 61,882 hours when OMB approval was last sought in 2013, to an estimated 252,622

hours in this document, as specified more fully below.

Scope of Accounting for Burdens

In this document, the agency has not focused exclusively on vehicles imported under the RI program, but has instead made a concerted effort to quantify the hour burden associated with the completion of paperwork for vehicles and equipment items imported in any legitimate way under NHTSA's regulations (49 CFR parts 591, 592, and 593). As a consequence, we are providing particular information on the paperwork burden associated with the importation of conforming motor vehicles; the temporary importation of nonconforming vehicles for personal use by nonresidents and by foreign diplomatic and military personnel; the temporary importation of nonconforming vehicles (including vehicles equipped with automated driving systems) for purposes of research, investigations, demonstrations or training, and other similar purposes; the importation of vehicles that are not primarily manufactured for on-road use; and other entry categories permitted under the agency's regulations. In addition, we have attempted to account for all forms, whether required or optional, and other types of information solicitations associated with vehicle and equipment importation that appear on the agency's website and in newsletters and other informational media that we employ to inform RIs and others of our requirements. Accounting for all paperwork burdens in this manner, we project that a total of 252,622 hours will be expended each year to complete paperwork associated with all aspects of NHTSA's program that regulates the importation of motor vehicles and equipment items subject to the FMVSS. As described above, this represents more than a four-fold increase over the 61,882 burden hours that were estimated when OMB approval was last sought in 2013.

Issues for Comments To Address

Under the Paperwork Reduction Act of 1995 (PRA), before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to 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.

Solicitation of Comments

In compliance with these requirements, NHTSA is requesting public comment on the following proposed collection of information:

Title: Importation of Vehicles and Equipment Subject to the Federal Motor Vehicle Safety, Bumper, and Theft Prevention Standards.

Type of Request: Reinstatement of an Expired Collection.

OMB Control Number: 2127–0002.

Affected Public: Importers of vehicles and regulated items of motor vehicle equipment.

Requested Expiration Date of Approval: May 31, 2021.

Summary of Collection of Information

1. Declaration requirement for the importation of motor vehicles and regulated items of motor vehicle equipment: NHTSA's regulations at 49 CFR part 591 provide that no person shall import a motor vehicle or regulated item of motor vehicle equipment [*e.g.,* tires, rims, brake hoses, brake fluid, seat belt assemblies, lighting equipment, glazing (*i.e.,* windshield and window glass), motorcycle helmets, child restraints, compressed natural gas containers (used as part of a vehicle's fuel system and not for the purpose of transporting natural gas), reflective triangular warning devices, rear impact guards for trailers, and platform lift systems for the mobility impaired] unless the importer files a declaration. See 49 CFR 591.5. This declaration is filed with U.S. Customs and Border Protection (Customs) on a paper copy of the HS–7 Declaration form, or, if the entry is made by a Customs House Broker, it can be made electronically using Customs' Automated Broker Interface (ABI) system. The HS–7 Declaration form has 14 boxes, each of which identifies a lawful basis for the importation of a motor vehicle or equipment item into the United States.

a. Importation of vehicles at least 25 years old or equipment not subject to the safety standards under Box 1: A motor vehicle at least 25 years old can be lawfully imported without regard to its compliance with the FMVSS. So too can an equipment item manufactured on a date when no applicable FMVSS was in effect. These vehicles and equipment items are declared under Box 1 on the HS–7 Declaration form. In calendar year 2013, 15,419 entries were made for vehicles and equipment items imported under Box 1. In 2014, 633,115 entries were made, and in 2015, the volume of entries increased to 2,487,196. Based on an average of these figures, the agency projects that roughly 1,045,243 entries will be made under Box 1 over the next three years (15,419 + 633,115 + 2,487,196 = 3,135,730; 3,135,730 ÷ 3 = 1,045,243). Assuming that an HS–7 Declaration form is filed for each of these entries, and that it will take five minutes to complete each of these forms, the agency estimates the hour burden associated with completing the paperwork for these entries to be approximately 87,100 hours per year (0.08333 hours × 1,045,243 = 87,100 hours).

b. Importation of conforming vehicles and equipment under Box 2A: Vehicles and equipment that are originally manufactured to comply with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, and that bear a label or tag certifying such compliance that is permanently affixed by the original manufacturer, are declared under Box 2A on the HS–7 Declaration form. In 2013, 5,823,028 vehicles were imported under Box 2A. In 2014, the figure increased to 6,508,918 vehicles, and increased again in 2015, to 6,909,140. Based on an average of these figures, the agency projects that roughly 6,413,695 vehicles will be imported each year under Box 2A for the next three years. The overwhelming majority of vehicles entered under Box 2A are imported by original manufacturers. As a rule, manufacturers do not file a separate HS–7 Declaration form for each conforming vehicle they import under Box 2A. Instead, the manufacturers furnish NHTSA with a single declaration form, on a monthly basis, to which they attach a list of all vehicles, identified by make, model, model year, and vehicle identification number (VIN), that were imported under Box 2A during that month. In this manner, it is not unusual for a single HS–7 Declaration form to be filed with the agency to cover the entry

of many thousands of vehicles. Assuming that manufacturers account for 90 percent of the vehicles imported under Box 2A, and that a manufacturer will, on average, report the entry of 5,000 vehicles on a single Declaration form, and that all other vehicles imported under Box 2A are declared individually, the agency projects the hour burden associated with completing the paperwork for the entry of these vehicles to be 53,541 hours per year (6,413,695 vehicles × .9 = 5,772,325 vehicles imported by original manufacturers; 5,772,325 vehicles ÷ 5,000 vehicles per declaration forms filed = 1,154 declaration forms being filed per year by manufacturers; assuming that a separate declaration is filed for each other vehicle imported under Box 2A yields 641,370 declarations being filed per year for these vehicles; 641,370 + 1,154 = 642,524 declarations per year; 0.08333 hours to complete each declaration × 642,524 declarations = 53,541 hours).

c. Importation of conforming Canadian-market vehicles for personal use under Box 2B: A motor vehicle that is certified by its original manufacturer as complying with all applicable Canadian motor vehicle safety standards can be imported by an individual for personal use under Box 2B. To accomplish the entry, the importer must furnish Customs with a letter from the vehicle's original manufacturer confirming that the vehicle conforms to all applicable U.S. Federal motor vehicle safety, bumper, and theft prevention standards, or that it conforms to all such standards except for the labeling requirements of Standard Nos. 101 *Controls and Displays* and 110 or 120 *Tire Selection and Rims,* and/or the requirements of Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* relating to daytime running lamps. A total of 1,246 vehicles were declared under Box 2B in 2013. In 2014, a total of 1,245 vehicles were declared under Box 2B and in 2015, 2,396 vehicles were declared under that box. Assuming these figures represent a fair approximation of the volume of vehicles imported under Box 2B in those three calendar years, the agency projects that roughly 1,629 vehicles will be imported under Box 2B in each of the next three calendar years. Assuming that a separate HS–7 Declaration form is filed for each of these vehicles, the hour burden associated with the completing the paperwork for the entry of these vehicles will be 136 hours per year (1,629 vehicles × 0.08333 hours per entry = 136 hours).

d. Importation of nonconforming vehicles by registered importers under Box 3:

Statutory and Regulatory Background

Section 30112(a) of Title 49, U.S. Code prohibits, with certain exceptions, the importation into the United States of a motor vehicle manufactured on or after the date an applicable Federal motor vehicle safety standard (FMVSS) takes effect, unless the motor vehicle was manufactured in compliance with the standard and was so certified by its original manufacturer. Under one of the exceptions to this prohibition, found at 49 U.S.C. 30141, a nonconforming vehicle can be imported into the United States provided (1) NHTSA decides that the vehicle is eligible for importation, based on its capability of being modified to conform to all applicable FMVSS, and (2) it is imported by a registered importer (RI), or by a person who has a contract with an RI to bring the vehicle into conformity with all applicable standards following importation. Regulations implementing this statute are found at 49 CFR parts 591 and 592.

HS–7 Declaration Form

The regulations require a declaration to be filed (on the HS–7 Declaration Form) at the time a vehicle is imported that identifies, among other things, whether the vehicle was originally manufactured to conform to all applicable FMVSS, and if it was not, to state the basis for the importation of the vehicle.

A nonconforming vehicle that NHTSA has decided to be eligible for importation can be imported by an RI, or by a person who has a contract with an RI to modify the vehicle so that it conforms to all applicable FMVSS, under Box 3 on the HS–7 Declaration form. As previously noted, the volume of imports under Box 3 has greatly increased in recent years. In 2013, 36,266 vehicles were imported under Box 3; in 2014, 73,809 vehicles were imported; and in 2015, 216,812 vehicles were imported. Based on these figures, the agency projects that 109,000 vehicles will be imported each year under Box 3. Assuming that volume, the hour burden associated with the completion of the HS–7 Declaration form for these vehicles will be 9,083 hours (0.08333 hours to complete each HS–7 × 109,000 vehicles = 9,083 hours).

HS–474 Conformance Bond

NHTSA's regulations also require an RI, among other things, to furnish a bond (on the HS–474 Conformance Bond form) at the time of entry for each nonconforming vehicle it imports, to ensure that the vehicle will be brought into conformity with all applicable safety and bumper standards within 120 days of entry or will be exported from, or abandoned to, the United States. A HS–474 Conformance Bond has to be furnished for each nonconforming vehicle imported under Box 3. Assuming an importation volume of 109,000 vehicles per year, the hour burden associated with the completion of the HS–474 will be 10,900 hours (0.1 hours to complete each HS–474 × 109,000 vehicles = 10,900 hours).

Conformity Statement

After modifying the vehicle to conform to all applicable standards, the RI submits a statement of conformity (on a suggested form) to NHTSA, which will then issue a letter permitting the bond to be released if the agency is satisfied that the vehicle has been modified in the manner stated by the RI. The statement of conformity contains a check-off list on which the RI identifies the FMVSS and other agency requirements to which the vehicle conforms as originally manufactured and the FMVSS and other requirements to which the vehicle was modified to conform. The RI also attaches to the statement of conformity documentary and photographic evidence of the modifications that it made to the vehicle to achieve conformity with applicable standards. Collectively, these documents are referred to as a ''conformity package.''

A conformity package must be submitted for each nonconforming vehicle imported under Box 3. Because the Canadian motor vehicle safety standards are identical in most respects to the FMVSS, there are relatively few modifications that need to be performed on a Canadian-certified vehicle to conform it to the FMVSS and the conformity packages that are submitted on these vehicles are considerably less comprehensive than those submitted for vehicles from Europe, Japan, and other foreign markets. The agency estimates that it would take the average RI no more than 30 minutes to collect information for, and assemble, a conformity package for a Canadian-certified vehicle.

Generally, more modifications are needed to conform a non-Canadian vehicle to the FMVSS. To properly document these modifications, more information must be included in the conformity package for a non-Canadian vehicle than is required for a Canadian-certified vehicle. The agency estimates that it would take an RI approximately twice as long, or roughly one hour, to compile information for, and assemble,

a conformity package for a typical non-Canadian vehicle.

Of the 36,266 nonconforming vehicles imported under Box 3 in 2013, 35,973, or roughly 99.1 percent, were Canadian market and 293, or roughly 0.9 percent, were from markets other than Canada. Of the 73,809 nonconforming vehicles imported under Box 3 in 2014, 73,467, or roughly 99.5 percent, were Canadian market and 342, or roughly 0.5 percent, were from markets other than Canada. Of the 216,812 nonconforming vehicles imported under Box 3 in 2016, 216,445 or roughly 99.8 percent, were Canadian market and 357, or roughly 0.2 percent, were from markets other than Canada. Assuming this trend continues in future years, the agency estimates the hour burden associated with the submission of conformity packages on Canadian-certified vehicles to be 54,200 hours per year (109,000 vehicles × 99.45 percent or 0.9945 = 108,400 vehicles; 108,400 vehicles × 0.5 hours per vehicle = 54,200 hours). The agency estimates the hour burden associated with the submission of conformity packages for non-Canadian vehicles to be 600 hours per year (109,000 vehicles × .55 percent or 0.0055 = 600 vehicles; 600 vehicles × 1.0 hours per vehicle = 600 hours. Adding these figures yields an estimated burden of 54,800 hours per year for the entire RI industry to compile and submit conformity packages to NHTSA on nonconforming vehicles imported under Box 3 (54,200 hours + 600 hours = 54,800 hours).

Import Eligibility Petition

As previously noted, a motor vehicle that was not originally manufactured to comply with all applicable FMVSS cannot be lawfully imported into the United States on a permanent basis unless NHTSA decides that the vehicle is eligible for importation, based on its capability of being modified to conform to those standards. Under 49 U.S.C. 30141, the eligibility decision can be based on the nonconforming vehicle's substantial similarity to a vehicle of the same make, model, and model year that was manufactured for importation into, and sale in the United States, and certified as complying with all applicable FMVSS by its original manufacturer. Where there is no substantially similar U.S.-certified vehicle, the eligibility decision must be predicated on the vehicle having safety features that are capable of being modified to conform to the FMVSS, based on destructive crash test data or such other evidence that the agency may deem adequate. The agency makes import eligibility decisions either on its own initiative, or in response to petitions filed by RIs. Only a small number of RIs (currently about 16 out of the 107 RIs registered with the agency) ever submit import eligibility petitions. Many of these businesses have, over the years, submitted multiple petitions to the agency. The agency estimates that it would take the typical RI that petitions the agency roughly two hours to complete the paperwork associated with the submission of a petition for a vehicle that has a substantially similar U.S.-certified counterpart, and roughly twice as long, or four hours, to complete the paperwork associated with the submission of a petition for a vehicle that lacks a substantially similar U.S.-certified counterpart. In 2013, 28 import eligibility petitions were submitted to the agency. Of these, 20, or 71 percent, were for vehicles with substantially similar U.S.-certified counterparts and 8, or 29 percent, were for vehicles for which there were no substantially similar U.S. certified counterparts. In 2014, 10 import eligibility petitions were submitted to the agency. Of these, 9, or 90 percent, were for vehicles with substantially similar U.S.-certified counterparts, and 1, or 10 percent, were for vehicles for which there were no substantially similar U.S.-certified counterparts. In 2015, 15 import eligibility petitions were submitted to the agency. Of these, 14, or 93 percent, were for vehicles with substantially similar U.S.-certified counterparts, and 1, or 7 percent, were for vehicles for which there were no substantially similar U.S.-certified counterparts. Assuming this trend continues in future years, the agency estimates that roughly 18 import eligibility petitions will be submitted each year, 85 percent of which, or 15 petitions, will be for vehicles with substantially similar U.S.-certified counterparts, and 15 percent of which, or 3 petitions, will be for vehicles lacking substantially similar U.S.-certified counterparts. Based on these figures, the agency estimates that the hour burden for the paperwork associated with the submission of import eligibility petitions to be 42 hours per year (15 petitions × 2 hours per petition = 30 hours; 3 petitions × 4 hours per petition = 12 hours; 30 hours + 12 hours = 42 hours).

e. Importation of vehicles or equipment intended solely for export under Box 4: A nonconforming vehicle or equipment item that is intended solely for export, and bears a tag or label to that effect, can be entered under Box 4 on the HS–7 Declaration form. In 2013, 45,509 vehicles were imported under Box 4. In 2014, 52,485 were imported and in 2015, the volume of Box 4 entries increased to 83,349. Based on these figures, the agency projects that an average of 63,447 vehicles will be imported under Box 4 in each of the next three years. Based on that figure, the hour burden associated with the completion of the HS–7 Declaration form for these vehicles will be 5,287 hours (0.08333 hours to complete each HS–7 × 63,447 vehicles = 5,287 hours).

f. Temporary importation of nonconforming vehicles by nonresidents of the United States under Box 5: Under an international convention to which the United States is a signatory, a nonresident of the United States can import a nonconforming vehicle for personal use, for a period of up to one year, provided the vehicle is not sold while in the United States and is exported no later than one year from its date of entry. These vehicles are entered under Box 5 on the HS–7 Declaration form. To enter a vehicle under Box 5, the importer must also furnish Customs with the importer's passport number and the name of the country that issued the passport. In 2013, a total of 322 vehicles were imported under Box 5. In 2014, 382 vehicles were imported under that box. In 2015, 193 were imported. Based on these figures, the agency estimates that roughly 300 vehicles will be imported under Box 5 in each of the next three years. Assuming that volume, the hour burden associated with the completion of the HS–7 Declaration form for these vehicles will be under 25 hours (0.08333 hours to complete each HS–7 × 300 vehicles = 24.99 hours).

g. Temporary importation of nonconforming vehicles by foreign diplomats under Box 6: A member of a foreign government on assignment in the United States, or a member of the secretariat of a public international organization so designated under the International Organizations Immunities Act, and within the class of persons for whom free entry of motor vehicles has been authorized by the Department of State, can temporarily import a nonconforming vehicle for personal use while in the United States. These vehicles are entered under Box 6 on the HS–7 Declaration form. The importer must attach to the declaration a copy of the importer's official orders and supply Customs with the name of the embassy to which the importer is attached. In 2013, a total of 16 vehicles were imported under Box 6. In 2014, 11 vehicles were imported under that box. In 2015, 16 were again imported. Based on these figures, the agency estimates that roughly 14 vehicles will be imported under Box 6 in each of the next three years. Assuming that volume, the hour burden associated with the

completion of the HS–7 Declaration form for these vehicles will be roughly 1 hour (0.08333 hours to complete each HS–7 × 14 vehicles = 1.16 hours).

h. Temporary importation of nonconforming vehicles (other than vehicles equipped with automated driving systems) and equipment under Box 7: Under 49 U.S.C. 30114, NHTSA is authorized to exempt a motor vehicle (including one equipped with an automated driving system) or item of motor vehicle equipment from the importation restriction in 49 U.S.C. 30112(a), on such terms the agency decides are necessary, for purposes of research, investigations, demonstrations, training, competitive racing events, show, or display. Regulations implementing this provision are found at 49 CFR part 591. Under those regulations, written permission from NHTSA is needed to temporarily import a nonconforming motor vehicle (including one equipped with an automated driving system) or equipment item for one of the specified purposes unless the importer is a manufacturer of motor vehicles that are certified to the FMVSS. An application form that can be used to obtain the letter of permission is posted to the agency's website at *www.nhtsa.gov/cars/rules/import.* If NHTSA grants permission, the nonconforming motor vehicle or equipment item can be temporarily imported under Box 7 on the HS–7 Declaration form. In 2013, 8,309 entries were made under Box 7. In 2014, 6,558 entries were made. In 2015, 7,319 were made. Permission letters were requested from NHTSA for 236 of the entries made in 2013, 312 of the entries made in 2014, and 336 of the entries made in 2015, representing roughly 4 percent of the total number of entries made under Box 7 in those years. The remaining entries were for vehicles and equipment imported by original manufacturers of vehicles that are certified to the FMVSS, who can temporarily import nonconforming vehicles and equipment for any of the specified purposes under Box 7 without the need for a NHTSA permission letter. Averaging the volume of imports over the past three years, the agency projects that roughly 7,395 entries will be made under Box 7 in each of the next three years. Assuming that applications for NHTSA permission letters will be submitted for 4 percent of those entries, and that a single application will be filed for each entry, the agency estimates that 295 applications will be filed in each of the next three years. Based on the estimate that it will take roughly five minutes to complete each of those applications, the agency projects that under 25 hours will be expended on an annual basis to submit applications for permission from NHTSA to import vehicles (other than ones equipped with automated driving systems, as discussed below) and motor vehicle equipment under Box 7 (0.0833 hours per application × 295 applications = 24.58 hours). Assuming that a single HS–7 Declaration form is filed for each vehicle (other than one equipped with an automated driving system) imported under Box 7, the agency projects that under 617 hours will be expended on an annual basis in completing the declaration for vehicles imported under Box 7 (0.0833 hours per declaration × 7,395 vehicles = 616.23 hours).

i. Temporary importation of vehicles equipped with automated driving systems under Box 7: NHTSA has received, since the latter part of 2016, a number of applications for permission to temporarily import under Box 7 for research and demonstration purposes nonconforming vehicles either equipped with, or to be equipped with automated driving systems (ADS). Some of these applications have requested NHTSA's permission to operate the vehicles on public roads or in demonstrations that would permit members of the general public to board the vehicles and ride in them while operated in autonomous mode. Owing to the novel nature of ADS, and the potential risks associated with the introduction of vehicles equipped with that technology on public roads or in demonstrations involving members of the general public, NHTSA has determined that it requires additional information to process applications of this kind. NHTSA will request information about the degree to which the vehicle complies with the FMVSS or other safety standards; the maximum speed capability of the vehicle; the power source and degree to which it complies with the applicable standard or equivalent industry standards or practices; the extent to which the vehicle has been previously tested in autonomous mode and whether the vehicle has been involved in any crashes and if so, whether any of those crashes involved deaths or injuries; whether the vehicle is a production or prototype model; the automation level of the vehicle; whether a trained operator will be in the vehicle when operated in autonomous mode; whether the operator will be able to take immediate control of the vehicle should the need arise; and whether members of the public will be granted access to the vehicle while it is being operated in autonomous mode. Owing to the additional information that needs to be furnished, these applications will take longer to complete than applications for vehicles that are not equipped with ADS. Based on the number of applications that it has received to date, NHTSA estimates that it will receive 25 applications in each of the next three years for the temporary importation of vehicles with ADS, and NHTSA estimates that it will take each applicant ten hours to accumulate and furnish the information needed for each of these applications. Based on these estimates, the agency projects that approximately 250 hours will be expended each year submitting applications for permission from NHTSA to import vehicles with ADS under Box 7 (10 hours per application × 25 applications = 250 hours).

In addition, should NHTSA grant an application for permission to import a nonconforming vehicle with ADS for research or demonstration purposes, the agency may attach conditions to its grant of approval. Some of the conditions that would increase the paperwork burden for the importers include reporting requirements and disclosure and/or placarding requirements. For instance, all importers of vehicles equipped or to be equipped with ADS would be required to submit an annual report to NHTSA on the status of all vehicles imported for the research program that identifies, by VIN, all vehicles that remain in the United States, all vehicles removed from service and the reason(s) for their removal, and their disposition. Another condition would require importers to notify NHTSA anytime a vehicle is involved in a crash or other incident, including near misses and difficult edge cases that the ADS could not handle without further modification, and provide copies of all accident reports concerning the occurrence prepared by State or local law enforcement authorities. NHTSA may also apply a condition requiring importers to affix a label to the interior and/or exterior of the vehicle warning prospective and actual occupants that the vehicle does not comply with all applicable FMVSS. The agency estimates that approximately 107 hours will be expended on an annual basis on these activities by all applicants who have been granted permission to import nonconforming vehicles with ADS for research or demonstration purposes. NHTSA estimates that 75 importers will submit annual reports (75 importers × 1 hour to compile and submit each report = 75 hours), that 5 incidents will be reported to NHTSA each year (5

incidents × 1 hour to submit each report = 5 hours), that 25 new importers will format placarding for placement in each imported vehicle (25 importers × 1 hour to format a placard = 25 hours), and that 60 new vehicles will need to be placarded (60 vehicles × 2 minutes to placard each vehicle = 2 hours) for a total of 107 additional burden hours. In addition, NHTSA estimates that each placard will cost manufacturers $1 per vehicle,[1] resulting in a total annual cost to the industry of $60 for the placarding requirement (60 vehicles per year × 1 placard per vehicle × $1 per placard = $60).

Because of the additional information that must be collected and reviewed, it will normally take NHTSA longer to process a request for permission to import a vehicle with ADS for research or demonstration purposes than it takes the agency to process a request for permission to import a vehicle without such a system. That is especially true whenever permission is sought to operate the vehicle on public roads or in demonstrations involving members of the public. Whereas the agency will normally process a request for permission to import a non-ADS-equipped vehicle in less than one hour, it can take the agency up to ten hours to review and process the information submitted in support of an application to import an ADS-equipped vehicle for research or demonstration purposes. Based on the assumption that 25 applications for permission to import such vehicles will be submitted each year, the agency estimates that it will expend 250 hours in processing these applications (25 applications × 10 hours = 250 hours).

j. Importation of off-road vehicles under Box 8: NHTSA regulates the importation of ''motor vehicles,'' which are defined (at 49 U.S.C. 30102) as vehicles that are driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways. Vehicles that are not primarily manufactured for on-road use do not qualify as ''motor vehicles'' under this definition, and may therefore be imported without regard to their compliance with the FMVSS. These vehicles are entered under Box 8 on the HS–7 Declaration form. Vehicles that can be entered in this fashion include those that are originally manufactured for closed circuit racing. Although approval from NHTSA is not needed to import a vehicle that was originally manufactured for racing purposes, the agency will issue a letter recognizing a particular vehicle as having been so manufactured if the importer requests the agency to do so. An application form that can be used to obtain such a letter is also posted to the agency's website at *www.nhtsa.gov/cars/rules/import.* In 2013, applications were submitted to NHTSA for 1 vehicle imported under Box 8. In 2014, 13 applications were filed. In 2015, 25 were filed. Based on these figures, the agency projects that 13 applications to import vehicles for racing purposes under Box 8 will be submitted in each of the next three years. Assuming that it will take five minutes to complete each of these applications, the agency estimates that slightly more than 1 hour will be expended in completing these applications (0.08333 hours × 13 applications = 1.08 hours).

In 2013, a total of 207,112 off-road vehicles and equipment items were imported under Box 8. In 2014, 335,281 off-road vehicles and equipment items were imported under that box. In 2015, 421,546 were imported. Averaging those figures, the agency projects that roughly 321,323 off-road vehicles and equipment items will be imported under Box 8 in each of the next three years. Assuming that volume, the hour burden associated with the completion of the HS–7 Declaration form for these vehicles and equipment items will be 26,776 hours (0.08333 hours to complete each HS–7 × 321,323 entries = 26,776).

k. Importation of vehicles or equipment requiring further manufacturing operations under Box 9: A motor vehicle or equipment item that requires further manufacturing operations to perform its intended function, other than the addition of readily attachable components such as mirrors or wipers, or minor finishing operations such as painting, can be entered under Box 9 on the HS–7 Declaration form. Documents from the manufacturer must be furnished for these entries. In 2013, 27,604 vehicles were imported under Box 9. In 2014, 45,905 vehicles were imported under that box. In 2015, 38,737 were imported. Averaging those figures, the agency projects that roughly 37,415 vehicles will be imported under Box 9 in each of the next three years. Assuming that a separate HS–7 Declaration form is filed for each of those vehicles, the agency projects that approximately 3,118 hours will be expended on an annual basis in completing the declaration for vehicles imported under Box 9 (0.0833 hours per declaration × 37,415 vehicles = 3,118).

l. Importation of vehicles for show or display under Box 10: Vehicles that are deemed by NHTSA to have sufficient technological or historical significance that they would be worthy of being exhibited in car shows if they were brought to the United States are eligible for importation for purposes of show or display under Box 10 on the HS–7 Declaration form. Written permission from NHTSA is also needed to import a vehicle for that purpose. An application form that can be used to request the agency to decide that a particular make, model, and model year vehicle is eligible for importation for purposes of show or display is posted to the agency's website at *www.nhtsa.gov/cars/rules/import.* In 2013, the agency received zero applications to determine vehicles eligible for importation for purposes of show or display. In 2014, the agency received 2 such applications. In 2015, the agency again received zero applications. Averaging these figures, the agency projects that it will receive one application to determine vehicles eligible for importation for purposes of show or display in each of the next three years. Assuming that it will take the typical applicant up to ten hours to compile and assemble the materials needed to support each application, the agency estimates that up to 10 hours will be expended in this activity in each of those years.

Also on the agency's website is an application form that can be used to request NHTSA to permit a particular vehicle to be imported for purposes of show or display once the agency has decided that the vehicle is of a make, model, and model year that is eligible for importation for those purposes. Certain restrictions apply to vehicles that are imported for purposes of show or display. Among those is a requirement that the vehicle not be driven in excess of 2,500 miles per year. The application specifies the terms of the importation and makes provision for the applicant to agree to those terms. In 2013, the agency received 23 applications to import specific vehicles for purposes of show or display. In 2014, the agency received 56 such applications. In 2015, the agency received 25. Averaging those figures, the agency estimates that it will receive roughly 35 applications in each of the next three years. Assuming that it will take the typical applicant up to one hour to compile and assemble the

[1] This amount is significantly higher than NHTSA's estimates of placarding costs in other clearances due to the fact that importers will placard only a very small number of vehicles and, therefore, are unable to achieve economies of scale. For example, in NHTSA's Tires and Rim Labeling collection NHTSA estimates that it will cost manufacturers $0.0074 to placard vehicles with the information required by FMVSS No. 119, *New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles,* S4.3. See ICR Reference No. 201202–2127–007.

materials needed to support each application, the agency estimates that up to 35 hours will be expended in this activity in each of those years.

m. Importation of equipment subject to the Theft Prevention Standard under Box 11: Items of motor vehicle equipment that are marked in accordance with the Theft Prevention Standard in 49 CFR part 541 are entered under Box 11 on the HS–7 Declaration form. In 2013, there were 7,513 entries under Box 11. In 2014, there were 8,675 such entries. In 2015 there were 4,509. Averaging these figures, the agency estimates that 6,899 entries will be made under Box 11 in each of the next three years. Assuming that it will take five minutes to complete each of these entries, the agency projects that under 575 hours will be expended on an annual basis in making these entries for equipment imported under Box 11 (0.0833 hours per declaration × 6,899 declarations = 574.89 hours).

n. Temporary importation of nonconforming vehicles by foreign military personnel under Box 12: A member of the armed forces of a foreign country on assignment in the United States can temporarily import a nonconforming vehicle for personal use during the member's tour of duty under Box 12 on the HS–7 Declaration form. In 2013, a total of 33 vehicles were imported under Box 12. In 2014, 21 such vehicles were imported. In 2015, 51 were imported. Averaging these figures, the agency projects that roughly 35 vehicles will be imported under Box 12 in each of the next three years. Assuming that volume, the hour burden associated with the completion of the HS–7 Declaration form for these vehicles will be under 3 hours (0.08333 hours to complete each HS–7 × 35 vehicles = 2.92 hours).

o. Importation of vehicles to prepare import eligibility petitions under Box 13: A nonconforming vehicle imported by an RI for the purpose of preparing a petition for NHTSA to decide that a particular make, model, and model year vehicle is eligible for importation is entered under Box 13 on the HS–7 Declaration form. A letter from NHTSA granting the importer permission to import the vehicle for that purpose must be filed with the declaration. NHTSA has issued guidance to inform RIs that it will permit no more than two vehicles to be imported for the purpose of preparing an import eligibility petition. Box 13 was incorporated into the HS–7 Declaration form when that form was last revised in May, 2006. The agency received requests to permit the importation of 26 vehicles under Box 13 in 2013, 9 in 2014, and 14 in 2015. Averaging these figures, the agency projects that roughly 16 vehicles will be imported under Box 13 in each of the next three years. Assuming that volume, the hour burden associated with the completion of the HS–7 Declaration form for these vehicles will be under 2 hours (0.08333 hours to complete each HS–7 × 16 vehicles = 1.33 hours).

2. Information collected from applicants for RI status and existing RIs seeking to renew their registrations: Under 49 U.S.C. 30141, a motor vehicle that was not originally manufactured to comply with all applicable FMVSS cannot be lawfully imported into the United States on a permanent basis unless (1) NHTSA decides it is eligible for importation, based on its capability of being modified to conform to all applicable FMVSS and (2) it is imported by an RI or by a person who has a contract with an RI to modify the vehicle so that it complies with all applicable FMVSS following importation. NHTSA is authorized by 49 U.S.C. 30141(c) to establish, by regulation, procedures for registering RIs. Those regulations are found in 49 CFR part 592.

a. Information collected from applicants: Under the terms of the regulations in part 592, an applicant for RI status must submit to the agency information that identifies the applicant, specifies the manner in which the applicant's business is organized (*i.e.,* sole proprietorship, partnership, or corporation), and, depending on the form of organization, identifies the principals of the business. The application must also state that the applicant has never had a registration revoked and identify any principal previously affiliated with another RI. The application must also provide the street address and telephone number in the United States of each facility for the conformance, storage, and repair of vehicles that the applicant will use to fulfill its duties as an RI, including records maintenance, and the street address in the United States that it designates as its mailing address. The applicant must also furnish a business license or other similar document issued by a State or local authority authorizing it to do business as an importer, seller, or modifier of motor vehicles, or a statement that it has made a bona fide inquiry and is not required by any State or local authority to maintain such a license. The application must also set forth sufficient information to allow the Administrator to conclude that the applicant (1) is technically able to modify nonconforming vehicles to conform to applicable Federal motor vehicle safety and bumper standards, (2) owns or leases one or more facilities sufficient in nature and size to repair, conform, and store the vehicles for which it furnishes statements of conformity to NHTSA, (3) is financially and technically able to provide notification of and a remedy for a noncompliance with an FMVSS or a defect related to motor vehicle safety determined to exist in the vehicles it imports, and (4) is able to acquire and maintain information on the vehicles that it imports and the owners of those vehicles so that it can notify the owners if a safety-related defect or noncompliance is determined to exist in such vehicles. The application must also contain a statement that the applicant will abide by the duties of an RI and attest to the truthfulness and correctness of the information provided in the application. A brochure containing sample documents that an applicant may use in applying to become an RI is posted to the agency's website at *www.nhtsa.gov/cars/rules/import.* In 2013, NHTSA received 4 applications for RI status. In 2014, the agency received 5 applications of this kind. In 2015, the agency received 10. Based on these figures, the agency anticipates that it will receive 6 applications for RI status in each of the next three years. Assuming that it will take up to ten hours to compile and assemble the material needed to support a single application, the agency estimates that 60 hours will be expended in this activity for each of the next three years (6 applications × 10 hours = 60 hours).

b. Information collected from existing RIs: To maintain its registration, an RI must file an annual statement affirming that all information it has on file with the agency remains correct and that it continues to comply with the requirements for being an RI. Formats that existing RIs may use to renew their registrations are included in a newsletter sent electronically to each RI before the renewal is due and posted to the agency's website at *www.nhtsa.gov/cars/rules/import.* The number of RI renewals increased in recent years on account of the strengthening of the U.S. dollar against the Canadian dollar, and the concomitant increase in the volume of vehicles imported from Canada. In 2013, NHTSA received renewal packages from 62 RIs. In 2014, the agency received 66 renewal packages. In 2012, the agency received 65. Based on these figures, the agency anticipates that it will receive an average of 64 renewal packages in each of the next three years. Assuming that it will take up to two hours to compile and assemble the

material needed to support a single application for renewal, the agency estimates that 128 hours will be expended in this activity for each of the next three years (64 renewal applications × 2 hours = 128 hours).

3. Information to be retained by RIs: The agency's regulations at 49 CFR 592.6(b) require an RI to maintain and retain certain specified records for each motor vehicle for which it furnishes a certificate of conformity to NHTSA, for a period of 10 years from the vehicle's date of entry. As described in the regulations, those records must consist of ''correspondence and other documents relating to the importation, modification, and substantiation of certification of conformity to the Administrator.'' The regulations further specify that the records to be retained must include (1) a copy of the HS–7 Declaration Form furnished for the vehicle at the time of importation, (2) all vehicle or equipment purchase or sales orders or agreements, conformance agreements with importers other than RIs, and correspondence between the RI and the owner or purchaser of each vehicle for which the RI furnishes a certificate of conformity to NHTSA, (3) the last known name and address of the owner or purchaser of each vehicle for which the RI furnishes a certificate of conformity, and the vehicle identification number (VIN) of the vehicle, and (4) records, both photographic and documentary, reflecting the modifications made by the RI, which were submitted to NHTSA to obtain release of the conformance bond furnished for the vehicle at the time of importation. See 49 CFR 592.6(b)(1) through (b)(4).

The latter records are referred to as a ''conformity package.'' Most conformity packages submitted to the agency covering vehicles imported from Canada are comprised of approximately six sheets of paper (including a check-off sheet identifying the vehicle and the standards that it was originally manufactured to conform to and those that it was modified to conform to, a statement identifying the recall history of the vehicle, a copy of the HS–474 conformance bond covering the vehicle, and a copy of the mandatory service insurance policy obtained by the RI to cover its recall obligations for the vehicle). In addition, most conformity packages include photographs of the vehicle, components that were modified or replaced to conform the vehicle to applicable standards, and the certification labels affixed to the vehicle.

Approximately 120 conformity packages can be stored in a cubic foot of space. Based on projected imports of 109,000 nonconforming vehicles per year, 908.33 cubic feet of space will be needed on an industry-wide basis to store one year's worth of conformity packages. Assuming an annual cost of $20 per cubic foot to store the information, NHTSA estimates the aggregate cost to industry for storing a year's worth of conformity packages to be $18,167 per year.

RIs are also required under 49 CFR 592.6(b) to retain a copy of the HS–7 Declaration Form furnished to Customs at the time of entry for each nonconforming vehicle for which they submit a conformity package to NHTSA. Paper HS–7 Declaration Forms are only filed for a small fraction of the nonconforming vehicles imported into the United States. Customs brokers file entries for most nonconforming vehicles electronically by using the Automated Broker Interface (ABI) system. For example, in Calendar year 2010, 17,645 ABI entries were made for nonconforming vehicles imported into the United States under Box 3, and only 365 paper HS–7 Declaration Forms (representing just two percent of the total) were filed for such vehicles. Because HS–7 Declaration Forms are filed for only a small fraction of the nonconforming vehicles that are imported by RIs, the storage requirement for those records can have no more than a negligible cost impact on the industry. Because the remaining records that RIs are required to retain under 49 CFR 592.6(b) may be stored electronically, the costs incident to the storage of those records should also be negligible.

RIs who conduct recall campaigns to remedy a safety-related defect or a noncompliance with an FMVSS determined to exist in a vehicle they import must report the progress of those campaigns to NHTSA. The agency estimates that it should take each RI that is required to conduct a safety recall campaign approximately one hour to compile information for, and prepare each of the two reports it would be required to submit to the agency detailing the progress of the recall campaign. Since vehicle manufacturers in most cases include vehicles imported by RIs in their own recall campaigns, it is likely that very few of these reports would have to be prepared or submitted by RIs.

Description of the Need for the Information and Proposed Use of the Information—The information collection detailed above is necessary to ensure that motor vehicles and items of motor vehicle equipment subject to the Federal motor vehicle safety, bumper and theft prevention standards are lawfully imported into the United States. To be lawfully imported, the vehicle or equipment item must be covered by one of the boxes on the HS–7 Declaration form and the importer must declare, subject to penalty for making false statements, that the vehicle or equipment item is entitled to entry under the conditions specified on the form, including the provision of any supporting information or materials that may be required.

NHTSA relies on the information provided by RIs and applicants for RI status to obtain and renew their registrations so that it can better ensure that RIs are meeting their obligations under the statutes and regulations governing the importation of nonconforming vehicles and can make more informed decisions in conferring RI status on applicants and in permitting RI status to be retained by those currently holding registrations. In this manner, those lacking the capability to responsibly provide RI services, or who have committed or are associated with those who have committed past violations of the vehicle importation laws, can be more readily denied registration as an RI, or if they already hold such a registration, have that registration suspended or revoked when circumstances warrant such action.

Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Responses to the Collection of Information)—With regard to the HS–7 Declaration form, likely respondents include any private individual or commercial entity importing into the United States a vehicle or item of motor vehicle equipment subject to the Federal motor vehicle safety standards. It is difficult to estimate, with reliability, the absolute number of such respondents; however, that number would include:

- The 107 RIs who are currently registered with NHTSA and import nonconforming vehicles under Boxes 3 and 13;
- the roughly 1,629 individuals who import each year Canadian-certified vehicles for personal use under Box 2B;
- the several hundred original manufacturers who import conforming motor vehicles and equipment items under Box 2A; nonconforming vehicles or equipment intended for export under Box 4; nonconforming vehicles and equipment on a temporary basis for purposes of research, investigations, or other reasons specified under Box 7; vehicles and equipment requiring further manufacturing operations under Box 9; and equipment subject to the

Theft Prevention Standard under Box 11.

• the several hundred dealers, distributors, and individuals who import off-road vehicles such as dirt bikes and all-terrain vehicles or ATVs, as well as other vehicles that are not primarily manufactured for on-road use under Box 8.

• the several hundred nonresidents of the United States and foreign diplomatic and military personnel who temporarily import nonconforming vehicles for personal use under Boxes 5, 6, and 12.

Estimate of the Total Annual Reporting and Recordkeeping Burden of the Collection of Information—Adding together the burden hours detailed above yields a total of 252,622 hours expended on an annual basis for all paperwork associated with the filing of the HS–7 Declaration form and other aspects of the vehicle importation program.

Estimate of the Total Annual Costs of the Collection of Information—Other than the cost of the burden hours, the only additional costs associated with this information collection are the $18,167 cost to the industry, per year for the storage of records pertaining to the nonconforming vehicles that each RI imports into the United States and the $60 expense for importers of nonconforming vehicles with automated driving systems temporarily imported for research or demonstration purposes to procure placards advising riders that the vehicles do not conform to all applicable Federal motor vehicle safety standards.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50 and 501.8(f).

Jeffrey M. Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2018–04213 Filed 3–1–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0056; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 2007 Jeep Wrangler Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that model year (MY) 2007 Jeep Wrangler Multipurpose Passenger Vehicles (MPV) manufactured before September 1, 2007, that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, specifically the U.S.-certified version of the 2007 Jeep Wrangler MPV manufactured before September 1, 2007, and they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is April 2, 2018.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

• *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

• *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice. DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202 366 5308).

SUPPLEMENTARY INFORMATION:

I. History: Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS (49 CFR 571) shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7 *Processing of Petitions,* NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

II. Summary of Petition: Wallace Environmental Testing Laboratories, Inc. (WETL) of Houston, Texas (Registered Importer R–90–005) has petitioned NHTSA to decide whether nonconforming 2007 Jeep Wrangler Multipurpose Passenger Vehicles (MPV)

manufactured before September 1, 2007 are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are MY 2007 Jeep Wrangler MPV manufactured before September 1, 2007, sold in the United States, and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified MY 2007 Jeep Wrangler MPV manufactured before September 1, 2007 to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified MY 2007 Jeep Wrangler MPV manufactured before September 1, 2007, as originally manufactured, conform to many applicable FMVSS in the same manner as their U.S.-certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non U.S.-certified MY 2007 Jeep Wrangler MPV manufactured before September 1, 2007, as originally manufactured, conforms to the following standards: FMVSS Nos. 102 *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect,* 103 *Windshield Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 106 *Brake Hoses,* 108 *Lamps, Reflective Devices, and Associated Equipment,* 109 *New Pneumatic and Certain Specialty Tires,* 111 *Rearview Mirrors,* 113 *Hood Latch System,* 114 *Theft Protection and Rollaway Prevention,* 116 *Motor Vehicle Brake Fluids,* 118 *Power-Operated Window, Partition, and Roof Panel Systems,* 124 *Accelerator Control Systems,* 135 *Light Vehicle Brake Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver from the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 208 *Occupant Crash Protection,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Mounting,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 225 *Child Restraint Anchorage Systems,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

The petitioner also contends that the subject non-U.S. certified vehicles are capable of being readily altered to meet the following standard, in the manner indicated:

Standard No. 101 *Controls and Displays:* Installation of the U.S. version of the instrument cluster, or changing the faceplate to include the word ''brake'' on the brake system malfunction telltale.

Standard No. 110 *Tire Selection and Rims:* Installation of the required tire information placard.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicle near the left windshield pillar to meet the requirements of 49 CFR part 565, and that a Registered Importer Certification Label must be affixed to the vehicle in the driver's side door jamb to satisfy the requirements of 49 CFR part 567.

III. Comments: All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Claudia Covell,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2018–04214 Filed 3–1–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation Advisory Board—Notice of Public Meetings

AGENCY: Saint Lawrence Seaway Development Corporation (SLSDC); DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the public meeting via conference call of the Saint Lawrence Seaway Development Corporation Advisory Board.

DATES: The public meeting will be held on (all times Eastern):

- Monday, March 19, 2018 from 2:00 p.m.–4:00 p.m.

ADDRESSES: The meeting will be held via conference call at the SLSDC's Policy Headquarters, 55 M Street SE, Suite 930, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Wayne Williams, Chief of Staff, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590; 202–366–0091.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC). The agenda for this meeting will be as follows:

March 19, 2018 From 2:00 p.m.–4:00 p.m.

1. Opening Remarks
2. Consideration of Minutes of Past Meeting
3. Quarterly Report
4. Old and New Business
5. Closing Discussion
6. Adjournment.

Public Participation

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, not later than Monday, March 12, 2018. Any member of the public may present a written statement to the Advisory Board at any time.

Carrie Lavigne,

Approving Official, Chief Counsel, Saint Lawrence Seaway Development Corporation.

[FR Doc. 2018–04230 Filed 3–1–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2018–0005]

Meeting of the Mutual Savings Association Advisory Committee

AGENCY: Office of the Comptroller of the Currency (OCC), Department of the Treasury.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The OCC announces a meeting of the Mutual Savings Association Advisory Committee (MSAAC).

DATES: A public meeting of the MSAAC will be held on Wednesday, March 21, 2018, beginning at 8:30 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The OCC will hold the March 21, 2018 meeting of the MSAAC at the OCC's offices at 400 7th Street SW, Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Michael R. Brickman, Deputy Comptroller for Thrift Supervision, (202) 649–5420, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the MSAAC will convene a meeting on Wednesday, March 21, 2018, at the OCC's offices at 400 7th Street SW, Washington, DC 20219. The meeting is open to the public and will begin at 8:30 a.m. EDT. The purpose of the meeting is for the MSAAC to advise the OCC on regulatory or other changes the OCC may make to ensure the health and viability of mutual savings associations. The agenda includes a discussion of current topics of interest to the industry.

Members of the public may submit written statements to the MSAAC. The OCC must receive written statements no later than 5:00 p.m. EDT on Wednesday, March 14, 2018. Members of the public may submit written statements to *MSAAC@occ.treas.gov* or by mailing them to Michael R. Brickman, Designated Federal Officer, Mutual Savings Association Advisory Committee, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

Members of the public who plan to attend the meeting should contact the OCC by 5:00 p.m. EDT on Wednesday, March 14, 2018, to inform the OCC of their desire to attend the meeting and to provide information that will be required to facilitate entry into the meeting. Members of the public may contact the OCC via email at *MSAAC@OCC.treas.gov* or by telephone at (202) 649–5420. Members of the public who are deaf or hearing impaired should call (202) 649–5597 (TTY) by 5:00 p.m. EDT on Wednesday, March 14, 2018, to arrange auxiliary aids such as sign language interpretation for this meeting.

Attendees should provide their full name, email address, and organization, if any. For security reasons, attendees will be subject to security screening procedures and must present a valid government-issued identification to enter the building.

Dated: February 26, 2018.

Joseph M. Otting,

Comptroller of the Currency.

[FR Doc. 2018–04270 Filed 3–1–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and vessels that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons, and these vessels, are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On February 23, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons, and the following vessels subject to U.S. jurisdiction, are blocked under the relevant sanctions authorities listed below.

Individuals

1. TSANG, Yung Yuan (Chinese Traditional: 張永源) (a.k.a. TSANG, Neil; a.k.a. TSANG, Niel; a.k.a. TSANG, Yun Yuan), 8th Floor, Number 466, Sec. 2, Neihu Road, Taipei, Taiwan; DOB 20 Oct 1957; Gender Male; Passport 302001581 (Taiwan) (individual) [DPRK3].

Designated pursuant to section 2(a)(ii) of Executive Order 13722 of March 15, 2016, "Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea" (E.O. 13722) for having sold, supplied, transferred, or purchased, directly or indirectly, to or from North Korea or any person acting for or on behalf of the Government of North Korea or the Workers' Party of Korea, coal, where any revenue or goods received may benefit the Government of North Korea or the Workers' Party of Korea, including North Korea's nuclear or ballistic missile programs.

Entities

1. CHONMYONG SHIPPING CO (a.k.a. CHON MYONG SHIPPING COMPANY LIMITED), Kalrimgil 2-dong, Mangyongdae-guyok, Pyongyang, Korea, North; Saemaul 2-dong, Pyongchon-guyok, Pyongyang, Korea, North; Company Number IMO 5571322 [DPRK4].

Designated pursuant to section 1(a)(i) of Executive Order 13810 of September

20, 2017, ''Imposing Additional Sanctions With Respect to North Korea'' (E.O. 13810) for operating in the transportation industry in North Korea.

2. FIRST OIL JV CO LTD, Jongbaek 1-dong, Rakrang-guyok, Pyongyang, Korea, North; Company Number IMO 5963351 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

3. HAPJANGGANG SHIPPING CORP, Kumsong 3-dong, Mangyongdae-guyok, Pyongyang, Korea, North; Company Number IMO 5787684 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

4. KOREA ACHIM SHIPPING CO, Sochang-dong, Chung-guyok, Pyongyang, Korea, North; Company Number IMO 5936312 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

5. KOREA ANSAN SHIPPING COMPANY (a.k.a. KOREA ANSAN SHPG CO), Pyongchon 1-dong, Pyongchon-guyok, Pyongyang, Korea, North; Company Number IMO 5676084 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

6. KOREA MYONGDOK SHIPPING CO, Chilgol 2-dong, Mangyongdae-guyok, Pyongyang, Korea, North; Company Number IMO 5985863 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

7. KOREA SAMJONG SHIPPING CO, Tonghung-dong, Chung-guyok, Pyongyang, Korea, North; Company Number IMO 5954061 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

8. KOREA SAMMA SHPG CO (a.k.a. KOREA SAMMA SHIPPING CO), Rakrang 3-dong, Rakrang-guyok, Pyongyang, Korea, North; Company Number IMO 5145892 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

9. KOREA UNPHA SHIPPING & TRADING (a.k.a. KOREA UNPHA SHIPPING AND TRADING), Puksong-dong, Pyongchon-guyok, Pyongyang, Korea, North; Company Number IMO 6005935 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

10. KOREA YUJONG SHIPPING CO LTD, Puksong 2-dong, Pyongchon-guyok, Pyongyang, Korea, North; Company Number IMO 5434358 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

11. MYOHYANG SHIPPING CO, Kumsong 3-dong, Mangyongdae-guyok, Pyongyang, Korea, North; Company Number IMO 5988369 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

12. PAEKMA SHIPPING CO, Care of First Oil JV Co Ltd, Jongbaek 1-dong, Rakrang-guyok, Pyongyang, Korea, North; Company Number IMO 5999479 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

13. PHYONGCHON SHIPPING & MARINE (a.k.a. PHYONGCHON SHIPPING AND MARINE), Otan-dong, Chung-guyok, Pyongyang, Korea, North; Company Number IMO 5878561 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

14. POCHON SHIPPING & MANAGEMENT (a.k.a. POCHON SHIPPING AND MANAGEMENT), Sonnae-dong, Mangyongdae-guyok, Pyongyang, Korea, North; Company Number IMO 5990271 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

15. SONGWON SHIPPING & MANAGEMENT (a.k.a. SONGWON SHIPPING AND MANAGEMENT), Somun-dong, Chung-guyok, Pyongyang, Korea, North; Company Number IMO 5990268 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

16. TONGHUNG SHIPPING & TRADING CO (a.k.a. TONGHUNG SHIPPING AND TRADING CO), Kinmaul-dong, Moranbong-guyok, Pyongyang, Korea, North; Company Number IMO 1991835 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the transportation industry in North Korea.

17. KINGLY WON INTERNATIONAL CO., LTD., Marshall Islands; Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro MH 96960, Marshall Islands; Taiwan; 8th Floor, Number 466, Section 2, Neihu Road, Taipei, Taiwan; Commercial Registry Number 90132 (Marshall Islands) [DPRK3] (Linked To: TSANG, Yung Yuan).

Designated pursuant to section 2(a)(viii) of E.O. 13722 for being owned or controlled by TSANG, a person whose property and interests in property are blocked pursuant to E.O. 13722.

18. PRO-GAIN GROUP CORPORATION, 8th Floor, Number 466, Section 2, Neihu Road, Taipei, Taiwan; Le Sanalele Complex, Ground Floor, Vaea Street, Saleufi, Apia, Samoa; Taiwan; Samoa [DPRK3] (Linked To: TSANG, Yung Yuan).

Designated pursuant to section 2(a)(viii) of E.O. 13722 for being owned or controlled by TSANG, a person whose property and interests in property are blocked pursuant to E.O. 13722.

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19. CHANG AN SHIPPING & TECHNOLOGY (Chinese Traditional: 長安海連技術有限公司) (a.k.a. CHANG AN SHIPPING AND TECHNOLOGY), Room 2105, DL1849, Trend Centre, 29-31 Cheung Lee Street, Chai Wan, Hong Kong, China; Company Number IMO 5938411 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O.13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

20. HONGXIANG MARINE HONG KONG LTD (Chinese Traditional: 鴻祥海運(香港)有限公司), Room 1502, 15th Floor, Keen Hung Commercial Building, 80, Queen's Road East, Wan Chai, Hong Kong, China; Company Number IMO 5857588 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O.13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

21. HUAXIN SHIPPING HONGKONG LTD (Chinese Traditional: 華信船務(香港)有限公司), Room 2105, Trend Centre, 29-31 Chueng Lee Street, Chai Wan, Hong Kong, China; Company Number IMO 5758476 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O.13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

22. LIBERTY SHIPPING CO LTD (Chinese Traditional: 利百船務有限公司), Room D, 3rd Floor, Thompson Commercial Building, 8-10 Thompson Road, Wan Chai, Hong Kong, China; Company Number IMO 5513586 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O.13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

BILLING CODE 4810–AL–C

23. KOTI CORP, Panama City, Panama; Company Number IMO 5982254 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O. 13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

24. SHANGHAI DONGFENG SHPG CO LTD, Room 601, 433, Chifeng Lu, Hongkou Qu, Shanghai 200083, China; Company Number IMO 5721069 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O. 13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

BILLING CODE 4810–AL–P

25. SHEN ZHONG INTERNATIONAL SHPG (Chinese Traditional: 沈忠國際海運有限公司), Unit 503, 5th Floor, Silvercord Tower 2, 30, Canton Road, Tsim Sha Tsui, Kowloon, Hong Kong, China; Company Number IMO 5604962 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O.13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

BILLING CODE 4810–AL–C

26. WEIHAI WORLD-SHIPPING FREIGHT, 419–201, Tongyi Lu, Huancui Qu, Weihai, Shandong 264200, China; Company Number IMO 5905801 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O. 13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

27. YUK TUNG ENERGY PTE LTD, 17–22, UOB Plaza 2, Raffles Place 048624, Singapore; Company Number IMO 5987860 [DPRK4].

Designated pursuant to section 1(a)(iii) of E.O. 13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

Also designated pursuant to section 1(a)(v) of E.O. 13810 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, KOREA KUMBYOL TRADING COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13810.

Vessels

1. AN SAN 1 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 7303803 (vessel) [DPRK4] (Linked To: KOREA ANSAN SHIPPING COMPANY).

Identified pursuant to E.O. 13810 as property in which KOREA ANSAN SHIPPING COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

2. CHON MA SAN Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8660313 (vessel) [DPRK4] (Linked To: KOREA ACHIM SHIPPING CO).

Identified pursuant to E.O. 13810 as property in which KOREA ACHIM SHIPPING CO, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

3. CHON MYONG 1 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8712362 (vessel) [DPRK4] (Linked To: CHONMYONG SHIPPING CO).

Identified pursuant to E.O. 13810 as property in which CHONMYONG SHIPPING CO, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

4. HAP JANG GANG 6 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 9066540 (vessel) [DPRK4] (Linked To: HAPJANGGANG SHIPPING CORP).

Identified pursuant to E.O. 13810 as property in which HAPJANGGANG SHIPPING CORP, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

5. JI SONG 6 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8898740 (vessel) [DPRK4] (Linked To: PHYONGCHON SHIPPING & MARINE).

Identified pursuant to E.O. 13810 as property in which PHYONGCHON SHIPPING & MARINE, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

6. JI SONG 8 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8503228 (vessel) [DPRK4] (Linked To: PHYONGCHON SHIPPING & MARINE).

Identified pursuant to E.O. 13810 as property in which PHYONGCHON SHIPPING & MARINE, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

7. KUM GANG 3 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8966535 (vessel) [DPRK4] (Linked To: KOREA UNPHA SHIPPING & TRADING).

Identified pursuant to E.O. 13810 as property in which KOREA UNPHA SHIPPING & TRADING, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

8. NAM SAN 8 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8122347 (vessel) [DPRK4] (Linked To: HAPJANGGANG SHIPPING CORP).

Identified pursuant to E.O. 13810 as property in which HAPJANGGANG SHIPPING CORP, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

9. PAEK MA Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 9066978 (vessel) [DPRK4] (Linked To: PAEKMA SHIPPING CO; Linked To: FIRST OIL JV CO LTD).

Identified pursuant to E.O. 13810 as property in which PAEKMA SHIPPING CO, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

10. PO CHON Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8848276 (vessel) [DPRK4] (Linked To: POCHON SHIPPING & MANAGEMENT).

Identified pursuant to E.O. 13810 as property in which POCHON SHIPPING & MANAGEMENT, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

11. SAM JONG 1 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8405311 (vessel) [DPRK4] (Linked To: KOREA SAMJONG SHIPPING CO).

Identified pursuant to E.O. 13810 as property in which KOREA SAMJONG SHIPPING CO, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

12. SAM JONG 2 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 7408873 (vessel) [DPRK4] (Linked To: KOREA SAMJONG SHIPPING CO).

Identified pursuant to E.O. 13810 as property in which KOREA SAMJONG SHIPPING CO, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

13. SAM MA 2 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8106496 (vessel) [DPRK4] (Linked To: KOREA SAMMA SHPG CO).

Identified pursuant to E.O. 13810 as property in which KOREA SAMMA SHPG CO, a person whose property and

interests in property are blocked pursuant to E.O. 13810, has an interest.

14. SONG WON Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8613360 (vessel) [DPRK4] (Linked To: SONGWON SHIPPING & MANAGEMENT).

Identified pursuant to E.O. 13810 as property in which SONGWON SHIPPING & MANAGEMENT, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

15. TONG HUNG 5 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8151415 (vessel) [DPRK4] (Linked To: TONGHUNG SHIPPING & TRADING CO).

Identified pursuant to E.O. 13810 as property in which TONGHUNG SHIPPING & TRADING CO, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest

16. WOORY STAR Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8408595 (vessel) [DPRK4] (Linked To: PHYONGCHON SHIPPING & MARINE).

Identified pursuant to E.O. 13810 as property in which PHYONGCHON SHIPPING & MARINE, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

17. YU JONG 2 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8604917 (vessel) [DPRK4] (Linked To: KOREA YUJONG SHIPPING CO LTD).

Identified pursuant to E.O. 13810 as property in which KOREA YUJONG SHIPPING CO LTD, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

18. YU PHYONG 5 Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8605026 (vessel) [DPRK4] (Linked To: KOREA MYONGDOK SHIPPING CO).

Identified pursuant to E.O. 13810 as property in which KOREA MYONGDOK SHIPPING CO, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

19. YU SON Democratic People's Republic of Korea flag; Vessel Registration Identification IMO 8691702 (vessel) [DPRK4] (Linked To: MYOHYANG SHIPPING CO).

Identified pursuant to E.O. 13810 as property in which MYOHYANG SHIPPING CO, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

20. ASIA BRIDGE 1 8,015DWT; Vessel Registration Identification IMO 8916580 (vessel) [DPRK4] (Linked To: HUAXIN SHIPPING HONGKONG LTD).

Identified pursuant to E.O. 13810 as property in which HUAXIN SHIPPING HONGKONG LTD, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

21. DONG FENG 6 5,515DWT Tanzania flag; Vessel Registration Identification IMO 9008201 (vessel) [DPRK4] (Linked To: SHANGHAI DONGFENG SHPG CO LTD).

Identified pursuant to E.O. 13810 as property in which SHANGHAI DONGFENG SHPG CO LTD, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

22. HAO FAN 2 11,658DWT; Vessel Registration Identification IMO 8747604 (vessel) [DPRK4] (Linked To: SHEN ZHONG INTERNATIONAL SHPG).

Identified pursuant to E.O. 13810 as property in which SHEN ZHONG INTERNATIONAL SHPG, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

23. HAO FAN 6 13,500DWT; Vessel Registration Identification IMO 8628597 (vessel) [DPRK4] (Linked To: SHEN ZHONG INTERNATIONAL SHPG).

Identified pursuant to E.O. 13810 as property in which SHEN ZHONG INTERNATIONAL SHPG, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

24. HUA FU 10,030DWT Panama flag; Vessel Registration Identification IMO 9020003 (vessel) [DPRK4] (Linked To: CHANG AN SHIPPING & TECHNOLOGY).

Identified pursuant to E.O. 13810 as property in which CHANG AN SHIPPING & TECHNOLOGY, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

25. KOTI Panama flag; Vessel Registration Identification IMO 9417115 (vessel) [DPRK4] (Linked To: KOTI CORP).

Identified pursuant to E.O. 13810 as property in which KOTI CORP, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

26. ORIENTAL TREASURE 9,038DWT Comoros flag; Vessel Registration Identification IMO 9115028 (vessel) [DPRK4] (Linked To: HONGXIANG MARINE HONG KONG LTD).

Identified pursuant to E.O. 13810 as property in which HONGXIANG MARINE HONG KONG LTD, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

27. XIN GUANG HAI 7,067DWT; Vessel Registration Identification IMO 9004700 (vessel) [DPRK4] (Linked To: WEIHAI WORLD-SHIPPING FREIGHT).

Identified pursuant to E.O. 13810 as property in which WEIHAI WORLD–SHIPPING FREIGHT, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

28. YUK TUNG; Vessel Registration Identification IMO 9030591 (vessel) [DPRK4] (Linked To: YUK TUNG ENERGY PTE LTD).

Identified pursuant to E.O. 13810 as property in which YUK TUNG ENERGY PTE LTD, a person whose property and interests in property are blocked pursuant to E.O. 13810, has an interest.

Dated: February 23, 2018.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–04219 Filed 3–1–18; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and vessels that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons and these vessels are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel. 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of

the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On February 26, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons and the following vessels subject to U.S. jurisdiction are blocked under the relevant sanctions authority listed below.

Individuals

1. DEBONO, Darren, 3 Saint Joseph, Saint Anthony Street, San Gwann, Malta; 22 Mensija St., San Gwann, Malta; DOB 09 Jan 1974; nationality Malta; citizen Malta; Gender Male; Passport 1071341 (Malta); National ID No. 049474M (Malta) (individual) [LIBYA3].

Designated pursuant to Section 1(a)(i)(D)(iv) of Executive Order 13726 of April 19, 2016, ''Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya'' (E.O. 13726) for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

2. DEBONO, Gordon, 18, Drive 41, Tumas Galea Street Ta'Paris, Birkirkara, Malta; DOB 07 May 1974; POB Malta; nationality Malta; Gender Male; Passport 354841 (Malta); National ID No. 234574M (Malta) (individual) [LIBYA3].

Designated pursuant to Section 1(a)(i)(D)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

3. BEN KHALIFA, Fahmi (a.k.a. AL IDRISI, Fehmi Abu Zaid Salem; a.k.a. BEN KHALIFA, Fahmi Mousa Saleem; a.k.a. BIN KHALIFA, Fahmi; a.k.a. SALEM, al Idrisi Fehmi Abu Zaid; a.k.a. ''Fahmi Slim''; a.k.a. ''King of Zawarah''), Sarage El Islam, Tripoli, Libya; Zuwarah, Libya; DOB 02 Jan 1972; nationality Libya; Gender Male; National ID No. 560147C (Libya) (individual) [LIBYA3].

Designated pursuant to Section 1(a)(i)(D)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

4. ARAFA, Ahmed Ibrahim Hassan Ahmed (a.k.a. ARAFA, Ahmed; ARAFA, Ahmed Ibrahim Hassab; a.k.a. ARAFA, Ahmed Ibrahim Hassan; a.k.a. SELEM, Ahmed Conami), 22 Mensija Street, San Gwann, Malta; 8, Simoha, Alexandria, Egypt; DOB 04 Jan 1976; POB Egypt; nationality Egypt; citizen Egypt; alt. citizen Malta; Gender Male; National ID No. 46447A (Malta) (individual) [LIBYA3].

Designated pursuant to Section 1(a)(i)(D)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

5. GRECH, Rodrick (a.k.a. GRECH, Roderick), Semper Grove, F1 3A, Triq il-Qala, Qala—Gozo, Malta; DOB 12 Aug 1981; nationality Malta; citizen Malta; Gender Male; Passport 1172183 (Malta); National ID No. 0476781M (Malta) (individual) [LIBYA3].

Designated pursuant to Section 1(a)(i)(D)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

6. MICALLEF, Terence (a.k.a. MICALLEF, Terrence), 31 Fawwara Ct. Flat 3, Turu Rizzo St., Gzira, Malta; DOB 25 Jan 1985; POB Malta; nationality Malta; citizen Malta; Gender Male; Passport 1018185 (Malta) issued 01 Sep 2011; National ID No. 087385M (Malta) (individual) [LIBYA3].

Designated pursuant to Section 1(a)(i)(D)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

Entities

1. SEABRASS LIMITED, Level 8/5B, Portomaso Business Tower, St. Julians, Malta; D–U–N–S Number 53–400–4431; Trade License No. C 76394 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

2. TARA LIMITED, Level 8/5B, Portomaso Business Tower, St. Julians, Malta; D–U–N–S Number 53–400–4252; Trade License No. C 76396 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

3. KRAKERN LIMITED, Level 8/5B Portomaso Business Tower, St. Julians, Malta; D–U–N–S Number 53–400–4559; Trade License No. C 76398 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

4. ADJ TRADING LIMITED (f.k.a. ADJ SWORDFISH LIMITED; a.k.a. ADJ TRADING), 22 Mensjia Street, San Gwann SGN 1608, Malta; PO Box 105, 1045, Majuro, Marshall Islands; D–U–N–S Number 52–023–7366; Tax ID No. 18589120 (Malta); Trade License No. C 41310 (Malta) [LIBYA3] (Linked To: DEBONO, Darren; Linked To: ARAFA, Ahmed Ibrahim Hassan Ahmed; Linked To: BEN KHALIFA, Fahmi).

Designated pursuant to Section 1(a)(i)(D)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

Also designated pursuant to Section 1(a)(i)(D)(vii) for being owned or controlled by Darren Debono, Ahmed Ibrahim Hassan Ahmed Arafa, and Fahmi Ben Khalifa, persons whose property and interests in property are blocked pursuant to E.O. 13726.

5. MALTA DIRECTORIES LTD., The Business Centre, Valley Road, Msida MSD 9060, Malta; Oakdene Mediatrix Place, Zabbar, Malta; D–U–N–S Number 53–499–4520; V.A.T. Number MT15561628 (Malta); Tax ID No. 15561628 (Malta); Trade License No. C 25186 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

6. PETROPARK S.R.L., Via Giovanni Lavaggi 152, Augusta (Siracusa) 96011, Italy; Via Unione Sovietica 4, Siracusa 96100, Italy; D–U–N–S Number 33–843–5672; V.A.T. Number IT08497661002 (Italy); Tax ID No. 08497661002 (Italy); Trade License No. SR 140256 (Italy) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

7. HI-LOW PROPERTIES LTD., The Business Centre, Valley Road, Msida MSD 9060, Malta; D–U–N–S Number 52–024–2258; Trade License No. C 38094 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

8. MR HANDYMAN LTD, The Business Centre, Valley Road, Msida MSD 9060, Malta; D–U–N–S Number 36–025–1842; V.A.T. Number MT16905829 (Malta); Tax ID No. 16905829 (Malta); Trade License No. C 32519 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

9. S–CAPE YACHT CHARTER LIMITED, Level 8/5B Portomaso Business Tower, St. Julians, Malta; D–U–N–S Number 53–400–5656; V.A.T. Number MT23786021 (Malta); Tax ID No. 23786021 (Malta); Trade License No. C 77444 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

10. S-CAPE LIMITED, Level 8, Office 5B Portomaso Business Tower, St. Julians STJ4011, Malta; D–U–N–S Number 53–400–5153; Trade License No. C 77446 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

11. OCEANO BLU TRADING LIMITED (f.k.a. PESCA MEDITERRANEA LIMITED), Flat 2, Merill Court, Fuxa Street, San Gwann SGN 1308, Malta; D–U–N–S Number 52–023–2342; V.A.T. Number MT21195831 (Malta); Tax ID No. 21195831 (Malta); Trade License No. C 58157 (Malta) [LIBYA3].

Designated pursuant to Section 1(a)(i)(D)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

12. ELEVEN EIGHTY EIGHT LIMITED (f.k.a. PAR EXCELLENCE LIMITED), 18, Drive 41, Tumas Galea Street, Ta' Paris, Birkirkara BKR 04, Malta; D–U–N–S Number 52–028–0154; V.A.T. Number MT14324830 (Malta); Tax ID No. 14324830 (Malta); Trade License No. C 19763 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

13. MARIE DE LOURDES COMPANY LIMITED, 22 Mensija Street, San Gwann SGN 1432, Malta; D–U–N–S Number 52–023–7373; Tax ID No. 21195703 (Malta); Trade License No. C 58194 (Malta) [LIBYA3] (Linked To: DEBONO, Darren).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Darren Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

14. WORLD WATER FISHERIES LIMITED (f.k.a. IL-BRAZZOL), 10 Quarry Garage, Gharghur, Malta; 22 Mensija Road, San Gwann SGN 1432, Malta; 6/13, Ibragg road, Tal-Balal, Swieqi, Malta; D–U–N–S Number 56–558–7594; V.A.T. Number MT15388917 (Malta); Trade License No. C 24129 (Malta); Company Number 4220856 [LIBYA3] (Linked To: DEBONO, Darren).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Darren Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

15. GORGE LIMITED, Level 8/5B, Portomaso Business Tower, St. Julians, Malta; D–U–N–S Number 53–400–4151; Trade License No. C 76400 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

16. ANDREA MARTINA LIMITED, 22 Mensija Road, San Gwann SGN 1608, Malta; D–U–N–S Number 52–024–7549; Tax ID No. 18589029 (Malta); Trade License No. C 41309 (Malta); Company Number 5886249 (Malta) [LIBYA3] (Linked To: DEBONO, Darren).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Darren Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

17. PETROPLUS LTD (a.k.a. PETRO PLUS LIMITED; f.k.a. TIKO TIKO LTD.), Office 5B, Level 8, Portomaso Business Tower, Portomaso Avenue, St. Julians STJ 4011, Malta; D–U–N–S Number 52–024–2307; V.A.T. Number MT20084637 (Malta); Tax ID No. 20084637 (Malta); Trade License No. C 50905 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

18. SCOGLITTI RESTAURANT, 8, Boat Street Marsamxett, Valletta, Malta; website *www.scoglittimalta.com* [LIBYA3] (Linked To: DEBONO, Darren).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Darren Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

19. THE BUSINESS CENTRE LTD. (a.k.a. THE BUSINESS CENTRE LIMITED), The Business Centre, Valley Road, Msida MSD 9060, Malta; D–U–N–S Number 56–556–9269; V.A.T. Number MT11366525 (Malta); Tax ID No. 11366525 (Malta); Trade License No. C 17918 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

20. INOVEST LIMITED (f.k.a. LEISURE HOLIDAYS LIMITED), 18, Drive 41, Tumas Galea Street, Ta'Paris, Birkirkara BKR 04, Malta; D–U–N–S Number 52–023–9744; V.A.T. Number MT14324921 (Malta); Tax ID No. 14324921 (Malta); Trade License No. C 19766 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being

owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

21. TIUBODA OIL AND GAS SERVICES (a.k.a. TIUBODA OIL AND GAS SERVICES LLC; a.k.a. TIUBODA OIL SERVICES LIMITED), Al Nasr Street, Tarabulus, Tripoli 82874, Libya; Tax ID No. 18571; Trade License No. 41992 (Libya); License 4541992 [LIBYA3].

Designated pursuant to Section 1(a)(i)(D)(iv) of E.O. 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

22. KB LINES LIMITED (a.k.a. KB LINES LTD.), Office 5B, Level 8, Portomaso Tower, St. Julians STJ 4011, Malta; D–U–N–S Number 53–400–0843; V.A.T. Number MT23058705 (Malta); Tax ID No. 23058705 (Malta); Trade License No. C 73647 (Malta); Company Number 5905876 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

23. MOTORCYCLE ART LTD., 18 Drive 41, Thomas Galea Street, Ta' Paris, Birkirkara, Malta; D–U–N–S Number 52–024–7665; V.A.T. Number MT18975718 (Malta); Tax ID No. 18975718 (Malta); Trade License No. C 44063 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

24. KB INVESTMENTS LIMITED, Office 5B, Level 8, Portomaso Business Tower, Portomaso Avenue, St Julians STJ 4011, Malta; D–U–N–S Number 53–399–9713; Trade License No. C 72745 (Malta) [LIBYA3] (Linked To: DEBONO, Gordon).

Designated pursuant to Section 1(a)(i)(D)(vii) of E.O. 13726 for being owned or controlled by Gordon Debono, a person whose property and interests in property are blocked pursuant to E.O. 13726.

Vessels

1. PROGRES (a.k.a. OZEL 2) (9HB4398) Malta flag; Other Vessel Flag Tanzania; alt. Other Vessel Flag Trinidad and Tobago; Other Vessel Call Sign 5IM713; Vessel Registration Identification IMO 8023670 (vessel) [LIBYA3] (Linked To: ANDREA MARTINA LIMITED).

Identified pursuant to E.O. 13726 as property in which ANDREA MARTINA LIMITED, an entity whose property and interests in property are blocked pursuant to E.O. 13726, has an interest.

2. BONU 5; Vessel Registration Identification IMO 15411 (vessel) [LIBYA3] (Linked To: ANDREA MARTINA LIMITED).

Identified pursuant to E.O. 13726 as property in which ANDREA MARTINA LIMITED, an entity whose property and interests in property are blocked pursuant to E.O. 13726, has an interest.

3. MARIE DE LOURDES (9HB3103) Malta flag; Vessel Registration Identification IMO 8688171; MMSI 249000882 (vessel) [LIBYA3] (Linked To: WORLD WATER FISHERIES LIMITED).

Identified pursuant to E.O. 13726 as property in which WORLD WATER FISHERIES LIMITED, an entity whose property and interests in property are blocked pursuant to E.O. 13726, has an interest.

4. MARIE DE LOURDES I (9HB3737) Malta flag; Vessel Registration Identification IMO 8688183; MMSI 248000368 (vessel) [LIBYA3] (Linked To: WORLD WATER FISHERIES LIMITED).

Identified pursuant to E.O. 13726 as property in which WORLD WATER FISHERIES LIMITED, an entity whose property and interests in property are blocked pursuant to E.O. 13726, has an interest.

5. MARIE DE LOURDES V (a.k.a. MDL 5) (9HB5604) Malta flag; Vessel Registration Identification IMO 9809277; MMSI 215000818 (vessel) [LIBYA3] (Linked To: WORLD WATER FISHERIES LIMITED).

Identified pursuant to E.O. 13726 as property in which WORLD WATER FISHERIES LIMITED, an entity whose property and interests in property are blocked pursuant to E.O. 13726, has an interest.

6. ZEUS (9H5319) Malta flag; Vessel Registration Identification IMO 04714 (vessel) [LIBYA3] (Linked To: ANDREA MARTINA LIMITED).

Identified pursuant to E.O. 13726 as property in which ANDREA MARTINA LIMITED, an entity whose property and interests in property are blocked pursuant to E.O. 13726, has an interest.

7. THEODOROS; Vessel Registration Identification IMO 6421660 (vessel) [LIBYA3] (Linked To: ADJ TRADING LIMITED).

Identified pursuant to E.O. 13726 as property in which ADJ TRADING LIMITED, an entity whose property and interests in property are blocked pursuant to E.O. 13726, has an interest.

Dated: February 26, 2018.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2018–04220 Filed 3–1–18; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee; Change

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting; Change.

SUMMARY: In the **Federal Register** notice that was originally published on February 21, 2018, (Volume 83, Number 35, Page 7554) the meeting location has changed from Dallas, Texas to Houston, Texas. The meeting will take place in Houston, Texas on Monday, March 19, 2018 and Tuesday, March 20, 2018.

DATES: The meeting will be held Monday, March 19, 2018 and Tuesday, March 20, 2018.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Monday, March 19, 2018, from 1:00 p.m. to 5:00 p.m. Central Time and Tuesday, March 20, 2018, from 8:00 a.m. until 5:00 p.m. Central Time at the IRS Office in Houston, Texas. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: February 26, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–04296 Filed 3–1–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning performance and quality for small wind energy property.

DATES: Written comments should be received on or before May 1, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Property Qualifying for the Energy Credit under Section 48 (Specifically, Performance and Quality for Small Wind Energy Property).

OMB Number: 1545–2259.

Notice Number: Notice 2015–4.

Abstract: Section 48(a)(3)(D) of the Internal Revenue Code allows a credit for energy property which meets, among other requirements, the performance and quality standards (if any) which have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy), and are in effect at the time of the acquisition of the property. Energy property includes small wind energy property. This notice provides the performance and quality standards that small wind energy property must meet to qualify for the energy credit under section 48.

Current Actions: There are no changes to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 160.

Estimated Time Per Respondent: 2 hours, 30 minutes.

Estimated Total Annual Burden Hours: 400.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 22, 2018.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–04232 Filed 3–1–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, March 22, 2018 and Friday, March 23, 2018.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be held Thursday, March 22, 2018, from 8:00 a.m. to 5:00 p.m. Central Time and Friday, March 23, 2018, from 8:00 a.m. until 12:00 p.m. Central Time at the IRS Office in Houston, Texas. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Gilbert Martinez. For more information please contact Gilbert Martinez at 1–888–912–1227 or 214–413–6523, or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

Dated: February 26, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–04295 Filed 3–1–18; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

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Part II

Department of Education

Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs; Notice

DEPARTMENT OF EDUCATION

[Docket ID ED–2017–OS–0078]

RIN 1894–AA09

Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs

AGENCY: Department of Education.

ACTION: Final priorities and definitions.

SUMMARY: In order to support and strengthen the work that educators do every day in collaboration with parents, advocates, and community members, the Secretary issues 11 priorities and related definitions for use in currently authorized discretionary grant programs or programs that may be authorized in the future. The Secretary may choose to use an entire priority for a grant program or a particular competition or use one or more of the priority's component parts. These priorities and definitions replace the supplemental priorities published in the **Federal Register** on December 10, 2014 and September 14, 2016. However, if a notice inviting applications (NIA) published before the applicability date of this notice of final priorities and definitions included priorities from the December 10, 2014 or September 14, 2016 notices, the included priorities would be in effect for the duration of the applicable competition.

DATES: These priorities and definitions are applicable April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Leticia Braga, U.S. Department of Education, 400 Maryland Avenue SW, Room 6W231, Washington, DC 20202. Telephone: (202) 401–0831 or by email: *Leticia.braga@ed.gov.*

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of This Regulatory Action: The Secretary has outlined a comprehensive education agenda that includes support for families and individuals to choose a high-quality education that meets their unique needs; promotes science, technology, engineering, and math (STEM) education, including computer science; develops and supports effective educators and school leaders; encourages freedom of speech and civil interactions in a safe educational environment; and fosters success from early childhood through adulthood. These final priorities and definitions may be used across the Department of Education's (the Department) discretionary grant programs to further the Department's mission, which is ''to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.''

Summary of the Major Provisions of This Regulatory Action: This regulatory action announces 11 supplemental priorities and relevant definitions. Each major provision is discussed in the *Public Comment* section of this document.

Costs and Benefits: The final priorities and definitions would impose minimal costs on entities that would receive assistance through the Department's discretionary grant programs. Additionally, the benefits of this regulatory action outweigh any associated costs because it would result in the Department's discretionary grant programs encouraging the submission of a greater number of high-quality applications and supporting activities that reflect the Administration's educational priorities.

Application submission and participation in a discretionary grant program are voluntary. The Secretary believes that the costs imposed on applicants by the final priorities are limited to paperwork burden related to preparing an application for a discretionary grant program that is using one or more of the final priorities in its competition. Because the costs of carrying out activities would be paid for with program funds, the costs of implementation would not be a burden for any eligible applicants, including small entities.

Program Authority: 20 U.S.C. 1221e–3.

We published a notice of proposed supplemental priorities and definitions (NPP) in the **Federal Register** on October 12, 2017 (82 FR 47484). That notice contained background information and our reasons for proposing the particular priorities and definitions.

There are differences between the NPP and this notice of final priorities and definitions (NFP) as discussed in the *Analysis of Comments and Changes* section in this notice.

Public Comment: In response to our invitation in the NPP, more than 1400 parties submitted comments on the proposed priorities and definitions.

Generally, we do not address technical and other minor changes, or suggested changes that the law does not authorize us to make under applicable statutory authority. In addition, we do not address general comments regarding concerns not directly related to the proposed priorities or definitions.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priorities and definitions since publication of the NPP follows.

General

Comment: Multiple commenters expressed support for implementing evidence-based practices, suggesting that their program of interest would be shown to positively influence children or students.

Discussion: We appreciate hearing from commenters who are involved in a wide range of educational programs, and the Department supports these valuable efforts to implement evidence-based practices.

Changes: None.

Comment: A few commenters requested a more focused approach when considering evidence-based practices. Specifically, one commenter recommended that the Department fund only evidence-based practices. Another commenter requested a new priority focused on rigorous evaluation, in order to develop the evidence base around work funded by the Department.

Discussion: We believe that evidence of effectiveness is an important consideration in identifying appropriate priorities for a discretionary grant competition. The Department has issued regulations in the Education Department General Administrative Regulations (EDGAR) on the use of evidence in Department programs and has the ability to use demonstrated evidence of effectiveness as part of the selection criteria in various grant competitions. However, prior evidence of effectiveness may not be the only factor that should be considered in a grant competition, and we think it is important to leave room for innovative ideas—particularly such ideas that can be subject to a rigorous evaluation once implemented. Because EDGAR already allows discretionary programs to use the extent to which an applicant will conduct a rigorous evaluation of its project as a part of the selection criteria, we do not think it is necessary to include a supplemental priority in this NFP that focuses solely on rigorous evaluation.

Comment: Multiple commenters stated that they appreciated the references to evidence-based models and the use of, and building upon, evidence. Specifically, these commenters encouraged the Department to prioritize evidence under Priority 1 where possible, including by adding a reference to ''evidence-based'' as described in the ESEA, and EDGAR.

Discussion: We share the commenters' interest in the use and prioritization of evidence in educational choice. As described in the NPP, subpart (c) of the priority encourages grantees to develop,

increase access to, and build evidence of effectiveness of innovative models of educational choice. We believe we can encourage the development and use of evidence by using the evidence framework established in EDGAR, which allows for the incorporation of evidence definitions and selection criteria into the design of discretionary grant competitions, and, where appropriate, this framework can be used in conjunction with the priority. We also note that the definition of ''evidence-based'' in 34 CFR 77.1 aligns with, and builds upon, the language regarding evidence-based in the ESEA, and we will include in this priority the citation to the EDGAR definition as well as the ESEA to ensure that all discretionary programs can employ the definition of evidence-based that applies to their program. EDGAR selection criteria also allow for the inclusion of rigorous evaluation in grant programs, which can be used to determine the impacts of educational choice on participating students, including students with disabilities, and can be used to build out the evidence base around educational choice. We note that multiple commenters recommended a particular evidence-based model as an option under this priority, but we do not endorse any specific programs.

Changes: We have revised subpart (c) of the priority to include a reference to the definition of ''evidence-based'' in 34 CFR 77.1 and the ESEA, and have made conforming changes to Priorities 6 and 7 as well.

Changes: None.

Comment: Some commenters suggested that contrary or negative evidence exists on specific educational programs, notably charter schools, other educational choice programs and school voucher programs.

Discussion: We appreciate the commenters' concern about the existing body of evidence on educational choice. We believe it is important to build upon the evidence base and examine more closely the effectiveness of various options, and how these options are implemented.

Overall, we view high levels of parent satisfaction as a key benefit of school choice options such as private school vouchers. As discussed in the NPP, research shows high satisfaction levels among private school parents, with more than 80 percent of parents saying they were ''very satisfied'' with their children's school. Parents of children at public charter schools and other public schools of choice also showed levels of satisfaction that were significantly higher than parents whose children attend geographically assigned district schools.[1]

We note that evidence suggests that some charter school models might be more effective at improving math and reading scores for low-income or low-achieving students. For example, a rigorous, random assignment study funded by the Department's Institute of Education Sciences found that the study's charter middle schools that are in urban areas and serve high proportions of low-income or low-achieving students had positive effects on middle school students' math test scores.[2] More recently, a national quasi-experimental design study found that certain groups of students enrolled in charter schools across the Nation demonstrated levels of academic growth in math and reading achievement that exceeded the growth of similar students enrolled in traditional public schools.[3] Other research suggests that specific practices some charter schools use, such as the use of data to guide instruction, increased instructional time, and more rigorous goal setting, may improve student outcomes.[4] Research also suggests that differences in State charter policies,[5] including with regard to the entity responsible for chartering,[6] such as school districts or nonprofits, may be related to differences in charter school performance.

Furthermore, studies of voucher programs in some districts have shown small positive or null effects in reading or large effects on high school graduation or postsecondary outcomes for subgroups of students and mixed effects in math.[7] Studies of statewide programs have shown negative or null effects on academic outcomes,[8] though there is some evidence that the effects become less negative over time for those students who continue to participate over a number of years.[9]

A recent analysis of a specific set of voucher programs found that they can be a cost-effective use of public funding for education. The study found that private school voucher programs were generally at least as effective as traditional public schools at improving math and reading scores and cost the government less.[10]

The Department is committed to building the evidence base for school choice models further, and these priorities are intended to support this important work.

Changes: None.

Comment: A few commenters made specific recommendations on the use of data. One commenter recommended that the priorities include clear references to the importance of data collection, data security, and the appropriate use of data to inform evidence-based strategies and further that the Department should collect data elements that help stakeholders assess the impact of discretionary grant programs. Another commenter

[1] Cheng, A. and Peterson, P. (2017). How Satisfied are Parents with Their Children's Schools? *Education Next,* 17(2). Available at: *http://educationnext.org/how-satisfied-are-parents-with-childrens-schools-us-dept-ed-survey.*

[2] Gleason, P., Clark, M., Tuttle, C., and Dwoyer, E. (2010). *The Evaluation of Charter School Impacts: Final Report* (NCEE 2010–4029). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.

[3] Center for Research on Education Outcomes. (2015). *Urban Charter School Study: Report on 41 Regions.* Stanford, CA: Author. *http://urbancharters.stanford.edu/download/Urban%20Charter%20School%20Study%20Report%20on%2041%20Regions.pdf.*

[4] Tuttle, C., Booker, K., Gleason, P., Chojnacki, G., Knechtel, V., Coen, T., Nichols-Barrer, I., and Goble, L. (2015). *Understanding the Effects of KIPP as it Scales: Volume I, Impacts on Achievement and Other Outcomes.* Washington, DC: Mathematica Policy Research. *https://www.mathematica-mpr.com/news/kipp-i3-scale-up*; Dobbie, W., and Fryer, Jr., R.G. (2013). Getting Beneath the Veil of Effective Schools: Evidence from New York City. *American Economic Journal: Applied Economics, 5*(4):28–60.

[5] Davis, D.H., and Raymond, M.E. (2012). Choices for studying choice: Assessing charter school effectiveness using two quasi-experimental methods. *Economics of Education Review* 31:225–236.

[6] Zimmer, R., Gill, B., Attridge, J., and Obernauf, K. (2014). Charter School Authorizers and Student Achievement. *Education Finance and Policy, 9*(1): 59–85.

[7] Witte, J.F., Carlson, D., Cowen, J.M., Fleming, D.J., and Wolf, P.J. (2012). *Milwaukee Parental Choice Program Longitudinal Educational Growth Study Fifth Year Report.* Report of the School Choice Demonstration Project, University of Arkansas, Fayetteville. Milwaukee Evaluation Report #29; Chingos, M.M., and Peterson, P.E. (2015). Experimentally estimated impacts of school vouchers on enrollment and degree attainment. *Journal of Public Economics, 122,* 1–12; Cowen, J.M. (2008). School choice as a latent variable: Estimating the ''complier average causal effect'' of vouchers in Charlotte. *The Policy Studies Journal, 36*(2), 301–315.

[8] Mills, J.N. and Wolf, P.J. (2016). *The Effects of the Louisiana Scholarship Program on Student Achievement After Two Years.* School Choice Demonstration Project, University of Arkansas, Fayetteville, AR & Education Research Alliance, Tulane University, New Orleans, LA; Figlio, D. and Karbownik, K. (2016). Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects. Columbus, OH: Fordham Institute.

[9] Mills, J.N. and Wolf, P.J. (2017). *The Effects of the Louisiana Scholarship Program on Student Achievement After Three Years.* School Choice Demonstration Project, University of Arkansas, Fayetteville, AR & Education Research Alliance, Tulane University, New Orleans, LA.

[10] Shakeel, M.D., Anderson, K.P., and Wolf, P.J. (2017). *The Justice Is Worth the Squeeze: A Cost-Effectiveness Analysis of the Experimental Evidence on Private School Vouchers across the Globe.* Paper presented at the Spring 2017 conference of the Society for Research on Educational Effectiveness.

recommended that the Department require grantees to provide students, families, and teachers access to data showing students' learning over time, build State and local capacity to safeguard data, and train teachers to use data to make instructional decisions.

Discussion: The Department agrees with the importance of data collection, data security, and data-based decision-making to the extent that such collections are useful, cost effective, and not duplicative. Ensuring that students, families, and teachers have secure and timely access to student data, and that they are able to utilize the data presented for informed decision-making, are important aspects of meeting the unique needs of students. Additionally, we agree that there is a need to build State and local capacity to protect students' privacy through secure and confidential data, consistent with the Family Education Rights and Privacy Act (20 U.S.C. 1232g). The Department has provided technical assistance to State and local entities to address these needs in multiple ways and will continue to consider these needs in future discretionary grant opportunities. Given these ongoing efforts, we do not believe it is necessary to add specific language to the priorities regarding the use of data.

Changes: None.

Comment: Some commenters requested a separate priority or an added focus in the final priorities on the area of ''early learning'' or ''early childhood.'' More specifically, some commenters recommended adding references to ''early learning'' throughout the priorities, including Priorities 4, 7, 9, and 10. Other commenters recommended that the definitions of ''educational choice'' and ''high-poverty school'' be amended to include ''early learning.''

Some commenters asked that we expand references to ''teachers and principals'' to include individuals in the early childhood workforce who impact the outcomes of our youth, including administrators and service coordinators (among others).

Additionally, commenters asked that ''early learning'' be an absolute, competitive preference, or invitational priority in all Department discretionary grant competitions.

One commenter requested that we revise the priorities to emphasize the critical role that families play in child, policy, and systems development, and recommended specific revisions that would reference the early childhood population.

Discussion: We appreciate the commenters' suggestions. The final priorities place a renewed focus on the Department's core mission: Promoting student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. The priorities are intended to positively impact all students, from the early years through adulthood. The Department recognizes the importance of early learning and its positive outcomes and benefits, as well as its impact on future academic achievement of students.

The final language in Priority 1 subpart (b)(xv) specifically focuses on early learning. Subpart (d) of Priority 9 includes projects that address, ''Increasing the number of children who enter kindergarten ready to succeed in school and in life by supporting families and communities to help more children obtain the knowledge and skills to be prepared developmentally.''

We agree with the commenters who requested that we recognize, and include language to emphasize, early learning. While we do not think it is necessary to establish a separate priority for early childhood, we are making specific edits to include the term ''children or students'' in some of the priorities, as well as in the definition of ''educational choice,'' to clarify that the priorities and this definition may be used in grant programs that serve the early childhood population.

Furthermore, throughout the priorities, we generally use the term ''educators,'' which we believe includes early childhood service providers and other school personnel. Similarly, we believe that the term ''education'' encompasses early learning and does not preclude the use of the priorities referencing education in discretionary programs that serve the early childhood population, as appropriate. Lastly, we decline to revise the definition of ''high-poverty school'' as we believe that it adequately captures the intended populations within priorities where such terms are used.

Changes: We have modified Priorities 1(a), 1(b), 2(c), 4(b), 5(a), 6(b), 6(j), 7(c), and 9(b), and the definition of ''educational choice'' by adding ''children or students'' in order to clarify that this priority may be used in competitions for discretionary grants that serve children within the 0–5 age range.

Comment: Multiple commenters requested that the Department include in the priorities an emphasis on increasing socioeconomic diversity in schools. These commenters suggested that student diversity in schools supports improved academic and other outcomes and expressed concern that the perceived momentum for increasing diversity in schools will be lost in the absence of a stand-alone priority on diversity. One commenter highlighted research showing the benefits to students on outcomes, such as student satisfaction, motivation, and intellectual self-confidence when they attend schools with students from diverse backgrounds, including students with disabilities and English learners.

Discussion: We appreciate the commenters' recommendation to promote socioeconomic diversity in classrooms, schools, and districts. While we do not believe a stand-alone priority on increasing diversity is necessary to achieve this goal, such projects would not be precluded under Priority 8(b), which, among other things, seeks to increase the diversity of the educator workforce. Furthermore, nothing in the priorities would preclude grant applicants from proposing projects that, in addition to addressing the particular grant program requirements, are also designed to increase socioeconomic diversity in classrooms, schools, and districts.

Changes: None.

Comment: Several commenters encouraged the Department to consider the role that libraries play in advancing the goals of various priorities, including Priorities 3, 4, 5, 6, 7, and 9. These commenters explained that school libraries (to include libraries in elementary, secondary and higher education settings, such as universities and community colleges) and public libraries serve a valuable role in ensuring that students have access to a wide range of resources to which they may not otherwise have access, that these resources promote student literacy in many content areas, and the libraries themselves serve as a safe space for students and families to engage in literacy activities that span a wide age range. Commenters indicated that libraries and librarians play a vital role in promoting economic opportunity in both urban and rural communities, where literature and resources may not be readily available to children and families.

While these commenters generally requested that libraries be recognized throughout the priorities for the value they bring to education, one commenter requested specifically that public libraries be included as eligible entities or allowable partners, as applicable, across the priorities.

Discussion: We recognize the important role that libraries play in the lives of children and families. Libraries clearly support literacy in a variety of ways across the content areas reflected

in these final priorities. We note that libraries are explicitly included in Priority 6(j) and, furthermore, partnerships with libraries would not necessarily be precluded under other priorities as a way to address the requirements within relevant grant programs, though each program's authorizing statute would determine such eligibility. Accordingly, we do not think additional references to libraries in the priorities are necessary.

Changes: None.

Comment: One commenter expressed hope that the Department would support the development of a national test in social studies because the commenter believes that such a test could be used to advance Priorities 3, 4, and 8.

Discussion: Developing a national test in social studies for use at the State and local level is beyond the scope of the Department's mission; this is a State and local responsibility. However, the Department does administer the National Assessment of Educational Progress (NAEP), which is a nationally representative and continuing assessment of what America's students know and can do in various subject areas. NAEP periodically assesses some subjects that are often taught in social studies, including civics, economics, geography, and U.S. history.[11]

Changes: None.

Comment: Several commenters suggested adding language on the principles of Universal Design for Learning (UDL) in multiple priorities. Specifically, commenters suggested adding language providing for the development of curricula and instruction based on the principles of UDL and the use of UDL in assessment. Several commenters supported UDL as a successful classroom strategy and recommended that we require projects to incorporate principles of UDL, in order to address the needs of individuals with disabilities.

Discussion: The Department believes that learning environments, academic content, and assessments should be accessible and effective for all students and supports projects to achieve this goal. We believe that the language in Priority 5(b) could be inclusive of UDL as a strategy for meeting the needs of students with disabilities.

We further believe that the priorities offer the flexibility for applicants to address UDL and similar strategies in their grant applications. While specific strategies such as UDL are not listed, the priorities include multiple references to the importance of effective strategies and evidence-based practices. There is nothing in any of the priorities that would prohibit the use of UDL, so long as projects address the requirements of the priorities. For these reasons, it is not necessary to revise the priorities to provide explicit references to the strategy.

Changes: None.

Comment: One commenter recommended that the Department develop a priority focused on alignment between relevant discretionary grant programs and State or local plans under the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Discussion: We agree with the commenter that considering alignment between discretionary grant programs and statutory and regulatory requirements under the ESEA, where applicable, can help the Department and grantees to determine the best approach to support State and local programs. In fact, definitions from the ESEA are used throughout the priorities. However, program offices can consider how these priorities align with programs authorized by the ESEA in designing their notices inviting applications. Additionally, the Department would expect that all grant applications from LEAs and SEAs would be designed to support their State and local plans, and does not feel it is necessary to provide additional points in a competition to an application that does so. Therefore, we do not believe that a separate priority or subpart referencing alignment with the ESEA is necessary to achieve the goal of alignment, where appropriate.

Changes: None.

Comment: Some commenters expressed opposition to all priorities generally. One of these commenters objected to any competitive grant programs in favor of all Federal funds being allocated to States by formula and another suggested that competitions be guided solely by the language in the authorizing statute. Lastly, one commenter objected to the multiple references to rural schools in light of the challenges that urban school districts face. This commenter requested urban districts be acknowledged with emphasis similar to rural school districts.

Discussion: The Department's discretionary grant programs are established by statute. Accordingly, the Department does not have discretion to allocate funds to formula grant programs to the exclusion of discretionary grant programs authorized by Congress. Discretionary grant programs encompass a broad array of topics and allow the Department to more specifically target areas of student and national need that arise from year to year and competition to competition. The Department takes this responsibility seriously and expects to use these priorities in alignment with the authorizing statutes.

We appreciate views of the commenter who suggested we include a specific focus on urban local educational agencies (LEAs). As we discussed in the NPP, our focus on students who are served by rural LEAs is in acknowledgment of the fact that rural students and communities have unique needs that are not always adequately addressed. For these reasons, we decline to remove this focus or revise it to require a focus on students served by rural and urban LEAs and believe the priorities as a whole sufficiently encompass all students.

Changes: None.

Comment: One commenter requested that the Department add Tribal leadership in Priorities 3–11 where States and localities are listed in order to emphasize Tribes, consultation with Tribal council members, and consideration of Native American students.

Discussion: We appreciate the commenter's request and agree that all applicants should address the needs of the students proposed to be served, including Native American students, in designing their projects within the context of the specific requirements and focus of the program under which they are applying. With respect to the comment on tribal consultation, the Department's policy on that issue can be found here: *https://www2.ed.gov/about/offices/list/oese/oie/tribalpolicyfinal.pdf.*

Changes: None.

Priority 1—Empowering Families and Individuals To Choose a High-Quality Education That Meets Their Unique Needs

Comment: Multiple commenters expressed support for Priority 1 and the focus on educational choice. Additionally, in their support for the priority, multiple commenters encouraged the Secretary to add one or multiple areas of emphasis within the priority.

Specifically, commenters emphasized: The role of States, LEAs, and parents in making decisions regarding choice; ensuring quality educational choices; and referencing specific groups of students, such as rural students, English learners, migratory children, low-skilled adults, and homeless students, or types of options, such as dual enrollment,

[11] For more information, please see *https://nces.ed.gov/nationsreportcard/.*

early college high schools, and Green Ribbon Schools.

Discussion: We agree that this priority, and its focus on providing families and individuals with access to quality educational options, is important to best meet their unique needs. The priority and the accompanying definition of ''educational choice'' offer extensive flexibilities in how it can be used, the students that can be served, and the specific choice options available, which all seek to maximize the availability of high-quality learning opportunities. In addition, to promote high-quality learning opportunities, subpart (c) of the priority focuses on developing, increasing access to, and building evidence-based innovative strategies for promoting models of educational choice. Furthermore, with this priority we seek to provide families and individuals with the information and tools they need to make important decisions regarding which educational options are most appropriate for them.

We agree with commenters that this priority can be used to focus on the needs of different groups of students, and the priority is designed to allow the Department to determine which group or groups should be the focus of educational choice for a given grant competition that uses this priority.

The definition of ''educational choice'' provides significant flexibility, and was structured in this way in order to clarify our intent that families and individuals should be able to select the most appropriate educational option to meet their needs. Therefore, we do not require nor endorse any one option over others, including by distinguishing between public versus private options, or options in elementary, secondary, or postsecondary settings. Likewise, we do not believe that it is appropriate to identify specific Department programs in the priority as those could change over time and to ensure maximum flexibility for applicants in responding to this priority.

Changes: None.

Comment: Multiple commenters requested the inclusion of early learning as an option for educational choice.

Discussion: We are committed to improving access to high-quality preschool through 12th grade and postsecondary educational options. We agree with the commenters, and are adding children in early learning settings as a group that may be a focus under the priority.

Changes: We have revised subpart (b) of Priority 1 to include ''children in early learning settings'' in the list of targeted groups.

Comment: Multiple commenters requested the inclusion of adult learners for targeted educational choice, and proposed specific edits to the priority, including adding references to and definitions from the Workforce Innovation and Opportunity Act (WIOA).

Discussion: We agree with the commenters that ensuring adults have access to a diversity of high-quality educational options is essential for both those individuals themselves and to the future educational success of their children. However, we do not believe that a specific reference to the definitions in WIOA is necessary for several reasons. First, adult learners are not explicitly excluded from the priority as written. Second, ''low-skilled adults'' are specifically referenced in subpart (b)(viii). We do not believe it is necessary to include adult learners explicitly in a separate subpart. That said, we agree it is important that these final priorities are widely applicable for discretionary programs that serve a broad spectrum of students, including adult learners, and are revising the title of this priority to clarify that adults are also included.

Changes: We have revised the title of Priority 1 to clarify that adults may be included in programs using this priority.

Comment: Multiple commenters requested that we include community colleges as a postsecondary option in Priority 1.

Discussion: We agree with the commenters that community colleges play an important role in offering educational choice to students. However, we believe that community colleges, while not explicitly referenced, are included under the reference to postsecondary programs.

Changes: None.

Comment: A few commenters referenced the importance of teachers in ensuring that students have access to high-quality educational choices.

Discussion: We agree with commenters that teacher quality matters, and that great teachers contribute enormously to the learning and lives of children. As such, Priority 8 focuses on developing evidence about effective professional development programs that support teachers and leaders as they enter the profession, different leadership pathways for educators in and out of the classroom, increased diversity through strategic recruitment, innovative staffing models, and retention of top talent.

Changes: None.

Comment: Some commenters proposed edits or additional language to the background section that accompanied Priority 1 in the NPP to emphasize different points, such as making educational choice options available to all families in accessible ways and languages, removing ''where possible'' from the background in regard to the use of evidence-based models, and adding an explicit reference to public school choice.

Discussion: We appreciate the feedback we received on the background section included in the NPP, which explains our rationale for this priority. We do not include background sections for priorities in the NFP, nor are the background sections considered part of the final priorities. Therefore, we are not making any changes in response to these comments.

Changes: None.

Comment: A number of commenters expressed opposition to Priority 1. This opposition included concerns regarding how educational choice might impact learning and the neighborhoods where students live, and concerns that parental choice could impact diversity. Commenters also opposed the use of public funds for education in private or religious schools, such as through the use of vouchers to offer educational choice in private schools. These commenters expressed a desire to defund (or not to fund) private schools or add significant additional regulations to govern any private schools participating in educational choice programs. Many commenters cited specific concerns regarding the impact of this priority on particular groups, such as rural students, students with disabilities, students who are living in poverty, students who are Indians, and military- or veteran-connected students.

Discussion: We appreciate the commenters' concerns regarding educational choice. We share commenters' support for public education and believe educational choice is compatible with support for public schools. We would also note, however, that positive educational outcomes for students must be prioritized over support for a particular public or private entity. We believe families are best equipped to make decisions as to where their children are most likely to achieve the best outcomes. We are committed to improving access to high-quality preschool through 12th grade and postsecondary educational options, offering meaningful choice to families, and providing families with the information and tools they need to make these important decisions. We believe that schools and educators aim to serve the public good by preparing students to

lead successful lives and that, therefore, we all benefit from maximizing the availability of high-quality learning opportunities for students.

It is important to note that with this priority the Department seeks to maximize the availability of high-quality learning opportunities, and that private schools, as well as public schools, are available options listed in the definition of ''educational choice.'' While a number of commenters referenced vouchers, neither the priority nor the definition of ''educational choice'' explicitly mentions vouchers.

We share commenters' support for transparency and accountability for results and believe all schools—public and private—should be held to high standards. It is important to note that the definition of ''educational choice'' referenced in this priority requires that opportunities be consistent with applicable Federal, State, and local laws.

Regarding the impact on particular groups of students, this priority also is designed to increase access to educational choice for a wide range of students, including traditionally disadvantaged groups the Department serves in accordance with its mission. It is important to note that this priority will be used to complement the applicable program statute and will not replace statutory requirements under the ESEA, the Individuals with Disabilities Education Act (IDEA), or other laws, and must be consistent with all applicable Federal and State laws. This priority only applies to discretionary grant programs and does not impact formula grant funds, which continue to be a significant focus for the Department. Thus, this priority cannot be used in formula grant programs, such as Title I, Part B of the IDEA, or Impact Aid.

We appreciate commenters' concerns regarding the impact of the priority on rural students. The priority emphasizes offering access to educational choice for rural students; this group of students is listed under subpart (b) of the priority. We believe use of this priority will encourage applicants to propose projects that offer rural families an alternative educational opportunity that does not exist in many rural areas, and it will empower families and individuals to choose which school option is best equipped to meet their unique needs.

Likewise, commenters raised concerns regarding the impact of the proposed priority on children with disabilities. This group of students is also specifically identified and listed under subpart (b) of the priority. As noted above, this priority only applies to discretionary grant programs and does not impact formula grant programs.

We also appreciate the concerns of multiple commenters about the potential for this priority to increase segregation in schools. The priority can be used to reach all students or to specifically target a group or groups of students, including students living in poverty, students who are American Indian or Alaska Native, and military- or veteran-connected students. Moreover, while this priority can be used for a wide range of programs beyond vouchers, research suggests it is possible for a voucher program either to not change or to reduce racial segregation in public schools. A 2016 study [12] examined how vouchers impacted racial segregation in public and private schools in the first year of operation of one State's voucher program (2011–12). The authors found that the net overall effect of the voucher program across the voucher students' former public schools and receiving private schools was reduced school-level racial segregation. In addition, a 2010 study [13] found that one district's voucher program did not change the racial segregation of schools in the voucher students' former public schools or in receiving private schools. Thus, we do not believe an additional priority on diversity is needed to address concerns regarding segregation.

Lastly, as with all programs, grant applicants must carry out their grant in accordance with State, Tribal, and Federal laws and regulations. We expect the flexibility built into this priority will allow grantees to take advantage of their unique local practices while empowering State and local educators and families with the necessary information to make the right decisions for their children.

Changes: None.

Comment: Multiple commenters sought clarification on how the proposed priority aligns with the ESEA. Specifically, a few commenters expressed concern that this priority contradicts the intent of competitive grant programs authorized under the ESEA by Congress to support students in public schools.

Discussion: We disagree that this priority is not in alignment with the ESEA and the discretionary grant programs that Congress has established. The priority and the definition of ''educational choice'' are clear that the intent is to expand opportunity for students in compliance with all applicable Federal, State, and local laws, including the ESEA, and recognize that such choices may include programs offered by traditional public schools, public charter schools, and other education providers. We further note that many discretionary grant programs encompass broad topics and allow the Department to more specifically target areas of student and national need from year to year and competition to competition. The Department will use this priority in that context and in accordance with the statutory requirements for the grant program in which it chooses to use the priority.

Changes: None.

Comment: Multiple commenters expressed concerns with charter schools and their role under the priority. These commenters cited concerns that charter schools are able to select their student populations, resulting in greater segregation in these schools and that charter schools do not perform as well as their traditional public school counterparts.

Discussion: We appreciate the commenters' concerns regarding the role of charter schools under the priority, but we note that charter schools are public schools that are held accountable in accordance with applicable Federal and State law, as required under section 1111(c)(5) of the ESEA. Each State's charter school law identifies the specific entities within a State that are eligible to authorize charter schools. In addition, State charter school laws typically articulate accountability requirements for charter schools and authorizers.

Charter schools provide enhanced parental choice and, while they have additional flexibility with regard to certain requirements in order to foster innovation and reduce burden on schools, they must still follow relevant State and Federal statutes and regulations. For example, charter schools must adhere to Federal civil rights laws that prohibit discrimination on the bases of race, color, national origin, disability, sex, and age; and ensure equal access for all students, including students with disabilities and English learners. Charter schools may, in some cases, consider additional recruitment efforts targeted toward groups that might otherwise have limited opportunities to participate in charter school programs. The decision of whether to approve, renew, or terminate a charter school contract is

[12] Egalite, A.J., Mills, J.N., and Wolf, P.J. (2016). *The Impact of the Louisiana Scholarship Program on Racial Segregation in Louisiana Schools.* SCDP Louisiana Scholarship Program Evaluation Report #3. Fayetteville, AR: University of Arkansas, School Choice Demonstration Project.

[13] Green, J.P., Mills, J.N., and Buck, S. (2010). *The Milwaukee Parental Choice Program's Effect on School Integration.* SCDP Milwaukee Evaluation Report #20. Fayetteville, AR: University of Arkansas, School Choice Demonstration Project.

made at the State and local levels, exclusively. The Department does not intervene in State and local decisions regarding the opening or closing of charter schools.

For a summary of charter school performance, see earlier discussion.

Changes: None.

Comment: One commenter expressed concern about using this priority, as well as the other priorities, in any of the Department's Charter Schools Program competitions, arguing that the Charter Schools Program already focuses on choice, and the flexibilities offered to charter schools could be diminished by requiring certain priorities, such as STEM, be met.

Discussion: We appreciate the commenter's concern regarding the use of the priorities in Charter Schools Program competitions, and want to clarify the purpose of the priorities. These priorities serve as options for the Department to use when inviting applications for a discretionary grant program. For each grant program the Department may choose which, if any, of the priorities (or subparts) and definitions are appropriate for the competition with regard to feasibility and scope. The Department has the discretion to choose which priorities should be used in each competition, and how the priority would apply; for example, a priority may be used as an absolute priority (applicants must address the priority in order to be eligible to receive grant funds) or a competitive preference priority (applicants may receive additional points depending on how well they address the priority). Although we are issuing 11 priorities, we will use only those priorities that are relevant to, and appropriate for, the particular program. Furthermore, the Department is not required to use any of these priorities for any particular program.

With respect to Charter Schools Program discretionary grant competitions, like all competitions, the priorities we use would work within the framework of the authorizing statutes and purposes of the program. The major purposes of the Charter Schools Program are to expand opportunities for all students, particularly traditionally underserved students, to attend charter schools and meet challenging State academic standards; provide financial assistance for the planning, program design, and initial implementation of public charter schools; increase the number of high-quality charter schools available to students; evaluate the impact of charter schools on student achievement, families, and communities; share best practices between charter schools and other public schools; encourage States to provide facilities support to charter schools; and support efforts to strengthen the charter school authorizing process.

Changes: None.

Comment: Commenters expressed concerns that the use of this priority could negatively impact locations with existing educational choice options or locations in which the educational choice options identified in the priority and definition of ''educational choice'' may not be available.

Discussion: We appreciate the commenters' concerns and want to highlight that this priority is not intended to penalize existing educational choice efforts; rather, it is meant to spur further efforts, maximizing the availability of learning opportunities. As such, we will carefully consider when and how to include this priority in a discretionary grant competition.

Changes: None.

Priority 2—Promoting Innovation and Efficiency, Streamlining Education With an Increased Focus on Improving Student Outcomes, and Providing Increased Value to Students and Taxpayers

Comment: Several commenters expressed support for the priority, and noted examples of particular approaches that they described as innovative or cost-effective. Other commenters noted opportunities for increased efficiencies in program implementation at the Federal level.

Discussion: We appreciate the commenters' support for the priority and note that the particular approaches cited in many comments are allowable under a number of the Department's programs. In addition, we appreciate the possible increased Federal efficiencies discussed by some commenters.

Changes: None.

Comment: While many commenters supported the priority, some commenters expressed concern about the priority and stated the importance of the Federal role in education, particularly to safeguard the rights of students. Some commenters stated their belief that the intent of this priority is to shrink the Federal investment in education. Another commenter suggested that because the recently reauthorized ESEA already reduces burden, this priority may be unnecessary.

Discussion: We appreciate the commenters who expressed support for the Department's work to ensure that students have an opportunity to pursue a high-quality education while their rights are protected. One objective of this priority is to sharpen the focus on the effectiveness of efforts dedicated to those goals while reducing and eliminating extraneous elements that do not benefit students. We agree with commenters who stated that the ESEA currently requires less direction from the Federal level than the previous authorization of the ESEA and that this may result in burden reduction. However, we believe that additional opportunities—including in areas not governed by ESEA—for streamlining can be explored. This priority does not reflect a desire to reduce Federal investment in education (and only Congress can set funding levels), but rather to most effectively leverage education funding from all sources to improve outcomes for students.

Changes: None.

Comment: Several commenters suggested that we define the term ''outcomes.'' A few commenters recommended that grantees be required to include multiple measures of success, and one commenter stated that a focus on outcomes and efficiency favors easily measurable outcomes over those that are more challenging to measure. One commenter suggested that outcomes should be assessed in developmentally appropriate ways.

Discussion: We appreciate the commenters' focus on outcomes and their specific recommendations. These priorities are designed to have broad applicability and decisions about which outcomes to target must be informed by program-specific requirements and the availability of relevant evidence. Furthermore, 34 CFR 77.1 defines what ''relevant outcome'' means in the context of levels of evidence that may be required in a particular notice inviting applications. As a result, we do not think it is necessary to make the language in this priority more specific. We also acknowledge that not all important outcomes may be easily measured, but that holding grantees accountable for measurable outcomes where possible is often valuable.

Changes: None.

Comment: Several commenters supported the concept of value for taxpayers, and one commenter supported the priority and suggested that we explicitly refer to cost-effectiveness. A number of commenters recommended that entities considering burden reduction or cost savings should also examine whether outcomes would be improved, and one commenter expressed doubt that it was possible to streamline education while improving outcomes. Another commenter stated

that grantees should be focused on increasing the quality of public education and not on increased value to taxpayers.

Discussion: We believe that examining the efficiency and effectiveness of investments in education is critical. If decision-makers know which investments accomplish greater outcomes for the amount of funding invested relative to other similar investments—that is, which investments are more cost-effective—funds can be more effectively leveraged to meet program goals. We disagree that streamlining education and improving outcomes are goals that are at odds; rather, we believe that they work in concert. No one can reasonably say that every single dollar in education is currently being put to the very best use. While such an outcome may never be realized, reducing waste and inefficiency can mean there are more funds available to serve students. We agree that thinking ahead to where resources could be redeployed when efficiencies are found is a good course of action, but certainly recognize it is not always possible. Further, we believe that it is imperative to demonstrate to taxpayers that investments in education are providing real benefits for the public and are managed in a manner that is efficient and effective.

Changes: We have revised the priority so that the term ''effectiveness'' is now ''cost-effectiveness.''

Comment: Numerous commenters suggested a stronger emphasis on evidence in this priority, recommending that we only support evidence-based approaches. Some commenters asked that we use the definition of ''evidence-based'' that is used in the ESEA.

Discussion: The Department is committed to the development and use of evidence. We note that the evidence framework and definitions in EDGAR align with the definitions in the ESEA. These evidence definitions can be combined with these supplemental priorities and so there is no need to repeat them, except in cases where we believe the use of evidence is essential within a supplemental priority. We would like evidence of effectiveness to inform decision-making when it is available; however, we also wish to maintain flexibility in cases where evidence of effectiveness can be built from the lower levels of evidence articulated in the EDGAR definition (*i.e.,* ''promising evidence'' or ''demonstrates a rationale'').

Changes: None.

Comment: Numerous commenters expressed support for a focus on innovation. Some commenters noted that innovation does not necessarily lead to improved outcomes, and others stated that innovation must not be at the expense of what is evidence-based. One commenter recommended that we define ''innovation.''

Discussion: The term ''innovation'' may mean different things in different contexts and grant programs and so we do not believe that a definition of innovation is needed. While innovation can lead to new lessons for the field, we agree that every new approach tried will not necessarily be successful. For this reason, it is important that innovative approaches that demonstrate the lower levels of evidence articulated in the EDGAR definition (*i.e.,* ''promising evidence'' or ''demonstrates a rationale'') be properly evaluated, in order to build evidence of effectiveness.

Changes: None.

Comment: One commenter recommended that we include research in subpart (b).

Discussion: We agree with the commenter who proposed that we specify that research also has the potential to lead to breakthroughs in the delivery of educational services.

Changes: We have revised subpart (b) to support ''research'' in addition to ''innovative strategies.'' We also added the phrase ''or other significant and tangible educational benefits to students, educators, or other Department stakeholders'' to the end of the subpart to clarify our intent that this subpart be flexible enough to be used in programs that do more than fund ''services.''

Comment: Numerous commenters expressed strong support for reducing compliance burden in education, both generally and as it relates to discretionary grant programs. For example, one commenter discussed the administrative tasks that teachers manage and cited a recent Government Accountability Office study on burden reduction efforts.[14] Numerous other commenters noted the importance of ensuring safeguards for vulnerable populations, including students with disabilities, when regulatory burdens are reduced. These commenters noted that protecting students' civil rights is essential, and that many regulatory requirements are in place because of the work of parents and advocates with a goal of ensuring equality of opportunity for all students. One commenter said that the goal of reducing compliance burden may be appropriate at the Federal level but not for grantees.

Discussion: We agree that protecting students' educational opportunities and civil rights is essential, and believe that reducing unnecessary compliance burdens will increase the time available to focus on providing a high-quality education to students. For example, time that teachers are spending doing paperwork is time that they are not able to use to educate students or plan future lessons, and money spent hiring compliance officers takes funds away from core educational programs. We note that some compliance-related activity is important to ensure that schools, districts, and States are meeting legal requirements, including ensuring that all students have available to them a free appropriate public education. It is also important to note that not all compliance activities have clear, meaningful purposes. As such, we believe that the benefit of imposed burdens should be carefully examined. This priority is intended to prevent the creation of unnecessary burden at both the State and local levels while implementing Federal programs, and to engage participants in grant programs in helping to reduce burden where it is not aligned with an important right or benefit for students.

Changes: None.

Comment: Some commenters suggested that diverse stakeholder groups should have the opportunity to contribute to State and local determinations of whether a burden is unnecessary.

Discussion: We agree that stakeholder input is important in making determinations about burden; stakeholder input has been, and will continue to be, an essential consideration at the Federal level, and we encourage the same at the State and local levels.

Changes: None.

Comment: Several commenters proposed naming Pay for Success as a strategy that would advance the goals of the priority.

Discussion: We agree that Pay for Success could be an approach that is used under this priority if it is otherwise allowable and appropriate for the particular program to which the priority is applied. We do not think it is necessary or appropriate to add a specific reference to Pay for Success.

Changes: None.

Comment: Under subpart (e), one commenter requested that we clarify what is meant by ''development capabilities.'' Another commenter supported leveraging private funds but cautioned that private funds should not

[14] *State and Local-Imposed Requirements Complicate Federal Efforts to Reduce Administrative Burden. www.gao.gov/products/GAO-16-25.* 2016.

replace public funds in implementing social programs due to concerns about sustainability.

Discussion: We seek to encourage grantees under the Department's programs to leverage the diverse sources of support that may exist for their activities, beyond what is provided by the Department. Activities that could be carried out under subpart (e) could include projects for new audiences and launching joint initiatives with like-minded entities. This priority could improve the sustainability of activities launched with or supported by Federal funds, by leveraging private funds to further support or expand such activities.

Changes: To clarify that strengthening development capabilities in order to increase private support for institutions may occur in a manner other than obtaining matching support for proposed projects, we have divided subpart (e) into two subparts, now subparts (e) and (f).

Comment: Numerous commenters recommended that the Department include a priority for partnerships with organizations that have the ability to serve more students than States or LEAs can serve alone.

Discussion: We appreciate these comments and agree that partnerships with community-based organizations can increase the benefits achieved by the Department's programs. Further, we agree that such partnerships would address the purpose of this priority.

Changes: We have added a new subpart (g) that would allow for partnerships with different entities to help meet the goals of the project.

Comment: One commenter proposed that Indian Tribes be included in the priority.

Discussion: We appreciate the commenter's recommendation. Though Indian Tribes were not explicitly mentioned in the background for the priority in the NPP, we note that the priority can be used by programs that serve Native American youth.

Changes: None.

Comment: None.

Discussion: The Department wishes to clarify that Priority 2(f) may include a specific percentage amount above a program's existing level of required private support or existing match requirements. If a program does not have either requirement, the priority could require a specific percent match of non-Federal funds relative to the total amount of Federal resources provided through the grant.

Changes: We have revised Priority 2(f) by adding subparts (i), (ii), and (iii), which designate specific percentages of the total amount of the grant provided by Federal sources required from non-Federal sources. Programs may select a specific subpart in order to incentivize or require a specific level of demonstrated matching support.

Priority 3—Fostering Flexible and Affordable Paths to Obtaining Knowledge and Skills

Comment: Several commenters expressed general support for Priority 3. One commenter reported that many public high school students in the commenter's State participate in programs that integrate rigorous academic courses with sequenced, high-quality career and technical education (CTE), work-based learning, and other support services. Another commenter expressed strong support for the priority's emphasis on ensuring that students graduate with the knowledge and skills necessary to succeed in their postsecondary endeavors. Another commenter asserted that this priority will increase the opportunities for students to obtain careers that can support families, and thought that the priority will help students reach their career goals in innovative, nontraditional ways.

Discussion: We appreciate the commenters' support. We agree that rigorous academic courses with sequenced, high-quality CTE and work-based learning are an important part of a strong career pathways system. We also recognize the importance of preparing students with the skills necessary to succeed in postsecondary education and to develop innovative pathways for students to reach their career goals.

Changes: None.

Comment: A few commenters recommended adding ''for Rewarding Careers'' at the end of the title of Priority 3.

Discussion: We decline to accept the suggestion because we think the title conveys adequately the content of the priority.

Changes: None.

Comment: One commenter recommended that we focus on the multidimensional needs of students and the teaching profession.

Discussion: We appreciate the suggestion and note that nothing in Priority 3 precludes schools and their administrators from addressing the multidimensional needs of students and teachers. However, we do not think it is appropriate to create such a narrow focus on those needs in this priority.

Changes: None.

Comment: In regard to subpart (a), one commenter expressed concern about the promotion of collaboration between education providers and employers. The commenter contended that employers had been given the opportunity to inform the development of State elementary and secondary education standards in recent years and that making further changes to these standards would harm students.

Discussion: The priority does not mention State elementary and secondary education standards, and in no way requires or encourages grantees to revise these State standards as a result of collaboration between education providers and employers. However, we are clarifying that the priority focuses on ensuring that student learning objectives for particular courses or programs are aligned with necessary skills or knowledge.

Changes: We have revised subpart (a) to state that student learning objectives be aligned with in-demand skills.

Comment: One commenter recommended that we include in subpart (a) consultation with individual educators, and not only education providers, in the collaboration with employers.

Discussion: We agree that individual educators may benefit from greater interaction with employers. However, we decline to mandate their inclusion in an education provider's collaboration with employers, in order to preserve an applicant's flexibility to determine how it can best address subpart (a).

Changes: None.

Comment: One commenter urged us to modify Priority 3 to encourage partnerships between elementary and secondary education providers, institutions of higher education, and business and industry that provide high-quality, work-based learning opportunities.

Discussion: Subpart (c) of Priority 3 focuses on work-based learning experiences leading to the attainment of skills demanded by employers. We think that projects that include the kind of partnerships recommended by the commenter would be responsive to subpart (c) and well-positioned to provide students with high-quality, work-based learning opportunities. However, we decline to require all projects to include such partnerships to preserve an applicant's flexibility to determine how it can best address subpart (c).

Changes: None.

Comment: One commenter recommended that we revise the priority to promote arts education because the commenter believes that participation in arts education helps students develop creativity. Another

commenter suggested revising the priority to include pilot programs that make the senior year of high school a service year. A third commenter recommended that we include environmental education in Priority 3.

Discussion: We appreciate that an array of subjects and instructional approaches, such as those recommended by the commenters, can be part of a well-rounded education and can help students develop critical knowledge and skills. While nothing in this priority necessarily precludes the consideration of these subjects and approaches, we believe that the specific skill needs in States or regional economies should guide the selection of subjects and approaches, as appropriate and as aligned with the requirements of a particular discretionary grant program.

Changes: None.

Comment: One commenter recommended that we specify that creating or expanding opportunities for individuals to obtain recognized postsecondary credentials in STEM must be achieved by making improvements in STEM instruction and programs at the high school level.

Discussion: We agree with the commenter that making improvements in high school instructional practices and programs is one way to create or expand opportunities for individuals to acquire postsecondary STEM credentials, but we disagree that the priority should be focused exclusively on high schools. We intend to use the priority in a wide variety of Department grant programs, including programs that provide support for postsecondary education. Postsecondary instruction and programs have a direct impact on the ability of individuals to earn postsecondary STEM credentials.

Changes: None.

Comment: Some commenters suggested that we include in subpart (e) of the priority standards-based grading as an example of another approach that, like competency-based learning, enables students to earn recognized postsecondary credentials by demonstrating prior knowledge and skills. One of these commenters also recommended including interactive engagement because the commenter believes this set of practices can help students develop the communication, collaboration, and creative and critical thinking skills that are in demand by employers.

Discussion: We appreciate the commenters' interest in standards-based grading, a term that is often used to describe a set of practices that includes assessing and reporting student achievement in relation to standards, giving a student multiple opportunities to demonstrate mastery of a standard, and permitting a student to advance in a course only upon his or her mastery of a standard.[15] We decline to add standards-based grading as an example in subpart (e) because this term is most commonly used in elementary and secondary education settings, rather than postsecondary education, which is the focus of subpart (e). Additionally, as it is typically implemented, standards-based grading does not eliminate ''seat time'' requirements (*i.e.,* requirements that students complete a minimum amount of instructional time to earn credit), which is one of the most important features of competency-based learning.[16] We also appreciate the interest in interactive engagement, a term that describes a set of instructional practices sometimes used in physics and other science courses,[17] but we decline to include it in subpart (e) because we do not prescribe specific instructional practices in these priorities. Applicants are best suited to propose appropriate instructional practices for the populations they serve and in the disciplines and settings in which they provide instruction.

Changes: None.

Comment: Several commenters contended that local National Writing Project sites help teachers improve student learning in CTE, as well as other content areas, and asked that our grants support these projects.

Discussion: We agree that proficiency in writing is an important skill that students need to be successful in the workplace, but it is not appropriate to endorse or pre-select any specific project; instead, it is appropriate to rely on the established, objective grant-selection process.

Changes: None.

Comment: Some commenters recommended that we include adult education in the priority. Another commenter expressed the view that Adult Basic Education (ABE) and adult secondary education programs are critical to the success of career pathways programs, and that many of these programs have developed effective models for collaboration with employers. Other commenters shared examples of adult education programs that they believed addressed Priority 3.

Discussion: We agree that some subparts of the priority, such as subpart (d) and its focus on career pathways, are relevant to adult education. However, we decline to revise the priority to explicitly include adult education in order to maintain maximum flexibility. We appreciate learning from the other commenters about adult education programs that address Priority 3.

Changes: None.

Comment: One commenter expressed support for the priority, but, with respect to subpart (e), indicated that academic institutions should have the authority to determine if an individual demonstrates sufficient prior knowledge and skills to merit credit.

Discussion: We appreciate the commenter's support. We note that these priorities will be used in discretionary grant competitions and do not impose any requirements on educational institutions that choose not to submit an application. Moreover, we expect that educational institutions that do choose to apply will play a central role in determining how and the extent to which credit is granted for a demonstration of prior knowledge and skills.

Changes: None.

Comment: One commenter recommended modifying Priority 3 to identify after-school and summer learning as options for providers of self-guided and work-based learning.

Discussion: We agree that self-guided and work-based learning can occur after school or during the summer months. Projects that address Priority 3 may include after-school and summer learning opportunities to the extent that this is permissible under the program's underlying statute and any regulations that may have been promulgated.

Changes: None.

Comment: Several commenters suggested that work-based learning programs promoted by Priority 3 should include programs that prepare individuals to enter the early childhood workforce.

Discussion: We agree that such projects may be responsive to subpart (c) of Priority 3 if the skills leading to employment as an early childhood educator are in demand in the State or regional economy involved.

Changes: None.

Comment: One commenter recommended that, in subpart (c), we include workplace education programs for low-skilled incumbent workers in

[15] Heflebower, T., Hoegh, J.K., and Warrick, P. (2014). A School Leader's Guide to Standards-Based Grading. Bloomington, IN: Marzano Research.

[16] Townsley, M. (2014). What is the Difference between Standards-Based Grading (or Reporting) and Competency-Based Education? CompetencyWorks. Available at: *www.competencyworks.org/analysis/what-is-the-difference-between-standards-based-grading/.*

[17] Hake, R. ''Interactive-Engagement Versus Traditional Methods: A Six-Thousand-Student Survey of Mechanics Test Data for Introductory Physics Courses.'' American Journal of Physics 66, 64 (1998). Available at: *http://aapt.scitation.org/doi/10.1119/1.18809.*

the list of examples of work-based learning. Another commenter recommended that we add ''national service'' or ''service years'' to the list of work-based learning experiences.

Discussion: Subpart (c) focuses on work-based learning experiences that help individuals obtain in-demand employability and technical skills. It identifies three examples: Internships, apprenticeships, and fellowships. While we agree that workplace education programs are valuable, we feel they are not the right fit here, because they provide instruction in basic skills rather than employability or technical skills. Similarly, while we agree that national or community service can offer many benefits for students and the community, their primary purpose is not to equip participants with in-demand employability and technical skills.

Changes: None.

Comment: One commenter expressed support for the priority and requested that the Department allow teachers in nonpublic schools to participate in grant programs that use the priority.

Discussion: We appreciate the commenter's support. The statutes that authorize the Department's grant programs for which the priority may be used determine whether and the extent to which nonpublic schools may participate. We cannot change these statutes through the Supplemental Priorities.

Changes: None.

Comment: One commenter recommended that we revise the priority to promote only apprenticeships that are not registered with the U.S. Department of Labor (DOL), while another commenter recommended that we include only apprenticeships registered with DOL. The latter commenter contended that registration with DOL would ensure that the apprenticeship is high-quality.

Discussion: Apprenticeship is a type of postsecondary education and training that combines paid on-the-job training (OJT) with related technical instruction. The registration to which the commenters refer is a voluntary system that originated with the National Apprenticeship Act of 1937.

We do not think amending the priority to limit its scope to registered apprenticeships is merited. We also do not agree that excluding registered apprenticeships from the priority is merited. While the differences between registered and unregistered apprenticeships provide drawbacks and benefits to each, we believe the greatest benefits can be achieved by allowing flexibility for both.

We note that the quality and other merits of proposed projects that address this priority will be assessed by peer reviewers using general selection criteria in 34 CFR 75.210 and criteria developed under 34 CFR 75.209. For example, 34 CFR 75.210(c) (Quality of the Project Design) includes factors that ask applicants to describe the extent to which the proposed project is supported by evidence and the extent to which the proposed project represents an exceptional approach to the priority.

Changes: None.

Comment: One commenter indicated that community colleges would need ''an improved infrastructure'' to deliver competency-based learning, which is an example in subpart (e). Two other commenters indicated that competency-based learning is challenging and costly for institutions to implement.

Discussion: We agree that implementing competency-based learning and other strategies that offer individuals the opportunity to demonstrate their prior attainment of knowledge and skills can be a challenge for all kinds of educational institutions, including community colleges. By highlighting these strategies in the priority, we hope to support projects that will yield useful information and insights that can be used to facilitate their effective implementation.

Changes: None.

Comment: Two commenters expressed concern that veterans who participate in competency-based education programs may only need to enroll part-time, and for shorter periods of time, which could affect their ability to access their education benefits under the GI Bill. One of these commenters was also concerned about the implications of competency-based education for an individual's eligibility for other Federal student financial assistance.

Discussion: We appreciate the commenters' concerns and agree that the impact on students' eligibility for veterans' education benefits and Federal student aid available under Title IV of the Higher Education Act of 1965 as amended (HEA) is an important consideration for institutions of higher education as they design and implement competency-based education programs.

Changes: None.

Comment: Two commenters recommended adding providers of CTE as an additional example of the types of education providers identified in subparts (b) and (d).

Discussion: We appreciate the suggestion, but the lists of providers in subparts (b) and (d) are not intended to be exhaustive and encourage a diverse group of applicants to participate in programs utilizing this priority to the extent allowed by authorizing statutes.

Changes: None.

Comment: One commenter supported the priority but was concerned that it was difficult to locate affordable industry-recognized certifications that were appropriate for high school students. The commenter requested that the Department address this need.

Discussion: We appreciate the commenter's support. Developing new industry-recognized certification exams that are appropriate for high school students is outside the scope of the Department's mission; this is a private sector responsibility. However, we do note that, under some limited circumstances, funding available to LEAs under the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act) may be used to pay fees associated with a technical skill assessment that is aligned with industry-recognized standards and that is related to a student's CTE coursework.[18]

Changes: None.

Comment: Two commenters were supportive of the priority and shared programs they felt would align with it. One commenter shared information about the availability of a mobile technology center that seeks to address the needs of students for access to up-to-date equipment, skilled instructors, and laboratory space. Another commenter indicated that the project it implements with funds from the Department's Native American Career and Technical Education Program (NACTEP) addresses Priority 3.

Discussion: We appreciate learning about these programs. However, the notice inviting public comment did not solicit applications for funding and these commenters are encouraged to work through the normal grant-making process.

Changes: None.

Comment: One commenter expressed support for the priority and urged that students with disabilities be held to high standards and graduate ready for college or career, through earlier transition planning and an exploration of all potential pathways to ensure independence.

Discussion: We agree that it is important to set high expectations for all students, including students with disabilities. Priority 3 includes all

[18] For more information, please see Questions and Answers Regarding the Implementation of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) available at: *https://s3.amazonaws.com/PCRN/docs/Compiled_List_of_QAs-8-8-16.docx.*

students and, therefore, its focus is not limited to any specific subset of students. Because the priority neither limits expectations for a subset of students nor restricts access to particular students, we do not think revising the priority is necessary.

Changes: None.

Comment: One commenter recommended that we clarify that CTE programs are available and appropriate for all students, including students with disabilities.

Discussion: We agree that CTE programs should be accessible to, and are appropriate for, all students who wish to enroll in them, including students with disabilities.

Changes: None.

Comment: One commenter recommended that we take into account the need to provide different and more supports for individuals with fewer skills in the design of pathway programs.

Discussion: We agree that the designs of the pathway programs promoted by Priority 3 should generally consider and address the needs of low-skilled individuals. We think that this concern is best addressed through the use of the general selection criteria in 34 CFR 75.210 that will be used by peer reviewers to evaluate each application. We note, for example, that 34 CFR 75.210(d) (Quality of Project Services) includes a factor that evaluates the extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

Changes: None.

Comment: Several commenters recommended that we add a new subpart to give priority to projects that examine and address barriers to obtaining industry-recognized and other workforce credentials for individuals with disabilities.

Discussion: The Department agrees that students with disabilities may face additional barriers to obtaining credentials, and we currently support discretionary grant programs focused on the needs of this population. Priority 3 includes all students and, therefore, its focus is not limited to any specific subset of students. Because the priority neither limits expectations for a subset of students nor restricts access to particular students, we do not think revising the priority is necessary.

Changes: None.

Comment: Several commenters recommended that we delete from the priority references to ''in-demand industry sectors or occupations,'' a term we defined using the definition from WIOA. A few commenters maintained that this definition is appropriate only for short-term workforce development programs and argued that schools should have the flexibility to provide career preparation for a broad range of occupations. Another commenter contended that, in some places, State and local workforce development boards had only identified a few priority industry sectors and occupations. One commenter suggested that we give priority not only to programs that prepare individuals for careers in ''in-demand industry sectors or occupations,'' but also to programs that prepare individuals for careers in what the commenter labeled as ''high-value industry sectors and occupations,'' such as teaching.

Discussion: We think the principal reason that individuals enroll in CTE programs is to secure knowledge and skills that are in demand in the labor market. We agree that these specific skill needs can vary by State and local context, can include jobs that are ''high value,'' and that such needs could include the skills needed for effective teaching. However, we feel that the definition of an ''in-demand industry sector or occupation'' in WIOA provides a clear criterion that allows for State-level flexibility, while also maintaining consistency in how to establish the applicable sectors and occupations considered in grants that incorporate this priority.

Changes: None.

Comment: Some commenters recommended combining subparts (b) and (d) of the priority because they believe the two are similar.

Discussion: While subparts (b) and (d) are similar in that both include a focus on pathways to recognized postsecondary credentials, subpart (d) differs from (b) in that it also includes pathways that lead to the obtainment of job-ready skills.

Changes: None.

Comment: Several commenters recommended striking the general references to ''pathways'' and ''paths'' in subparts (b) and (d) and replacing them with specific references to ''programs of study'' as defined by the Perkins Act.

Discussion: While we agree that Perkins Act ''programs of study'' are one pathway to a recognized postsecondary credential, we do not believe other pathways, such as apprenticeships or ''career pathways'' as defined by section 3(7) of the Workforce Innovation and Opportunity Act, should be excluded from the two subparts. We also note that the priority is intended to be used by a wide variety of the Department's discretionary grant programs, and not only those authorized by the Perkins Act.

Changes: None.

Comment: One commenter expressed support for the priority, but recommended revising subpart (d) to include the definition of ''eligible career pathway program'' from section 484(d)(2) of the HEA. The commenter contended that this change was necessary to permit applicants to propose career pathway programs that include both secondary and postsecondary credentials.

Discussion: Subpart (d) identifies career pathway programs as an example of an innovative path to a recognized postsecondary credential or job-ready skills and defines the term by cross-referencing the definition found in WIOA. We note that the WIOA definition used in subpart (d) does include postsecondary credentials. This definition specifies that a career pathway ''enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential.'' The text of the HEA definition recommended by the commenter is identical to the WIOA definition. We decline to make the recommended change because it is unnecessary.

Changes: None.

Comment: One commenter expressed support for the priority but recommended that we include a number of strategies, including flexible scheduling; labor market alignment; wraparound support services; stackable credentials; acceleration strategies, like dual enrollment; and opportunities for work-based learning. Another commenter suggested including an additional subpart focused on strategies that facilitate credit transfer, while a third commenter recommended that we add a subpart that would support programs that provide integrated student supports that include academic and non-academic college and career guidance and accelerated and targeted instruction for historically underserved students who require additional support.

Discussion: Two of the strategies recommended, labor market alignment and work-based learning, are included in subparts (a) and (c), respectively. We agree that the remaining strategies identified by the commenters may be helpful to projects as they seek to provide individuals with flexible pathways to recognized postsecondary credentials, skills in demand, and careers, but we think that applicants are best suited to identify and propose the strategies that are appropriate for their

target populations and project designs and, therefore, decline to add subparts or amend this priority as suggested.

Changes: None.

Comment: One commenter recommended that we add a new subpart focused on financial literacy and statistics.

Discussion: We agree that financial literacy and statistics are important topics that applicants may wish to address in their projects. While we decline to add a new subpart covering these topics in this priority, we do cover financial literacy in Priority 4.

Changes: None.

Comment: One commenter cautioned against creating new pathways to postsecondary credentials or the workforce that do not meet the same rigorous standards that are required for a high school diploma. Another commenter expressed the same concern and recommended including language in subparts (b) and (d) to ensure that the pathways that are their focus would meet the same standards required for a high school diploma. Two other commenters sought the addition of assurances that projects that address Priority 3 will not result in a ''watered-down curriculum'' or tracking by race, ethnicity, gender, and income. A fourth commenter urged us to require in subpart (e) that competency-based learning programs be ''defined and high-quality.''

Discussion: We appreciate the commenters' concerns about the rigor of alternative pathways that may be proposed by applicants in response to this priority, but we note that the quality and other merits of proposed projects that address this priority will be assessed by peer reviewers using general selection criteria in 34 CFR 75.210 and criteria developed under 34 CFR 75.209. Several of these selection criteria address the commenters' concerns. For example, 34 CFR 75.210(c) (Quality of the Project Design) includes a factor that asks applicants to describe the extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students. We expect high standards to be maintained for all students, including various subgroups.

Changes: None.

Comment: One commenter indicated that a high school diploma should signify readiness for both college and careers and that the standards and requirements necessary for attainment should be the same for students who intend to work after graduation as for students who intend to enroll in college.

Discussion: We appreciate the commenter's sentiment and note that nothing in Priority 3 requires or encourages States or school districts to set lower expectations for students whose immediate post-graduation plans do not include enrolling in postsecondary education. This remains a State and local decision.

Changes: None.

Comment: Two commenters supported the participation of homeless youth in competency-based learning, but cautioned against segregating homeless youth in these programs.

Discussion: Consistent with the requirements of Title VII–B of the McKinney-Vento Homeless Assistance Act, as amended by the ESSA, homeless children and youth must have equal access to the same free, appropriate public education as provided to other children and youth and that homeless children and youth must not be segregated on the basis of their status as homeless.

Changes: None.

Comment: One commenter recommended that we revise the priority to encourage States to continue to invest in State longitudinal data systems (SLDS) so that they are able to connect data across systems. This would help States to understand better the employment outcomes of students, disaggregate achievement data for students who are homeless, in the foster care system, or military connected, and create formal data governance structures and processes.

Discussion: We agree that appropriate transparency is worthwhile, but we do not agree that these topics are consistent with the general purposes of the priority, which is to support flexible and affordable pathways to recognized postsecondary credentials, job skills in demand, and success in the labor market. While it is possible, under some circumstances, that a project that is responsive to the priority may utilize SLDS data on employment outcomes and use grant funds for this purpose, a project that is focused entirely on improving or expanding SLDS would not meet the priority. However, Congress has appropriated funds for this purpose in the past and may do so again in the future.

Changes: None.

Comment: One commenter supported Priority 3 but recommended that we require that postsecondary degree and certificate programs be aligned with current labor market needs and that the institutions that offer them provide students with the support and resources they need to succeed, including instructional support from faculty.

Discussion: We appreciate the commenter's recommendations but believe that these concerns can be addressed through the use of the selection criteria that peer reviewers will use to evaluate applications. Generally, priorities are used in discretionary grant competitions to guide applicants to propose projects that address certain topics or needs, such as opportunities for individuals to obtain recognized postsecondary credentials in STEM. They instruct applicants what to propose, while the Department uses selection criteria to evaluate how well applicants would implement their proposed projects in the context of the priority, in addition to the underlying statute and any applicable rules and regulations. Several of the selection criteria in 34 CFR 75.210 address the commenters' concerns. For example, 34 CFR 75.210(c) (Quality of the Project Design) includes factors that ask applicants to describe the extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students and the extent to which the project's design is appropriate to, and will successfully address, the needs of the target population or other identified needs.

Changes: None.

Comment: Several commenters recommended that we specify in subpart (f) that it includes computer science and indicate that computer science should be a particular focus of projects that address subpart (f).

Discussion: We agree that computer science should be included in the list of postsecondary credentials under subpart (f).

Changes: We have revised subpart (f) to include computer science.

Comment: Some commenters asked that we include in Priority 3 pathways that lead to job-readiness certificates or industry credentials.

Discussion: We did not make this change because it is unnecessary. Subpart (d) includes pathways that lead to ''job-ready skills'' and subpart (e) includes pathways to ''an industry-recognized certificate or certification.''

Changes: None.

Comment: A few commenters expressed support for the priority and encouraged us to strengthen the role of coordinators of Education for Homeless Children and Youth (EHCY) Programs in promoting the flexible pathways promoted by Priority 3, as well as to foster greater collaboration among EHCY coordinators, youth programs funded by Title I of WIOA, and Runaway and Homeless Youth Act grantees.

Discussion: We appreciate the recommendations but do not think it is appropriate to modify Priority 3 to identify particular grant programs so that the priority may be used by a variety of Department discretionary grant programs, including programs at the postsecondary level. However, discretionary grant programs serving homeless youth may use this priority in their competitions should they choose to do so.

Changes: None.

Comment: Several commenters encouraged the Department to consider the return on investment for fostering civic engagement and workforce skills beginning in early childhood.

Discussion: We appreciate the comment and would note that, while there is nothing in Priority 3 that precludes an applicant from proposing a project that includes early childhood education, the focus of the priority is on skills for employment and later life and so offices and grant reviewers would need to make determinations on an individual basis.

Changes: None.

Comment: One commenter supported the emphasis within Priority 3 on competency-based learning and noted that competency-based learning is especially relevant to engineering education in elementary and secondary schools because design, analysis, and technical skills may be fostered through innovative partnerships with industry. The commenter cautioned, however, that workforce experiences must be connected to classroom instruction.

Discussion: We appreciate the commenter's views on competency-based learning as it relates to engineering education in elementary and secondary schools. We note that subpart (e) of the priority identifies competency-based learning as an example of a strategy that can be used to earn a recognized postsecondary credential. Thus, we think that a project that includes competency-based learning in high school would be responsive to subpart (e) if it were part of a pathway that culminated with a recognized postsecondary credential, such as an associate degree in engineering technology.

Changes: None.

Comment: One commenter supported Priority 3, but cautioned the Department against discouraging students from pursuing baccalaureate degrees.

Discussion: Nothing in Priority 3 discourages students from pursuing baccalaureate degrees. The definition of ''recognized postsecondary credential'' that we use in Priority 3 is from section 3(52) of WIOA and explicitly includes a baccalaureate degree. Specifically, the definition is as follows:

''The term 'recognized postsecondary credential' means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.''

As a result, we do not believe that any changes are necessary to address this concern.

Changes: None.

Comment: One commenter contended that professionals who transition from industry to become CTE teachers should have a strong education foundation that can be provided through a year-long residency program and other means.

Discussion: We appreciate the comment, but Priority 3 is not intended to address the training and qualifications of CTE teachers. We also note that teacher licensing and certification are a State, not Federal, responsibility.

Changes: None.

Comment: One commenter contended that local academic standards should be aligned to the expectations of local colleges and universities, and not just those of employers. This commenter maintained that Priority 3 did not include postsecondary educational institutions as partners in the projects promoted by the priority.

Discussion: We agree on the importance of aligning secondary and postsecondary education, but we disagree that colleges and universities are excluded from Priority 3. Subpart (a) refers generally to ''education providers'' so that it includes educational institutions at all levels of education, including colleges and universities. Subpart (b) focuses on pathways to recognized postsecondary credentials, the definition of which includes baccalaureate degrees, and it specifically mentions ''institutions of higher education.'' Subpart (c) focuses on work-based learning experiences and does not specify the educational level at which these experiences are offered so that this subpart is broadly inclusive. Subparts (d), (e), and (f) focus on different pathways to recognized postsecondary credentials, including baccalaureate degrees, as well as, in the case of subpart (d), job-ready skills that align with the skill needs of industries in the State or regional economy involved.

Changes: None.

Comment: Several commenters urged the Department to establish requirements to prevent for-profit organizations with records of poor performance from benefitting from Priority 3. They also recommended requiring providers to achieve a minimum level of student outcomes as a condition of their receipt of Federal funds. Another set of commenters urged the Department to ensure that projects that respond to Priority 3 are high quality by examining measurable student outcomes, such as job placement rates, salaries, and graduation rates.

Discussion: We note with respect to the first set of commenters' concerns about for-profit organizations that such entities are not eligible to receive assistance under many of the Department's discretionary grant programs. We agree with the first set of commenters that it is important to consider an applicant's prior performance before making a grant award. We note that 34 CFR 75.217(d)(3)(ii) requires us, prior to making a grant award, to consider information concerning an applicant's performance and use of funds under a previous award under any Department program. We also share both sets of commenters' concerns about an entity's performance after receiving an award. We note that 34 CFR 75.253 generally requires a grantee to make substantial progress in achieving the goals and objectives of the project in order to receive continuation grant awards in multi-year projects. A grantee is also, if the notice inviting applications established performance measurement requirements, accountable for meeting the performance targets in its approved application. We may make an exception to this requirement only if the grantee has obtained our approval of changes to the project that will enable the grantee to achieve the goals and objectives of the project and meet the performance targets of the project, if any, without changing the scope or objectives of the project.

Changes: None.

Comment: One commenter expressed concern about the priority's reference to providers of self-guided learning and asked what standards these providers would need to meet to ensure that taxpayer dollars are not wasted. Another commenter expressed similar concerns and suggested we define ''self-guided learning'' to clarify the term's meaning.

Discussion: We think the commenters' concerns can be addressed effectively through the use of the selection criteria in 34 CFR 75.210, particularly 34 CFR 75.210(c) (Quality of the Project Design), our consideration of an applicant's prior performance under 34 CFR 75.217(d)(3)(ii), and the general requirement in 34 CFR 75.253 that

grantees make substantial progress in achieving the goals and objectives of the project and their established performance targets in order to receive continuation grant awards in multi-year projects. We appreciate the second commenter's suggestion but think that the meaning of ''self-guided learning'' is clear and does not require further elaboration.

Changes: None.

Comment: One commenter supported Priority 3 and expressed the view that education should prepare individuals to transition to work and independent living, and noted that occupational therapy practitioners can help individuals with disabilities attain life skills and navigate daily routines.

Discussion: We appreciate the support of the commenter and recognize that occupational therapy practitioners make important contributions to helping individuals with disabilities live independently.

Changes: None.

Comment: Several commenters recommended changes to the background section for Priority 3 included in the NPP.

Discussion: We appreciate the recommendations we received on the background section in the NPP, which explains our rationale for the priority. However, as the background section is not part of the final priority, we do not include a background discussion in the NFP.

Changes: None.

Comment: A few commenters expressed their opposition to competitive discretionary grants and indicated formula grants provide a more reliable stream of funding to local school districts. Another commenter expressed concern that language in the background statement about the Department's intention to focus less on discrete funding streams and more on innovative problem-solving would result in a reduction in funding for programs that help individuals earn recognized postsecondary credentials.

Discussion: Congress appropriates funding for the Department's programs. Priority 3, as well as the other priorities, may be used in competitions for discretionary (but not formula) grants for which Congress has appropriated funding. The priorities themselves do not affect the amount of funding appropriated by Congress for particular programs.

Changes: None.

Comment: One commenter contended that the priorities do not address the need to provide dedicated funding to ''school-to-work apprentice programs.''

Discussion: In fiscal year 2017, Congress appropriated more than $1.1 billion for the Perkins Act, which provides formula funding to States, school districts, institutions of higher education, and others to improve CTE programs. These funds are available to support ''school-to-work apprentice programs.'' Additionally, Priority 3 focuses on pathways to recognized postsecondary credentials, job skills, and careers. Its use in other Department discretionary grant programs may further increase the resources available for these purposes. However, as noted above, we do not believe that these priorities affect the funding Congress will appropriate for any specific program.

Changes: None.

Priority 4—Fostering Knowledge and Promoting the Development of Skills That Prepare Students To Be Informed, Thoughtful, and Productive Individuals and Citizens

Comment: Multiple commenters expressed support for Priority 4, particularly the priority's focus on developing students' knowledge of how government works and civic responsibilities. Additionally, multiple commenters encouraged emphasis within the priority beyond those areas specifically mentioned (*i.e.,* civics, financial literacy, problem-solving, and employability skills). Specifically, numerous commenters encouraged adding an explicit focus within this priority on history and geography education. In general, these commenters stated that it is inappropriate to include a priority that promotes the development of skills that prepare students to be informed, thoughtful, and productive citizens without focusing on other educational areas, including history, geography, and social studies. Lastly, other commenters requested that we add various content or focus areas to the priority, including: early learning; cultural diversity; partnerships; arts education; social and emotional development; engagement and reasoned argumentation; creativity, collaboration, and critical thinking; and ethnic studies. One commenter suggested that the Department develop and adopt specific standards describing the content and skills related to the commenter's suggested addition to the priority.

Discussion: We appreciate the commenters' suggestions. We agree a focus on skills that prepare students to be informed, thoughtful, and productive individuals and citizens is vital to maintaining a strong republic and to supporting the economic competitiveness of the United States. We appreciate the commenters' concern that this priority does not highlight all content areas equally. We believe that many of the objectives outlined in Priority 4 and its subparts could be addressed in one or more content areas that commenters mentioned, such as history and geography. As an example, Priority 4(a) supports ''fostering knowledge of the common rights and responsibilities of American citizenship and civic participation,'' which has the potential to occur through the content areas and approaches enumerated by commenters. However, we believe that the priority, as written, provides maximum flexibility for programs aiming to make use of these subparts. As such, we do not think specific emphasis on the recommended content areas or approaches is necessary. Furthermore, we believe that, in accordance with the ESEA, the work of developing content standards is best left to State and local governments.

With regard to ''early learning,'' please see the discussion on this topic under the ''General'' response subheading. We have modified some of the priorities, including Priority 4, by adding ''children and students'' to make explicit that certain priorities may be used to serve the early childhood population. For the ''cultural diversity'' comments, we believe reaching certain subgroups of students would in some cases be allowable in these programs, especially in programs where such a focus is included in authorizing statutes. With respect to ''partnerships,'' we agree that partnerships provide opportunities to leverage resources to increase either a project's effectiveness or its ability to reach more students. However, we do not believe it is necessary to add a reference to ''partnerships'' in Priority 4 because the priority does not preclude the use of partnerships. As for the other various requested additions, we believe that many of the other suggested additions represent allowable uses and do not require a specific mention. We therefore decline to make these changes.

Changes: None.

Comment: One commenter was concerned that the language ''control impulses'' used to describe student self-regulation under Priority 4(b)(v) is vague and could be unresponsive to students with diverse learning needs. The commenter requested clarification on our intent in using this phrasing as well as what implications this language may have for social-emotional learning strategies for all students. The commenter suggested that we clarify or delete the language.

Discussion: We agree that the phrase ''control impulses'' could be amended to better target positive learning outcomes for all students. We agree that clarifying the language would underscore our focus on self-regulation to support the development of study skills and executive function for students, including time management, organization, and interpersonal communication.

Changes: We have removed the language ''control impulses and . . .'' and replaced it with the phrase ''develop self-regulation in order to . . .'' in subpart (b)(v) of Priority 4.

Comment: Some commenters supported the priority, but also called for the Department to deemphasize the connection between educational and economic outcomes outlined in this priority, including promoting the global competitiveness of the United States.

Discussion: We appreciate the commenters' concerns regarding the emphasis on the economic advantages associated with Priority 4. However, the Department's mission is ''to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access,'' so we believe that the economic advantages outlined in this priority are appropriate and in line with the mission of the Department.

Changes: None.

Comment: Some commenters requested that we require the application of evidence-based strategies to activities under this priority.

Discussion: With regard to the inclusion of evidence-based strategies within this priority, while we support the use of evidence where possible, we do not believe it is appropriate for use in all cases. Specifically, where there is not a sufficiently rigorous body of evidence or where we seek to promote innovation for which there may not yet be a body of evidence, it may not be appropriate to require strategies to be evidence-based. In addition, evidence priorities in EDGAR can be combined with these priorities in grant competitions.

Changes: None.

Priority 5—Meeting the Unique Needs of Students and Children, Including Those With Disabilities and With Unique Gifts and Talents

Comment: Several commenters expressed support for this priority and the focus on children and students with disabilities. One commenter viewed the priority as a means to ensure extra funding and applauded the discussion of supports for all children. Another commenter urged the Department to continue to address the needs and outcomes as discussed in the priority and to hold all children to the same rigorous standards.

Discussion: We appreciate the commenters' support for the Secretary's priorities and the Department's commitment to ensuring that all students, including students with disabilities, have equal access to a high-quality education. We will note, however, that these priorities do not impact funding levels set by Congress. The Department, through these supplemental priorities and other initiatives, intends to continue to focus on encouraging grantees to take meaningful strides toward ensuring equal access to high-quality, affordable, appropriately rigorous education for all students, including students with disabilities.

Changes: None.

Comment: One commenter asked how the Department intends to enforce the priorities and ensure high-quality education for all children.

Discussion: The Secretary's priorities are intended to support and strengthen the work that educators do every day by focusing discretionary grants in a way that expands the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement and take strides toward ensuring equal access to high-quality education. The Department monitors all projects conducted under its priorities, and all grantees must comply with any corrective action required on the basis of any monitoring or other review of a grant awarded by the Department. Grantees must also perform the work, and seek to achieve the outcomes, described in the approved grant application (*e.g.,* improved student achievement, employment of individuals with disabilities, improved teacher effectiveness). The Department uses various sources of information from grantees, including performance and financial reports, monitoring, and audits, to evaluate whether the goals of the grant projects are accomplished.

Changes: None.

Comment: One commenter applauded the inclusion of children with disabilities as a separate priority but stated that the failure of the Federal government to meet its funding obligations under Part B of the IDEA highlights the inadequacy of the discretionary grant programs to meet the needs of students with disabilities.

Discussion: We appreciate the commenter's concern regarding funding under Part B of the IDEA. The Secretary's priorities speak specifically to discretionary grant activities, which would apply only to Part D of the IDEA. The IDEA discretionary grant program—National Activities to Improve Education of Children with Disabilities-IDEA Part D—is funded separately from IDEA Part B, a formula grant program. The IDEA Part D program funds State personnel development, technical assistance and dissemination, personnel preparation, technology, media and educational materials, and parent-training and information centers. In either case, the Department maintains its commitment to ensure that children with disabilities have an equal opportunity to participate in a high-quality education, are expected to perform at high levels, and, to the maximum extent possible, are prepared to lead productive, independent lives.

Changes: None.

Comment: One commenter discussed the importance of serving students with disabilities but expressed concern that the priorities do not consider Tribes and Native American students. The commenter expressed support for the inclusion of Tribes, consultation with Tribal council members, and consideration of Native American students and asked that Tribal leadership be added where States and localities are listed.

Discussion: We understand the commenter's concern about including Tribes and Native American students in this priority. The Department is committed to ensuring that students with disabilities, including Native American students with disabilities, have equal access to high-quality education, consistent with applicable requirements in Federal law. Nothing in the proposed priorities precludes grantees from considering and addressing Native American student needs. For this reason, we decline to specifically highlight Tribes and Native American students in this priority.

Changes: None.

Comment: One commenter outlined challenges to State vocational rehabilitation agencies related to the implementation of pre-employment transition services to students with disabilities under the 15 percent reserve requirements in section 113 of the Rehabilitation Act of 1973, as amended by title IV of WIOA. The commenter suggested that the Rehabilitation Services Administration revise the WIOA regulations to allow States to use funds intended for pre-employment transition services when the associated goods and services (such as room, board, travel, and assistive technologies) are necessary for participation in the

required pre-employment transition services activity.

Discussion: We appreciate the commenter's concerns; however, the Secretary's supplemental priorities and definitions are for discretionary grant programs. Since the Secretary's priorities relate to discretionary grants, not formula grant programs, any recommendations for changes to the WIOA regulations are not applicable to this priority.

Changes: None.

Comment: Several commenters expressed concern about the use of private school vouchers for students with disabilities. They expressed concern that, under private school voucher programs, families might not be informed that some provisions of the IDEA do not apply when parents choose to enroll their children in private school. These commenters also expressed concern that schools accepting vouchers are not regulated in the same way as traditional public schools.

Discussion: The Department agrees that it is important for parents to have accurate information about how the IDEA applies when they select an educational program for their child. In all cases, it is essential to empower parents of children with disabilities by offering them the opportunity to enroll their children in the schools that they believe work best for their child. The commenter is correct that the rights of children with disabilities under the IDEA are changed if those children are enrolled by their parents in private schools, including private schools participating in voucher programs. However, the IDEA sets forth rights afforded to parentally placed children with disabilities. Under the IDEA, children with disabilities placed by their parents in private schools participating in voucher programs still must be included in the group of parentally placed children with disabilities who are eligible for equitable services, including special education and related services. The needs of these parentally placed children with disabilities participating in voucher programs must be considered through the consultation process required under the IDEA. Further, the IDEA's child find requirements for identifying, locating, and evaluating children suspected of having disabilities who need special education and related services are fully applicable to these children.

With regard to accountability, while the IDEA gives States and school districts no regulatory authority over private schools, States and school districts must implement all of the IDEA requirements applicable to parentally placed private school children with disabilities and to children with disabilities who are parentally placed in private schools participating in voucher programs. The IDEA Parent Training and Information Centers are available to provide information and training to parents who have enrolled their children in private schools.

Changes: None.

Comment: One commenter requested the Department add an additional priority or subpart that references models and resources that are currently available and familiar to the education community when applying for discretionary grant funding. For example, the commenter recommended that the Secretary give additional points when applicants propose to implement models that meet the Institute of Education Sciences' What Works Clearinghouse (WWC) Standards.

Discussion: We appreciate the suggestion to focus on models that meet WWC Standards. We agree on the importance of promoting these approaches to increase educational success. However, there is nothing in the priorities that precludes the Department from incentivizing these approaches in the priorities, a flexibility established in EDGAR, and we do not believe that a separate priority or subpart referencing specific models and resources is necessary.

Changes: None.

Comment: Several commenters encouraged the Department to include the support and promotion of physical education and adapted physical education, physical activity, and the physical health of children with disabilities in future grant funding opportunities in order to meet the outcomes listed within Priority 5. One commenter proposed adding health and wellness to the outcomes within Priority 5.

Discussion: We agree on the importance of physical education and physical activity to the overall well-being of students, including those with disabilities. To this end, the Department can support physical education and physical activity through its discretionary grants, where it is an allowable expense and appropriate, and does not need to add these activities to the priority to do so.

Changes: None.

Comment: Several commenters encouraged the Department to support the professional development of in- and pre-service physical education teachers and school leaders as part of Priority 5.

Discussion: We appreciate the comments in support of training opportunities to ensure that faculty, teachers, and school leaders are prepared to support high-quality physical education and adaptive physical education. We note that, taken together, the priorities are comprehensive and address the need for high-quality preparation and ongoing professional development for all educators and school leaders, including physical education teachers.

Changes: None.

Comment: Several commenters suggested various changes to the introductory language in subpart (a). A few commenters proposed expanding the language to include ''high-quality instruction and specialized instructional support services.'' Others commenters suggested adding language to ensure that children are offered the opportunity to meet challenging objectives. Another commenter recommended adding language to require students to meet challenging standards for the grade in which they are enrolled and that students receive high-quality instruction and specialized services. One commenter requested that we address the needs of special education students targeted by bullying, harassment, and relational aggression.

Discussion: We appreciate the commenters' recommendations for revisions to subpart (a). The Department reasserts its long standing position that all students, including students with disabilities, must be held to high expectations and rigorous standards. Many students with disabilities can successfully learn grade-level content and make significant academic progress when appropriate instruction, services, and supports are provided, and every student should have the chance to meet challenging objectives and achieve academic goals in an educational environment that is safe and respectful of all viewpoints and backgrounds. The language in subpart (a) is consistent with the standard expressed in *Endrew F.* v. *Douglas County School District Re-1,* 137 S.Ct. 988 (2017) (*Endrew F.*), the unanimous Supreme Court decision holding ''that a child's educational program must be appropriately ambitious in light of his circumstances.'' This standard, and requirements expressed elsewhere in law and regulation, are still operable, even if not explicitly restated in these priorities.

Changes: None.

Comment: None.

Discussion: Upon further review, we believe it is important to align the language used to address students with disabilities with the language in Priority

1(b)(ii), to allow for maximum flexibility in supporting this population of learners through this priority.

Changes: We have defined the term ''children or students with disabilities'' within this notice and have used the defined term throughout Priority 5, where appropriate.

Comment: Commenters suggested specific additions to the list in subpart (a)(i)–(iv). One commenter suggested adding speech and language skills, noting that communication skills are essential in the workplace. Another commenter suggested adding language to focus on postsecondary education, competitive employment, and independent living. The commenter also suggested we highlight the importance of social-emotional learning in subpart (a)(iv).

Discussion: We appreciate the commenters' recommendations for revisions to subpart (a)(i)–(iv). We agree that subpart (a)(iii) should be inclusive of postsecondary education, competitive integrated employment, and independent living, in order to align with the goal of subpart (a) to ensure students with disabilities can meet challenging objectives. The other recommendations, though not explicitly mentioned, would not necessarily be excluded from use by grantees.

Changes: We have added postsecondary education to the language in subpart (a)(iii).

Comment: Some commenters recommended that the Department add specific populations to the priority. One commenter suggested we add ''learning disabled adults'' to the priority. Another commenter suggested the addition of homeless children and youth. One commenter noted that English learners tend to be overrepresented in special education and underrepresented in gifted education, and recommended a focus on professional learning for educators and school leaders to endure the needs of this population are adequately met. Another commenter suggested the addition of English learners as a third target population with unique needs, and a few commenters recommended the priority be expanded to address high-needs students more broadly.

Discussion: The Department is committed to ensuring that all students with disabilities, including students with disabilities who are ''learning disabled adults,'' homeless children and youth, and English learners, have equal access to high-quality educational opportunities that lead to successful transitions to college and careers. Through these priorities, the Department will continue to maximize the availability of high-quality learning opportunities to address the special education needs of all eligible children, students and adults, including adults with learning disabilities, homeless children and youth, and English learners.

Regarding the request to focus on professional learning to address the needs of English learners, we note professional development and preparation of teachers and school staff are addressed under Priorities 7 and 8. The term ''educators'' in these priorities encompasses all educators, including those of students who are English learners. Therefore, we do not believe additional language under this priority is necessary. As for the request to add additional subgroups, including English Learners, to this priority, we decline to make this change since some programs or projects will allow a specific focus on one of the populations suggested above, and others would not exclude these populations from consideration, when such a focus aligns with the aims of a particular discretionary grant program.

Changes: None.

Comment: One commenter noted the need for students who are deaf or have hearing loss to have access to appropriate supports and accommodations and that such access was not sufficiently addressed in the priorities.

Discussion: We appreciate the comment and agree with the need to ensure that students who are deaf or have hearing loss have accessible books, instructional materials, and resources. We believe that subpart (b) includes this population of students and explicitly calls for ensuring that coursework, books, and other materials are accessible to students who are children with disabilities and/or individuals with disabilities under Section 504.

Changes: None.

Comment: Two commenters supported the need to provide accessible materials for students with disabilities, and stated that there is a need to go beyond what is minimally required. These commenters indicated that grant applicants should not receive a ''bonus'' for complying with current requirements and regulations to serve students with disabilities. They also noted that the *Endrew F.* ruling set the standard that students with disabilities should have ''appropriately ambitious'' goals, and that students need more than the minimal requirement of access. The commenters suggested updating the priority to recognize projects that go beyond minimum requirements.

Discussion: We appreciate these comments and agree that students with disabilities need to be held to high standards and that access is not always enough for full engagement with the general education curriculum. We also agree that students with disabilities should have ''appropriately ambitious'' goals as indicated in subpart (a). We specifically included language in subpart (b) to address accessible materials to emphasize that in order to hold students to high standards, regardless of their disability, they require meaningful access to the same books and educational materials as their peers. Our current discretionary grants programs are highly competitive and, as such, applicants are expected to go beyond minimal requirements to receive funding. The language in subpart 5(a) is consistent with the standard expressed in *Endrew F.,* the unanimous Supreme Court decision holding ''that a child's educational program must be appropriately ambitious in light of his circumstances.''

Changes: None.

Comment: Several commenters suggested revising subpart (b) to include technology since technology is now one of the primary vehicles for delivering instruction. Other commenters suggested assessments should be included as well because digital assessments need to be accessible for students with disabilities and that the assessments should meet nationally recognized standards for accessibility, such as the Web Content Accessibility Guidelines (WCAG 2.0 AA). In addition, several commenters suggested strengthening the requirements by referencing the IDEA, the Rehabilitation Act, the Communication Act, and WCAG 2.0 AA.

Discussion: We appreciate the comments and agree that technology should be included in the priority language as technology has become one of the primary tools for delivering instruction. Indeed, Priority 6 incorporates technology in two different subparts as a way to increase access. We agree that digital instructional materials, including assessments, need to be accessible. We also agree that it may be difficult to ensure compliance with accessibility requirements without adherence to modern standards such as the WCAG 2.0 AA standard, which includes criteria that provide comprehensive web accessibility to individuals with disabilities—including those with visual, auditory, physical, speech, cognitive, developmental, learning, and neurological disabilities. However, we decline to list specific standards, as they are updated over time. Project activities that are funded through discretionary grants using this

priority must still be consistent with the requirements of the IDEA, Americans with Disabilities Act (ADA), and Section 504, where applicable.

Finally, we believe that the language of subpart (b) encompasses accessible technology. Specifically, the text of subpart (b) indicates that projects under this priority would ensure ''coursework, books, or other materials are accessible to students who are children with disabilities,'' where ''other materials'' encompasses technology.

Changes: None.

Comment: One commenter expressed concern that parents, families, and family-serving organizations are not included in Priority 5. The commenter noted the historical role of engaged families in ensuring a free appropriate public education is available to all children with disabilities, as required under the IDEA. The commenter also noted that strong family-professional partnerships are among the most effective strategies to improve educational outcomes for children with disabilities; and how the Department's investment in parent training and information centers (PTIs) and community parent resource centers (CPRCs) has resulted in preparing many families to work with professionals and advocate for their children.

Discussion: We agree with the commenter that families are crucial to ensuring that children with disabilities have the opportunity to meet challenging objectives in appropriately ambitious educational programs, as well as the importance of providing information and training to all families. Through the funding and management of the IDEA Part D Parent Information and Training Program, the Department has ensured that families in all 50 States, Puerto Rico, U.S. Virgin Islands, and Pacific territories have access to the information and training they need to advocate for their children. Engaging families in their children's education, increasing parents' knowledge and ability to advocate for their children, increasing parents' and professionals' ability to work together, and involving family-serving organizations in improvement efforts are vital strategies to strengthen the education of children with disabilities. Through the notices inviting applications, the Department has the discretion to specify strategies used to address these priorities, and we intend to continue to promote strategies that empower families and students.

Changes: None.

Comment: One commenter suggested modifying Priority 5(a) to include ''instructed on or taught to challenging academic standards for the grade in which they are enrolled and receive high quality instruction and specialized instructional supports services that are meaningful and appropriately ambitious in light of each students circumstances.''

Discussion: We appreciate the comment, and we agree with the need to ensure students with disabilities are instructed on challenging academic content standards and receive high-quality instruction and specialized instructional supports and services that are meaningful and appropriately ambitious in light of each student's circumstances. We note that the instructional program for students with disabilities is individually determined and is within the purview of the child's individualized education program team. The Department believes that this priority addresses that students with disabilities are instructed on or taught to challenging academic standards for the grade in which they are enrolled and receive high-quality instruction and specialized instructional supports services that are meaningful and appropriately ambitious in light of each student's circumstances.

Changes: None.

Comment: One commenter suggested grantees create programs that are intentionally designed from the outset, so all learners, especially high-needs students, have the greatest chance of being fully included; accessing instruction, strategies, supports and materials; and achieving the desired outcomes outlined by the Department.

Discussion: We appreciate the comment on the need to develop accessible instruction, materials, and support, not only for students with high needs, but all students. We appreciate the potential benefits to developing accessible materials from the outset as compared with ''retrofitting'' materials to be accessible. We currently support some projects that are taking this approach and believe this is included in the language under Priority 5.

Changes: None.

Comment: Several commenters indicated the need to make a more explicit connection between the preparation and ongoing professional development of teachers and school staff, including specialized instructional support personnel, and meeting the unique needs of children and students, especially those with disabilities and those with unique gifts or talents within Priority 5.

Discussion: The Department agrees that high-quality personnel preparation and ongoing professional development for teachers, school leaders, and other school staff is critical in meeting the unique needs of students and children, including those with disabilities and unique gifts and talents. We note professional development and preparation of teachers and school staff are addressed under Priorities 7 and 8. The term ''educators'' in these priorities encompasses all educators, including those of children who are students with disabilities. Nothing in Priority 7 or 8 would preclude an applicant from focusing on teachers of children who are students with disabilities.

Changes: None.

Comment: Commenters suggested that the Department allow for professional development to help teachers and other school staff, including specialized instructional support personnel, better meet the needs of students with disabilities and those with unique gifts and talents within Priority 5. The commenter also recommended expanding Priority 8 to recognize the crucial role that school psychologists and other specialized instructional support personnel play in providing meaningful and ample support to teachers, principals, and other school leaders in helping students reach their full potential and in school improvement efforts.

Discussion: We appreciate these suggestions and agree that high-quality personnel preparation and ongoing professional development for all school staff, including teachers, principals and other school leaders, and other school staff, including other specialized instructional support personnel, plays an important role in providing meaningful and ample support to teachers, principals, and other school leaders in helping students reach their full potential and in school improvement efforts. However, with respect to the requested expansion of Priority 8, the term ''educators'' in subparts (b) and (d) includes all staff that support students in schools, including, for example, various specialized instructional support personnel.

Changes: None.

Comment: Numerous commenters expressed general support for subpart (c). Many commenters shared research and their concerns that gifted and talented students with high needs, including twice-exceptional students (*e.g.,* students gifted in math and who have dysgraphia) often do not have access to the resources they need to reach their full potential.

Discussion: The Department appreciates the commenters' commitment to this group of students and included this subpart under Priority 5 because we share this concern as well.

The Department will continue to support programs to address the unique needs of this group of students.

Changes: None.

Comment: Several commenters expressed support for subpart (c) and advocated for additional funding for this student group. One commenter suggested that it would be more effective to direct funding toward supporting students who have demonstrated mastery in content areas, rather than focusing on closing the achievement gap. Some commenters discussed the need for further research on this topic. One commenter specifically requested additional research as it relates to effective identification, assessment, and enrichment programs in rural communities. Other commenters advocated for increased funding for programs that serve this group, such as the Jacob K. Javits Gifted and Talented Students Education Program.

Discussion: We appreciate the commenters' commitment to research and programs for this student population, including in rural communities. While the priorities and definitions in this document may be used in future discretionary grant competitions, no funding is tied to these final priorities. Appropriations for Federal programs are made by Congress and are outside the scope of this discussion. We agree that building further models of effectiveness are a crucial part of our discretionary grant programs and look forward to working with grantees to discover more of what works in these areas.

Changes: None.

Comment: A number of commenters suggested programs and methods to adequately address subpart (c). These suggestions include, but are not limited to: using differentiation strategies, educator access to curricular resources and collaboration with resource specialists, professional development geared toward gifted and talented students, and the use of an interdisciplinary or transdisciplinary model.

Discussion: We believe that our Nation's schools should develop opportunities to meet the needs of gifted and talented students that empower them to reach their full potential.

Changes: None.

Comment: One commenter expressed support for legislation that would mandate gifted education in public schools.

Discussion: The Department appreciates the commenter's commitment to gifted students. However, legislative mandates are set by Congress and are outside the scope of this discussion and this notice.

Changes: None.

Comment: Two commenters recommended changes in the language of subpart (c). One commenter felt this subpart lacks specificity, and should explicitly discuss mentoring, Advanced Placement coursework, and early college opportunities. The commenter also recommended combining this subpart with Priorities 3 and 6. Another commenter recommended focusing on students with high needs within the gifted and talented population, by adding language from subpart (b) related to the accessibility of materials in subpart (c).

Discussion: We appreciate these suggestions. With regard to the level of specificity in subpart (c), the Department seeks to allow grantees the flexibility to serve gifted students in ways that best meet their unique needs. As such, we do not support listing examples of specific types of services or curricula under this subpart. Regarding combining this subpart with another priority, the Department believes that the strong support we received from other commenters for including this subpart justifies leaving it as a distinct subpart. Finally, we agree that it is important to consider the unique needs of students with high needs, and believe that the priority as written would not preclude a program using this priority from focusing on the accessibility of materials.

Changes: None.

Priority 6—Promoting Science, Technology, Engineering, or Math (STEM) Education, With a Particular Focus on Computer Science

Comment: Several commenters expressed support for STEM education, including computer science, elaborating that computer science enhances students' ability to problem solve and think critically. One commenter stated that it is extremely important to offer programs to communities that could not normally fund STEM programs, and another supported projects to support more women and girls in STEM as reflected in subpart (d). Other commenters noted that computer science is one of the STEM fields that has more job openings than graduates, and termed it among the most important growth areas for new employment in the United States. Several commenters expressed appreciation that the priority addresses the needs of underrepresented students in STEM and that the Department's focus on STEM education will allow school districts to expand computer science and STEM offerings more quickly and with greater quality so that every student can fully access the field to his or her fullest potential and prosper in the 21st-century economy. Another commenter applauded the Department's effort to increase the number of educators adequately prepared to deliver rigorous instruction in STEM and increase access for underrepresented students in STEM courses. One commenter also noted the inclusion of subpart (l) to support greater use of STEM and computer science resources by making them available as open educational resources.

Discussion: We appreciate the commenters' support for STEM and the inclusion of computer science. We believe our Nation's economic competitiveness depends on our ability to improve and expand STEM learning and engagement, and, thus, we must expand the capacity of our elementary and secondary schools to provide all students, including minorities, students in rural communities, women, and other historically and traditionally underrepresented students in STEM fields, with engaging and meaningful opportunities that develop knowledge and competencies in STEM, both in and out of the classroom. In order to do this, educators must be equipped to leverage new digital technologies to enhance classroom instruction.

Changes: None.

Comment: Several commenters provided suggestions to strengthen the background section for the priority. One commenter requested amendments to the background section to include reference to the IDEA, the Communication Act, and WCAG. Another commenter stated that the background section should state that in addition to making technology accessible to students with disabilities, the technology should also be made accessible to English learners.

Discussion: We appreciate the feedback we received on the background section included in the NPP, which explains our rationale for this priority. We do not include background sections for priorities in the NFP, nor are the background sections considered part of the final priorities. Therefore, we are not making any changes in response to these comments.

Changes: None.

Comment: None.

Discussion: We have determined that our intent to allow programs and grantees the flexibility to address one or more of the STEM subjects, rather than all four, was not apparent. Therefore, we are clarifying that program offices will have the flexibility to build competitions that focus on one or more

STEM fields (*e.g.,* just science, or science and technology). Furthermore, we are clarifying that projects under Priority 6 should be designed to improve student achievement or other educational outcomes, and that discretionary grant competitions that use this priority could focus solely on the root of the priority (*i.e.,* projects designed to increase educational opportunities by reducing academic or non-academic barriers to economic mobility) or require that the proposed project meet both the root and one or more of the subparts in Priority 6 (*i.e.,* paragraphs (a) through (e)). This allows for maximum flexibility in using these priorities within discretionary grant programs.

Changes: We revised the title of the priority, changing the word ''and'' to ''or.'' We have also revised the introductory language to be clear that projects may (or may not) be required to address one or more of subparts (a) through (e). In addition, we changed the word ''and'' to ''or'' within subpart (k) to specify that projects may address science, technology, engineering, or mathematics.

Comment: Several commenters requested the addition of various particular content areas within STEM, asserting that these other content areas also aid in the development of problem-solving, critical thinking, and analytical skills. Specifically, commenters variously requested separate subparts within Priority 6 for areas including statistics, geography, psychological science, chemistry, art, and environmental education. One commenter requested adding a subpart focused on engineering design and analysis skills in teacher training and teacher professional development.

Discussion: We appreciate the commenters' requests to add separate subparts to address various specific STEM content areas and support teachers. With respect to the addition of separate subparts in specific STEM and computer science areas, the priority as written does not preclude grant applicants from proposing to focus on particular content areas within STEM and computer science, including, for example, statistics, geography (to the extent such a focus relates to STEM and computer science), or chemistry. Further, subpart (a) of this priority focuses exclusively on increasing the number of educators who are equipped to teach STEM and computer science, and, similarly, grant applicants could propose to focus on increasing the number of educators equipped to teach a particular content area within STEM and computer science, for example, engineering design and analysis skills. Thus, we decline to add additional subparts to Priority 6 related to specific content areas within STEM and computer science and rather allow maximum flexibility for grant applicants to focus on the range of specific content areas within STEM and computer science. Furthermore, we believe the priority appropriately emphasizes the preparation necessary for students to meet the current demands of the labor market and for educators to effectively teach STEM subjects.

Changes: None.

Comment: Several commenters requested various revisions to the priority to highlight certain aspects of teaching and learning in STEM and computer science. Specifically, some commenters requested that this priority reference certain teaching strategies, such as online learning, ''hands-on'' learning experiences, and experiential learning to ensure access to and engagement from students. A few commenters requested that the priority explicitly mention out-of-school (*e.g.,* before school, after school, summer) settings as an opportunity to engage students in STEM and computer science. A few commenters requested that we include CTE in the title of the priority as well as explicitly in subparts (a), (d), and (e). With respect to CTE, one commenter explained that half of all STEM jobs are open to workers with less than baccalaureate credentials, and that CTE should not be seen as different or separate. Multiple commenters recommended that we delete the reference in subpart (b) to ''proficient use of computer applications'' as they believe it suggests that computer use is a prerequisite for learning computer science.

Discussion: We appreciate commenters' requests to highlight these various important elements in the teaching and learning of STEM and computer science for all students. With respect to specific learning strategies, we prefer to allow grant applicants to choose from among the numerous learning strategies and approaches currently available and innovative ones that may be emerging in the teaching of STEM and computer science. However, we note that subpart (b) specifically offers ''hands-on, inquiry-based learning'' as a viable option for supporting student mastery of STEM and computer science prerequisites. Furthermore, subpart (e) explicitly mentions online coursework as a way to increase student access to STEM and computer science, and subpart (i) focuses solely on technology to provide students access to educational choice to which they otherwise might not have access. Further, nothing in Priority 6 precludes STEM and computer science teaching and learning during out-of-school time or that focuses on CTE. Finally, with respect to the requested change in subpart (b), our intent was not to suggest that computer use is a prerequisite for learning computer science, but rather that understanding the state of the art in commonly used computer applications or technologies better positions learners to transition from consumers of technology to developers of technology.

Changes: None.

Comment: None.

Discussion: We decided it was necessary to clarify that subparts (a) and (g) focus on strategies that are evidence-based, in order to achieve the goals of the subparts.

Changes: We added the term ''strategies'' to subpart (a) where evidence was already referenced. Similarly, we changed the term ''areas'' to ''strategies'' in subpart (g).

Comment: One commenter recommended that the priority recognize the critical and distinct role that principals and other school leaders play by changing the reference to educators in subpart (a) to teachers, principals, and other school leaders.

Discussion: We agree with the commenter that principals and other school leaders play integral roles in student success; however, our intent in using the phrase ''educator'' is that it be inclusive of teachers, principals, and other school leaders.

Changes: None.

Comment: None.

Discussion: We felt it was important to clarify that there are two main components to subpart (b), such that a discretionary grant program may decide to use them together or independent from one another.

Changes: In subpart (b) we removed the word ''and'' and replaced it with the word ''or.''

Comment: None.

Discussion: We believe that the priorities should provide maximum flexibility while accommodating the statutory requirements of discretionary grant programs. Certain discretionary grant programs may require strong evidence. To ensure that we can use Priority 6 and also accommodate this requirement, we revised subpart (c) to allow for application of the priority to grant programs that may require strong evidence.

Changes: We have revised subpart (c) to specify that instructional strategies may be supported by either strong

evidence, or strong or moderate evidence.

Comment: Several commenters requested that the priority explicitly mention certain groups of students, including students with disabilities, low-income students, Alaska Native students, students of color, minority students, English learners, adults, gifted and talented students, and students in urban settings. In requesting the addition of and focus on a specific subgroup, multiple commenters raised concerns that focusing on only one subgroup could prevent the Department from meeting the needs of another. For example, one commenter feared that focusing on low-income students may result in less attention to racial and ethnic minorities. Some commenters requested further emphasis on certain subgroups explicitly included in subpart (d), including females and students in rural communities, by including them in subpart (e) as well. Multiple commenters elaborated on the importance of providing underserved students opportunities to learn STEM and computer science content starting in pre-kindergarten and extending through third grade in order to create early and sustained interest, confidence, and competency in STEM and computer science. Finally, one commenter requested that the priority address what the commenter perceives as institutional barriers that may hinder undergraduates in underrepresented groups from pursuing STEM and computer science coursework.

Discussion: We appreciate the commenters' requests that STEM and computer science education be inclusive of all students, and, in particular, certain subgroups of students that may not otherwise have access to this content. We agree that it is critical that traditionally underserved students have access to STEM and computer science coursework and educators who are well prepared to deliver such coursework. However, we believe that the priority already includes several of the student subgroups that the commenters requested we include. Paragraph (d) of the priority addresses ''underrepresented students,'' and the examples given are not exclusive. The term also encompasses students of color, minority students, American Indian or Alaska Native students, students in urban settings, and English learners, among others.

With respect to adult students, the priority does not preclude grant applicants who propose to focus on adults, and subpart (k) specifically indicates support for programs that lead to recognized postsecondary credentials through WIOA. The priority also explicitly notes the need for support of women, as well as the need to support students in rural communities, highlighting that student population in both subparts (d) and (h). With respect to gifted and talented students, we note that subpart (c) under Priority 5 focuses solely on addressing the needs of gifted and talented students. Regarding the concern that referencing one subgroup may detract from a focus on the needs of other subgroups, we believe that the priorities should provide maximum flexibility for grant applicants to address the needs of students in their particular contexts. Most importantly, this priority emphasizes the needs of underserved students.

We do recognize the need to emphasize students with disabilities and students living in poverty in this priority, as these subgroups experience particular challenges in accessing and participating in rigorous computer science. These student subgroups contribute to America's economic growth and prosperity and must be afforded the same opportunities to learn about and engage in STEM and computer science in the course of their education. Therefore, we have added to subpart (d) an explicit mention of students with disabilities and low-income students.

Changes: We have revised subpart (d) of Priority 6 to explicitly include students with disabilities and low-income students in the list of underrepresented students.

Comment: Some commenters requested that we revise subpart (d) to explicitly include early learning, asserting that foundational learning in STEM and computer science, as with all subjects, begins in the early grades. Additional commenters emphasized the importance of early years to a child's long-term success, and, thus, recommended that the priorities incorporate a significant focus on early learning. These commenters suggested we include in subpart (a) professional development for educators on developmentally appropriate STEM and computer science content, and another commenter recommended that we revise subpart (a) to include supporting educators beginning with early childhood educators.

Discussion: We appreciate the commenters' recommendations that the priority emphasize early learning in this priority and across all priorities. We agree that learning in STEM and computer science begins in the early grades and there is a need for educators to engage students in early grades in these content areas. However, nothing in the priorities precludes grant applicants from focusing on children in early learning settings and thus we decline to revise the text to include explicit mention of early learning settings. In fact, use of ''students'' and ''education'' throughout the priorities is meant to be inclusive of all students and settings, and the previously discussed addition of ''children or students'' in several priorities is meant to further clarify this inclusiveness. Unless explicitly stated otherwise, the priority could be used in competitions that focus on early learning. Furthermore, we would expect grant applicants to propose age-appropriate interventions or activities for whatever age(s) they are targeting. We also reflect our interest in, and the importance of, early childhood education in Priority 9(d).

Changes: None.

Comment: Several commenters requested revisions to the priority to further emphasize computer science throughout the priority, asserting that adding computer science to STEM in several subparts of the priority will result in a lack of focus on computer science in competitive grant awards in favor of science and math. These commenters further noted that the wording of several subparts within the priority do not mirror the language of the title of the priority which calls for ''a particular focus on computer science'' and, thus, lessens the emphasis on computer science. To address these concerns, these commenters requested that the priority consistently state ''STEM with a priority on computer science'' or ''STEM with a particular focus on computer science.'' These commenters further suggested that a way to emphasize computer science would be to add subpart (d) as an absolute or competitive priority in all competitive grant programs.

Discussion: We appreciate the commenters' desire to emphasize computer science and agree that the priorities should do so. However, we believe that by including computer science as the sole focus of subpart (d), the Department is clearly signaling the importance of ensuring that all students have access to and can participate in rigorous computer science coursework. In addition to subpart (d), grant applicants may propose to focus solely on computer science in responding to the other subparts within this priority. However, to ensure maximum flexibility for grant applicants to focus on student needs specific to their unique contexts, we decline to require that they include computer science in their applications.

With respect to adding subpart (d) as an absolute or competitive preference

priority across all discretionary grant programs, the Department has discretion in choosing whether and how to use these priorities based on their applicability to a given grant competition. Priorities are used in grant competitions to guide applicants to propose projects that respond to a specific need, such as expanding access to and participation in rigorous computer science coursework.

Changes: None.

Comment: Two commenters recommended that the Department highlight the importance of family involvement in Priority 6, suggesting that it could be incorporated into subpart (f).

Discussion: We appreciate the comments and believe in the importance of family involvement in students' education. Thus, while we decline to modify subpart (f), we believe that it would not preclude family involvement as a component of a grant application responding to subpart (f).

Changes: None.

Comment: Several commenters requested that we place a greater emphasis on STEM and computer science professional development for educators generally and by, for example, revising subpart (f) to include partnerships that provide teachers with access to high-quality professional development in STEM and computer science teaching; incorporating grade-appropriate engineering design challenges and computational thinking into professional development; providing support in teaching skills for STEM postsecondary faculty; adding appropriate and evidence-based practices to support pre-service teachers in accessing effective STEM teaching; explicitly adding modeling as an approach to professional development; and making reference to cross-content training to support staff who may transition from, for example, teaching math to teaching computer science. Several commenters also emphasized the importance of preparing STEM and computer science educators to teach students with disabilities, asserting that students with disabilities are significantly less likely to have access to high-quality STEM and computer science courses and support to thrive in these courses. One commenter stated that there should also be an emphasis on increasing the number of educators who are knowledgeable about serving English learners.

Discussion: We appreciate these comments related to professional development, and also believe professional development is critical to helping ensure the educator workforce is prepared to deliver high-quality STEM and computer science coursework to all students across the pre-kindergarten through postsecondary education spectrum, including students with disabilities and English learners. However, we believe that the priority sufficiently highlights the critical nature of professional development and addresses the content of the requested revisions. Specifically, regarding partnerships that may enhance professional development for teachers on STEM and computer science, subpart (a) would not preclude partnerships between, for example, institutions of higher education and schools or LEAs to support high-quality, evidence-based professional development. Additionally, such partnerships would not be precluded under subpart (f) of Priority 8, which explicitly addresses professional development for teachers of STEM and computer science.

Further, Priority 6 accommodates professional development for teachers of students of all ages and allows for grant applicants to focus on particular content areas within STEM and computer science. With respect to evidence-based practices, subpart (a) includes explicit reference to evidence-based practices, and the Department can further add evidence priorities consistent with EDGAR if we determine that they are appropriate. While we appreciate the strategy of modeling in the context of professional development, we decline to specify any single approach to professional development and rather prefer to allow grant applicants the discretion to determine which approach they believe will help ensure effective professional development.

Regarding professional development for educators that specifically targets the needs of students with disabilities or English learners, we agree that teachers must have the skill set necessary to support the learning needs of all students. Subpart (a) of Priority 6 would not preclude grant applicants from proposing to focus specifically on professional development to build educator capacity to address the needs of students with disabilities or English learners. Finally, subpart (a) specifically addresses the needs of teachers that may transition from other fields to STEM and computer science.

Changes: None.

Comment: Several commenters provided suggestions related to subpart (i), which addresses the use of technology to provide access to educational choice. Specifically, some commenters recommended moving subpart (i) of Priority 6 to Priority 1 given the reference to choice, while others recommended deleting subpart (i) altogether in opposition to using the priorities to promote school choice.

Discussion: We appreciate the commenters' suggestions but disagree with either moving or deleting subpart (i). The focus of the subpart is to broaden access to STEM and computer science coursework and resources through the use of technology (*e.g.,* distance or online learning) to students who may not otherwise have access to such coursework and resources. According to the National Center for Women and Informational Technology,[19] less than one-quarter of students nationwide have access to rigorous computer science courses. Thus, technology can help ensure that all students and families who choose to pursue learning in STEM and computer science can do so, regardless of their enrollment in schools or districts that may not have such opportunities on-site.

Changes: None.

Comment: A few commenters opposed the inclusion of computer science in Priority 6. One commenter asserted that adding computer science will diminish the focus on math; others similarly contended that focusing on computer science will result in the exclusion of various equally important high-demand fields of study, such as chemistry, physics, and environmental science, and that the Department should not favor certain subjects over others.

Discussion: We appreciate the commenters' concerns but believe that the priorities overall, and Priority 6 in particular, allow flexibility for grant applicants to focus on areas of needs identified in their own contexts. With regard to Priority 6, grant applicants have the discretion to focus solely on any STEM and computer science content area or areas working in concert with each other. As noted earlier, the availability of jobs that require STEM and computer science skills continues to grow and provides an opportunity for all students to meaningfully contribute to America's domestic security and global competitiveness. Emphasizing STEM and computer science can open doors for students across the educational spectrum from pre-kindergarten through postsecondary education. Students can pursue traditional or alternate pathways to an education that will equip them with the skills and abilities to be successful in a wide range of STEM and computer science jobs.

Changes: None.

[19] See *http://www.prweb.com/releases/2012/12/prweb10219767.htm.*

Comment: Multiple commenters requested that we clarify the relationship between this priority and the Presidential Memorandum directing the Secretary of Education to establish a goal of devoting at least 200 million dollars in grant funds to promote STEM education including computer science, as published in the **Federal Register** on September 28, 2017 (82 FR 45417). These commenters recommended that we reference this memorandum in the priority and clearly state that a minimum of 200 million dollars will be committed to STEM and computer science and that the Secretary will publically report progress toward that goal.

Discussion: We appreciate the commenters' support for this presidential memorandum and the focus of Priority 6. We decline to specifically reference it in Priority 6 because doing so would have no practical effect; however, we appreciate the commenters' request to note the applicability of the memorandum to Priority 6.

Changes: None.

Comment: Several commenters recommended revisions to the definition of ''computer science'' included in the priorities. Several commenters recommended that the definition mirror the definition from the K–12 Computer Science Framework and the Computer Science Teachers Association, which defines computer science as ''the study of computers and algorithmic processes, including their principles, their hardware and software designs, their implementation, and their impact on society.'' One commenter stated that the definition of ''computer science'' does not fully encompass the evolving field of computer science and should include, for example, the relationship between computing and mathematics, artificial intelligence, and applications of computing across a broad range of disciplines and problems. Other commenters variously contended that: Students need to understand computation and computational thinking within disciplinary problem-solving; the definition should be inclusive of emerging fields, such as mechatronics and robotics; and that networking and network administration should also be included in the definition.

Discussion: We appreciate the commenters' suggestions regarding the definition of ''computer science.'' However, we believe that the definition encompasses the concepts that commenters requested be included and does not preclude emphasis on any of the concepts within the field of computer science articulated in the comments, including by the Computer Science Teachers Association.

Changes: None.

Comment: Several commenters recommended that the Department support and enhance the State role in computer science education. The commenters recommended that the Department consider the leadership role that State agencies and governors may play to advance the goals of STEM and computer science education. Three commenters specifically recommended that programs or priorities recognize the State role through fiduciary responsibilities and competitive sub-granting authorities, and also that the priority recognize that a focus on collaboration with States, LEAs, and local or national organizations would create additional momentum for State planning in this area and maximize participation for all school districts.

Discussion: We appreciate and agree with the commenters regarding the roles and responsibilities that State agencies and governors play to advance the goals of STEM and computer science education. Leaders in States, districts, and schools must have the opportunity to do things differently to meet the needs of their students. To this end, we emphasize in these priorities eliminating unnecessary burdens placed on grantees, particularly in Priority 2(c) that seeks to reduce compliance burden within grantee's operations.

Changes: None.

Comment: Three commenters believed this priority would be important at the community college level. Community colleges play a critical role in American higher education and provide fast-track training in response to high-demand occupations. In addition, community colleges can provide assistance to secondary schools by expanding access through dual credit programs at an affordable cost. The commenters requested subpart (f) of Priority 6, and applicable definitions, specifically highlight community colleges and their value to society more directly.

Discussion: We appreciate the support from these commenters regarding the invaluable role that community colleges play in the Nation's higher education infrastructure. Nothing in the priorities precludes community colleges from being included in grant competitions to which these priorities may be attached.

Changes: None.

Comment: One commenter recommended the inclusion of STEM in the following Department grant programs: Education Innovation and Research; Charter Schools Program; Teacher and School Leader Incentive Program, Supporting Effective Educator Development; Promise Neighborhoods; and Teacher Quality Partnership Program.

Discussion: While we acknowledge and agree in part with the commenters' recommendation regarding the inclusion of STEM in other Department grant programs, we do not agree with listing specific grant programs in a manner that might limit use of the priority. This priority may be used in a variety of discretionary grant programs as applicable.

Changes: None.

Comment: One commenter recommended that soft skills that are necessary for workforce success and a well-rounded curriculum that includes courses in English and composition be included in the language for the priority, in addition to other subjects and skills.

Discussion: The Department believes that so-called soft skills are addressed in subpart (b). As written, this subpart permits flexibility for educators to determine the types of building block skills and soft skills they deem appropriate for their learning communities.

Changes: None.

Comment: One commenter requested that the Department clarify and highlight the role of innovative STEM education providers, such as science centers.

Discussion: We acknowledge the role that education providers such as science centers play in providing programming and training in STEM education, as well as providing a space for learners to develop their interest and knowledge in STEM. We believe that these providers are already included within the priority; specifically, subpart (f) includes local businesses and not-for-profit organizations, and subpart (j) includes other partners as entities that may facilitate access to services.

Changes: None.

Comment: Several commenters recommended amending all priority language that suggested that evidence-based activities, strategies, and interventions were an option within the priority. The commenters recommended that any discretionary grant program funded by the Department must include evidence-based approaches.

Discussion: We appreciate the commenters' recommendation and note that we have placed an increasing emphasis on promoting evidence-based practices through our grant competitions. We believe that encouraging applicants to focus on proven strategies can only enhance the

quality of our competitions. However, the Department wants to maintain discretion regarding evidence-based practices when applicable and can attach evidence requirements to grant competitions as appropriate.

Changes: None.

Priority 7—Promoting Literacy

Comment: One commenter requested a separate priority focusing on information literacy. Another commenter asked that ''information literacy'' be highlighted in the priorities.

Discussion: We agree that information literacy is important. However, we decline to write a priority that focuses solely on information literacy, or include specific references to information literacy within the priority. However, there is nothing in the priority that would prevent applicants from proposing projects focusing on information literacy, if appropriate for the specific competition. Furthermore, we note that projects under Priority 7, or other priorities such as Priority 4(a), may result in students achieving the commenters' desired objectives.

Changes: None.

Comment: Several commenters expressed strong support for aligning content areas, and integration of literacy instruction into those content areas. Specifically, some commenters expressed their support for integrating literacy instruction with social studies, math, and science as part of this priority. Some commenters also expressed their support for beginning this integration in elementary grades to build a strong early foundation for literacy, and continuing it into secondary education.

Discussion: We appreciate the commenters' support for aligning content areas and integrating literacy instruction into these content areas. It is important to note that the Department may use Priority 7 to support these kinds of efforts, and subpart (d) specifically encourages the integration of literacy instruction into content-area teaching. Additionally, the Department agrees that a focus on literacy is important in early childhood and elementary grades to build a strong foundation for learning and should be continued into secondary education, as students must rely on these literacy skills to read texts across a variety of subjects, such as math, science, and social studies. As such, the Department did not place a particular emphasis on literacy in elementary relative to secondary education, or vice versa.

Changes: None.

Comment: Many commenters expressed support for Priority 7. Some of these commenters also requested additions to the priority. Specifically, commenters requested the addition of: Literacy support for incarcerated youth; theater education as a way to promote literacy; a component for building vocabulary; and family literacy.

Discussion: We appreciate the commenters' support for Priority 7—Promoting Literacy. We believe literacy is a foundation for learning and is essential to students' ability to progress in school, pursue higher education, and succeed in the workplace. In regard to incarcerated youth, we believe this population is certainly in need of special assistance and support, and, in fact, this group is included in the Department's definition of ''children or students with high needs.'' With regard to a literacy approach using theater education and family literacy, and to the request that the priority reference building vocabulary, the Department would note that while these specific approaches or areas of focus may not have been mentioned in the context of this priority, nothing in the priorities precludes support for them.

Changes: None.

Comment: Several commenters expressed support for the specific literacy efforts already underway in States and communities across this country.

Discussion: We appreciate the commenters' support for existing literacy efforts. The Department does not endorse specific approaches, products, or services. Moreover, these priorities do not authorize or fund specific programs, and we do not include specific programs in the text of the priorities.

Changes: None.

Comment: Several commenters expressed support for family engagement as part of Priority 7. One commenter, while supportive of family engagement, suggested we add other ways families could be engaged and supported at the school, district, State, and national level.

Discussion: We agree that family engagement is an important part of Priority 7. Families play a critical role in supporting children's literacy. When families and schools work together and support each other in their respective roles, children have a more positive attitude toward school and experience more school success. Specifically, research has found that having parents reinforce specific literacy skills is effective in improving children's literacy.[20] We believe that this priority, especially subpart (b), addresses the role that families play in literacy and so we decline to make further changes.

Changes: None.

Comment: Several commenters recommended broadening this priority to include adult literacy. One commenter recommended including ABE and developmental or remedial studies provided by community colleges. Another commenter was particularly concerned with young parents who may still be in school and may have their child in early childhood education. A third commenter recommended adding data on the lack of secondary and postsecondary educational attainment to the background and a reference to the Integrated Education and Training model. And another commenter recommended emphasizing the important role that community colleges play in delivering ABE programs.

Discussion: It is important to note that the Department may use Priority 7 to encourage these types of efforts, including the role of community colleges in supporting adult learners, and subpart (e) addresses adult literacy directly. We appreciate the feedback we received on the background section included in the NPP, which explains our rationale for this priority. We do not include background sections for priorities in the NFP, nor are the background sections considered part of the final priorities. Therefore, we are not making any changes in response to recommendations on the background sections.

Changes: None.

Comment: Several commenters offered support for an emphasis on early learning. Several commenters suggested adding an additional subpart to Priority 7 for early reading and learning programs. A few commenters recommended replacing the term ''education'' with ''early learning and education'' throughout Priority 7.

Discussion: While early childhood education is not specifically mentioned in Priority 7, the Department may use Priority 7 to encourage these types of efforts. We believe that the term ''education'' is inclusive of early learning and that priorities using the term ''education'' may be used in programs serving an early childhood population, as appropriate. We have addressed the inclusion of this population by revising the term ''students'' to ''children or students'' when it aligns with the intent of the priority and its subparts.

[20] Patall, E.A., Cooper, H., and Robinson, J.C. (2008). Parent involvement in homework: A research synthesis. Review of Educational Research, 78, 1039–1101.

Changes: We revised subpart (c) to include the phrase ''children or students.''

Comment: Several commenters provided feedback about specific approaches, curricula, or frameworks to improve literacy instruction. Commenters gave feedback supporting approaches and models such as: Environmental and sustainability programs, quality out-of-school-time (OST) programs, evidence-based strategies, UDL, and holistic educational approaches.

Discussion: We appreciate the commenters' commitment to literacy and various approaches to promoting it. While we support programs that help educators deliver effective literacy instruction, we prefer to allow maximum flexibility for applicants to choose the programs for literacy intervention that best match their needs and contexts and meet other program requirements, and we decline to endorse specific approaches.

Changes: None.

Comment: Several commenters recommended making edits to the background section. Specifically, one commenter recommended adding information on 21st-century skills to the background section. Another commenter recommended adding data on educational attainment for communities of color and Native Americans to the background section, while another commenter recommended adding information on educational attainment for immigrants.

Discussion: We appreciate the feedback we received on the background section included in the NPP, which explains our rationale for this priority. We do not include background sections for priorities in the NFP, nor are the background sections considered part of the final priorities. Therefore, we are not making any changes in response to these comments.

Changes: None.

Comment: Several commenters offered support for continued funding for programs related to literacy. A few commenters offered support for literacy funding focused in rural areas. One commenter expressed support for funding book distribution programs and research on pediatric early literacy programs. Another commenter recommended that Priority 7 place more emphasis on literacy programs for English learners.

Discussion: While the priorities and definitions in this document may be used in future discretionary grant competitions, no funding is tied to these final priorities. Appropriations for Federal programs are made by Congress, and are outside the scope of this discussion. While literacy programs for English learners could be funded using Priority 7, we decline to add an explicit reference to such programs.

Changes: None.

Comment: One commenter emphasized the difficulty of unaccompanied students experiencing homelessness participating fully in family engagement in literacy. The commenter suggested that mentoring and tutoring programs for unaccompanied students be added to section 7(b), and mentioned family engagement methods for these students.

Discussion: While we note that the priority as written can support these types of activities, we appreciate the commenter's concern about unaccompanied students experiencing homelessness and how they can participate in family engagement in literacy. We agree that strategies for promoting literacy should be supported when occurring outside of a home environment, and we agree that this priority should be revised to make this clear.

Changes: We have deleted the term ''at home'' from subpart (b).

Comment: One commenter recommended that the Department expand this priority to include writing. Specifically the commenter recommended adding writing as a part of the discussion of literacy in the background section of Priority 7, adding writing to subpart (d) of the priority on integrating literacy instruction, and adding teaching of writing as part of professional development in subpart (a) of the priority.

Discussion: We appreciate the commenter discussing how to integrate writing into Priority 7. It is important to note that the Department may use this priority to encourage the types of efforts described by the commenter. In addition, the background section will not be edited as it is not part of the NFP.

Changes: None.

Comment: One commenter expressed concern with using third grade as a benchmark for reading proficiency and, specifically, that students not reading on grade level at third grade should not be retained.

Discussion: Grade retention within primary or secondary education is not addressed within Priority 7 or any of the other priorities.

Changes: None.

Comment: Several commenters recommended revisions to subpart (a). One commenter recommended emphasizing early childhood. Another commenter recommended focusing the priority on struggling readers. One commenter recommended including ''educators, teachers, principals, and other school leaders'' in subpart (c).

Discussion: The ''educators'' noted in Priority 7 can include teachers, principals, and other school leaders and can include early childhood educators as well. Similarly, we believe that the priority, as written, encompasses the populations or approaches recommended by commenters, as appropriate, including struggling readers and early childhood education.

Changes: None.

Comment: Commenters also recommended including the definition of ''comprehensive literacy instruction'' of section 2221(b)(1) of the ESEA in the NFP. Several commenters recommended changing the introductory sentence of the priority to align with language in the ESSA referencing the definition of ''comprehensive literacy instruction.''

Discussion: The current text allows for a broad interpretation of literacy, allowing individual discretionary grant programs and grantees maximum flexibility in promoting literacy. Definitions included in authorizing statutes for specific programs still apply.

Changes: None.

Comment: One commenter expressed support for national nonprofit organizations competing for funding.

Discussion: While the Department appreciates the commenter's support for the many nonprofits that serve students throughout the country, the NFP does not establish eligible entities for any of the Department's competitive grant competitions. The purpose of the NFP is to discuss supplemental priorities and definitions that may be used in future grant competitions.

Changes: None.

Comment: A few commenters recommended adding a priority for numeracy to Priority 7.

Discussion: We believe that numeracy is addressed generally by Priority 6.

Changes: None.

Comment: None.

Discussion: We believe that the priorities should provide maximum flexibility while accommodating the statutory requirements of discretionary grant programs. Certain discretionary grant programs may require strong evidence. To ensure that we can use Priority 7 and also accommodate this requirement, we revised subpart (d) to allow for application of the priority to grant programs that may require strong evidence.

Changes: We have revised subpart (d) to specify that practices may be supported by either strong evidence, or strong or moderate evidence.

Priority 8—Promoting Effective Instruction in Classrooms and Schools

Comment: Numerous commenters expressed general support for Priority 8.

Discussion: We appreciate the commenters' support for Priority 8. The Department believes that effective classroom instruction and school leadership are essential for student success.

Changes: None.

Comment: Several commenters expressed strong support for Priority 8 and integrating its objectives into instruction in social studies, civic education, and related content areas. One commenter suggested integrating financial literacy and economics into increased opportunities for high-quality preparation and professional development for teachers and other educators.

Discussion: We appreciate the commenters' support for incorporating the goals of Priority 8 into social studies and civic education. Priority 8 could include many of the efforts suggested by commenters and we decline to specifically name all possible activities. Furthermore, the Department has expressed its strong support for financial literacy, civics education, and related social studies in Priority 4.

Changes: None.

Comment: Numerous commenters who work with positive behavioral interventions and supports (PBIS) noted that Priorities 7, 8, and 10 are foundational for social growth of children and supported an alignment and integration of content areas.

Discussion: The Department appreciates the commenters' support for Priority 8 and aligning it with the other priorities. Priority 8 allows for innovative strategies to provide students with access to effective teachers or school leaders, and nothing in the priority precludes grantees from aligning the priorities with the content areas.

Changes: None.

Comment: One commenter suggested adding elements of teacher support that contribute to building new pathways for effective educators to assume leadership roles, including, for example, common planning time and significant and sustainable compensation for teachers that serve in leadership roles.

Discussion: We appreciate this commenter's suggestion and agree it is important to articulate clearly strategies for facilitating the development of effective educators into school leaders.

Changes: We have revised subpart (a) to include language allowing the offer to educators of incentives, such as additional compensation or planning time.

Comment: None.

Discussion: In order to ensure consistent application of the terms ''rural local educational agencies'' and ''high-poverty schools'' throughout the priorities, we believe it necessary to refer to applicable definitions throughout the priorities.

Changes: We have added ''as defined in this notice'' to subparts (c)(ii) and (c)(iii) of the priority.

Comment: One commenter suggested that, in addition to attracting effective educators, discretionary grant program applicants should be able to focus on retaining effective educators. Another commenter suggested adding ''or preparing'' to subpart (e) (now subpart (f)) to signal that prospective teachers may have already been recruited to the teaching profession and now need to be adequately prepared.

Discussion: We appreciate the commenters' suggestion, and agree that retaining effective educators is a worthy endeavor to ensure all students have access to effective educators.

Changes: We have added the phrases ''or retain'' and ''or preparing'' to subparts (e) and (f), respectively.

Comment: Numerous commenters supported the priority as a means to focus on both providing a good training foundation for teachers, and the importance of sustained professional development to encourage teacher effectiveness. One commenter suggested adding the word ''training'' to subpart (e), as training and professional development are important for retaining qualified individuals who are recruited as teachers and school leaders. A few commenters supported the recruitment of a diverse body of teachers as part of this priority. One commenter encouraged the inclusion of adult education in discretionary grants, noting that professional development and leadership focused on adult education are critical for the effectiveness of the adult education teaching workforce.

Discussion: The priority seeks to support grant programs that help teachers and school leaders acquire the tools they need to play a crucial role in supporting high-need schools and to design a culture of success for all children. Subparts (c) and (f) mention the use of innovative strategies, high-quality preparation, and professional development for teachers and educators, and the Department considers teacher training to be addressed by professional development. We also agree that in the recruitment of teachers, principals, and other school leaders mentioned in subpart (e), it is important that these individuals reflect the growing diversity of the student population. We appreciate the mention of adult education, an important role of the Department, and note that these activities would not be excluded under this priority and that the Department currently administers discretionary grant programs that support educator professional development and CTE. The Department expresses its commitment to this diversity among educators under subpart (b) of this priority, which supports the recruitment of effective educators who increase diversity.

Changes: None.

Comment: Several commenters expressed concerns regarding the implementation of subpart (d) of this priority. One commenter opposed the use of merit-based pay in developing or implementing innovative staffing or compensation models to attract educators. Another commenter opposed this subpart because, in the opinion of the commenter, the concept of effectiveness has been used to punish teachers at the State level. With regard to teacher compensation, some commenters also encouraged fair pay or salary supplements for teachers in comparison to other school district employees. A few commenters requested that the subpart recognize the perspective and representation of teachers, school leaders, and organizations that represent them.

Discussion: We appreciate this feedback on developing innovative staffing or compensation models. However, we would note that this priority does not provide a prescriptive approach to this objective, and in fact encourages innovative solutions to attract effective educators. While we do not define effectiveness under these priorities, we firmly believe that both research and experience support the strong link between teacher effectiveness and student academic performance.[21] We encourage State and local entities to identify effective teachers as it relates to their specific student population and to engage educators in decision-making processes, but decline to include such requirements in the priorities.

Changes: None.

Comment: Several commenters provided feedback about specific

[21] Teachers Matter: Understanding Teachers' Impact on Student Achievement. Santa Monica, CA: RAND Corporation, 2012. *http://www.rand.org/pubs/corporate_pubs/CP693z1-2012-09.html*; Rivkin, S.G., Hanushek, E.A., and Kain, T.A. ''Teachers, Schools, and Academic Achievement.'' Econometrica 73, no. 2 (2005): 417–58; Nye, B., Konstantopoulos, S., and Hedges, L.V. ''How Large are Teacher Effects?'' Educational Evaluation and Policy Analysis 26, no. 3 (2004):237–257.

approaches, curricula, or frameworks to promote effective instruction. Commenters gave feedback supporting programs and models such as: Common planning time, specific literacy programs, train-the-trainer model, interprofessional education and interprofessional practice, cultural competency training, data training, customized support, environmental and sustainability programs, whole learner training, using evidence-based strategies, involving community partners, strengthening content knowledge, improving pedagogical techniques or strategies, and using science centers.

Discussion: We appreciate the commenters' commitment to supporting effective instruction and providing educators with high-quality professional development. While the Department supports programs that help retain educators and support them in reaching their full potential, we do not endorse any specific program or approach for professional development. In addition, we seek to maintain maximum flexibility for our programs and grantees and decline to add the specific strategies offered by commenters.

Changes: None.

Comment: Several commenters noted the importance of special education providers and specialized instructional support personnel, and expressed concern that they were not specifically mentioned in the priority. Examples of such staff include, but are not limited to: Social workers, psychologists, and counselors; school nurses; occupational and physical therapists; speech language pathologists; extended-day support staff; audiologists; and creative arts therapists. Two commenters asked that we clarify if the term ''educator'' includes general and special education teachers, specialized instructional support personnel, and school leaders. Additionally, a number of commenters noted that general educators should be equipped and receive professional development to work effectively with students with disabilities in inclusive classroom settings.

Discussion: We appreciate the commenters' support for the numerous types of personnel who serve our Nation's students, in particular those who work with students with disabilities. The Department considers the term ''educator'' to encompass educational support staff as well as teachers, and this includes special educators. We do note, however, that school leaders are addressed separately in these priorities. Additionally, nothing in the priority would preclude a grantee from targeting services to any or all of the personnel mentioned in these comments.

Changes: None.

Comment: One commenter noted that grants for innovative instruction and learning methods should be available to educators in nonpublic schools. Conversely, another commenter supported restricting subpart (c) to public schools.

Discussion: We appreciate the commenters for this feedback and note that these priorities apply to the Department's discretionary grant programs, and the eligible recipients of those grants are generally set out by Congress and outlined in statute. We decline to impose further restrictions on eligibility by restricting the use of any part of this priority to a certain type of school. As such, eligible recipients of grants and related services are based on the eligibility requirements of the given program and its statute, and are not set forth in these priorities.

Changes: None.

Comment: One commenter requested developing a subpart under this priority that would focus on directing resources for high-quality instruction toward rural LEAs.

Discussion: We appreciate the commenter's support for rural LEAs, and would direct the commenter to subpart (c)(ii), as well as the new subpart (d)(ii) (discussed below), which encourage projects to promote strategies to provide schools located in communities served by rural LEAs with access to effective educators and school leaders.

Changes: None.

Comment: Several commenters expressed concern about attracting, retaining, training, and providing professional development for teachers in a variety of areas. Commenters would like to see greater emphasis on educator preparation programs at colleges and universities, and ongoing professional development in teacher leader skills development; increased personalization of professional development for educators; and special attention to preparing educators who are able to teach in early college or dual certification high-school/college programs. Additionally, a number of commenters suggested one-year pre-service residencies, alternative prep programs and added paths for paraprofessionals to become educators.

Discussion: We appreciate the commenters' commitment to supporting effective instruction and providing educators with high-quality professional development and their concerns on this topic. We feel that the particular concerns of these commenters are covered, broadly, by subpart (c) of this priority, as strategies for increasing student access to effective teachers. Additionally, nothing in the priority would preclude a grantee from utilizing any or all of the training and professional development approaches mentioned by the commenters.

Changes: None.

Comment: A few commenters requested that we separate Priority 8 into two priorities; specifically, one that focuses on teacher quality and another that focuses on principals and school leadership quality. Another commenter suggested that professional development focus on the career continuum for educators.

Discussion: We appreciate commenters' suggestion that we divide this priority into two priorities; however, we believe that splitting the language into two subparts would better address the necessary focus on both groups while also recognizing that different strategies may be necessary to support teachers than principals and other school leaders. Nothing in this priority precludes the professional development from focusing on continuums for educators.

Changes: We have revised subpart (c) and added a new subpart (d). Subpart (c) is now focused on ''effective educators,'' with the term ''educators'' being inclusive of teachers as well as other school personnel. The new subpart (d) focuses on ''effective principals or other school leaders.'' Additionally, we revised subparts (c)(i) and (d)(i) to clarify that each subpart should focus on schools served by the project funded using either of these subparts, rather than schools generally.

Comment: A number of commenters expressed support for preparation involving teachers of all content areas, including those coming from other career pathways, specialized instructional support personnel, and related service providers.

Discussion: We appreciate the commenters' support for preparation of all educators. Subpart (c) allows for flexibility in promoting innovative strategies to increase students' access to effective teachers and school leaders. Additionally, nothing in the priority would preclude a grantee from providing teacher preparation programming consistent with what is mentioned by the commenters.

Changes: None.

Comment: Several commenters promoted the importance of building relationships with students and families as a means to improve student outcomes. One commenter suggested adding an additional priority to focus on

increased professional development to engage families in their child's education.

Discussion: We agree that strong connections between schools, families, and communities are important for creating a culture of academic success. We address the importance of these connections under Priority 9, subparts (b) and (e), which support effective family engagement in their students' education, and partnerships with community-based organizations, respectively.

Changes: None.

Comment: Several commenters requested the term ''computer science'' be added to the STEM subjects listed in Priority 8(f) [now subpart (g)].

Discussion: After review, computer science will be incorporated into what is now subpart (g) to be consistent with language in Priority 6.

Changes: We have added computer science to the list of subjects in final subpart (g).

Comment: One commenter requested the addition of language for an additional population under Priority 8, subpart (c), to include schools with high proportions of students identified as experiencing homelessness. Another commenter requested that the needs of English learners be addressed throughout Priority 8.

Discussion: We appreciate the commenters support for both of these student populations. It is important to note that nothing in the priority would preclude an applicant from focusing its project's services on either group. In addition, the inclusion of high-poverty schools in updated subparts (c) and (d) may often also capture schools with large populations of English learners or students experiencing homelessness.

Changes: None.

Comment: One commenter asked for clarity on how the Department will define ''effectiveness'' in terms of the priority.

Discussion: The Department has decided not to define the term ''effectiveness'' in the context of these priorities in order to allow grantees the flexibility necessary to implement their programs in a manner that is appropriate for their students and communities.

Changes: None.

Comment: Several commenters requested that computer science be added to final subpart (g) to mirror Priority 6 and emphasize the importance of increasing the number of educators across elementary and secondary education who can teach computer science.

Discussion: We appreciate these comments and agree that it is critical to increase the number of educators equipped to teach computer science. Many students, especially in rural areas, lack access to computer science courses, and while online programs can help these courses work at scale, it is essential to ensure well-prepared educators are able to reach students in these subject areas nationwide.

Changes: We have added computer science to the list of subjects in Priority 8(g).

Priority 9—Promoting Economic Opportunity

Comment: Multiple commenters offered their support for Priority 9 and its emphasis on reducing academic or non-academic barriers to economic mobility and increasing educational opportunities. Some commenters discussed what this priority might mean for the level of resources able to support the work. Additionally, in their support for this priority, multiple commenters appreciated that the priority identified particular priority areas, such as family engagement, students who are homeless, and the role of partnerships in supporting students and families.

Discussion: We agree with commenters on the need to more effectively use resources to support students (and their families) so that they have all of the tools that they need to be successful in the classroom and beyond, including by providing support related to both academic and non-academic factors. This priority includes a subpart on family engagement, which is inclusive of military families, and this subpart is one of many ways in which the Supplemental Priorities can be used to positively impact family engagement, including family literacy. We also agree that it is important to focus on students whose environments and other challenges make it more difficult for them to complete an educational program. Lastly, we support community-based organizations that can create strong partnerships with schools, LEAs, or States to provide supports and services to students and families.

Changes: None.

Comment: Multiple commenters, beyond indicating their support for the inclusion of subpart (d) focused on kindergarten preparedness, referenced the need for a stronger emphasis on early childhood education. Commenters recommended amending the language of the subpart to include specific reference to quality early childhood education, particularly quality preschool.

Discussion: We appreciate the strong support of commenters for subpart (d) on kindergarten preparedness. The goal of this subpart is to promote kindergarten readiness, which can be achieved in multiple ways, including by supporting families and communities to access quality early childhood education. Thus, we have revised this subpart to allow for maximum flexibility in helping ensure children enter kindergarten ready to succeed in school and in life.

Changes: We have revised subpart (d) by deleting, ''to help more children obtain requisite knowledge and skills to be prepared developmentally.''

Comment: Multiple commenters proposed a greater focus on non-academic factors, like social-emotional skills, mental health, and cultural factors. Others suggested ways students could benefit through exposure to the arts.

Discussion: We agree that non-academic factors contribute to academic success, and this priority would allow State and local education leaders to more effectively use their resources to support success in classrooms and beyond. Furthermore, we believe that Priority 4 specifically focuses on a number these non-academic factors, identifying the development of positive personal relationships; determination, perseverance, the ability to overcome obstacles; self-esteem through perseverance and earned success; problem-solving skills; and self-regulation. We do not believe additional language needs to be included in the priority to specifically name the additional non-academic factors proposed by the commenters.

Changes: None.

Comment: Multiple commenters referenced the importance of community colleges in supporting the promotion of economic opportunity, and wanted to ensure that references to institutions of higher education or postsecondary education would be inclusive of community colleges.

Discussion: We agree that community colleges play a central role in supporting students and their families; we do not believe the language currently in Priority 9 that pertains to postsecondary education excludes community colleges from consideration.

Changes: None.

Comment: A couple of commenters proposed edits or additional language to the background section that accompanies the proposed priority to emphasize different points, such as corporal punishment, poverty, and diversity.

Discussion: We appreciate the feedback we received on the background section included in the NPP, which

explains our rationale for this proposed priority. We do not include background sections for priorities in the NFP, nor are the background sections considered part of the final priorities. Therefore, we are not making any changes in response to these comments.

Changes: None.

Comment: Multiple commenters recommended adding adult learners to the priority, emphasizing the importance on focusing on adults to ensure economic opportunity for all, including those adults with dependents.

Discussion: While the focus of this priority is on promoting economic opportunity for students and families, we do not believe the intent of this priority is to exclude adult learners. We are revising the language to make clear that adult learners may be a part of the population served under this priority in order to promote economic opportunity for students and families. We have also revised the introductory language so that discretionary grant competitions that use this priority could focus solely on the root of the priority (*i.e.,* projects designed to increase educational opportunities by reducing academic or non-academic barriers to economic mobility) or require that the proposed project meet both the root and one or more of the subparts in Priority 9 (*i.e.,* subparts (a) through (e)). We believe this will allow for maximum flexibility in using these priorities to address child or adult populations within discretionary grant programs.

Changes: We have revised the introduction to the priority by removing the term ''for children.'' We have also revised the introductory language to be clear that projects may (or may not) be required to address one or more of subparts (a) through (e). In addition, we have revised subpart (a) by replacing the phrase ''parents and children'' with the term ''individuals.''

Comment: A couple of commenters emphasized the importance of STEM education and suggested that STEM can support the stated goal of Priority 9 to promote economic opportunity.

Discussion: We agree that STEM education is important and that our Nation's economic competitiveness depends on our ability to improve and expand STEM learning and engagement and have indicated this focus through Priority 6. As such, we do not believe an additional reference to STEM is needed within Priority 9.

Changes: None.

Comment: One commenter asserted that partnerships with community-based organizations constitute a viable and strong approach to supporting students and families, and requested that we emphasize community-based partnerships and community-based organizations within the priority.

Discussion: We appreciate the comment and agree with the importance of community-based organizations in supporting students and families.

Changes: We have edited subpart (e) to allow for maximum flexibility in the types of partnerships with community-based organizations that could be addressed under this subpart.

Comment: One commenter proposed that we add a subpart to the priority focused on equity in school funding.

Discussion: We believe that this priority is meant to provide flexibility to State and local education leaders to determine how to best use all resources to support students and their families. As such, we do not believe an additional subpart is necessary regarding the allocation and use of funds at the State and local levels.

Changes: None.

Comment: Multiple commenters proposed edits to subpart (c) of the priority, with the proposed edits focused on specific populations such as students with disabilities, as well as ensuring rigor in the pathways to a regular high school diploma or recognized postsecondary credentials.

Discussion: We agree that it is important to recognize that some students face challenges that make it more difficult for them to complete an educational program. We appreciate the commenters' emphasis on the quality of the alternative paths and ensuring that there are multiple paths to a regular high school diploma or postsecondary credentials, especially for students with disabilities. However, we do not believe that revisions to the priority are necessary to allow for particular ways to offer economic opportunity because the existing language offers the flexibility to State and local education leaders to determine the appropriate paths for the students and families they serve and how to best ensure that student needs are protected. Moreover, the language of subpart (c) references to the defined term of ''regular high school diploma,'' as defined in section 8101(43) of the ESEA, requiring compliance with this defined term.

Changes: None.

Comment: One commenter raised concerns that this priority could be used to require a particular curriculum.

Discussion: This priority, along with the other priorities, does not require nor endorse any particular curriculum, program, or intervention. Furthermore, under the Department of Education Organization Act, the Secretary is not authorized to exercise any direction, supervision, or control over the curriculum, or program of instruction at any school or institution of higher education (see 20 U.S.C. 3403).

Changes: None.

Priority 10—Encouraging Freedom of Speech and Civil Interactions in a Safe Educational Environment

Comment: Many commenters expressed general support for Priority 10. Some of these commenters also requested additions to the priority, while supporting it generally. Specifically, several commenters suggested adding language to support the connection between civics education, social studies, and positive and safe educational environments.

Discussion: We appreciate the commenters' support for Priority 10. With regard to civics education and social studies, the Department agrees that these content areas are important and may have positive impacts on students and school environments. We note that the Department gives significant attention to civics and related social studies in Priority 4. Accordingly, we do not think such a change to Priority 10 is necessary.

Changes: None.

Comment: Several commenters expressed support for Priority 10 but called for greater alignment and integration of Priority 10 with the other priorities.

Discussion: We agree that activities to promote improved school climate and safer and more respectful interactions in a positive and safe educational environment can be enhanced by alignment and integration with activities addressed in other of the Secretary's priorities. These priorities give States and LEAs, as well as individual schools, the flexibility to tailor and implement programs and policies that best reflect their needs.

Changes: None.

Comment: A number of commenters recommended changes to Priority 10. For example, commenters requested a greater emphasis on the following: Certain approaches to implementing school disciplinary policies; early learning; using evidence and strategically measuring outcomes; bullying prevention; preventing discrimination against students of all genders; lesbian, gay, bisexual, and transgender (LGBT) students; students with disabilities; students of color; inclusive school environments; prevention of cyberbullying; usage of school-based health and wellness programs and PBIS; prevention of expulsions and suspensions; and the promotion of teacher safety. One

commenter suggested addressing not only victims of bullying, violence, and disruptive behaviors, but those students engaged as well.

Additionally, a few commenters requested elaboration on the meaning of some terms associated with Priority 10. Specifically, some commenters requested that the Department articulate the systemic and societal aspects of bullying and one commenter expressed concern that not clarifying ''effective strategies'' could lead to disparities in discipline practices and loss of social-emotional supports for students with high needs. A few commenters suggested adding additional statistics, the role of educators, and usage of disciplinary measures to the background section.

Discussion: We recognize that school leaders, teachers, and professors must ensure that schools and institutions of higher education are safe for students to learn. As a way to ensure such an environment, all of the strategies listed above could be proposed by grant applicants. In order to provide maximum flexibility for applicants to identify strategies that address their contexts and needs and ensure a safe environment that supports learning, minimizes disruptions, and increases respect for differing perspectives, we decline to specify strategies in Priority 10. With regard to defining terms associated with Priority 10, the Department believes that discretionary grant programs should be provided with sufficient flexibility in adapting their efforts around this priority to the populations they serve, and, therefore, we are not proposing any additional definitions under this priority.

Additionally we acknowledge the commenter's suggestion to add statistics as well as the role of educators and usage of disciplinary measures to the background section. We also understand, as commenters suggested, that these policies can impact different types of learners and different subgroups in important ways. We remind commenters that all grant programs carried out using these priorities must be done so in accordance with existing State and Federal laws. In addition, while many of the principles outlined above are important, we decline to limit the flexibility of grantees to meet local and individual needs. Moreover, as the background section is not part of the final priorities; we do not think it is necessary to make the requested changes.

Changes: None.

Comment: Several commenters provided feedback about specific approaches, curricula, or frameworks to improve school climate and create more positive and safe educational environments. Commenters gave feedback supporting approaches and models, such as: Bullying prevention, school safety, PBIS, multi-tiered systems of support (MTSS), Title IV–A, the Be a Friend First program, service year programs, social-emotional learning, restorative justice and discipline programs, promoting inclusive and diverse school environments, family and parent involvement, interactive engagement, promoting inclusion, nonpunitive discipline methods, and supportive school disciplinary policies.

Discussion: We appreciate the commenters' commitment to the goals of Priority 10, and various approaches to promoting it. While we support programs that help advance many of these goals, we do not endorse any specific approach or program, and applicants are free to propose projects aligning with many of these goals.

Changes: None.

Comment: One commenter opposed the Secretary's priorities, including Priority 10. The commenter opposed subpart (c) [now subpart (a)] in particular, stating the Department is manufacturing a crisis around free speech in educational institutions. Another commenter expressed support for the proposed Priority 10 area of protecting free speech, but requested the wording be changed to focus on ''educated'' free speech. Another commenter added that the Department should focus on institutions of higher education in its efforts to protect free speech, while another suggested more narrowly focusing on the open discussion of diverse viewpoints. One commenter also raised concerns around the cost of security associated with protecting free speech, and another recommended that the Department make clear that in promoting free speech, it is not supporting speech that contributes to a hostile or bullying environment.

Discussion: We appreciate these contributions to the public debate about free speech at educational institutions. The challenges to free speech on college campuses are particularly acute where students wishing to speak freely have been prevented from doing so due to speech codes, which are all too common among the Nation's postsecondary institutions. Violence has arisen in response to peaceful speech. Topics such as the cost of protecting fundamental rights including free speech, the value of listening to diverse viewpoints, the academic freedom debate over which perspectives are academically reasonable among educated persons, the difference between promoting free speech and promoting the content of particular speech, the difference between speech and conduct, and the importance of free speech for children as well as adults are all topics on which applicants may choose to develop projects under this priority.

Changes: None.

Comment: One commenter suggested separating the issues of elementary and secondary school safety and college climate into two different priorities.

Discussion: We believe that the priority and its subparts, as written, allow the necessary flexibility for grantees to address safety and climate in both elementary and secondary school and college environments. Because programs may choose a specific subpart of the priority to use in a competition, and therefore could focus only on elementary and secondary school safety or on college climate, there would be no practical impact in creating separate priorities.

Changes: None.

Comment: Several commenters provided feedback regarding various types of school discipline, including aversive and exclusionary discipline (*i.e.,* suspension, expulsion, restraint and seclusion), ''zero tolerance'' policies and discipline involving law enforcement. Some commenters provided data regarding the use of these discipline tactics on different student groups, particularly minorities and students with disabilities, and expressed concern about the disciplinary strategies used on young children. Multiple commenters recommended that the Department should instead focus on approaches or programs that are evidence-based and on disciplinary strategies, such as PBIS, MTSS, restorative practices, trauma informed care, conflict management, fully integrated learning supports, crisis prevention, and de-escalation.

Discussion: We appreciate and share the commenters' commitment to improving school climate and eliminating bullying, harassment, and discrimination. We believe that creating positive and safe learning environments can only occur when the diverse needs of all students are considered. Although we support strategies that advance these goals, we do not endorse any specific approach or program. The priority also would not prevent applicants from proposing projects that use strategies such as those suggested by the commenters.

Changes: We have revised what is now subpart (b) to specify that the positive and safe learning environments

under this priority must support the needs of all students.

Comment: One commenter requested various wording changes to the title of the priority as well as a revision to the text of subpart (b) to clarify the intent of this priority. Specifically, the commenter requested that the title of the priority clearly state the intent of encouraging free speech and civil interactions in a safe learning environment and repeated this suggestion in the text of subpart (b).

Discussion: We appreciate the comment and agree in the importance of clearly articulating the intent of this priority. We have revised the title and final subpart (c) for clarity.

Changes: We have focused the title of this priority on freedom of speech and respectful interactions in a safe educational environment. We also removed reference to ''enhance the learning environment'' in subpart (c) as it was redundant with the language at the start of this subpart. Finally, we reordered this priority.

Priority 11—Ensuring That Service Members, Veterans, and Their Families Have Access to High-Quality Educational Options

Comment: Multiple commenters expressed support for Priority 11 and the prioritization of supporting military- or veteran-connected students and adults and programs within this priority, and emphasizing a focus on service members, veterans, and their families throughout the priorities. Additionally, in their support for the priority, multiple commenters encouraged particular emphasis within the priority. Specifically, multiple commenters emphasized the role of community-based partnerships in providing educational choices. One commenter encouraged considering access to high-quality educational opportunities and support for educators to ensure the needs of military- or veteran-connected students are met. Another commenter emphasized the role of libraries in supporting military- or veteran-connected students.

Discussion: We agree a focus on the needs of military- or veteran-connected students is important, including access to adult education programs as well as other postsecondary credentials, including degrees and certificate opportunities. We also believe that several types of organizations, including community-based partnerships and libraries, can play integral roles in projects to ensure that service members, veterans, and their families have access to high-quality educational choices. Thus, we do not believe that additional emphasis within the priority is necessary. We also note that the proposed definition of ''military- or veteran-connected student'' includes individuals in early learning and development programs.

Changes: None.

Comment: Multiple commenters expressed their opposition to the educational choice aspect of the priority. A few commenters raised concerns about the Military Interstate Children's Compact and how educational choice, as defined in this notice, may not provide families with equitable opportunities. Other commenters expressed concern over the perception that educational choice does not align with the ESEA and that the priority may divert funds from public schools.

Discussion: We appreciate the commenters' concerns regarding educational choice as it relates to military- or veteran-connected students. We believe in providing families with access to quality educational options, noting that families should be free to choose the school that is right for their child. We are committed to improving access to high-quality preschool, elementary, and postsecondary educational options, offering meaningful choice to families, and providing families with the information and tools they need to make these important decisions.

We support the Military Interstate Children's Compact and recognize that the compact only applies to public schools. However, this priority applies to the academic needs of all family members of service members or veterans. Recent research has shown that a solid proportion of military parents have had experiences outside of traditional public schools, with a solid proportion of military parents reporting experiences at charter schools, private schools, and homeschooling for at least one-half of the school year.[22] It is important to note that the Military Interstate Children's Compact is not a Federal mandate or program but, rather, a voluntary State initiative. Thus, while the Department will continue to spotlight and support the Military Interstate Children's Compact, it would not be within the Department's jurisdiction to recommend the inclusion of private schools in the compact.

Regarding concerns as to what this priority would mean for public schools, we believe that equal access and opportunity—being for choice—is not incompatible with supporting public schools. To avoid confusion expressed by some commenters that the title of this priority intended to limit this priority to projects addressing ''educational choice'', as defined in this notice, we are revising the title of the priority.

Moreover, this priority will be used in programs that complement the program statute, rather than replacing statutory requirements under Federal law and must be aligned with the language of a given program, where applicable.

Changes: We have revised the title of this priority to clarify that the title is not meant to reference the definition of ''educational choice'' included this NFP.

Comment: A few commenters emphasized the use of data in conjunction with this priority, specifically transparency of information at the State and institution of higher education levels. Specifically, one commenter encouraged the Department to use this priority to support States in meeting the requirements of the ESEA to disaggregate performance data for military- or veteran-connected students. Another commenter encouraged transparency by institutions of higher education regarding which credits the institution will accept for military training and experience.

Discussion: We appreciate the commenters' interest in making data available and transparent for military- or veteran-connected students and agree that making data transparent is critical in equipping families with the information they need to make the best educational choices. We believe that this priority, as written, could be used to support projects that disaggregate performance data, as high-quality data are necessary for understanding and appropriately addressing the academic needs of military- or veteran-connected students. Regarding transparency in higher education, each institution of higher education determines if it will accept certain credits and how they will be applied. Accrediting bodies require accredited institutions to have a publicly accessible transfer of credit policy, and it is not within our authority to require specific transfer credit policies; however, we believe that making such information as transparent as possible can support students in making informed choices about their educational options.

Changes: None.

[22] DiPerna, P., Burke, L.M., and Ryland, A. (2017). Surveying the Military Family: What America's Servicemembers, Veterans, and Their Spouses Think About K–12 Education and the Profession. Available at: *www.heartland.org/_template-assets/documents/publications/EdChoice%20military%20survey.pdf.*

Comment: A few commenters raised concerns about the applicability of GI Bill benefits to this priority as well as some of the other priorities, especially those that provide noncredit certificates or part-time enrollment.

Discussion: We appreciate the commenters' concerns about the applicability of GI Bill benefits to this priority as well as others. The U.S. Department of Veterans Affairs (VA) is responsible for the administration of education and training programs for veterans and service persons, reservists, and dependents of veterans under Chapters 30, 32, 35, and 36 of title 38, and Chapter 1606 of title 10, United States Code; thus, we cannot make the type of changes as requested by the commenters. We believe that the priority helps ensure service members, veterans, and their families are well-informed educational consumers when utilizing their GI Bill benefits.

Changes: None.

Comment: A few commenters proposed specific edits to the priority language itself. These edits include recommendations to explicitly note educational supports, postsecondary education, workforce training, and implementation of the IDEA as ways to address the academic needs of military- or veteran-connected students.

Discussion: We believe that the priority, as written, offers maximum flexibility to address the academic needs of this population, and would not exclude the recommendations offered by commenters when such strategies are aligned with the objectives of a particular discretionary grant program.

Changes: None.

Definitions

Comment: One commenter appreciated the comprehensive definition of ''educational choice'' provided. Another commenter supported the definition of ''educational choice'' but noted concerns to address when finalizing the definition, including ensuring parents understand what rights under the law may be impacted by moving their child out of the public school system; that schools benefiting from public funds should maintain protections, accountability, and rights for children and students, including compliance with the IDEA, Section 504, ADA, and other civil rights laws; that funding follows the student; and that privacy protections under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Family Rights and Education Privacy Act (FERPA) are upheld. One commenter recommended that the Department add language to the definition of ''educational choice'' to recognize that educational choice means quality choices. One commenter suggested revising the definition of ''children or students with high needs'' to include chronically absent students and students with multiple disciplinary incidents.

Discussion: We appreciate the support and suggestions regarding the definition of ''educational choice.'' We agree that the choices offered to children and students must be high-quality choices. We also agree that all schools should be transparent regarding, and accountable for, results. However, schools governed under different structures will do this differently. All schools—and any activities funded by a program using this definition—must still comply with all applicable Federal, State, and local laws. Furthermore, use of this definition does not change current State obligations to adhere to reporting requirements established under the ESEA and the IDEA related to accountability in accordance with Federal law and their State plans, to the extent those requirements apply to a school a family chooses for their child pursuant to a program that uses this definition of ''educational choice.'' We decline to make a change to the definition of ''children or students with high needs'' to include chronically absent students and students with multiple disciplinary incidents, but those students would not necessarily be excluded from projects using this definition.

Changes: We have revised the term ''personalized path for learning'' within the definition of ''educational choice'' to read ''a high-quality personalized path for learning.''

Comment: One commenter expressed concern that the definition of ''educational choice'' emphasizes use of public funds for private education.

Discussion: We appreciate the commenter's concern, but disagree that the definition of ''educational choice'' indicates a preference for private schools. Indeed, the first option provided under the definition indicates a wide variety of public school options, including traditional public schools, public charter schools, public magnet schools, public online education providers, and other public education providers.

Changes: None.

Comment: One commenter requested that the Department add a definition for ''intermediary'' not-for-profit organizations that support community-based partnerships, and support their role by adding specific references to the defined term in priorities 2, 6, and 8.

Discussion: We believe that the role of partnerships is highlighted and addressed under priorities 2, 6, and 9. Since intermediary organizations, as defined by the commenter, would not be precluded from specific subparts of these priorities as currently written, we do not believe it is necessary for the Department to define the term.

Changes: None.

Comment: None.

Discussion: In reviewing the definition of ''educational choice,'' we felt it was important to allow maximum flexibility for discretionary grant programs to include evidence.

Changes: We have revised the term ''and'' to ''or'' in the reference to evidence-based approaches in the definition of ''educational choice.''

Comment: None.

Discussion: In reviewing the language across the priorities, we felt it would be helpful to define the terms ''children or students with disabilities'', ''disconnected youth'' and ''English learners'' to clarify the meaning of the terms and to provide consistency across Department programs that use these definitions within the discretionary grant process.

Changes: We have added ''Children or students with disabilities'', ''Disconnected youth'', and ''English learners'' to the *Final Definitions* section of this notice.

Final Priorities

The Secretary establishes the following priorities for use in any Department discretionary grant program.

Priority 1—Empowering Families and Individuals To Choose a High-Quality Education That Meets Their Unique Needs

Projects that are designed to address one or more of the following priority areas:

(a) Increasing the proportion of students with access to educational choice (as defined in this notice).

(b) Increasing access to educational choice (as defined in this notice) for one or more of the following groups of children or students:

(i) Children or students in communities served by rural local educational agencies (as defined in this notice).

(ii) Children or students with disabilities (as defined in this notice).

(iii) English learners (as defined in this notice).

(iv) Students in schools identified for comprehensive or targeted support and improvement in accordance with section 1111(c)(4)(C)(iii), (c)(4)(D), or

(d)(2)(C)–(D) of the Elementary and Secondary Education Act of 1965, as amended.

(v) Students who are living in poverty (as defined under section 1113(a)(5)(A) of the Elementary and Secondary Education Act of 1965, as amended) and are served by high-poverty schools (as defined in this notice), or are low-income individuals (as defined under section 312(g) of the Higher Education Act of 1965, as amended).

(vi) Disconnected youth (as defined in this notice).

(vii) Migratory children.

(viii) Low-skilled adults.

(ix) Students who are Indians, as defined in section 6151 of the Elementary and Secondary Education Act of 1965, as amended.

(x) Military- or veteran-connected students (as defined in this notice).

(xi) Children or students who are academically far below grade level, who have left school before receiving a regular high school diploma, or who are at risk of not graduating with a regular high school diploma on time.

(xii) Children or students who are homeless.

(xiii) Children or students who are or have been incarcerated.

(xiv) Children or students who are or were previously in foster care.

(xv) Children in early learning settings.

(c) Developing or increasing access to evidence-based (as defined in 34 CFR 77.1 or the ESEA) innovative models of educational choice (as defined in this notice).

Priority 2—Promoting Innovation and Efficiency, Streamlining Education With an Increased Focus on Improving Student Outcomes, and Providing Increased Value to Students and Taxpayers

Projects that are designed to address one or more of the following priority areas:

(a) Implementing strategies that ensure education funds are spent in a way that increases their efficiency and cost-effectiveness, including by reducing waste or achieving better outcomes.

(b) Supporting innovative strategies or research that have the potential to lead to significant and wide-reaching improvements in the delivery of educational services or other significant and tangible educational benefits to students, educators, or other Department stakeholders.

(c) Reducing compliance burden within the grantee's operations (including on subgrantees or other partners working to achieve grant objectives or being served by the grant) in a manner that decreases paperwork or staff time spent on administrative functions, or other measurable ways that help education providers to save money, benefit more children or students, or improve results.

(d) Demonstrating innovative paths to improved outcomes by applicants that meet the requirements in 34 CFR 75.225(a)(1)(i) and (ii).

(e) Strengthening development capabilities to increase private support for institutions.

(f) Demonstrating matching support for proposed projects:

(i) 10% of the total amount of the grant.

(ii) 50% of the total amount of the grant.

(iii) 100% of the total amount of the grant.

(g) Partnering with one or multiple local or State entities, such as schools, local educational agencies or State educational agencies, businesses, not-for-profit organizations, or institutions of higher education, to help meet the goals of the project.

Priority 3—Fostering Flexible and Affordable Paths to Obtaining Knowledge and Skills

Projects that are designed to address one or more of the following priority areas:

(a) Improving collaboration between education providers and employers to ensure student learning objectives are aligned with the skills or knowledge required for employment in in-demand industry sectors or occupations (as defined in section 3(23) of the Workforce Innovation and Opportunity Act of 2014).

(b) Developing or implementing pathways to recognized postsecondary credentials (as defined in section 3(52) of the Workforce Innovation and Opportunity Act of 2014 (WIOA)) focused on career and technical skills that align with in-demand industry sectors or occupations (as defined in section 3(23) of WIOA). Students may obtain such credentials through a wide variety of education providers, such as: Institutions of higher education eligible for Federal student financial aid programs, nontraditional education providers (*e.g.,* apprenticeship programs or computer coding boot camps), and providers of self-guided learning.

(c) Providing work-based learning experiences (such as internships, apprenticeships, and fellowships) that align with in-demand industry sectors or occupations (as defined in section 3(23) of the Workforce Innovation and Opportunity Act of 2014).

(d) Creating or expanding innovative paths to a recognized postsecondary credential or obtainment of job-ready skills that align with in-demand industry sectors or occupation (as defined in section 3(23) of the Workforce Innovation and Opportunity Act of 2014 (WIOA)), such as through career pathways (as defined in section 3(7) of WIOA). Such credentials may be offered to students through a wide variety of education providers, such as providers eligible for Federal student financial aid programs, nontraditional education providers, and providers of self-guided learning.

(e) Creating or expanding opportunities for individuals to obtain recognized postsecondary credentials through the demonstration of prior knowledge and skills, such as competency-based learning. Such credentials may include an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

(f) Creating or expanding opportunities for students to obtain recognized postsecondary credentials in science, technology, engineering, mathematics, or computer science (as defined in this notice).

Priority 4—Fostering Knowledge and Promoting the Development of Skills That Prepare Students To Be Informed, Thoughtful, and Productive Individuals and Citizens

Projects that are designed to address one or more of the following priority areas:

(a) Fostering knowledge of the common rights and responsibilities of American citizenship and civic participation, such as through civics education consistent with section 203(12) of the Workforce Innovation and Opportunity Act.

(b) Supporting projects likely to improve student academic performance and better prepare students for employment, responsible citizenship, and fulfilling lives, including by preparing children or students to do one or more of the following:

(i) Develop positive personal relationships with others.

(ii) Develop determination, perseverance, and the ability to overcome obstacles.

(iii) Develop self-esteem through perseverance and earned success.

(iv) Develop problem-solving skills.

(v) Develop self-regulation in order to work toward long-term goals.

(c) Supporting instruction in time management, job seeking, personal organization, public and interpersonal communication, or other practical skills needed for successful career outcomes.

(d) Supporting instruction in personal financial literacy, knowledge of markets and economics, knowledge of higher education financing and repayment (*e.g.,* college savings and student loans), or other skills aimed at building personal financial understanding and responsibility.

Priority 5—Meeting the Unique Needs of Students and Children With Disabilities and/or Those With Unique Gifts and Talents

Projects that are designed to address one or more of the following priority areas:

(a) Ensuring children or students with disabilities (as defined in this notice) are offered the opportunity to meet challenging objectives and receive educational programs that are both meaningful and appropriately ambitious in light of each child's or student's circumstances by improving one or more of the following:

(i) Academic outcomes.

(ii) Functional outcomes.

(iii) Development of skills leading to postsecondary education, competitive integrated employment, or independent living.

(iv) Social or emotional development.

(b) Ensuring coursework, books, or other materials are accessible to children or students with disabilities (as defined in this notice).

(c) Developing opportunities for students who are gifted and talented (as defined in section 8101(27) of the Elementary and Secondary Education Act of 1965, as amended), particularly students with high needs (as defined in this notice) who may not be served by traditional gifted and talented programs, so that they can reach their full potential, such as by providing a greater number of gifted and talented students with access to challenging coursework or other materials.

Priority 6—Promoting Science, Technology, Engineering, or Math (STEM) Education, With a Particular Focus on Computer Science

Projects designed to improve student achievement or other educational outcomes in one or more of the following areas: Science, technology, engineering, math, or computer science (as defined in this notice). These projects may be required to address one or more of the following priority areas:

(a) Increasing the number of educators adequately prepared to deliver rigorous instruction in STEM fields, including computer science (as defined in this notice), through recruitment, evidence-based (as defined in 34 CFR 77.1 or the ESEA) professional development strategies for current STEM educators, or evidence-based retraining strategies for current educators seeking to transition from other subjects to STEM fields.

(b) Supporting student mastery of key prerequisites (*e.g.,* Algebra I) to ensure success in all STEM fields, including computer science (notwithstanding the definition in this notice); exposing children or students to building-block skills (such as critical thinking and problem-solving, gained through hands-on, inquiry-based learning); or supporting the development of proficiency in the use of computer applications necessary to transition from a user of technologies, particularly computer technologies, to a developer of them.

(c) Identifying and implementing instructional strategies in STEM fields, including computer science, that are supported by either—

(i) Strong evidence (as defined in 34 CFR 77.1); or

(ii) Strong evidence or moderate evidence (as defined in 34 CFR 77.1).

(d) Expanding access to and participation in rigorous computer science (as defined in this notice) coursework for traditionally underrepresented students such as racial or ethnic minorities, women, students in communities served by rural local educational agencies (as defined in this notice), children or students with disabilities (as defined in this notice), or low-income individuals (as defined under section 312(g) of the Higher Education Act of 1965, as amended).

(e) Increasing access to STEM coursework, including computer science (as defined in this notice), and hands-on learning opportunities, such as through expanded course offerings, dual-enrollment, high-quality online coursework, or other innovative delivery mechanisms.

(f) Creating or expanding partnerships between schools, local educational agencies, State educational agencies, businesses, not-for-profit organizations, or institutions of higher education to give students access to internships, apprenticeships, or other work-based learning experiences in STEM fields, including computer science (as defined in this notice).

(g) Other evidence-based (as defined in 34 CFR 77.1 or the ESEA) and innovative approaches to expanding access to high-quality STEM education, including computer science.

(h) Utilizing technology for educational purposes in communities served by rural local educational agencies (as defined in this notice) or other areas identified as lacking sufficient access to such tools and resources.

(i) Utilizing technology to provide access to educational choice (as defined in this notice).

(j) Working with schools, municipal libraries, or other partners to provide new and accessible methods of accessing digital learning resources, such as by digitizing books or expanding access to such resources to a greater number of children or students.

(k) Supporting programs that lead to recognized postsecondary credentials (as defined in section 3(52) of the Workforce Innovation and Opportunity Act (WIOA)) or skills that align with the skill needs of industries in the State or regional economy involved for careers in STEM fields, including computer science.

(l) Making coursework, books, or other materials available as open educational resources or taking other steps so that such materials may be inexpensively and widely used.

Priority 7—Promoting Literacy

Projects that are designed to address one or more of the following priority areas:

(a) Promoting literacy interventions supported by strong evidence (as defined in 34 CFR 77.1), including by supporting educators with the knowledge, skills, professional development (as defined in section 8101(42) of the Elementary and Secondary Education Act of 1965, as amended), or materials necessary to promote such literacy interventions.

(b) Providing families with evidence-based (as defined in 34 CFR 77.1 or the ESEA) strategies for promoting literacy. This may include providing families with access to books or other physical or digital materials or content about how to support their child's reading development, or providing family literacy activities (as defined in section 203(9) of the Workforce Innovation and Opportunity Act).

(c) Facilitating the accurate and timely use of data by educators to improve reading instruction and make informed decisions about how to help children or students build literacy skills while protecting student and family privacy.

(d) Integrating literacy instruction into content-area teaching using practices supported by either—

(i) Strong evidence (as defined in 34 CFR 77.1); or

(ii) Strong evidence or moderate evidence (as defined in 34 CFR 77.1).

(e) Supporting the development of literacy skills to meet the employment and independent living needs of adults using practices supported by strong evidence (as defined in 34 CFR 77.1).

Priority 8—Promoting Effective Instruction in Classrooms and Schools

Projects that are designed to address one or more of the following priority areas:

(a) Developing new career pathways for effective educators to assume leadership roles while maintaining instructional responsibilities and direct interaction with students, and offering these educators incentives, such as additional compensation or planning time.

(b) Supporting the recruitment or retention of educators who are effective and increase diversity (including, but not limited to, racial and ethnic diversity).

(c) Promoting innovative strategies to increase the number of students who have access to effective educators in one or more of the following:

(i) Schools that will be served by the project.

(ii) Schools that are located in communities served by rural local educational agencies (as defined in this notice); or

(iii) High-poverty schools (as defined in this notice).

(d) Promoting innovative strategies to increase the number of students who have access to effective principals or other school leaders in one or more of the following:

(i) Schools that will be served by the project.

(ii) Schools that are located in communities served by rural local educational agencies (as defined in this notice); or

(iii) High-poverty schools (as defined in this notice).

(e) Developing or implementing innovative staffing or compensation models to attract or retain effective educators.

(f) Recruiting or preparing promising students and qualified individuals from other fields to become teachers, principals, or other school leaders, such as mid-career professionals from other occupations, former military personnel, or recent graduates of institutions of higher education with records of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders.

(g) Increasing the opportunities for high-quality preparation of, or professional development for, teachers or other educators of science, technology, engineering, math, or computer science (as defined in this notice).

Priority 9—Promoting Economic Opportunity

Projects designed to increase educational opportunities by reducing academic or nonacademic barriers to economic mobility. These projects may be required to address one or more of the following priority areas:

(a) Aligning Federal, State, or local funding streams to promote economic mobility of low-income individuals (as defined under section 312(g) of the Higher Education Act of 1965, as amended).

(b) Building greater and more effective family engagement in the education of their children or students.

(c) Creating or supporting alternative paths to a regular high school diploma (as defined in section 8101(43) of the Elementary and Secondary Education Act of 1965, as amended) or recognized postsecondary credentials (as defined in section 3(52) of the Workforce Innovation and Opportunity Act) for students whose environments outside of school, disengagement with a traditional curriculum, homelessness, or other challenges make it more difficult for them to complete an educational program.

(d) Increasing the number of children who enter kindergarten ready to succeed in school and in life by supporting families and communities.

(e) Creating or expanding partnerships with community-based organizations to provide supports and services to students and families.

Priority 10—Protecting Freedom of Speech and Encouraging Respectful Interactions in a Safe Educational Environment

Projects that are designed to address one or more of the following priority areas:

(a) Protecting free speech in order to allow for the discussion of diverse ideas or viewpoints.

(b) Creating positive and safe learning environments that support the needs of all students, including by providing school personnel with effective strategies.

(c) Developing positive learning environments that promote strong relationships among students and school personnel to help prevent bullying, violence, and disruptive actions that diminish the opportunity for each student to receive a high-quality education.

Priority 11—Ensuring That Service Members, Veterans, and Their Families Have Access to High-Quality Educational Options

Projects that are designed to address the academic needs of military- or veteran-connected students (as defined in this notice).

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Definitions

The Secretary establishes the following definitions for use in any Department discretionary grant program that uses one or more of these priorities.

Children or students with disabilities means children with disabilities as defined in the Individuals with Disabilities Education Act (IDEA) or individuals defined as having a disability under Section 504 of the Rehabilitation Act of 1973 (Section 504) (or children or students who are eligible under both laws).

Children or students with high needs means children or students at risk of educational failure or otherwise in need of special assistance or support, such as children and students who are living in poverty, who are English learners (as defined in this notice), who are academically far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a regular high school diploma on time, who are homeless, who are in foster care, who have been incarcerated, or who are

children or students with disabilities (as defined in this notice).

Computer science means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets, or presentation software; or using computers in the study and exploration of unrelated subjects.

Disconnected youth means individuals between the ages of 14 and 24, who are both low-income and either homeless, in foster care, involved in the juvenile justice system, unemployed and not enrolled in an educational institution, or at risk of dropping out of an educational institution.

Educational choice means the opportunity for a child or student (or a family member on their behalf) to create a high-quality personalized path for learning that is consistent with applicable Federal, State, and local laws; is in an educational setting that best meets the child's or student's needs; and, where possible, incorporates evidence-based activities, strategies, or interventions. Opportunities made available to a student through a grant program are those that supplement what is provided by a child's or student's geographically assigned school or the institution in which he or she is currently enrolled and may include one or more of the options listed below:

(1) Public educational programs or courses including those offered by traditional public schools, public charter schools, public magnet schools, public online education providers, or other public education providers.

(2) Private or home-based educational programs or courses including those offered by private schools, private online providers, private tutoring providers, community or faith-based organizations, or other private education providers.

(3) Internships, apprenticeships, or other programs offering access to learning in the workplace.

(4) Part-time coursework or career preparation, offered by a public or private provider in person or through the internet or another form of distance learning, that serves as a supplement to full-time enrollment at an educational institution, as a stand-alone program leading to a credential, or as a supplement to education received in a homeschool setting.

(5) Dual or concurrent enrollment programs or early college high schools (as defined in section 8101(15) and (17) of the Elementary and Secondary Education Act of 1965, as amended), or other programs that enable secondary school students to begin earning credit toward a postsecondary degree or credential prior to high school graduation.

(6) Access to services or programs for aspiring or current postsecondary students not offered by the institution in which they are currently enrolled to support retention and graduation.

(7) Other educational services including credit-recovery, accelerated learning, or tutoring.

English learners means individuals who are English learners as defined in section 8101(20) of the Elementary and Secondary Education Act of 1965, as amended, or individuals who are English language learners as defined in section 203(7) of the Workforce Innovation and Opportunity Act.

High-poverty school means a school in which at least 50 percent of students are from low-income families as determined using one of the measures of poverty specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended. For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data.

Military- or veteran-connected student means one or more of the following:

(a) A child participating in an early learning and development program, a student enrolled in preschool through grade 12, or a student enrolled in career and technical education or postsecondary education who has a parent or guardian who is a member of the uniformed services (as defined by 37 U.S.C. 101, in the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, National Oceanic and Atmospheric Administration, or Public Health Service) or is a veteran of the uniformed services with an honorable discharge (as defined by 38 U.S.C. 3311).

(b) A student who is a member of the uniformed services, a veteran of the uniformed services, or the spouse of a service member or veteran.

(c) A child participating in an early learning and development program, a student enrolled in preschool through grade 12, or a student enrolled in career and technical education or postsecondary education who has a parent or guardian who is a veteran of the uniformed services (as defined by 37 U.S.C. 101).

Rural local educational agency means a local educational agency that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title V, Part B of the Elementary and Secondary Education Act of 1965, as amended. Eligible applicants may determine whether a particular district is eligible for these programs by referring to information on the Department's website at *www2.ed.gov/nclb/freedom/local/reap.html.*

Notes: This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

This notice does *not* solicit applications. In any year in which we choose to use one or more of these priorities and definitions, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees,

or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment, or otherwise promulgates, that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. Beginning with Fiscal Year 2017, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. Although this regulatory action is a significant regulatory action, the requirements of Executive Order 13771 do not apply because this regulatory action is a ''transfer rule'' not covered by the Executive order.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final priorities and definitions only on a reasoned determination that their benefits will justify their costs. In choosing among alternative regulatory approaches, we selected the approach that will maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action will not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from regulatory requirements and those we have determined are necessary for administering the Department's programs and activities.

Discussion of Costs and Benefits

The final priorities and definitions would impose minimal costs on entities that would receive assistance through the Department's discretionary grant programs. Additionally, the benefits of this regulatory action outweigh any associated costs because it would result in the Department's discretionary grant programs encouraging the submission of a greater number of high-quality applications and supporting activities that reflect the Administration's educational priorities.

Application submission and participation in a discretionary grant program are voluntary. The Secretary believes that the costs imposed on applicants by the final priorities are limited to paperwork burden related to preparing an application for a discretionary grant program that is using one or more of the final priorities in its competition. Because the costs of carrying out activities would be paid for with program funds, the costs of implementation would not be a burden for any eligible applicants, including small entities.

Regulatory Flexibility Act Certification: For these reasons as well, the Secretary certifies that the final priorities and definitions would not have a significant economic impact on a substantial number of small entities.

Intergovernmental Review: Some of the programs affected by the final priorities and definitions are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 27, 2018.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2018–04291 Filed 2–27–18; 4:15 pm]

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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